

May 13, 2010
Nos. 18-19

STATE OF NEW HAMPSHIRE

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**Second Year of the 161st Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MAY 12, 2010 SESSION
COMMENCEMENT – MAY 13, 2010 SESSION**

SENATE JOURNAL 18 *(continued)*

May 12, 2010

May 11, 2010
2010-2025-EBA
09/03

Enrolled Bill Amendment to HB 1235

The Committee on Enrolled Bills to which was referred HB 1235

AN ACT relative to the regulation of dentistry by the board of dental examiners.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1235

This enrolled bill amendment inserts punctuation and corrects the numbering of a subparagraph.

Enrolled Bill Amendment to HB 1235

Amend 317-A:20, I(g) as inserted by section 3 of the bill by replacing it with the following:

(g) Administers dental anesthetics, either general or local[-]; ***or***

Amend section 4 of the bill by replacing lines 2-3 with the following:

after subparagraph (g) the following new subparagraph:

(h) Dispenses teeth whitening agents or undertakes to whiten or bleach teeth by any

Adopted.

May 10, 2010
2010-1980-EBA
04/03

Enrolled Bill Amendment to HB 1301

The Committee on Enrolled Bills to which was referred HB 1301

AN ACT relative to the regulation of fuel gas fitters.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1301

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 1301

Amend RSA 153:32, II(c) as inserted by section 7 of the bill by replacing line 2 with the following:

practice of, the profession, ***or such conduct that poses risk to public health, safety, or welfare***

Adopted.

May 11, 2010
2010-2039-EBA
03/01

Enrolled Bill Amendment to HB 1304

The Committee on Enrolled Bills to which was referred HB 1304

AN ACT extending legislative study committees and commissions.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1304

This enrolled bill amendment corrects a reference in the bill.

Enrolled Bill Amendment to HB 1304

Amend section 2 of the bill by replacing line 1 with the following:

2 Commission to Study Alternate Fuel Vehicles; Report Date Extended. Amend 2009, 189:5 to

Adopted.

May 11, 2010
2010-2008-EBA
06/10

Enrolled Bill Amendment to HB 1363

The Committee on Enrolled Bills to which was referred HB 1363

AN ACT relative to continuing care communities.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1363

This enrolled bill amendment makes a grammatical correction and a technical correction.

Enrolled Bill Amendment to HB 1363

Amend RSA 420-D:3-a, I(c) as inserted by section 6 of the bill by replacing line 1 with the following:

(c) Satisfies the commissioner that the proposal to offer continuing care contracts to

Amend section 11 of the bill by replacing line 1 with the following:

11 New Subparagraph; Continuing Care Communities; Entrance Fees. Amend RSA 420-D:10, III

Adopted.

May 11, 2010
2010-2034-EBA
06/09

Enrolled Bill Amendment to HB 1534

The Committee on Enrolled Bills to which was referred HB 1534

AN ACT relative to the issuance of air permits and certain fees relative to air permits.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1534

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1534

Amend RSA 125-C:12, IV-c as inserted by section 3 of the bill by replacing line 1 with the following:

IV-c. In lieu of the annual emissions fee specified in paragraph IV-b, as a condition of any

Adopted.

May 10, 2010
2010-1981-EBA
10/04

Enrolled Bill Amendment to HB 1553

The Committee on Enrolled Bills to which was referred HB 1553

AN ACT establishing a maternal mortality review panel to conduct comprehensive, multidisciplinary reviews of maternal deaths in New Hampshire.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1553

This enrolled bill amendment corrects an RSA reference.

Enrolled Bill Amendment to HB 1553

Amend RSA 132:31, III as inserted by section 2 of the bill by replacing line 3 with the following:

trending and analysis over time. Pursuant to RSA 132:30, VII(d), identifiable information on all

Adopted.

Report of Committee on Enrolled Bills

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

SB 301, relative to combustion of untreated wood at municipal transfer stations.

SB 330, relative to the court accreditation commission and the interbranch criminal and juvenile justice council.

SB 369, relative to the effect of changes in local permit status on large groundwater withdrawal permits issued by the department of environmental services.

SB 378, relative to the New Hampshire public works mutual aid program.

SB 380, relative to the definition of permissible fireworks.

SB 384, authorizing the department of health and human services to provide private adoption agencies access to founded reports of abuse and neglect maintained by the department.

SB 391, relative to the payment of certain amounts from the water fund to the town general fund by the town of Hanover.

SB 407, relative to records maintained by the department of health and human services in abuse and neglect cases.

SB 415, relative to remedies against landlords.

SB 444, relative to the medical child support obligation.

SB 449, relative to the designation of staff members as staff advocates in public utilities commission adjudicatory proceedings.

SB 458, relative to enforcement of child support obligations.

SB 477, relative to driver education school applicants.

SB 499, relative to administration support of certain professional regulatory boards by the department of health and human services.

SB 515, relative to allowing the commissioner of the department of employment security to participate in a joint local employment dynamics program with the United States Census Bureau and the Bureau of Labor Statistics.

SJR 1, urging the secretary of agriculture to review the Federal Milk Market Order system.

HB 232, increasing manufacturers' pesticide registration fees.

HB 271, relative to relevant information in a workers' compensation claim.

HB 341, relative to the date selected for the presidential primary election.

HB 510, relative to the position of director of vital records administration.

HB 1138, relative to the authority to expend municipal transportation improvement funds.

HB 1149, relative to the filing of electronic documents in state agency rulemaking.

HB 1158, changing the name of the institutional review board to the vital records privacy board for health-related research.

HB 1159, relative to the classification of snowmobile trails maintenance vehicles.

HB 1161, repealing the requirement to obtain a license to sell in order to sell pistols or revolvers at retail.

HB 1181, naming a portion of route 43 after the Honorable Robert A. Johnson.

HB 1207, relative to Delta Dental data submission.

HB 1230, relative to commercial motor vehicles and heating oil deliveries.

HB 1236, relative to underwriting on the basis of credit information.

HB 1237, relative to a certain insurance rulemaking exemption.

HB 1249, relative to seasonal highway limits for certain vehicles.

HB 1251, relative to the sale and transfer procedures for shutdown emissions credits.

HB 1266, relative to notification requirements for lowering the water level of a lake or pond.

HB 1269, relative to the operation of OHRVs and snowmobiles adjacent to public highways.

HB 1291, relative to the fuel oil importation fee.

HB 1293, relative to the oil discharge cleanup fund and relative to tax exemptions for water and air pollution control installations.

HB 1353, relative to group net energy metering.

HB 1374, relative to the prohibition against participation in a national identification card system.

HB 1378, establishing an adopt-a-state park program in the state park system and establishing an adopt-a-forest fire tower program in the division of forests and lands.

HB 1384, establishing a suicide fatality review committee.

HB 1390, relative to the minimum age for the operation of commercial vessels.

HB 1427, relative to the conversion period for quarterly billing for property taxes.

HB 1429, establishing a committee to study the inclusion of universal design requirements in the state building code.

HB 1441, relative to claimant eligibility for victim's compensation.

HB 1450, relative to the designation of a portion of the Cocheco River as a protected river.

HB 1476, relative to periodic verification of the checklist.

HB 1525, relative to physical therapists practicing on animals.

HB 1526, requiring the department of health and human services to establish a methodology for determining certain high cost long-term care cases.

HB 1529, relative to absentee voting.

HB 1541, prohibiting the sale of e-cigarettes to minors.

HB 1544, relative to penalties for forestry violations.

Sen. D'Allesandro moved adoption of Report of Committee on Enrolled Bills.

Report of Committee on Enrolled Bills adopted.

Out of Recess.

MOTION TO ADJOURN FROM LATE SESSION

Sen. Hassan moved that the Senate adjourn from the Late Session.

Motion adopted.

Adjournment from the Late Session.

SENATE JOURNAL 19

May 13, 2010

The Senate reconvened at 1 p.m., a quorum being present.

The Reverend Kate Atkinson, from St. Paul's Church, guest chaplain to the Senate, offered the following meditative thoughts and prayer:

Thank you, it's a pleasure to be with you this afternoon. I spent quite a bit of time here this afternoon waiting for you. (Laughter) It occurred to me that this is the kind of room where you might expect someone to say "All rise," which brings me to the point that in many denominations today the Christian Church is celebrating Ascension Day, and that is the day when the occasion of Christ's ascension to his Father in heaven is recognized. And although this marked the end of Jesus' time on earth, his ministry on earth, Jesus made it very clear that his work was not finished and that it was now the responsibility of his followers to take on that work. And he also made it clear that God would provide everything that they needed to fulfill their responsibility. So, whatever our faith may be, and however we may be inspired, we are all called to care for one another, and to care for this world, using the very many strengths and skills that we've been given. And when we commit to that responsibility, we find that we always have everything that we need to fulfill it. Let us pray:

O God of many names, bless this meeting today. Inspire the discussions with wisdom, compassion and creativity, so that the people of this state and of this nation may be well-served, we may be thoughtful stewards of the earth, and Your will may be done. Amen

Sen. Letourneau led the Pledge of Allegiance.

(President Larsen welcomed guests in the gallery.)

Recess. Out of recess.

COMMITTEE REPORTS**MOTION TO REMOVE FROM THE TABLE**

Sen. Fuller Clark moved HB 431-FN be removed from the table.

The question is on the motion to remove HB 431-FN from the table.

Motion adopted.

REMOVED FROM THE TABLE

HB 431-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 5-0. Senator Merrill for the committee.

Energy, Environment and Economic Development

April 15, 2010

2010-1413s

08/10

Amendment to HB 431-FN

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

1 Purpose. This bill provides that:

I. Certain engine coolant and antifreeze must contain an aversive agent (denatonium benzoate) to render it unpalatable.

II. Antifreeze manufacturers are liable for ethylene glycol antifreeze.

III. Denatonium benzoate manufacturers are liable for denatonium benzoate when included in antifreeze in the range prescribed by this bill.

IV. Antifreeze manufactures are liable for denatonium benzoate when used in any manner that is incongruous with the requirements of this bill.

V. A penalty for noncompliance with the requirements of this bill.

2 New Section; Sale of Engine Coolants and Antifreeze. Amend RSA 644 by inserting after section 8-f the following new section:

644:8-g Sale of Engine Coolants and Antifreeze.

I. No person may sell or offer to sell in this state any engine coolant or antifreeze that is manufactured after October 11, 2011 and contains more than 10 percent ethylene glycol unless it includes denatonium benzoate at a minimum of 30 parts per million and a maximum of 50 parts per million as a bittering agent within the product so as to render it unpalatable.

II.(a) Subject to subparagraph (b), a manufacturer, processor, distributor, recycler, or seller of an engine coolant or antifreeze that is required to contain an aversive agent under paragraph I shall not be liable to any person for any personal injury, death, property damage, damage to the environment (including natural resources), or economic loss that results from the inclusion of denatonium benzoate in any engine coolant or antifreeze, provided that the inclusion of denatonium benzoate is present in concentrations mandated by paragraph I.

(b) The limitation on liability provided in subparagraph (a) does not apply to a particular liability to the extent that the cause of such liability is unrelated to the inclusion of denatonium benzoate in any engine coolant or antifreeze.

(c) The limitation on liability in subparagraph (a) shall not be interpreted to provide any limitation on liability in the case of gross negligence or wanton or willful misconduct.

III. This section shall not apply to:

(a) The sale of a motor vehicle that contains engine coolant or antifreeze.

(b) Wholesale containers containing 55 gallons or more of engine coolant or antifreeze.

IV. Any person who knowingly violates this section shall be guilty of a class B misdemeanor.

3 Effective Date. This act shall take effect January 1, 2011.

The pending question is on the adoption of Committee Amendment 1413s.

Committee Amendment 1413s failed.

Sen. Fuller Clark offered a floor amendment.

Sen. Fuller Clark, Dist. 24

May 12, 2010

2010-2063s

08/10

Floor Amendment to HB 431-FN

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

1 Purpose. This bill provides that:

I. Certain engine coolant and antifreeze must contain an aversive agent (denatonium benzoate or substitute aversive agent) to render it unpalatable.

II. Antifreeze manufacturers are liable for ethylene glycol antifreeze or a substitute aversive agent.

III. Denatonium benzoate manufacturers are liable for denatonium benzoate or a substitute aversive agent when included in antifreeze in the range prescribed by this bill.

IV. Antifreeze manufactures are liable for denatonium benzoate or a substitute aversive agent when used in any manner that is incongruous with the requirements of this bill.

V. A penalty for noncompliance with the requirements of this bill.

2 New Section; Sale of Engine Coolants and Antifreeze. Amend RSA 644 by inserting after section 8-f the following new section:

644:8-g Sale of Engine Coolants and Antifreeze.

I. No person may sell or offer to sell in this state any engine coolant or antifreeze that is manufactured after October 11, 2011 and contains more than 10 percent ethylene glycol unless it includes denatonium benzoate at a minimum of 30 parts per million and a maximum of 50 parts per million as a bittering agent within the product so as to render it unpalatable.

II. Notwithstanding paragraph I, an aversive agent other than denatonium benzoate may be used in engine coolant or antifreeze if it meets or exceeds the degree of aversion in test subjects obtained by using the formulation of a minimum of 30 parts per million and a maximum of 50 parts per million of denatonium benzoate in antifreeze, and is compatible with and does not impact the performance of antifreeze in a vehicle's engine or cooling system.

III.(a) Subject to subparagraph (b), a manufacturer, processor, distributor, recycler, or seller of an engine coolant or antifreeze that is required to contain an aversive agent under paragraph I or II shall not be liable to any person for any personal injury, death, property damage, damage to the environment (including natural resources), or economic loss that results from the inclusion of denatonium benzoate or substitute aversive agent in any engine coolant or antifreeze, provided that the inclusion of denatonium benzoate or substitute aversive agent is present in concentrations mandated by this section.

(b) The limitation on liability provided in subparagraph (a) does not apply to a particular liability to the extent that the cause of such liability is unrelated to the inclusion of denatonium benzoate or substitute aversive agent in any engine coolant or antifreeze.

(c) The limitation on liability in subparagraph (a) shall not be interpreted to provide any limitation on liability in the case of gross negligence or wanton or willful misconduct.

IV. This section shall not apply to:

(a) The sale of a motor vehicle that contains engine coolant or antifreeze.

(b) Wholesale containers containing 55 gallons or more of engine coolant or antifreeze.

V. Any person who knowingly violates this section shall be guilty of a class B misdemeanor.

3 Effective Date. This act shall take effect January 1, 2011.

The question is on the adoption of Floor Amendment 2063s.

Floor Amendment 2063s adopted.

Senators Cilley and Hassan are in opposition to Floor Amendment 2063s.

The question is on the motion of Ought to Pass as Amended on HB 431-FN.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

Senators Reynolds, Cilley, Lasky, Carson and Hassan are in opposition to the adoption of the motion of Ought to Pass as Amended on HB 431-FN.

MOTION TO REMOVE FROM THE TABLE

Sen. Fuller Clark moved to remove HB 1239 from the table.

The question is on the motion to remove HB 1239 from the table.

Motion adopted.

REMOVED FROM THE TABLE

HB 1239, (New Title) relative to processing certain environmental permits and administrative fines for violations of dredge and fill requirements. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 3-0. Senator Bradley for the committee.

Energy, Environment, and Economic Development
May 6, 2010
2010-1958s
08/04

Amendment to HB 1239

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

1 Time for Rendering Decision on Wetlands Permit Applications. Amend RSA 482-A:3, XIV(a)(3)-(5) to read as follows:

(3) Where the department requests additional information pursuant to subparagraph (a)(2), within 30 days of the department's receipt of a complete response to the department's information request:

(A) Approve ~~or deny~~ the application, in whole or in part, **and issue a permit**; or

~~[(B) Commence a non-adjudicative proceeding]~~ **(B) Deny the application and issue written findings in support of the denial; or**

(C) Schedule a public hearing in accordance with this chapter and rules adopted by the commissioner; or

~~[(C)]~~ **(D) Extend the time for [response] rendering a decision on the application** for good cause and with the written agreement of the applicant~~[-]; or~~

(4) Where no request for additional information is made pursuant to subparagraph ~~[(b)]~~ **(a)(2)**, within 75 days from the issuance of the notice of administrative completeness, or 105 days if the application proposes more than one acre of jurisdictional impact:

(A) Approve ~~or deny~~ the application, in whole or in part, **and issue a permit**; or

~~[(B) Commence a non-adjudicative proceeding]~~ **(B) Deny the application and issue written findings in support of the denial; or**

(C) Schedule a public hearing in accordance with this chapter and rules adopted by the commissioner~~[-]; or~~

(D) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant.

(5) Where the department has ~~[commenced a non-adjudicative]~~ **held a public** hearing on an application filed under this chapter, within 60 days following the closure of the hearing record, approve **the application in whole or in part, and issue a permit** or deny the application ~~[either in whole or in part]~~ **and issue written finding in support of the denial.**

2 Time for Rendering Decision on Wetlands Permit Applications; Remedy. Amend RSA 482-A:3, XIV(b) to read as follows:

(b) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law. If the department fails to act within the applicable time frame established in ~~[subparagraphs (a)(2) and (c)(4)]~~, the department shall notify the applicant that a determination was not made within the statutory time requirements. Upon this notice, the department shall reimburse the applicant 25 percent of the application fee. Within 14 days following the date on which action should have been taken pursuant to the applicable time frame established in subparagraphs (a)(2) or (a)(4), the department shall issue an approval or denial of the permit application, or reach a mutually acceptable agreement with the applicant for an extension of the time limit to act upon the application. After 14 days, if the department has not rendered a decision or made an agreement for an extension, an additional 25 percent of the application fee shall be reimbursed to the applicant~~]~~ **subparagraphs (a)(3), (a)(4), and (a)(5) then an application which meets all applicable criteria for permit issuance, whether established in statute or in rule adopted pursuant to RSA 541-A, shall be deemed approved, and an application which does not meet all applicable criteria for permit issuance shall be deemed denied. Within 14 days of the date of receipt of a written request from the applicant for the permit, the department shall issue a permit for an application that has been deemed approved and shall issue a written denial of the application for an application that has been deemed denied, which shall specify the reasons why the application does not meet the applicable criteria for permit issuance. If the applicant has previously agreed**

to accept communications from the department by electronic means, the applicant's request may be submitted electronically. If the department does not issue either a permit or a written denial within the 14-day period, the applicant may proceed with the project as presented in the application. The department's failure to issue a permit shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in accordance with RSA 485-A relating to water quality and permitting requirements under section 404 of the Federal Clean Water Act.

3 New Subparagraphs; Suspension of Review of Wetlands Permit Applications; Enforcement Action. Amend RSA 482-A:3, XIV by inserting after subparagraph (e) the following new subparagraphs:

(f) The department may extend the time for rendering a decision under subparagraphs (a)(3)(D) and (a)(4)(D), without the applicant's agreement, on an application from an applicant who previously has been determined, after the exhaustion of available appellate remedies, to have failed to comply with this chapter or any rule adopted or permit or approval issued under this chapter, or to have misrepresented any material fact made in connection with any activity regulated or prohibited by this chapter, pursuant to an action initiated under RSA 482-A:13, RSA 482-A:14, or RSA 482-A:14-b. The length of such an extension shall be no longer than reasonably necessary to complete the review of the application, but shall not exceed 30 days unless the applicant agrees to a longer extension. The department shall notify the applicant of the length of the extension.

(g) The department may suspend review of an application for a proposed project on a property with respect to which the department has commenced an enforcement action against the applicant for any violation of this chapter, RSA 483-B, RSA 485-A:17, or RSA 485-A:29-44, or of any rule adopted or permit or approval issued pursuant to this chapter, RSA 483-B, RSA 485-A:17, or RSA 485-A:29-44. Any such suspension shall expire upon conclusion of the enforcement action and completion of any remedial actions the department may require to address the violation; provided, however, that the department may resume its review of the application sooner if doing so will facilitate resolution of the violation. The department shall resume its review of the application at the point the review was suspended, except that the department may extend any of the time limits under this paragraph and its rules up to a total of 30 days for all such extensions. For purposes of this subparagraph, "enforcement action" means an action under RSA 482-A:13, RSA 482-A:14, RSA 482-A:14-b, RSA 483-B:18, RSA 485-A:22, RSA 485-A:42, or RSA 485-A:43.

4 Administrative Fines. Amend RSA 482-A:13 to read as follows:

482-A:13 Administrative Fine. The commissioner, after notice and hearing in accordance with the procedures set forth in RSA 541-A, is empowered to impose an administrative fine of up to [~~\$2,000~~] **\$5,000** for each [~~offense~~] **violation, irrespective of the duration of violation**, upon any person who violates any provision of this chapter. This fine is appealable under RSA 541. Any administrative fine imposed under this section will not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this section shall be placed in the nonlapsing fund authorized in RSA 482-A:14, III.

5 Time for Rendering Decision on Shoreland Permit Applications. Amend RSA 483-B:5-b, V(b) and (c) to read as follows:

(b) When the department requests additional information pursuant to subparagraph (a), the department shall, within 30 days of the department's receipt of the information:

(1) Approve the application, **in whole or in part**, and issue a permit; **or**

(2) Deny the application, [~~with~~] **and issue** written findings in support of the decision [~~in whole or in part~~]; **or**

(3) Extend the time for [~~response~~] **rendering a decision on the application** for good cause and with the written agreement of the applicant.

(c) Where no request for additional information is made, the department shall, within 30 days of receipt of the application for a permit or 75 days of receipt of an application for a permit that will require a variance of the minimum standard of RSA 483-B:9, V or a waiver of the minimum standards of RSA 483-B:9[;]:

(1) Approve [~~or deny~~] the application, [~~with~~] **in whole or in part, and issue a permit; or**

(2) **Deny the application, and issue** written findings in support of the decision [~~in whole or in part~~]; **or**

(3) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant.

6 Time for Rendering Decision on Shoreland Permit Applications; Remedy. RSA 483-B:5-b, V(d) is repealed and reenacted to read as follows:

(d) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law. If the department fails to act within the applicable time frame established in subparagraphs (b) and (c), then an application which meets all applicable criteria for permit issuance, whether established in statute or in rule adopted pursuant to RSA 541-A, shall be deemed approved, and an application which does not meet all applicable criteria for permit issuance shall be deemed denied. Within 14 days of the date of receipt of a written request from the applicant for the permit, the department shall issue a permit for an application that has been deemed approved and shall issue a written denial of the application for an application that has been deemed denied, which shall specify the reasons why the application does not meet the applicable criteria for permit issuance. If the applicant has previously agreed to accept communications from the department by electronic means, the applicant's request may be submitted electronically. If the department does not issue either a permit or a written denial within the 14-day period, the applicant may proceed with the project as presented in the application. The department's failure to issue a permit shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in accordance with RSA 485-A relating to water quality.

7 New Subparagraphs; Suspension of Review of Shoreland Permit Applications; Enforcement Action. Amend RSA 483-B:5-b, V by inserting after subparagraph (e) the following new subparagraphs:

(f) The department may extend the time for rendering a decision under subparagraphs (b)(3) and (c)(3), without the applicant's agreement, on an application from an applicant who previously has been determined, after the exhaustion of available appellate remedies, to have failed to comply with this chapter or any rule adopted or permit or approval issued under this chapter, or to have misrepresented any material fact made in connection with any activity regulated or prohibited by this chapter, pursuant to an action initiated under RSA 483-B:18. The length of such an extension shall be no longer than reasonably necessary to complete the review of the application, and shall not exceed 30 days unless the applicant agrees to a longer extension. The department shall notify the applicant of the length of the extension.

(g) The department may suspend review of an application for a proposed project on a property with respect to which the department has commenced an enforcement action against the applicant for any violation of this chapter, RSA 482-A, RSA 485-A:17, or RSA 485-A:29-44, or of any rule adopted or permit or approval issued pursuant to this chapter, RSA 482-A, RSA 485-A:17, or RSA 485-A:29-44. Any such suspension shall expire upon conclusion of the enforcement action and completion of any remedial actions the department may require to address the violation; provided, however, that the department may resume its review of the application sooner if doing so will facilitate resolution of the violation. The department shall resume its review of the application at the point the review was suspended, except that the department may extend any of the time limits under this paragraph and its rules up to a total of 30 days for all such extensions. For purposes of this subparagraph, "enforcement action" means an action initiated under RSA 482-A:13, RSA 482-A:14, RSA 482-A:14-b, RSA 483-B:18, RSA 485-A:22, RSA 485-A:42, or RSA 485-A:43.

8 Time for Rendering Decision on Terrain Alteration Permit Applications. Amend RSA 485-A:17, II-b (b) and (c) to read as follows:

(b) If the department requests additional information pursuant to subparagraph (a), the department shall, within 30 days of the department's receipt of the information:

(1) Approve ***the application in whole or in part*** and issue a permit; ***or***

(2) Deny the application~~[, in whole or in part]~~ ***and issue written findings in support of the decision***; ***or***

(3) Extend the time for ~~[response]~~ ***rendering a decision on the application*** for good cause and with the written agreement of the applicant.

(c) If no request for additional information is made pursuant to subparagraph (b), the department shall, within 50 days of receipt of the application~~[,]~~:

(1) ***Approve or deny the application, in whole or in part[.] and issue a permit; or***

(2) Deny the application, and issue written findings in support of the decision; or

(3) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant.

9 Time for Rendering Decision on Terrain Alteration Permit Applications; Remedy. RSA 485-A:17, II-b(d) is repealed and reenacted to read as follows:

(d) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law. If the department fails to act within the applicable time frame established in subparagraphs (b) and (c), then an application which meets all applicable criteria for permit issuance, whether established in statute or in rule adopted pursuant to RSA 541-A, shall be deemed approved, and an application which does not meet all applicable criteria for permit issuance shall be deemed denied. Within 14 days of the date of receipt of a written request from the applicant for the permit, the department shall issue a permit for an application that has been deemed approved and shall issue a written denial of the application for an application that has been deemed denied, which shall specify the reason why the application does not meet the applicable criteria for permit issuance. If the applicant has previously agreed to accept communications from the department by electronic means, the applicant's request may be submitted electronically. If the department does not issue either a permit or a written denial within the 14-day period, the applicant may proceed with the project as presented in the application. The department's failure to issue a permit shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under RSA 485-A relating to water quality.

10 New Subparagraphs; Suspension of Review of Terrain Alteration Permit Application; Enforcement Action. Amend RSA 485-A:17, II-b by inserting after subparagraph (e) the following new subparagraph:

(f) The department may suspend review of an application for a proposed project on a property with respect to which the department has commenced an enforcement action against the applicant for any violation of this section, RSA 482-A, RSA 483-B, or RSA 485-A:29-44, or of any rule adopted or permit or approval issued pursuant to this section, RSA 482-A, RSA 483-B, or RSA 485-A:29-44. Any such suspension shall expire upon conclusion of the enforcement action and completion of any remedial actions the department may require to address the violation; provided, however, that the department may resume its review of the application sooner if doing so will facilitate resolution of the violation. The department shall resume its review of the application at the point the review was suspended, except that the department may extend any of the time limits under this paragraph and its rules up to a total of 30 days for all such extensions. For purposes of this subparagraph, "enforcement action" means an action initiated under RSA 482-A:13, RSA 482-A:14, RSA 482-A:14-b, RSA 483-B:18, RSA 485-A:22, RSA 485-A:42, or RSA 485-A:43.

11 Action on Subdivision and On-Site Waste Disposal Permit Applications. Amend RSA 485-A:31 to read as follows:

485-A:31 Action on Applications.

I. Subject to paragraphs II and III, the department shall give notice in writing to the person submitting the plans and specifications for subdivision of land of its approval or disapproval of such plans and specifications within 30 days of the date such plans and specifications and the required fees are received by the department and shall give notice in writing to the person submitting plans and specifications for sewage or waste disposal systems of its approval or disapproval of such plans and specifications within 15 working days of the date such plans and specifications and the required fees are received by the department. Unless such written disapproval shall be mailed to the person submitting plans and specifications within 30 days in the case of plans and specifications for subdivision of land and 15 working days in the case of plans and specifications for sewage or waste disposal systems from the date of receipt with the required fees by the department, the plans and specifications shall be deemed to have been approved. The department shall send a copy of the approval or disapproval of such plans and specifications to the planning board or board of selectmen of the affected municipality.

II. The department may extend the time for rendering a decision under paragraph I, without the applicant's agreement, on an application from an applicant who previously has been determined, after the exhaustion of available appellate remedies, to have failed to comply with RSA 485-A:29-44, or any rule adopted or permit or approval issued pursuant to RSA 485-A:29-44, or to have misrepresented any material fact made in connection with any activity regulated or prohibited by RSA 485-A:29-44, as a result of an action initiated under RSA 485-A:42 or RSA 485-A:43. The length

of such an extension shall be no longer than reasonably necessary to complete the review of the application and shall not exceed 30 days unless the applicant agrees to a longer extension. The department shall notify the applicant of the length of the extension.

III. The department may suspend a review of an application for a proposed project on a property with respect to which the department has commenced an enforcement action against the applicant for any violation of RSA 485-A:29-44; RSA 482-A; RSA 483-B; or RSA 485-A:17, or of any rule adopted or permit or approval issued pursuant to this chapter, RSA 485-A:29-44; RSA 482-A; RSA 483-B; or RSA 485-A:1. Any such suspension shall expire upon conclusion of the enforcement action and completion of any remedial actions the department may require to address the violation; provided, however, that the department may resume its review of the application sooner if doing so will facilitate resolution of the violation. The department shall resume its review of the application at the point the review was suspended, except that the department may extend any of the time limits under this paragraph and its rules up to a total of 30 days for all such extensions. For purposes of this subparagraph, "enforcement action" means an action initiated under RSA 482-A:13; RSA 482-A:14; RSA 482-A:14-b; RSA 483-B:18; RSA 485-A:22; RSA 485-A:42; or RSA 485-A:43.

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

2010-1958s

AMENDED ANALYSIS

This bill:

I. Requires the department of environmental services to approve, deny, schedule a public hearing, or extend the time for rendering a decision on wetlands permit applications.

II. Raises the fine for violations of the chapter relative to fill and dredge in wetlands.

The pending question is on the adoption of Committee Amendment 1958s.

Committee Amendment 1958s failed.

Sen. Fuller Clark offered a floor amendment.

Sen. Fuller Clark, Dist. 24

May 12, 2010

2010-2071s

08/09

Floor Amendment to HB 1239

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

AN ACT relative to processing certain environmental permits and administrative fines for violations of dredge and fill requirements, relative to air quality in public schools, and drinking water revolving loan funds.

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

1 Time for Rendering Decision on Wetlands Permit Applications. Amend RSA 482-A:3, XIV(a)(3)-(5) to read as follows:

(3) Where the department requests additional information pursuant to subparagraph (a)(2), within 30 days of the department's receipt of a complete response to the department's information request:

(A) Approve ~~or deny~~ the application, in whole or in part, **and issue a permit**; or

~~[(B) Commence a non-adjudicative proceeding]~~ **(B) Deny the application and issue written findings in support of the denial; or**

(C) Schedule a public hearing in accordance with this chapter and rules adopted by the commissioner; or

~~[(C)]~~ **(D) Extend the time for [response] rendering a decision on the application** for good cause and with the written agreement of the applicant~~[-]; or~~

(4) Where no request for additional information is made pursuant to subparagraph ~~[(b)]~~ **(a)(2)**, within 75 days from the issuance of the notice of administrative completeness, or 105 days if the application proposes more than one acre of jurisdictional impact:

(A) Approve ~~[or deny]~~ the application, in whole or in part, **and issue a permit**; or

~~[(B) Commence a non-adjudicative proceeding]~~ **(B) Deny the application and issue written findings in support of the denial; or**

(C) Schedule a public hearing in accordance with this chapter and rules adopted by the commissioner~~[-]~~; **or**

(D) Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant.

(5) Where the department has ~~[commenced a non-adjudicative]~~ **held a public** hearing on an application filed under this chapter, within 60 days following the closure of the hearing record, approve **the application in whole or in part, and issue a permit** or deny the application ~~[either in whole or in part]~~ **and issue written findings in support of the denial.**

2 Time for Rendering Decision on Wetlands Permit Applications; Remedy. Amend RSA 482-A:3, XIV(b) to read as follows:

(b) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law. If the department fails to act within the applicable time frame established in ~~[subparagraphs (a)(2) and (c)(4), the department shall notify the applicant that a determination was not made within the statutory time requirements. Upon this notice, the department shall reimburse the applicant 25 percent of the application fee. Within 14 days following the date on which action should have been taken pursuant to the applicable time frame established in subparagraphs (a)(2) or (a)(4), the department shall issue an approval or denial of the permit application, or reach a mutually acceptable agreement with the applicant for an extension of the time limit to act upon the application. After 14 days, if the department has not rendered a decision or made an agreement for an extension, an additional 25 percent of the application fee shall be reimbursed to the applicant]~~ **subparagraphs (a)(3), (a)(4), and (a)(5) then an application which meets all applicable criteria for permit issuance, whether established in statute or in rule adopted pursuant to RSA 541-A, shall be deemed approved, and an application which does not meet all applicable criteria for permit issuance shall be deemed denied. Within 14 days of the date of receipt of a written request from the applicant for the permit, the department shall issue a permit for an application that has been deemed approved and shall issue a written denial of the application for an application that has been deemed denied, which shall specify the reasons why the application does not meet the applicable criteria for permit issuance. If the applicant has previously agreed to accept communications from the department by electronic means, the applicant's request may be submitted electronically. If the department does not issue either a permit or a written denial within the 14-day period, the applicant may proceed with the project as presented in the application. The department's failure to issue a permit shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under with RSA 485-A relating to water quality and permitting requirements under section 404 of the Federal Clean Water Act.**

3 New Subparagraphs; Suspension of Review of Wetlands Permit Applications; Enforcement Action. Amend RSA 482-A:3, XIV by inserting after subparagraph (e) the following new subparagraphs:

(f) The department may extend the time for rendering a decision under subparagraphs (a)(3)(D) and (a)(4)(D), without the applicant's agreement, on an application from an applicant who previously has been determined, after the exhaustion of available appellate remedies, to have failed to comply with this chapter or any rule adopted or permit or approval issued under this chapter, or to have misrepresented any material fact made in connection with any activity regulated or prohibited by this chapter, pursuant to an action initiated under RSA 482-A:13, RSA 482-A:14, or RSA 482-A:14-b. The length of such an extension shall be no longer than reasonably necessary to complete the review of the application, but shall not exceed 30 days unless the applicant agrees to a longer extension. The department shall notify the applicant of the length of the extension.

(g) The department may suspend review of an application for a proposed project on a property with respect to which the department has commenced an enforcement action against the applicant for any violation of this chapter, RSA 483-B, RSA 485-A:17, or RSA 485-A:29-44, or of any rule adopted or permit or approval issued pursuant to this chapter, RSA 483-B, RSA 485-A:17, or RSA 485-A:29-44. Any such suspension shall expire upon conclusion of the enforcement action and completion of any remedial actions the department may

require to address the violation; provided, however, that the department may resume its review of the application sooner if doing so will facilitate resolution of the violation. The department shall resume its review of the application at the point the review was suspended, except that the department may extend any of the time limits under this paragraph and its rules up to a total of 30 days for all such extensions. For purposes of this subparagraph, "enforcement action" means an action under RSA 482-A:13, RSA 482-A:14, RSA 482-A:14-b, RSA 483-B:18, RSA 485-A:22, RSA 485-A:42, or RSA 485-A:43.

4 Administrative Fines. Amend RSA 482-A:13 to read as follows:

482-A:13 Administrative Fine. The commissioner, after notice and hearing in accordance with the procedures set forth in RSA 541-A, is empowered to impose an administrative fine of up to [~~\$2,000~~] **\$5,000** for each [~~offense~~] **violation, irrespective of the duration of violation**, upon any person who violates any provision of this chapter. This fine is appealable under RSA 541. Any administrative fine imposed under this section will not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this section shall be placed in the nonlapsing fund authorized in RSA 482-A:14, III.

5 Time for Rendering Decision on Shoreland Permit Applications. Amend RSA 483-B:5-b, V(b) and (c) to read as follows:

(b) When the department requests additional information pursuant to subparagraph (a), the department shall, within 30 days of the department's receipt of the information:

(1) Approve the application, **in whole or in part**, and issue a permit; **or**

(2) Deny the application, [~~with~~] **and issue** written findings in support of the decision [~~in whole or in part~~]; **or**

(3) Extend the time for [~~response~~] **rendering a decision on the application** for good cause and with the written agreement of the applicant.

(c) Where no request for additional information is made, the department shall, within 30 days of receipt of the application for a permit or 75 days of receipt of an application for a permit that will require a variance of the minimum standard of RSA 483-B:9, V or a waiver of the minimum standards of RSA 483-B:9[;]:

(1) Approve [~~or deny~~] the application, [~~with~~] **in whole or in part, and issue a permit; or**

(2) **Deny the application, and issue** written findings in support of the decision [~~in whole or in part~~]; **or**

(3) **Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant.**

6 Time for Rendering Decision on Shoreland Permit Applications; Remedy. RSA 483-B:5-b, V(d) is repealed and reenacted to read as follows:

(d) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law. If the department fails to act within the applicable time frame established in subparagraphs (b) and (c), then an application which meets all applicable criteria for permit issuance, whether established in statute or in rule adopted pursuant to RSA 541-A, shall be deemed approved, and an application which does not meet all applicable criteria for permit issuance shall be deemed denied. Within 14 days of the date of receipt of a written request from the applicant for the permit, the department shall issue a permit for an application that has been deemed approved and shall issue a written denial of the application for an application that has been deemed denied, which shall specify the reasons why the application does not meet the applicable criteria for permit issuance. If the applicant has previously agreed to accept communications from the department by electronic means, the applicant's request may be submitted electronically. If the department does not issue either a permit or a written denial within the 14-day period, the applicant may proceed with the project as presented in the application. The department's failure to issue a permit shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under with RSA 485-A relating to water quality.

7 New Subparagraphs; Suspension of Review of Shoreland Permit Applications; Enforcement Action. Amend RSA 483-B:5-b, V by inserting after subparagraph (e) the following new subparagraphs:

(f) The department may extend the time for rendering a decision under subparagraphs (b)(3) and (c)(3), without the applicant's agreement, on an application from an applicant who previously has been determined,

after the exhaustion of available appellate remedies, to have failed to comply with this chapter or any rule adopted or permit or approval issued under this chapter, or to have misrepresented any material fact made in connection with any activity regulated or prohibited by this chapter, pursuant to an action initiated under RSA 483-B:18. The length of such an extension shall be no longer than reasonably necessary to complete the review of the application, and shall not exceed 30 days unless the applicant agrees to a longer extension. The department shall notify the applicant of the length of the extension.

(g) The department may suspend review of an application for a proposed project on a property with respect to which the department has commenced an enforcement action against the applicant for any violation of this chapter, RSA 482-A, RSA 485-A:17, or RSA 485-A:29-44, or of any rule adopted or permit or approval issued pursuant to this chapter, RSA 482-A, RSA 485-A:17, or RSA 485-A:29-44. Any such suspension shall expire upon conclusion of the enforcement action and completion of any remedial actions the department may require to address the violation; provided, however, that the department may resume its review of the application sooner if doing so will facilitate resolution of the violation. The department shall resume its review of the application at the point the review was suspended, except that the department may extend any of the time limits under this paragraph and its rules up to a total of 30 days for all such extensions. For purposes of this subparagraph, "enforcement action" means an action initiated under RSA 482-A:13, RSA 482-A:14, RSA 482-A:14-b, RSA 483-B:18, RSA 485-A:22, RSA 485-A:42, or RSA 485-A:43.

8 Time for Rendering Decision on Terrain Alteration Permit Applications. Amend RSA 485-A:17, II-b (b) and (c) to read as follows:

(b) If the department requests additional information pursuant to subparagraph (a), the department shall, within 30 days of the department's receipt of the information:

(1) Approve ***the application in whole or in part*** and issue a permit; ***or***

(2) Deny the application~~[, in whole or in part]~~ ***and issue written findings in support of the decision; or***

(3) Extend the time for [response] ***rendering a decision on the application*** for good cause and with the written agreement of the applicant.

(c) If no request for additional information is made pursuant to subparagraph (b), the department shall, within 50 days of receipt of the application[:]:

(1) ***Approve the application, in whole or in part[:]*** ***and issue a permit; or***

(2) ***Deny the application, and issue written findings in support of the decision; or***

(3) ***Extend the time for rendering a decision on the application for good cause and with the written agreement of the applicant.***

9 Time for Rendering Decision on Terrain Alteration Permit Applications; Remedy. RSA 485-A:17, II-b(d) is repealed and reenacted to read as follows:

(d) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law. If the department fails to act within the applicable time frame established in subparagraphs (b) and (c), then an application which meets all applicable criteria for permit issuance, whether established in statute or in rule adopted pursuant to RSA 541-A, shall be deemed approved, and an application which does not meet all applicable criteria for permit issuance shall be deemed denied. Within 14 days of the date of receipt of a written request from the applicant for the permit, the department shall issue a permit for an application that has been deemed approved and shall issue a written denial of the application for an application that has been deemed denied, which shall specify the reason why the application does not meet the applicable criteria for permit issuance. If the applicant has previously agreed to accept communications from the department by electronic means, the applicant's request may be submitted electronically. If the department does not issue either a permit or a written denial within the 14-day period, the applicant may proceed with the project as presented in the application. The department's failure to issue a permit shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under RSA 485-A relating to water quality.

10 New Subparagraphs; Suspension of Review of Terrain Alteration Permit Application; Enforcement Action. Amend RSA 485-A:17, II-b by inserting after subparagraph (e) the following new subparagraph:

(f) The department may suspend review of an application for a proposed project on a property with respect to which the department has commenced an enforcement action against the applicant for any violation of this section, RSA 482-A, RSA 483-B, or RSA 485-A:29-44, or of any rule adopted or permit or approval issued pursuant to this section, RSA 482-A, RSA 483-B, or RSA 485-A:29-44. Any such suspension shall expire upon conclusion of the enforcement action and completion of any remedial actions the department may require to address the violation; provided, however, that the department may resume its review of the application sooner if doing so will facilitate resolution of the violation. The department shall resume its review of the application at the point the review was suspended, except that the department may extend any of the time limits under this paragraph and its rules up to a total of 30 days for all such extensions. For purposes of this subparagraph, "enforcement action" means an action initiated under RSA 482-A:13, RSA 482-A:14, RSA 482-A:14-b, RSA 483-B:18, RSA 485-A:22, RSA 485-A:42, or RSA 485-A:43.

11 Action on Subdivision and On-Site Waste Disposal Permit Applications. Amend RSA 485-A:31 to read as follows:

485-A:31 Action on Applications.

I. Subject to paragraphs II and III, the department shall give notice in writing to the person submitting the plans and specifications for subdivision of land of its approval or disapproval of such plans and specifications within 30 days of the date such plans and specifications and the required fees are received by the department and shall give notice in writing to the person submitting plans and specifications for sewage or waste disposal systems of its approval or disapproval of such plans and specifications within 15 working days of the date such plans and specifications and the required fees are received by the department. Unless such written disapproval shall be mailed to the person submitting plans and specifications within 30 days in the case of plans and specifications for subdivision of land and 15 working days in the case of plans and specifications for sewage or waste disposal systems from the date of receipt with the required fees by the department, the plans and specifications shall be deemed to have been approved. The department shall send a copy of the approval or disapproval of such plans and specifications to the planning board or board of selectmen of the affected municipality.

II. The department may extend the time for rendering a decision under paragraph I, without the applicant's agreement, on an application from an applicant who previously has been determined, after the exhaustion of available appellate remedies, to have failed to comply with RSA 485-A:29-44, or any rule adopted or permit or approval issued pursuant to RSA 485-A:29-44, or to have misrepresented any material fact made in connection with any activity regulated or prohibited by RSA 485-A:29-44, pursuant to an action initiated under RSA 485-A:42 or RSA 485-A:43. The length of such an extension shall be no longer than reasonably necessary to complete the review of the application and shall not exceed 30 days unless the applicant agrees to a longer extension. The department shall notify the applicant of the length of the extension.

III. The department may suspend a review of an application for a proposed project on a property with respect to which the department has commenced an enforcement action against the applicant for any violation of RSA 485-A:29-44; RSA 482-A; RSA 483-B; or RSA 485-A:17, or of any rule adopted or permit or approval issued pursuant to this chapter, RSA 485-A:29-44; RSA 482-A; RSA 483-B; or RSA 485-A:1. Any such suspension shall expire upon conclusion of the enforcement action and completion of any remedial actions the department may require to address the violation; provided, however, that the department may resume its review of the application sooner if doing so will facilitate resolution of the violation. The department shall resume its review of the application at the point the review was suspended, except that the department may extend any of the time limits under this paragraph and its rules up to a total of 30 days for all such extensions. For purposes of this subparagraph, "enforcement action" means an action initiated under RSA 482-A:13; RSA 482-A:14; RSA 482-A:14-b; RSA 483-B:18; RSA 485-A:22; RSA 485-A:42; or RSA 485-A:43.

12 Investigation of Air Quality in Schools. Amend RSA 200:11-a, I to read as follows:

I. The school principal, or designee shall annually investigate the air quality of any schoolhouse or building used for school purposes using a check list provided by the department of education. The completed check list shall be filed after the annual inspection with the department of education, the local school board, and the local health officer. Checklists shall remain on file for 5 years. Checklists shall be reviewed during the 5 year school approval process [and]. Whether a checklist has been submitted shall be a factor in the approval process for a public school.

13 Contingency. If HB 1289 of the 2010 legislative session becomes law, section 12 of this act shall take effect January 1, 2011 at 12:01 a.m. If HB 1289 does not become law, section 12 of this act shall not take effect.

14 State Water Pollution Control and Drinking Water Revolving Loan Funds. RSA 486:14, I(b) is repealed and reenacted to read as follows:

(b) A sum equal to 2 percent of all loan principal balances outstanding each year, which shall be an administrative charge, shall be set aside to be used by the department of environmental services to pay the costs of administering the state water pollution control and drinking water revolving loan funds. The funds set aside shall be deposited in nonlapsing water pollution control and drinking water loan administration funds and shall be continually appropriated to the department exclusively for the purposes of this section. If the sum of the administrative charge plus interest charge as established by rules of the department of environmental services based on market rates is less than 2 percent for a loan, then the administrative charge shall be equal to this sum and no interest charge shall be assessed on the loan.

15 Contingency. If HB 1399 of the 2010 legislative session becomes law, section 14 of this act shall take effect at 12:01 a.m. on the effective date of HB 1399. If HB 1399 does not become law, section 14 of this act shall not take effect.

16 Effective Date.

I. Section 12 of this act shall take effect as provided in section 13 of this act.

II. Section 14 of this act shall take effect as provided in section 15 of this act.

III. Sections 13 and 15 of this act shall take effect upon its passage.

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

2010-2071s

AMENDED ANALYSIS

This bill:

I. Requires the department of environmental services to approve, deny, schedule a public hearing, or extend the time for rendering a decision on wetlands permit applications.

II. Raises the fine for violations of the chapter relative to fill and dredge in wetlands.

III Clarifies a provision relating to submission of checklists in investigations of air quality in schools, which was inserted by HB 1289 of the 2010 legislative session.

IV. Changes a provision regarding drinking water revolving loan funds in HB 1399 of the 2010 legislative session to reflect current law.

The question is on the adoption of Floor Amendment 2071s.

Floor Amendment 2071s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1239.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

MOTION TO REMOVE FROM THE TABLE

Sen. Fuller Clark moved to remove HB 1379 from the table.

The question is on the motion to remove HB 1379 from the table.

Motion adopted.

REMOVED FROM THE TABLE

HB 1379, relative to promotion of the state parks. Energy, Environment and Economic Development Committee. Ought to Pass, Vote 6-0. Senator Odell for the committee.

The pending question is on the adoption of committee recommendation of Ought to Pass on HB 1379.

Motion of Ought to Pass adopted, bill ordered to Third Reading.

MOTION TO REMOVE FROM THE TABLE

Sen. Letourneau moved to remove HB 1461 from the table.

The question is on the motion to remove HB 1461 from the table.

Motion adopted.

REMOVED FROM THE TABLE

HB 1461, relative to the municipal regulation of the sale of martial arts weapons. Public and Municipal Affairs Committee. Ought to Pass with Amendment, Vote 5-0. Sen. Barnes for the committee.

Public and Municipal Affairs

May 4, 2010

2010-1877s

08/03

Amendment to HB 1461

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

AN ACT relative to the municipal regulation of the display of martial arts weapons.

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

1 New Subparagraph; Display of Martial Arts Weapons. Amend RSA 31:39, I by inserting after subparagraph (o) the following new subparagraph:

(p) Regulating the point of sale display and accessibility of martial arts weapons as defined in RSA 159:24 and other deadly weapons as defined in RSA 625:11, V, excluding firearms.

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

2010-1877s

AMENDED ANALYSIS

This bill enables municipalities to regulate the point of sale display and accessibility of martial arts weapons and other weaponry excluding firearms.

The pending question is on the adoption of Committee Amendment 1877s.

Committee Amendment 1877s failed.

Sen. Letourneau offered a floor amendment.

Sen. Letourneau, Dist. 19

May 13, 2010

2010-2075s

06/01

Floor Amendment to HB 1461

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Display of Martial Arts Weapons. Amend RSA 31:39, I by inserting after subparagraph (o) the following new subparagraph:

(p) Regulating the point of sale display and accessibility of martial arts weapons including throwing stars, throwing darts, nunchaku, blow guns, or any other objects designed for use in the martial arts that are capable of being used as lethal or dangerous weapons.

2010-2075s

AMENDED ANALYSIS

This bill enables municipalities to regulate the point of sale display and accessibility of martial arts objects that are capable of being used as lethal or dangerous weapons.

The question is on the adoption of Floor Amendment 2075s.

Floor Amendment 2075s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1461.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

MOTION TO REMOVE FROM THE TABLE

Sen. Gilmour moved to remove HB 1572-FN from the table.

The question is on the motion to remove HB 1572-FN from the table.

Motion adopted.

REMOVED FROM THE TABLE

HB 1572-FN, relative to the certification of integrated residential communities. Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Gilmour for the committee.

The pending question is on the adoption of committee recommendation of Ought to Pass.

Sen. Gilmour offered a floor amendment.

Sen. Gilmour, Dist. 12

May 12, 2010

2010-2042s

01/04

Floor Amendment to HB 1572-FN

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

AN ACT establishing a committee to study certification or licensing of integrated residential communities.

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

1 Committee Established. There is established a committee to study certification or licensing of integrated residential communities.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study certification or licensing of integrated residential communities including:

I. A review of statutory or regulatory changes necessary to ensure standards of health, welfare, and life safety requirements within integrated residential communities.

II. An examination of certification and licensing statutes and regulations applicable to integrated residential communities for unnecessary duplication.

III. A determination of the appropriateness of care, optimum size of facilities, and whether such facilities meet the least restrictive environmental requirements.

IV. An examination of the states' financial liability for reimbursement of care for residents.

V. A determination of the most appropriate policy and programmatic oversight within the department of health and human services.

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 senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2010.

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

2010-2042s

AMENDED ANALYSIS

This bill establishes a committee to study certification or licensing of integrated residential communities.

The question is on the adoption of Floor Amendment 2042s.

Floor Amendment 2042s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1572-FN.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

Recess. Out of recess.

SPECIAL ORDER

Without objection President Larsen moved that HB 1128-FN-L, HB 1607-FN-A and HB 1459 be Special-Ordered to the end of today's Calendar.

Commerce, Labor and Consumer Protection

HB 1459, relative to the board of trust company incorporation.

Finance

HB 1128-FN-L, relative to the distribution of meals and rooms tax revenues to cities and towns.

Ways and Means

HB 1607-FN-A, relative to the reasonable compensation deduction under the business profits tax.

SPECIAL ORDER

HB 366, relative to retail vehicle dealers. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 5-1. Senator Reynolds for the committee.

Commerce, Labor and Consumer Protection

May 11, 2010

2010-2021s

03/05

Amendment to HB 366

Amend RSA 259:29-a, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Such business location is a permanent physical structure; and

The question is on the adoption of Committee Amendment 2021s.

Committee Amendment 2021s failed.

Sen. DeVries offered a floor amendment.

Sen. DeVries, Dist. 18

May 13, 2010

2010-2084s

05/10

Floor Amendment to HB 366

Amend RSA 259:29-a, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Such business location is a permanent physical structure that has at least 750 square feet or is primarily dedicated to the business of selling vehicles; and

The question is on the adoption of Floor Amendment 2084s.

Floor Amendment 2084s adopted.

The question is on the motion of Ought to Pass as Amended on HB 366.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

SPECIAL ORDER

HB 1364, relative to Medicare unfair trade practices. Commerce, Labor and Consumer Protection Committee. Inexpedient to Legislate, Vote 3-3. Senator Hassan for the committee.

The question is on the motion of Inexpedient to Legislate on HB 1364.

Motion of Inexpedient to Legislate failed.

Sen. DeVries moved Ought to Pass.

Sen. Hassan offered a floor amendment.

Sen. Hassan, Dist. 23

May 12, 2010

2010-2050s

01/04

Floor Amendment to HB 1364

Amend RSA 417:4, XXIII as inserted by section 1 of the bill by replacing it with the following:

XXIII. MEDICARE PRODUCTS AND MEDICARE SUPPLEMENTAL HEALTH INSURANCE.

(a)(1) Selling, soliciting or negotiating the purchase of Medicare products (Part C and Part D) or Medicare supplemental (Medigap) health insurance in this state through the use of cold lead advertising.

(2) Using an appointment that was made to discuss Medicare products or to solicit the sale of Medicare products in order to solicit sales of life insurance or annuity products.

(3) Soliciting the sale of Medicare products door-to-door prior to receiving an invitation from a consumer.

(b) In this paragraph:

(1) "Cold lead advertising" means making use directly or indirectly of a method of marketing that fails to disclose in a conspicuous manner that a purpose of the marketing is insurance sales solicitation and that a contact will be made by an insurance producer or insurance company.

(2) "Medicare products" means Medicare Part C (Medicare Advantage) and Medicare Part D (prescription drugs).

(3) "Medicare supplemental health insurance" means a group or individual policy of accident and sickness insurance or a subscriber contract of hospital and medical service associations or health maintenance organizations, other than a policy issued pursuant to a contract under section 1876 of the federal Social Security Act 42 U.S.C. section 1395 et seq. or an issued policy under a demonstration project specified in 42 U.S.C. section 1395 ss (g)(1), which is advertised, marketed, or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical, or surgical expenses of persons eligible for Medicare. "Medicare supplemental health insurance" does not include Medicare Advantage plans established under Medicare Part C, Outpatient Prescription Drug plans established under Medicare Part D, or any Health Care Prepayment Plan (HCPP) that provides benefits pursuant to an agreement under section 1833(a)(1)(A) of the Social Security Act.

2010-2050s

AMENDED ANALYSIS

This bill makes certain practices regarding selling, soliciting, or negotiating the purchase of Medicare products and Medicare supplemental health insurance an unfair trade practice under RSA 417:4.

The question is on the adoption of Floor Amendment 2050s.

Floor Amendment 2050s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1364.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

Recess. Out of recess.

Recess. Out of recess.

**EVENING SESSION
COMMITTEE REPORTS, RESUMED**

SPECIAL ORDER

HB 1417, allowing companion dogs in certain areas of restaurants. Commerce, Labor and Consumer Protection Committee. Inexpedient to Legislate, Vote 3-3. Senator Cilley for the committee.

The question is on the motion of Inexpedient to Legislate on HB 1417.

Motion of Inexpedient to Legislate failed.

Sen. Hassan moved Ought to Pass.

Sen. Hassan offered a floor amendment.

Sen. Hassan, Dist. 23

May 12, 2010

2010-2048s

08/09

Floor Amendment to HB 1417

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

AN ACT allowing the companion dogs of restaurant owners in certain areas of restaurants.

Amend RSA 466:44 as inserted by section 1 of the bill by replacing it with the following:

II. A restaurant owner may allow his or her properly disciplined companion dog inside his or her place of business. Such dogs shall not be allowed in food preparation or production areas. A restaurant owner allowing his or her companion dog shall prominently display a sign at all public entrances advising patrons that his or her companion dog is allowed on the premises and that such dog shall be removed from any portion of the premises where members of the public are present in the event a patron with a service dog is present.

2010-2048s

AMENDED ANALYSIS

This bill allows the companion dogs of restaurant owners in certain areas of restaurants.

Sen. Janeway moved the question.

Without objection President Larsen closed debate with a remaining speaker.

The question is on the adoption of Floor Amendment 2048s.

A division vote was requested.

Yeas: 13 - Nays: 11

Floor Amendment 2048s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1417.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

SPECIAL ORDER

HB 1270, (New Title) relative to balancing amounts expended from the renewable energy fund. Energy, Environment and Economic Development Committee. Ought to Pass with Amendment, Vote 6-0. Senator Bradley for the committee.

Energy, Environment and Economic Development

May 6, 2010

2010-1952s

06/05

Amendment to HB 1270

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

AN ACT relative to balancing amounts expended from the renewable energy fund.

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

1 Renewable Energy Fund. Amend RSA 362-F:10, VI to read as follows:

VI. Such payments shall be allocated from the renewable energy fund established in paragraph I, as determined by the commission ***to the extent funding is available up to a maximum aggregate payment of 40 percent of the fund over each 2-year period commencing July 1, 2010.***

2 Renewable Energy Fund. Amend RSA 362-F:10, VIII to read as follows:

VIII. The commission may, after notice and hearing, by order or rule, establish additional incentive or rebate programs ***and competitive grant opportunities*** for ~~[customer-sited thermal and]~~ renewable ~~[energy]~~ ***thermal and electric energy projects sited in New Hampshire.***

3 Renewable Energy Fund. RSA 362-F:10, IX is repealed and reenacted to read as follows:

IX. For good cause the commission may, after notice and hearing, by order or rule, modify the program, including reducing the incentive level, created under RSA 326-F:10, V.

4 New Paragraphs; Renewable Energy Fund. Amend RSA 362-F:10 by inserting after paragraph IX the following new paragraphs:

X. Consistent with RSA 362-F:10, VI, the commission shall, over each 2-year period commencing July 1, 2010, reasonably balance overall amounts expended from the fund, net of administrative expenditures, between residential and nonresidential sectors. Funds from the renewable energy fund awarded to renewable projects in the residential sector shall be in approximate proportion to the amount of electricity sold at retail to that sector in New Hampshire, and the remaining funds from the renewable energy fund shall be awarded to projects in the nonresidential sector which include commercial and industrial sited renewable energy projects, existing generators, and developers of new commercial-scale renewable generation in New Hampshire.

XI. The commission shall issue requests for proposals that provide renewable projects in the nonresidential sector, which include commercial and industrial sited renewable energy projects, existing generators, and developers of new commercial-scale renewable generation in New Hampshire, with opportunities to receive funds from the renewable energy fund established under RSA 362-F:10. The requests for proposals shall provide such opportunities to those renewable energy projects that are not eligible to participate in incentive and rebate programs developed by the commission under RSA 362-F:10, V and RSA 362-F:10, VIII. The commission shall issue a request for proposals no later than March 1, 2011 and annually thereafter, and select winning projects in a timely manner.

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

2010-1952s

AMENDED ANALYSIS

This bill requires the public utilities commission to balance amounts expended from the renewable energy fund between residential and nonresidential sectors.

The question is on the adoption of Committee Amendment 1952s.

Committee Amendment 1952s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1270.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

Recess. Out of recess.

SPECIAL ORDER

HB 1490, (New Title) establishing a citizens task force to study state revenues and expenditures. Ways and Means Committee. Ought to Pass with Amendment, Vote 6-1. Senator Bradley for the committee.

Senate Ways and Means

May 6, 2010

2010-1936s

05/10

Amendment to HB 1490

Amend RSA 21-I:88 as inserted by section 1 of the bill by inserting after paragraph IV the following new paragraph:

V. Be authorized to solicit, accept, and expend grants, gifts, and donations from any public or private source on behalf of the citizens task force.

The question is on the adoption of Committee Amendment 1936s.

Committee Amendment 1936s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1490.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

Sen. Janeway is in opposition to the adoption of Ought to Pass with Amendment on HB 1490.

SPECIAL ORDER

HB 1615, (New Title) relative to the determination of value and a notice requirement for purposes of the utility property tax. Ways and Means Committee. Ought to Pass with Amendment, Vote 7-0. Senator Gilmour for the committee.

Senate Ways and Means

May 4, 2010

2010-1855s

09/04

Amendment to HB 1615

Amend RSA 83-F:3 as inserted by section 2 of the bill by replacing it with the following:

83-F:3 Determination of Value. On or before December 1 of the tax year, the commissioner shall determine the *market* value of utility property for the purposes of this chapter by ~~[appraising such property at its full and true value]~~ *utilizing generally accepted appraisal methods and techniques. Market value means the property's full and true value as defined under RSA 75:1. The commissioner shall hold a public hearing prior to performing an assessment, in order to receive public input on assessments under this chapter.* Notice of such determination shall be given to the taxpayer within 15 days of the commissioner's determination.

2010-1855s

AMENDED ANALYSIS

This bill requires utility property to be appraised at market value for purposes of the utility property tax. The bill requires the commissioner of the department of revenue administration to hold a public hearing prior to performing an assessment for valuation of utility property. The bill also changes a notice requirement to the department of revenue administration for transfers of utility property or assets.

The question is on the adoption of Committee Amendment 1855s.

Committee Amendment 1855s failed.

Sen. Gilmour offered a floor amendment.

Sen. Gilmour, Dist. 12

May 10, 2010

2010-1984s

09/04

Floor Amendment to HB 1615

Amend RSA 83-F:3 as inserted by section 2 of the bill by replacing it with the following:

83-F:3 Determination of Value. On or before December 1 of the tax year, the commissioner shall determine the *market* value of utility property for the purposes of this chapter by ~~[appraising such property at its full and true value]~~ *utilizing generally accepted appraisal methods and techniques. Market value means the property's full and true value as defined under RSA 75:1. In the case of regulated public utilities as defined in RSA 362:2, the commissioner shall hold a single public hearing annually prior to performing assessments, in order to receive public input on assessments under this chapter.* Notice of such determination shall be given to the taxpayer within 15 days of the commissioner's determination.

2010-1984s

AMENDED ANALYSIS

This bill requires utility property to be appraised at market value for purposes of the utility property tax. The bill requires the commissioner of the department of revenue administration to hold a single public

hearing annually prior to performing assessments for valuation of utility property. The bill also changes a notice requirement to the department of revenue administration for transfers of utility property or assets.

The question is on the adoption of Floor Amendment 1984s.

Floor Amendment 1984s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1615.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

SPECIAL ORDER

Without objection President Larsen moved HB 1459 be Special-Ordered to the end of today's calendar.

Commerce, Labor and Consumer Protection

HB 1459, relative to the board of trust company incorporation.

SPECIAL ORDER

HB 1128-FN-L, relative to the distribution of meals and rooms tax revenues to cities and towns. Finance Committee. Ought to Pass, Vote 6-0. Senator Sgambati for the committee.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

Sen. Gallus, Dist. 1

Sen. Downing, Dist. 22

May 13, 2010

2010-2077s

08/09

Floor Amendment to HB 1128-FN-LOCAL

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

AN ACT relative to the distribution of meals and rooms tax revenues to cities and towns, and relative to table gaming and video lottery at certain locations throughout the state and relative to the recovery of horse racing.

Amend the bill by replacing all after section 1 with the following:

2 Statement of Purpose: The general court finds that:

I. Regulation of all forms of gaming is vitally important to the economy of the state and the general welfare of New Hampshire citizens.

II. By virtue of New Hampshire's location, natural resources, and development, tourism is a critically important and valuable asset in the continued viability of the state and strength of its communities.

III. New Hampshire has an interest in promoting economic recovery, revenue, and job creation as soon as possible through the development of regulated gaming in order to preserve the quality of life for New Hampshire residents.

IV. The state will limit the proliferation of gaming by controlling the locations for gaming sites in New Hampshire. The locations shall be determined based on demographics, population, access to appropriate transportation, suitability for tourism, local resources, and development opportunities.

V. Any license issued or permission granted pursuant to the provisions of RSA 284-A is a revocable privilege and no holder acquires any vested right in such license or permission.

3 New Chapters; Video Lottery Machines; Table Games; Commission to Study Regulatory Oversight Commission. Amend RSA by inserting after chapter 284 the following new chapters:

CHAPTER 284-A

VIDEO LOTTERY MACHINES

284-A:1 Definitions.

I. "Affiliated" means a person who directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with, a specified person.

II. "Applicant" means any person, officer, director, or key employee, who on his or her own behalf or on behalf of another, is applying for permission to engage in any act or activity which is regulated under the provisions of this chapter. In cases in which the applicant is a corporation, foundation, organization, business trust, estate, limited liability company, trust, partnership, limited partnership, association, or any other form of legal business entity, the lottery commission shall determine the affiliated persons whose qualifications must be provided and reviewed as a precondition to the licensing of the applicant.

III. "Central computer system" means a central monitor and control system provided and monitored by the lottery commission to which video lottery terminals communicate for purposes of information retrieval, retrieval of the win and loss determination from video lottery machines, and programs to activate and disable video lottery machines.

IV. "Charitable gaming" means games of chance and other gaming as permitted under RSA 287-A, RSA 287-D, and RSA 287-E.

V. "Facility operator applicant" means the applicant applying for approval by the lottery commission as a facility operator licensee.

VI. "Facility operator licensee" means the facility operator licensed by the lottery commission to possess, conduct, and operate video lottery machines at a facility location.

VII. "Facility location" means the land, buildings, structures, and any portion thereof approved by the lottery commission for video lottery machine operations by a facility operator licensee.

VIII. "Key employee" means any individual who is employed in a director or department head capacity and who is authorized to make discretionary decisions that regulate video lottery machine operations, including the general manager and assistant manager of the operator licensee or technology provider, director of operations, director of cage or credit operations, director of surveillance, director of marketing, director of management information systems, director of security, comptroller, and any employee who supervises the operations of these departments or to whom these department directors or department heads report, and such other positions which the lottery commission shall determine based on detailed analyses of job descriptions as provided in the internal controls of the licensee. All other gaming employees shall be considered non-key employees.

IX. "License A" means the license issued to a facility operator licensee to operate up to 3,500 video lottery machines at a facility location pursuant to this chapter and for which license the facility operator licensee pays an initial license fee of \$50,000,000.

X. "License B" means the license issued to a facility operator licensee to operate up to 3,500 video lottery machines at a facility location pursuant to this chapter and for which license the facility operator licensee pays an initial license fee of \$50,000,000.

XI. "License C" means the license issued to a facility operator licensee to operate up to 2,000 video lottery machines at a facility location pursuant to this chapter and for which license the facility operator licensee pays an initial license fee of \$30,000,000.

XII. "License D" means the license issued to a facility operator licensee to operate up to 1,000 video lottery machines at a facility location pursuant to this chapter and for which license the facility operator licensee pays an initial license fee of \$15,000,000.

XIII. "Licensee" means any applicant licensed by the lottery commission under this chapter.

XIV. "Net machine income" means all cash or other consideration utilized to play a video lottery machine at a facility licensee, less all cash or other consideration paid to players of video lottery machines as winnings. Non-cashable promotional credits shall be excluded from the calculation.

XV. "Progressive jackpot" means a prize that increases over time or as video lottery machines that are linked to a progressive system are played. Upon conditions established by the lottery commission, a progressive jackpot may be paid by annuity.

XVI. "Progressive system" means one or more video lottery machines linked to one or more common progressive jackpots.

XVII. "Request for application" means a request for applications to be submitted by applicants to the lottery commission pursuant to RSA 284-A:3.

XVIII. "Table game" means games authorized pursuant to RSA 284-B.

XIX. "Technology provider" means any person or entity which designs, manufactures, installs, distributes, or supplies video lottery machines for sale or lease to the facility operator licensees, and which are for use by a facility operator licensee for conducting video lottery games in accordance with this chapter.

XX. "Technology provider license" means the license issued by the lottery commission to a technology provider licensee which allows the technology provider licensee to design, manufacture, install, distribute, or supply video lottery machines for sale or lease to the facility operator licensees.

XXI. "Technology provider licensee" means a technology provider that is licensed by the lottery commission.

XXII. "Token" means the coin or coupon, which is not legal tender, sold by a cashier in a face amount equal to the cash paid by a player for the sole purpose of playing a video lottery machine at the facility licensee or paid to a player of a video lottery machine, which can be exchanged for cash at the facility licensee.

XXIII. "Video lottery" means any lottery conducted with a video lottery machine or linked video lottery machines with an aggregate progression prize or prizes. Video lottery conducted pursuant to this chapter shall not be considered a state-run lottery.

XXIV. "Video lottery machine" means an electronic, mechanical, or computerized machine which, upon the insertion of bills, coins, tokens, or any representative of value is available to be played where, by chance or skill, or both, the player may receive cash, cash equivalents, or tokens. Video lottery machines include, but are not limited to, slot machines, video poker machines, and other lottery machines. A machine shall be considered a video lottery machine notwithstanding the use of an electronic credit system making the deposit of bills, coins, or tokens unnecessary. Video lottery machines do not include any redemption slot machines and redemption poker machines as defined in RSA 647 or video poker machines or other similar machines used for amusement purposes only.

284-A:2 Video Lottery Oversight and Regulation.

I. No license shall be issued to any person under this chapter without prior approval of the lottery commission pursuant to this chapter and RSA 284:21-w. The lottery commission shall only issue licenses to persons who operate video lottery machines at a facility location after meeting the requirements of this chapter. The lottery commission shall have the exclusive authority to license and regulate the installation, operation, and conduct of video lottery machines.

II. The lottery commission shall have general responsibility for the implementation of this chapter and shall adopt rules, that include as a minimum guidance from the North American Gaming Regulators Association, under RSA 541-A relative to:

(a) Issuing requests for applications, and hearing and deciding all license applications or recommendations for the suspension or revocation of any license issued under this chapter.

(b) Conducting all investigations in conjunction with the attorney general required under this chapter with regard to the application of any applicant for any license.

(c) Conducting hearings pertaining to civil violations, rules, and penalties required under this chapter.

(d) Establishing standards for licensure and a reasonable fee structure for the licensing and renewal of licenses for facility operators and technology providers consistent with this chapter.

(e) Establishing technical standards for approval of video lottery machines, including mechanical and electrical reliability and security against tampering, as deemed necessary to protect the public from fraud or deception and to insure the integrity of the operation.

(f) Establishing standards for the competitive review of facility operator applicants pursuant to RSA 284-A:4.

(g) Ensuring that all licensees update the lottery commission with regard to any change in ownership or material change in information or data regarding the licensee that the commission determines is necessary and appropriate.

(h) Ensuring that any facility operator licensee seeking to host or operate table games at a facility licensee location has appropriate approvals from the lottery commission pursuant to RSA 284-B.

(i) Prescribing the methods and forms of application which any applicant shall follow and complete prior to consideration of the application by the commission.

(j) Prescribing the methods, procedures, and form for delivery of information concerning any person's family, habits, character, associates, criminal record, business activities, and financial affairs.

(k) Prescribing procedures for the fingerprinting of an applicant, employee of a licensee, or registrant, or other methods of identification which may be necessary in the judgment of the commission to accomplish effective enforcement of restrictions to access to the licensed facility.

(l) Prescribing the manner and procedure of all hearings conducted by the commission or any hearing examiner, including special rules of evidence applicable thereto and notices thereof.

(m) Prescribing the method of collection of payments of taxes, fees, and penalties.

(n) Defining and limiting the areas of operation, the rules of authorized games, odds, and devices permitted, and the method of operation of such games and devices.

(o) Prescribing grounds and procedures for the revocation or suspension of licenses.

(p) Governing the manufacture, distribution, sale, and servicing of gaming devices and equipment.

(q) Prescribing minimum procedures for the exercise of effective control over the internal fiscal affairs of a licensee, including provisions for the safeguarding of assets and revenues, the recording of cash and evidence of indebtedness, and the maintenance of reliable records, accounts, and reports of transactions, operations, and events, including reports to the lottery commission.

(r) Providing for a minimum standard of accountancy methods, procedures, and forms; a uniform code of accounts and accounting classifications; and such other standard operating procedures as may be necessary to assure consistency, comparability, and effective disclosure of all financial information.

(s) Requiring quarterly financial reports and the form thereof, and an annual audit prepared by a certified public accountant licensed to do business in this state, attesting to the financial condition of a licensee and disclosing whether the accounts, records, and control procedures examined are maintained by the licensee as required by this chapter.

(t) Governing the gaming-related advertising of licensees, their employees and agents, with the view toward assuring that such advertisements are in no way deceptive and promote the purposes of this chapter; provided, however, that such rules shall require the words "Bet with your head, not over it," or some comparable language approved by the lottery commission, to appear on all billboards, signs, and other on-site advertising of a licensee operation and shall require the words "If you or someone you know has a gambling problem and wants help, call 1-800-GAMBLER," or some comparable language approved by the commission, provided such language shall include the words "gambling problem" and "call 1-800-GAMBLER," which shall appear legibly on all print, billboard, and sign advertising of a casino operation.

(u) Providing for the establishment and maintenance by the lottery commission of a list of persons who are to be excluded or ejected from any facility licensed under RSA 284, because of the person's criminal background or presence in a licensed facility would be, in the opinion of the lottery commission, inimical to the interests of the state, including standards relating to persons to be excluded, and providing for a self-exclusion program to be established by facility operator licensees, whereby persons who are problem gamblers can be excluded or ejected from a licensed facility.

(v) The licensing process and approval process for selecting the provider of the central computer system.

III. Pending the adoption of rules under RSA 541-A, the lottery commission shall adopt interim rules pursuant to RSA 541-A:19 relative to the licensing process within 90 days of the effective date of this chapter. Notwithstanding any law to the contrary such interim rules shall remain in effect until final rules relative to standards set forth in RSA 284-A:2, II are adopted pursuant to RSA 541-A, which shall be no later than 270 days from the effective date of this chapter.

IV. The lottery commission shall provide and operate a single central monitor and control system into which all licensed video lottery machines shall be connected.

(a) The central monitor and control system shall be capable of:

(1) Continuously monitoring, retrieving, and auditing the operations, financial data, and program information of all video lottery machines;

(2) Allowing the lottery commission to account for all money inserted in and payouts made from any video lottery terminal;

(3) Disabling from operation or play any video lottery machine as the lottery commission deems necessary to carry out the provisions of this chapter;

(4) Supporting and monitoring a progressive jackpot system capable of operating one or more progressive jackpots; and

(5) Providing any other function that the lottery commission considers necessary.

(b) The central monitor and control system shall employ a widely accepted gaming industry communications protocol, as approved by the Gaming Standards Association, to facilitate the ability of video lottery machine manufacturers to communicate with the statewide system.

(1) Except as provided in subparagraph (2), the lottery commission shall not allow an operator licensee to have access to, or obtain information from, the central monitor and control system.

(2) If the access does not in any way affect the integrity or security of the central monitor and control system, the lottery commission may allow an operator licensee to have access to the central monitor and control system that allows the licensee to obtain information pertinent to the legitimate operation of its video lottery.

V. The lottery commission may issue subpoenas and compel the attendance of witnesses, and may administer oaths and require testimony of witnesses under oath.

VI. No later than November 1 of each calendar year, the lottery commission shall submit a report to the fiscal committee of the general court, regarding the operation of video lottery machines. Such report may include recommendations for future legislation.

VII.(a) The lottery commission shall keep a written record of all proceedings of public meetings of the commission.

(b) The lottery commission shall keep and maintain a list of all applicants for licenses it receives under this chapter together with a record of all actions taken with respect to such applicants. Subject to subparagraphs (d) and (e), a file and record of the actions by the lottery commission shall be open to public inspection provided, however, that the information regarding any applicant whose license or registration has been denied, revoked, or not renewed shall be removed from such list after 5 years from the date of such action.

(c) The lottery commission shall maintain such other files and records as the commission determines is necessary. All records maintained by the lottery commission may be maintained in digital or other format, provided that such information can be produced in written form upon the request of the commission.

(d) All information and data required by the lottery commission to be furnished to it, or which may otherwise be obtained, shall be considered to be confidential and shall not be revealed in whole or in part except in the course of the necessary administration of this chapter, or upon the lawful order of a court of competent jurisdiction, or, with the approval of the attorney general, to a duly authorized law enforcement agency.

(e) All information and data pertaining to an applicant's or key employee's finances, family, and background furnished to or obtained by the lottery commission from any source shall be considered confidential and shall be withheld in whole or in part. Such information shall be released upon the lawful order of a court of competent jurisdiction or to a duly authorized law enforcement agency. Notwithstanding the above, the criminal record of an applicant or a key employee shall be available for review as a public record of the lottery commission.

(f) Notice of the contents of any information or data to be released, except to a duly authorized law enforcement agency pursuant to subparagraph (d) or (e), shall be given to any applicant, registrant, or licensee in a manner prescribed by the rules adopted by the lottery commission so that the applicant, registrant, or licensee has the opportunity to object to such release.

VIII. The lottery commission, the attorney general, and the division of state police gaming enforcement unit may from time to time contract for such financial, economic, or security consultants, and any other technical and professional services as the lottery commission deems necessary for the discharge of its duties.

284-A:3 Number of Facility Operator Licenses

I. The lottery commission shall review, select, and grant licenses for up to 4 facility operators: license A, license B, license C, and license D. Facility operators granted a license A or a license B may operate up to 3,500 video lottery machines each at their respective facility locations. A facility operator granted a license C may operate up to 2,000 video lottery machines at its facility location. A facility operator granted a license D may operate up to 1,000 video lottery machines at its facility location.

II. In order to facilitate the timely and orderly deployment of licensed gaming operations in this state, the lottery commission shall adopt a schedule by which applications for facility operators and technology providers shall be filed, considered, and resolved in accordance with the provisions of this section. In so doing, the lottery commission shall consider, approve, condition, or deny the approval of all filed applications for technology providers at least simultaneously with the lottery commission's approval, denial, or conditional approval of any facility operator license applications.

III. The lottery commission shall issue a request for applications for facility operators pursuant to the process set forth in this section. The lottery commission shall approve, approve with condition, or deny all applications submitted. The first request for applications shall be issued within 30 days of the adoption of interim rules by the lottery commission pursuant to RSA 284-A:2, III. Such first request for applications shall be for a license A facility operator and a license C facility operator. The request for applications shall require all applications in response to the first request for applications to be submitted by no later than December 15, 2010. The lottery commission shall issue a request for applications for a license B facility operator and a license D facility operator by December 31, 2011 and such applications shall be submitted no later than February 15, 2012.

IV. The lottery commission shall not issue a request for applications from or issue a license to any applicant seeking to operate video lottery machines or table games at a facility location within a radius of 5 miles of the facility location of any other facility operator licensee.

284-A:4 License Requirements for Facility Operators.

I. A facility operator shall obtain a facility operator's license from the lottery commission to possess, conduct, and operate video lottery machines as follows:

(a) An applicant shall complete and sign an application on forms and in a manner prescribed by the lottery commission.

(b) The applicant shall include information regarding:

(1) The applicant's criminal history background including authorization for a criminal background and records check, and an attested disclosure of all arrests and citations for non-traffic offenses;

(2) Civil judgments;

(3) Financial affairs;

(4) The full name, address, date of birth, and other personal identifying information of the applicant and all key employees;

(5) If a corporation or other form of business enterprise, the information required by this subparagraph shall be provided with respect to each partner, trustee, officer, director, and any shareholder or other holder who owns more than 10 percent of the legal or beneficial interests of such entity; and

(6) The identity of the owners of the facility location along with information required by this subparagraph shall be provided with respect to each owner, partner, principal, trustee, officer, director and any shareholder or other holder who owns more than 10 percent of the legal or beneficial interest of such facility location. If the owner of the facility location is not an affiliate of the applicant, the applicant shall also submit a copy of the proposed lease agreement and executed letter of intent between the facility location and the applicant.

(c) The lottery commission shall not accept applications from applicants except within the timeframe prescribed by the request for applications issued by the lottery commission.

(d) If the applicant or any principal has held or holds a gaming or video lottery machine license in a jurisdiction where video lottery machine activities are permitted, the applicant shall so state and may produce either a letter of reference from the gaming or lottery enforcement or control agency which sets forth the ex-

perience of that agency with the applicant, the applicant's associates and gaming operations, or a statement under oath that the applicant is or was during the period the activities were conducted in good standing with the agency.

(e) The application shall be accompanied by a complete description of the proposed project including a description of the facility location and all supporting amenities, type and number of video lottery machines, and type and number of table games.

(f) The application shall include information explaining how the proposed project meets the following criteria:

(1) The availability of local resources to support services and amenities necessary to accommodate projected guest volume in the form of transportation, rooms and meals, utilities, law enforcement, and mental health services.

(2) The immediate and long range financial feasibility of the applicant's proposed project including a projection of the revenues to be produced by the operation of the video lottery machines at the facility location, and proposed table games if applicable, as supported by an expert experienced in the field of gaming.

(3) A licensing fee payment bond, letter of credit, or guaranty on private equity or other fund with demonstrated cash and reserve availability supporting the applicant's ability to pay the licensing fee.

(4) The development of jobs for the local community and a commitment to equal opportunity employment.

(5) The ability of the applicant's proposed facility location to efficiently generate and sustain an acceptable level of revenue and revenue growth.

(6) The ability of the applicant to comply with statutory, regulatory, and technical standards applicable to the design of the proposed facility.

(7) The demonstrated experience of the owners of the facility operator in developing, constructing, and managing a similar enterprise.

(8) The character and fitness of the principals and key employees of the facility operator.

(9) The accessibility of the proposed facility location to public access and public highway infrastructures.

(10) The suitability of the proposed location and facility design for tourism and entertainment, including the applicant's degree of control over the facility location, the applicant's projected capital investment in the facility, compatibility of local zoning, commercial development opportunities and the applicant's plan to meet community needs.

(11) Whether the applicant has support of the municipality in which the project is proposed by local referendum consistent with RSA 284-A:9.

(12) The availability of space in the facility for charitable gaming to take place under RSA 287-D.

(13) A proposed system of internal security and accounting controls.

II.(a) Within 30 days of receiving an application, the lottery commission shall examine the application, notify the applicant whether the application is complete pursuant to RSA 284-A:6, VIII. The applicant shall be given the opportunity to correct any deficiencies within the timeframe prescribed by the lottery commission and the lottery commission shall thereafter confirm whether the application is complete or incomplete.

(b) If the lottery commission determines that there is only one complete application for a particular license, then the lottery commission shall review such application and within 30 days determine whether the applicant meets the criteria set forth in subparagraph I(f). The lottery commission shall give the applicant the opportunity to respond to questions concerning any of the criteria and to submit such additional information as may be requested. If such a determination is made, the applicant shall proceed to a character and fitness review by the attorney general and a final license review by the lottery commission pursuant to RSA 284-A:6.

(c) To the extent more than one application for a particular license is confirmed complete pursuant to subparagraph (a), the lottery commission shall schedule a hearing within 30 days of confirming completeness pursuant to the hearing process set forth in RSA 541-A regarding adjudicative proceedings. Competing applicants will serve pre-hearing memoranda as prescribed by the lottery commission which shall include

at a minimum a summary of evidence each applicant intends to present in support of its application for licensure. Competing applications will be heard separately by the lottery commission at one hearing. There will be no right for one application to cross-examine witnesses of a competing applicant. Upon conclusion of the hearing, based on the evidence submitted, the lottery commission shall determine which applicant demonstrates superiority in meeting the criteria of subparagraph I(f) based on evidence that the applicant's experience, project design, availability of resources, and local support will enable the applicant to quickly, efficiently, and effectively begin operations, generate revenues to the state, attract tourism from out of state, accommodate traffic, and support the community. The lottery commission shall order the successful applicant to proceed to a character and fitness review by the attorney general and a final license review by the lottery commission pursuant to RSA 284-A:6.

(d) Subject to RSA 284-A:3, IV, no facility operator applicant denied approval by the lottery commission pursuant to this paragraphs I and II, shall be prevented from responding to subsequent requests for applications.

(e) Upon issuance of an initial determination that a facility operator applicant for a license A or license C meets the criteria under subparagraph I(f), the lottery commission shall, upon the direction of the fiscal committee of the general court, require such facility operator applicants to pay the applicable license fee set forth in subparagraph IV(c) to the lottery commission. The amount paid by any such facility operator applicant shall be refunded to such facility operator applicant if a final license is not issued to such facility operator applicant pursuant to subparagraph III(c) and RSA 284-A:6, XI.

III.(a) The attorney general shall conduct a background review of each facility operator applicant upon an initial determination pursuant to RSA 284-A:4, II above and any of its principals and key employees, and owners, principals and key employees of the facility location if not an affiliated with the applicant, consistent with RSA 284-A:4. The background review may be conducted through any appropriate state or federal law enforcement system and the authorized reviewers may seek information as to the subject's financial, criminal, or business background, or any other information which the attorney general, in his or her sole discretion, may find relevant to the subject's fitness to be associated with the ownership or management of the operation of video lottery machines in New Hampshire, including, but not limited to, the subject's character, personal associations, and the extent to which the subject is properly doing business in the manner in which it purports to operate. If the applicant is a pari-mutuel licensee licensed and authorized to conduct racing, whether live, simulcast, or both, as provided in RSA 284:16 or RSA 284:16-a at a pari-mutuel licensee location, and the attorney general has conducted a background investigation pursuant to RSA 284:15-b within the 12 months prior to the application filing, the attorney general may rely on the results of the previous investigation to the extent the applicant's circumstances have not materially changed. The attorney general shall also take into consideration as evidence of fitness a letter of reference or sworn statement of good standing produced pursuant to subparagraph I(d). The attorney general shall report the results of the background review to the lottery commission within 60 days. Notwithstanding any other law to the contrary, the information provided to the attorney general and the results of any such review shall be confidential and shall not be subject to disclosure or to public inspection, except that the attorney general, in the attorney general's sole discretion, shall determine the extent to which and the manner in which said results may be reported to the lottery commission or other state agency or official and, if reported, whether such results are to retain their confidential character; provided, however, that whenever the attorney general conducts such a review, the attorney general shall notify the lottery commission whether or not in his or her opinion such person is fit to be associated with participation in the ownership or management of the operation of video lottery machines in this state. The attorney general may conduct such review on the attorney general's motion into the background of the license applicant or holder, or any person or entity upon whom the license applicant or holder relies for financial support.

(b) In any review conducted pursuant to subparagraph (a), the attorney general or any duly authorized member of the attorney general's staff may require by subpoena or otherwise the attendance of witnesses and the production of such correspondence, documents, books, and papers as he or she deems advisable, and for purposes of this section, may administer oaths and take the testimony of witnesses.

(c) Upon receipt of the report of the attorney general, the lottery commission shall determine whether the facility operator applicant meets the criteria for issuance of a license pursuant to RSA 284-A:6.

IV.(a) The lottery commission shall impose an application fee of \$100,000 which shall be used to defray the cost of processing the application. If the cost of processing the application exceeds \$100,000, the applicant shall pay the difference.

(b) The attorney general shall impose an investigation fee of \$50,000 which shall be used to defray the cost of the background investigation. If the cost of the background investigation exceeds \$50,000, the applicant shall pay the difference.

(c) Upon approval of a facility operator licensee, the lottery commission shall charge an initial license fee of \$50,000,000 for a facility operator licensee seeking a license A or license B; \$30,000,000 for a facility operator licensee seeking a license C; and \$15,000,000 for a facility operator licensee seeking a license D. The lottery commission shall charge a license fee of \$1,500,000 to renew a license A or license B; \$1,000,000 to renew a license C; and \$500,000 to renew a license D; however, such person seeking renewal of such license shall pay all costs incurred by the attorney general to conduct an investigation with regard to such application to renew the facility operator's license. Notwithstanding any other provision of this chapter, the first \$50,000,000 received by the lottery commission pursuant to this subparagraph shall be dedicated to the department of health and human services for the purposes of restoring programming and rate reductions.

284-A:5 Technology Provider Licensee Applications. A technology provider licensee applicant shall obtain a technology provider license from the lottery commission, as follows:

I. An applicant shall complete and sign an application on forms and in a manner prescribed by the lottery commission.

II. The applicant shall include information regarding:

(a) The applicant's criminal history background including authorization for a criminal background and records check, and an attested disclosure of all arrests and citations for non-traffic offenses;

(b) Civil judgments;

(c) Financial affairs using a multi-jurisdictional personal history disclosure form;

(d) The full name, address, date of birth, and other personal identifying information of the applicant and all key employees; and

(e) If a corporation or other form of business enterprise, the same information shall be provided with respect to each partner, trustee, officer, director, and any shareholder or other holder who owns more than 10 percent of the legal or beneficial interests of such entity.

III. If the applicant or any owner has held or holds a technology provider, manufacturer, or supplier's license in a jurisdiction where video lottery machine activities are permitted, the applicant shall so state and may produce either a letter of reference from the gaming or lottery enforcement or control agency which sets forth the experience of that agency with the applicant, the applicant's associates, and gaming operation, or a statement under oath that the applicant is or was during the period the activities were conducted in good standing with the agency.

IV. The attorney general shall conduct a background review of each technology provider applicant and any of its owners and key employees. The review may be conducted through any appropriate state or federal law enforcement system and may seek information as to the subject's financial, criminal, or business background, or any other information which the attorney general, in his or her sole discretion, may find relevant the subject's fitness to be associated with the distribution of video lottery machines in New Hampshire, including, but not limited to, the subject's character, personal associations, and the extent to which the subject is properly doing business in the manner in which it purports to operate. The attorney general shall take into consideration as evidence of fitness a letter of reference or sworn statement of good standing. The attorney general shall report the results of the review to the lottery commission within 60 days. Notwithstanding any other law to the contrary, the information provided to the attorney general and the results of any such review shall be confidential and shall not be subject to disclosure or to public inspection, except that the attorney general, in the attorney general's sole discretion, shall determine the extent to which and the manner in which said results may be reported to the lottery commission or other state agency or official and, if reported, whether such results are to retain their confidential character; provided, however, that whenever the attorney general conducts such a review, the attorney general shall notify the lottery commission whether or not in his or her opinion such person is fit to be associated with the distribution of video lottery machines in this state. The attorney general may conduct a background review on the attorney general's motion into the background of the license applicant or holder, or any person or entity upon whom the license applicant or holder relies for financial support.

V. In any review conducted pursuant to paragraph IV, the attorney general or any duly authorized member of the attorney general's staff may require by subpoena or otherwise the attendance of witnesses and the production of such correspondence, documents, books, and papers as he or she deems advisable, and for purposes of this section, may administer oaths and take the testimony of witnesses.

VI.(a) The lottery commission shall charge the technology provider applicant an application fee of \$100,000 which shall be used to defray the cost of processing the application. If the cost of processing the application exceeds \$100,000, the applicant shall pay the difference.

(b) The attorney general shall charge the technology provider applicant an investigation fee of \$25,000 which shall be used to defray the cost of the background investigation. If the cost of the background investigation exceeds \$25,000, the applicant shall pay the difference.

(c) Upon approval of a technology provider licensee, the lottery commission shall charge an initial license fee of \$50,000. The lottery commission shall charge a fee of \$50,000 to renew a license to a technology provider licensee provided, however, such person seeking renewal of its license shall pay all costs incurred by the attorney general to conduct an investigation with regard to such application to renew the operator's license.

284-A:6 Licensure Requirements for All Licenses.

I. No license shall be issued by the lottery commission unless the applicant demonstrates it complies with the provisions of this section. The lottery commission shall consider as evidence of compliance any letter of reference or sworn statement of good standing from the gaming or lottery enforcement or control agency in every jurisdiction where the applicant has held or holds a gaming or video lottery machine license submitted pursuant to RSA 284-A:4, I(d) or RSA 284-A:5, III. The lottery commission shall consider:

(a) The applicant's financial stability, integrity, and responsibility, considering, without limitation, bank references, business and personal income and disbursement schedules, tax returns, and other reports filed with governmental agencies, business and personal accounting records, check records, and ledgers.

(b) The trustworthiness of all financial backers, investors, mortgagees, bondholders, and holders of indentures, notes, and other evidences of indebtedness of the applicant, its affiliated persons, subsidiaries, or holding companies.

(c) The applicant's good character, honesty, and integrity, considering, without limitation, information pertaining to family, habits, character, reputation, criminal and arrest record, business activities, financial affairs, and business, professional, and personal associates, covering at least the 10-year period immediately preceding the filing of the application.

(d) The applicant's business ability and experience in the operation of video lottery machines, as appropriate, so as to establish the likelihood of a successful and efficient operation.

(e) Disclosure of any material administrative or enforcement actions pending in other jurisdictions.

II. No license shall be issued by the lottery commission to any applicant unless the applicant proves that each director, officer, or key employee of the applicant, its principals, subsidiaries, and holding companies complies with the criteria for licensure contained in this section. The lottery commission may waive the requirements of this section for a person directly or indirectly holding ownership of securities in a publicly traded corporation if the board determines that the holder of the securities is not significantly involved in the activities of the corporation and does not have the ability to control the corporation or elect one or more directors thereof. The lottery commission may determine whether the licensing standards of another jurisdiction within the United States or Canada in which an applicant, its affiliate, intermediary subsidiary, or holding company for an operator or technology vendor license is similarly licensed are comprehensive and thorough and provide similar adequate safeguards as those required by this chapter. If the lottery commission makes that determination, it may determine that the facility operator or technology vendor meets the standards set forth in RSA 284-A:6, I if an applicant holds a similar license in such other jurisdiction after conducting an evaluation of the information relating to the applicant from such other jurisdiction, as updated by the lottery commission, and evaluating other information related to the applicant received from that jurisdiction and other jurisdictions where the applicant may be licensed. The lottery commission may incorporate such information, in whole or in part, into its or the attorney general's evaluation of the applicant.

III. No license shall be issued by the lottery commission to any applicant if the applicant, any key employee, or any individual who has an ownership or financial interest in or with the applicant or its facility location is an

elected official of the general court or executive branch of the state of New Hampshire or the attorney general's office or the lottery commission on a full or part-time or contractual basis at any time during the previous 2 years. If any such applicant, key employee, or any individual who has an ownership or financial interest in the applicant becomes such an elected official, the applicant shall be subject to sanctions pursuant to RSA 284-A:14.

IV. In the event the lottery commission finds that an individual who is a principal or has an interest in the applicant does not meet the eligibility requirements of paragraph I herein, and on this basis the applicant shall be denied a license, the lottery commission may afford the individual the opportunity to completely divest his or her interest in the applicant and after such divestiture reconsider the applicant's suitability for licensure in an expedited proceeding and may, after such proceeding, issue the applicant a license.

V. No license shall be issued to a facility operator applicant unless the applicant has obtained local approval as provided in RSA 284-A:9.

VI. No licensee or any individual or entity that is an owner of, or has a financial interest in or with, the licensee or facility location shall be permitted to make a political contribution as defined by RSA 664:2, VIII.

VII.(a) The lottery commission shall grant or deny a license under this chapter within 75 days of receiving a completed application, notwithstanding the adoption of interim or final rules, consistent with RSA 541-A. No facility operator licensee may begin operations until the lottery commission has adopted final rules. Once final rules have been adopted, a facility operator licensee may commence operations in a temporary facility while completing construction of the permanent facility.

(b) The lottery commission may impose reasonable requirements upon a facility operator licensee with respect to the completion of construction of the permanent facility, provided that the lottery commission may amend, modify, or waive such conditions upon good cause shown by the facility operator licensee and determined by the lottery commission.

VIII. The lottery commission shall not consider an incomplete application and shall notify the applicant in writing if an application is incomplete. An application shall be considered incomplete if it does not include all applicable fees and all information and accompanying documentation required by the commission, including, but not limited to, a current tax lien certificate issued by the department of revenue administration at the time of filing the application. Any unpaid taxes identified on the tax lien certificate shall be paid before the application is considered complete. A notification of incompleteness shall state the deficiencies in the application that must be corrected prior to consideration of the merits of the application.

IX. Notwithstanding any law to the contrary, the lottery commission shall not consider any application for a license if the applicant or any person affiliated with or directly related to the applicant is a party in any ongoing civil proceeding in which the party is seeking to overturn or otherwise challenge a decision or order of the lottery commission pertaining to the approval, denial or conditioning of a license to operate video lottery machines. This paragraph shall not be interpreted to affect the rights of applicants to seek judicial enforcement of mandatory obligations of boards or commissions as may be required by this part.

X. The applicant at all times shall have the burden of establishing its eligibility and suitability for licensure. If the applicant does not meet the requirements for licensure, the lottery commission may deny, revoke, suspend, or condition the license until the applicant meets the requirements.

XI. Following approval of an application for a license, the applicant shall provide formal notification to the commission as soon as:

(a) It fulfills all required conditions for issuance of the license; and

(b) The board's decision approving the application is a final, binding, nonappealable determination which is not subject to a pending legal challenge. Upon receipt of such formal notification, upon conducting any necessary verification, and payment of the license fee, the lottery commission shall issue a license to the applicant. The licensee shall pay any applicable licensing fees in full within 15 days of receiving the license, provided, however, any payment made by an applicant pursuant to RSA 284-A:4, II(e) shall be a complete credit for the initial fee due pursuant to RSA 284-A:4, IV(c).

XII. Applicants may appeal the denial of a license to the New Hampshire supreme court, pursuant to RSA 541. Notwithstanding any law to the contrary, such appeal shall be filed with the clerk of the supreme court within 5 days after the commission has denied any request for reconsideration. Such appeal shall be limited to questions of law. Findings of fact made by the commission shall be final if supported by the requisite evidence. The supreme court may hold a special session to consider such appeal if it considers such action necessary.

284-A:7 Exclusion of Minors.

I. No person under 21 years of age shall play a video lottery machine authorized by this chapter. Each violation of this paragraph shall be punishable by a fine of no more than \$2,400 and shall be payable by such person who violates this section.

II. No operator licensee shall knowingly permit any person under 21 years of age to play or participate in any aspect of the play of a video lottery machine or table game. Each violation of this paragraph shall be punishable by a fine of no more than \$20,000 and shall be payable by the operator licensee.

284-A:8 Distribution of Net Machine Income.

I.(a) Thirty nine percent of the net machine income generated by video lottery machines at a facility licensee shall be paid as follows:

(1) Thirty percent of the net machine income generated by video lottery machines shall be paid to the state from which the state shall pay for the costs of regulation administration, enforcement of this chapter under RSA 21-P:11-b, and the operation of the central computer system, and the balance shall be deposited in the general fund of the state.

(2) Three percent of the net machine income generated by video lottery machines operated by a facility operator licensee in any specific municipality shall be paid to the municipality in which the operator licensee operates video lottery machines.

(3) Three percent of the net machine income generated by video lottery machines operated by a facility operator licensee shall be paid to the state treasurer to be divided equally amongst each county in the state for property tax relief in each county.

(4) One percent of the net machine income generated by video lottery machines operated by a facility operator licensee shall be paid in equal portions to each of the municipalities of New Hampshire which abut and are contiguous to a municipality in which that operator licensee operates video lottery machines; provided, however, that if a municipality abuts and is contiguous to more than one municipality in which an operator licensee operates video lottery machines, such municipality shall only receive net machine income pursuant to this paragraph from the operator licensee who operates video lottery machines in the same county as the abutting municipality.

(5) One percent of the net machine income generated by all video lottery machines shall be paid to the state treasurer and credited to the commissioner of the department of health and human services to support programs established by RSA 172 to treat problem gambling.

(6) One-half of one percent of the net machine income generated by video lottery machines shall be paid to the state treasurer and credited to the division of travel and tourism development, department of resources and economic development, for the purpose of promoting tourism in the state.

(7) One-half of one percent of the net income generated by all video lottery machines shall be paid equally to the police standards and training council training fund established in RSA 188-F:30 and the fire standards and training and emergency medical services fund established RSA 21-P:12-d to be used for reimbursement of expenses incurred for certification training and salaries.

II. The balance of the funds from the net machine income from video lottery machines shall be retained by the facility operator licensee that operates such video lottery machines.

III. The facility operator licensee shall deliver the amounts payable to the state or municipality as provided in paragraph I or II in immediately available funds of the United States on a daily basis. At the time payment is delivered, the operator licensee shall provide a written accounting of net machine income generated from the video lottery machines by the operator licensee on an aggregate basis and the calculation of amounts due to the state separately for distribution pursuant to subparagraphs I(a)(1), (5), (6), and (7), the amount due the municipality pursuant to subparagraph I(a)(2), the amount due to the county pursuant to subparagraph I(a)(3), the amount due certain municipalities pursuant to subparagraph I(a)(4), and the balance of net machine income retained by the operator licensee. The facility operator licensee shall pay a penalty of \$1,000 for each day that payment or the accounting is not delivered on time to the state, a penalty of \$1,000 for each day that payment or the accounting is not delivered to the municipality on time, and a penalty of \$1,000 for each day that payment or the accounting is not delivered to the county on time.

284-A:9 Procedures for Adoption by Local Community.

I. Any municipality in which a facility location is or proposes to be situated may adopt the provisions of RSA 284-A to allow the operation of video lottery machines in the following manner:

(a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the questions shall be placed on the warrant of an annual or special town meeting, by the governing body or by petition pursuant to RSA 39:3.

(b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, upon request of a facility operator applicant to authorize the operation of video lottery machines within the municipality in accordance with the provisions of RSA 284-A, the governing body shall place the question on the ballot to be voted upon at the next regularly scheduled municipal or biennial election unless such election is more than 90 days from the request. In such circumstance, the governing body shall place the question on the ballot for a special election called for the purpose of voting on said question and which special election shall occur within 75 days after the request is made. Such special election shall be held at the usual ward polling places by the regular election officials.

(c) In any unincorporated place, and notwithstanding any other provision of law to the contrary, upon the request of a facility operator applicant to authorize the operation of video lottery machines within the unincorporated place to either the moderator of the unincorporated place if the unincorporated place is organized to vote pursuant to RSA 668:1, or the clerk of the designated town if the unincorporated place is not organized for voting as provided in RSA 668:2, and the moderator or the clerk shall place the question on the ballot to be voted upon at the next regularly scheduled biennial election. The ballot shall be given to the individuals who are domiciled in such unincorporated place who are registered to vote.

(d) If a majority of those voting on the question vote "Yes," RSA 284-A shall apply in such town or city and the operation of video lottery machines shall be permitted within such town, city or unincorporated place in accordance with RSA 284-A. If a majority of those voting on the question vote "No" the question may be voted on at a subsequent time in accordance with this section provided, however, the town may consider the question at no more than one special meeting and the annual town meeting in the same calendar year after a "No" vote. A city or town subject to paragraph I(b) may consider the question at no more than one special election and a regular municipal or biennial election in the same calendar year after a "No" vote.

(e) The wording of the question shall be substantially as follows: "Shall we adopt the provisions of RSA 284-A allowing the operation of video lottery machines at [insert the name of the proposed facility location] located within the [insert name of town, city, or unincorporated place]"?

II. When a facility operator licensee requests a town, city, or unincorporated place to act under paragraph I, the facility licensee shall pay all costs associated with carrying out the actions under this section.

284-A:10 Inspection of Video Lottery Machines; Penalty for Tampering or Manipulating.

I. The lottery commission shall periodically test video lottery machines installed at any location. In conducting such tests, the lottery commission shall use the services of an independent laboratory, and the cost of such independent laboratory shall be paid by the technology provider.

II. Any person who purposely manipulates the outcome, payoff, or operation of any video lottery machine or table game by physical, electronic, or mechanical means, shall be guilty of a felony.

284-A:11 Video Lottery Machines.

I.(a) A facility operator licensee shall provide to the lottery commission prior to commencing operations of any video lottery machines, by diagram or narrative, a description of:

- (1) The location of each video lottery machine available for play by the public.
- (2) The location of all areas for the storage, maintenance, or repair of video lottery machines.
- (3) A description of all security measures to be taken for the safeguarding of video lottery machines.

(4) The location and security measures taken for the safeguarding of all moneys, tokens, or other items of value utilized in the use of video lottery machines.

(5) All procedures for the operation, maintenance, repair, and inserting or removing of moneys, tokens, or other items of value from video lottery machines; and

(6) All internal control systems as required by RSA 284:21-w.

(b) The provisions of subparagraphs (a)(1)-(6) shall be approved by the lottery commission prior to commencing the operation of any video lottery machine.

II. No video lottery machine shall be possessed, maintained, exhibited, brought into, or removed from a facility licensee by any person unless such machine has permanently affixed to it an identification number or symbol authorized by the lottery commission and prior notice of any such movement has been given to the lottery commission.

III. Each facility operator licensee shall maintain secure facilities for the counting and storage of all moneys, tokens, or other items of value utilized in the conduct of video lottery machines.

IV. The drop boxes and other devices shall not be brought into a facility licensee or removed from an video lottery machine, locked or unlocked, except at such specific times and such places and according to such procedures as the lottery commission may require to safeguard such boxes and devices and their contents.

V. No video lottery machine shall be used to conduct gaming unless it is identical in all electrical, mechanical, and other aspects to a model which has been specifically tested by the lottery commission and licensed for use by the lottery commission.

VI. Video lottery machines in operation at a facility licensee shall provide a payoff of an average of at least 90 percent, except that progressive jackpots shall have a payoff of an average of at least 87 percent.

VII. All tickets given as prizes or winnings from video lottery machines shall be redeemed for cash within one year after the date of winning. Upon the expiration of such one-year period, the value of such unredeemed tickets shall be considered net machine income of the issuing operator licensee.

VIII. A facility operator licensee shall not be restricted in the days of operation of video lottery machines.

IX. Video lottery machines shall be operated only at times when the public is allowed access to the locations. No automatic teller machines shall be located within 50 feet of video lottery machines.

X. All table games operated by a facility operator licensee shall be approved in advance by the lottery commission consistent with RSA 284-B and operated consistent with the approval.

284-A:12 Term of License. Any license issued pursuant to this chapter and any renewal thereof shall be valid for 5 years unless earlier suspended or revoked by the lottery commission. The lottery commission shall adopt procedures for license renewal that take into consideration whether the applicant has been previously licensed in good standing under this chapter. No license issued by the lottery commission may be transferred to a separate entity without approval by the lottery commission consistent with this chapter.

284-A:13 Presence of the Lottery Commission. The lottery commission and the division of state police gaming enforcement unit may be present at any facility licensee at which video lottery machines are operated at all times when the facility is open to the public. The licensee may be required by the lottery commission or gaming enforcement unit to provide such office space and equipment which the commission or unit shall determine is reasonably necessary or proper.

284-A:14 Sanction Powers of the Lottery Commission.

I. The lottery commission shall have exclusive authority following appropriate hearings and factual determinations, to impose sanctions against any person for any violation of this chapter or any rule of the lottery commission adopted under the provisions of this chapter as follows:

(a) Revocation or suspension of a license.

(b) Civil penalties as may be necessary to punish misconduct and to deter future violations, which penalties may not exceed \$50,000 for each violation.

(c) Restitution of any moneys or property unlawfully obtained or retained by a person.

(d) Issuance of a cease and desist order which specifies the conduct which is to be discontinued, altered, or implemented by the person.

(e) Issuance of letters of reprimand or censure, which shall be made a permanent part of the file of each person so sanctioned.

(f) Imposition of any or all of the foregoing sanctions in combination with each other.

II. In determining appropriate sanctions in a particular case, the lottery commission shall consider:

(a) The risk to the public and to the integrity of video lottery machine operations created by the conduct of the person.

(b) The seriousness of the conduct of the person and whether the conduct was purposeful or with knowledge that it was in contravention of the provisions of this chapter or the rules of the lottery commission.

(c) Any justification or excuse for such conduct.

(d) The prior history of the person involved.

(e) The corrective action taken by the person to prevent future misconduct of a like nature from occurring.

(f) In the case of a monetary penalty, the amount of the penalty in relation to the misconduct and the financial means of the person.

(g) In the event that a person receives 3 civil penalties during the term of such person's license, the lottery commission may subject such person to enhanced fines or other disciplinary action.

284-A:15 Declaration of Limited Exemption from Operation of Provisions of 15 U.S.C. section 1171-1172. Pursuant to section 2 of an act of Congress of the United States entitled "An act to prohibit transportation of gambling devices in interstate and foreign commerce," approved January 2, 1951, being Chapter 1194, 64 Stat 1134, and also designated as 15 U.S.C. sections 1171-1177, the state of New Hampshire, acting by and through the duly elected and qualified members of its legislature, does hereby, in accordance with and in compliance with the provisions of that section 2 of that act of Congress, declare and proclaim that it is in the state's best interest to benefit from limiting gambling device revenues but prevent the proliferation of gambling devices by limiting approved facility locations and therefore that section 2 of that act of Congress shall not apply to any gambling device in this state where the transportation of such a device is specifically authorized by and done in compliance with the provisions of this chapter and any rules adopted pursuant to it, and that any such gambling device transported in compliance with state law and rules shall be exempt from the provisions of that act of Congress.

284-A:16 Legal Shipment of Gaming Devices into New Hampshire. All shipments into this state of gaming devices, the registering, recording, and labeling of which has been duly made by the manufacturer or dealer in accordance with sections 3 and 4 of an act of Congress of the United States entitled "An Act to Prohibit Transportation of Gambling Devices in Interstate and Foreign Commerce, approved January 2, 1951, being chapter 1194, 64 Stat. 1134, and also designated as 15 U.S.C. sections 1171-1172, shall be deemed legal shipments into this state.

CHAPTER 284-B TABLE GAMES

284-B:1 Definitions. In this chapter:

I. "Associated equipment" means any equipment or mechanical, electromechanical, or electronic contrivance, component, or machine used in connection with table gaming, including linking devices, replacement parts, equipment which affects the proper reporting of gross revenue, computerized systems for controlling and monitoring table games, including, but not limited to, the central control computer, and devices for weighing or counting money.

II. "Cash" means United States currency and coin or foreign currency and coin that have been exchanged for its equivalent in United States currency and coin.

III. "Cash equivalent" means an asset that is readily convertible to cash, including, but not limited to, any of the following:

(a) Travelers checks.

(b) Certified checks, cashier's checks, and money orders.

(c) Personal checks or drafts.

(d) Credit extended by the table game licensee, a recognized credit card company, or a banking institution.

(e) Any other instrument that the New Hampshire lottery commission deems a cash equivalent. Other than recognized credit cards or credit extended by the table game certificate holder, all instruments that constitute a cash equivalent shall be made payable to the table game certificate holder, to the bearer, or to cash. An instrument made payable to a third party shall not be considered a cash equivalent and shall be prohibited.

IV. "Certificate holder" means a facility operator licensee issued a table game operator certificate by the commission to operate the table games at a licensed facility.

V. "Commission" means the lottery commission.

VI. "Count room" means the room designated for counting, wrapping, and recording of table game receipts.

VII. "Facility operator licensee" means a facility operator licensed by the lottery commission pursuant to RSA 284-A.

VIII.(a) "Gross table game revenue" means the total of cash or equivalent wagers received in the playing of a table game minus the total of:

- (1) Cash or cash equivalents paid out to patrons as a result of playing a table game;
- (2) Cash paid to purchase annuities to fund prizes payable to patrons over a period of time as a result of playing a table game;
- (3) Any personal property distributed to a patron as a result of playing a table game; and
- (4) Any promotional credits provided to patrons.

(b) "Gross table game revenue" does not include travel expenses, food, refreshments, lodging, or other complimentary services. This term does not include counterfeit money, tokens, or chips; coins or currency of other countries received in the playing of a table game, except to the extent that they are readily convertible to United States currency; cash taken in a fraudulent act perpetrated against a licensee for which the licensee is not reimbursed; or cash received as entry fees for contests or tournaments in which patrons compete for prizes.

IX. "Key employee" means any individual who is employed in a director or department head capacity and who is authorized to make discretionary decisions that regulate table game operations, including but not limited to, the director of table games, pit bosses, shift bosses, credit supervisors, cashier supervisors, table game facility managers, and assistant managers.

X. "Table game" means any banking or percentage game in which there is an opportunity for the player to use his or her reason, foresight, or other strategy to increase the expected return, including roulette, baccarat, blackjack, poker, craps, big six wheel, mini-baccarat, red dog, pai gow, casino war, Asia poker, Boston 5 stud poker, Caribbean stud poker, Colorado hold 'em poker, double attack blackjack, double cross poker, double down stud poker, fast action hold 'em, flop poker, four card poker, let it ride poker, mini-craps, mini-dice, pai gow poker, pokette, Spanish 21, Texas hold 'em bonus poker, three card poker, two card joker poker, ultimate Texas hold 'em, winner's pot poker and sic bo or any multi-station electronic version of the games described in this subsection, and any other games approved by the commission. The term includes any variations or composites of approved games, provided that the commission determines that the new table game, variations, or composites are suitable for use after an appropriate test or experimental period under such terms and conditions as the commission may deem appropriate, and any other game which the commission determines to be suitable for use in a licensed facility after an appropriate test or experimental period as the commission may deem appropriate. The term shall also include gaming contests or tournaments in which players compete against one another in any table game authorized for use in a licensed facility by the commission. The term shall not include wagering on pari-mutuel racing regulated by the racing and charitable gaming commission pursuant to RSA 284, raffles regulated pursuant to RSA 287-A, lotteries regulated by the lottery commission pursuant to RSA 284:21-a and RSA 287-F, and bingo and lucky 7 games regulated by the racing and charitable gaming commission pursuant to RSA 287-E. Table games which are operated as games of chance pursuant to RSA 287-D shall not be subject to the provisions of this chapter.

XI. "Table game device" includes tables, cards, dice, chips, shufflers, tiles, dominoes, wheels, drop boxes, or any mechanical or electrical contrivance, terminal, machine or other device approved by the commission and used or consumed in operation of or connection with a table game.

XII. "Table game operation certificate" means a certificate issued by the commission that certifies that the table gaming operation of a licensed facility operator conforms to the requirements of this chapter and rules adopted under this chapter and that authorizes a facility operator licensee to conduct table gaming under this chapter.

XIII. "Table game operator" means:

(a) "Primary game operator" which means any consultant or any person involved in conducting, managing, supervising, directing, or running the table games at a licensed facility and shall include the banker, the auditor, the counter, and persons involved in the cage; or

(b) "Secondary game operator" which means any person involved in dealing, running a roulette wheel, or handling chips at a licensed facility.

XIV. "Technology provider" means a technology provider that is licensed by the lottery commission pursuant to RSA 284-A, or who manufactures, builds, rebuilds, fabricates, assembles, produces, programs, designs, or otherwise modifies table games.

284-B:2 State Employee Prohibition. No member, employee, or independent contractor of the lottery commission or racing and charitable gaming commission shall accept a complimentary service or wager or be paid any prize from any wager at any licensed facility within the state or at any other facility outside this state which is owned or operated by a licensed gaming entity or any of its affiliates, intermediaries, subsidiaries, or holding companies thereof for the duration of his or her term of office, employment, or contract with the lottery commission or the racing and charitable gaming commission and for a period of one year from the termination of term of office, employment, or contract with the lottery commission or racing and charitable gaming commission. The provisions of this section shall not apply to employees who utilize table games for testing purposes or to verify the performance of table games as part of an enforcement investigation.

284-B:3 General and Specific Powers.

I. The commission shall have general and sole regulatory authority over the conduct of table games described in this chapter. The commission shall ensure the integrity of the acquisition and operation of table game devices and associated equipment and shall have sole regulatory authority over every aspect of the authorization and operation of table games.

II. The commission shall:

(a) Issue, approve, renew, revoke, suspend, condition, or deny issuance or renewal of a table game operation certificate to a facility operator licensee.

(b) Determine at its discretion the suitability of any person, including technology vendors not licensed pursuant to RSA 284-A, who furnishes or seeks to furnish to a certificate holder licensee directly or indirectly any services or property related to the table games or associated equipment or through any arrangements under which that person receives payment based directly or indirectly on earnings, profits, or receipts from table games and associated equipment. Any criminal background checks shall be conducted by the division of state police, gaming enforcement unit, and any other background investigations shall be conducted by the attorney general's office. The commission may require any such person to comply with the requirements of this chapter and the rules of the commission and may prohibit the person from furnishing the services or property.

III. The commission shall not issue or renew a table games operation certificate unless it is satisfied that the applicant is a facility operator licensee in good standing operating video lottery machines under RSA 284-A.

IV. To publish on the commission's Internet website a complete list of all persons or entities who applied for or held a table game operation certificate, manufacturer license, supplier license, or racetrack license at any time during the preceding calendar year and all affiliates, intermediaries, subsidiaries, and holding companies thereof and the status of the application or license, however, information regarding any applicant who's approval or certificate has been denied, revoked or not renewed shall be removed from such list after 5 years from the date of such action.

284-B:4 Enforcement. The commission, with the assistance of the attorney general and the division of state police gaming enforcement unit, shall administer and enforce the provisions of this chapter.

284-B:5 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to:

- I. The application procedure for video lottery operator licensees to obtain a table game operation certificate.
- II. The approval procedure for table game operators, including the classification of primary game operators and secondary game operators.
- III. Procedures for a hearing following revocation of any table game operation certificate pursuant to this chapter.
- IV. The operation of table games.
- V. Refunds of certificate fees pursuant to this chapter.
- VI. Procedures for approving technology providers not licensed by RSA 284-A and associated fees.
- VII. Accountability controls to ensure game integrity, including, but not limited to, cash, attendance, prizes, income, expense, and financial reporting, and record-keeping to be implemented by licensed table game operators in addition to requirements set forth in this chapter.
- VIII. Enforcement of this chapter.
- IX. The issuance of subpoenas, administrative orders and fines, badge specifications, requirements, and fees.
- X. Other matters related to the proper administration of this chapter.

284-B:6 Table Games Authorized. A person licensed to operate video lottery pursuant to RSA 284-A may operate table games at a licensed facility operator location in the manner hereinafter provided and not otherwise:

I. Persons holding a current facility operator license in good standing from the lottery commission to operate video lottery pursuant to RSA 284-A may apply for a table games operation certificate for the operation of table games at a licensed facility and upon confirmation by the commission that it meets the criteria set forth in this section shall be granted a certificate for the operation of table games.

II. The certificate shall authorize table games at specified licensed facilities.

III. The certificate shall only permit the operation of table games at a facility operator licensee that operates or permits the operation of games of chance for or on behalf of charitable organizations pursuant to RSA 287-D, provided that the space allocated for games of chance at the facility be at least 5,000 square feet within the principal gaming area of the licensed facility, and the number of tables used for table games shall be limited to not more than 150 tables.

IV. The certificate shall not be transferable.

284-B:7 Authorization to Conduct Table Games.

I. Notwithstanding any other provision of law to the contrary, the commission may authorize only a licensed video lottery operator to engage in the operation of table games and the system of wagering associated with table games at a facility licensed under RSA 284-A. Authorization to conduct table games shall be contingent upon the licensee's agreement to conduct table games in accordance with this chapter.

II. A video lottery operator who is issued a table games operation certificate may only be permitted to operate table games at a licensed facility consistent with the permission granted by the certificate.

III.(a) A facility operator licensee may seek approval to operate table games by filing a petition with the commission.

(b) A petition shall include the following:

- (1) The name, business address, and contact information of the petitioner.
- (2) The name and address, job title, and a photograph of each principal and key employee of the petitioner not currently approved or licensed by the commission, including table game operators.
- (3) An itemized list of the number and type of table games for which authorization is being sought.
- (4) The estimated number of full-time and part-time employment positions that will be created at the licensed facility if table games are authorized.
- (5) Information and authorizations sufficient to allow the commission to confirm that any person providing services as a table game operator has not, in any jurisdiction, been convicted of a felony or class A

misdemeanor within the previous 10 years which has not been annulled by a court, or a class B misdemeanor within the previous 5 years which has not been annulled by a court, or has violated any statutes or rules governing gambling or gaming of any kind.

(6) The details of any financing that will be obtained or has been obtained to fund the expansion of the licensed facility to accommodate the operation of table games.

(7) Detailed site plans identifying the petitioner's proposed table game area within the licensed facility including reference to the area reserved for charitable games of chance. The proposed table game area shall be reviewed by the commission to determine the adequacy of the proposed internal controls and external security and proposed surveillance measures and submit a finding regarding adequacy to the commission.

IV. The applicant shall certify under oath that:

(a) The information provided on the application is accurate.

(b) Information and authorizations sufficient to allow the commission to confirm that any person providing services as a table game operator has not, in any jurisdiction, been convicted of a felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, or a class B misdemeanor within the previous 5 years which has not been annulled by a court, or has violated any statutes or rules governing gambling or gaming of any kind.

(c) The applicant who will be participating in the operation of the games of chance is aware of all statutes and rules applicable to the operation of table games.

284-B:8 Standard of Review. The commission shall grant the petition and issue a certificate to authorize the petitioner to operate table games if the petitioner establishes evidence of the following:

I. The petitioner is an eligible video lottery operator licensee duly licensed pursuant to RSA 284-A.

II. If necessary, the petitioner has secured adequate financing to fund the expansion of the petitioner's licensed facility to accommodate the operation of table games.

III. The proposed internal and external security and proposed surveillance measures within the petitioner's proposed table game area within the licensed facility are adequate.

IV. The petitioner agrees to permit the operation of charitable games of chance consistent with RSA 284-B:6, III.

284-B:9 Commencement of Table Game Operations. A facility operator licensee may not operate or offer table games for play at a licensed facility until:

I. The commission approves the petition filed under RSA 284-B:7;

II. The facility operator licensee pays the fee under RSA 284-B:14; and

III. The commission has issued a table games operation certificate to the facility operator licensee under RSA 284-B:6 and RSA 284-B:8.

284-B:10 Term of Table Game Authorization. After payment of the fee under RSA 284-B:14, authorization to conduct table games shall be in effect unless suspended, revoked, or not renewed by the commission upon good cause consistent with the license requirements provided in this chapter. Facility operator licensees shall be required to update the information in their initial table games petition at times prescribed by the commission, but at least as frequently as the operator is required to renew its video lottery operator's license. An additional license fee of no more than \$1,000,000 shall be imposed for renewal of a table game operation certificate every 5 years. The commission shall be entitled to use such funds to support staff and resources necessary to implement this chapter.

284-B:11 Condition of Continued Operation. A certificate holder shall maintain all books, records, and documents pertaining to the certificate holder's table game operation in a manner and location as approved by the commission. All books, records, and documents related to table game operations shall:

I. Be maintained separate and apart from all books, records, and documents of the video lottery machine operations;

II. Be immediately available for inspection upon request of the commission, the state police, or agents of the attorney general during all hours of operation in accordance with rules adopted by the commission; and

III. Be maintained for a period as the commission, by rule, may require.

284-B:12 Table Game Accounting Controls and Audits.

I. Prior to being approved for a table game operation certificate, a facility operator licensee shall obtain approval from the commission of its proposed site plans and internal control systems and audit protocols for its table games operation.

II. The facility operator licensee's proposed internal controls and audit protocols shall:

(a) Safeguard its assets and revenues, including the recording of cash and evidences of indebtedness related to the table games.

(b) Provide for reliable records, accounts, and reports of any financial event that occurs in the operation of a table game, including reports to the commission related to the table games.

(c) Provide for accurate and reliable financial records related to the table games operation.

(d) Establish procedures for all the following:

(1) The receipt, storage, and disbursal of chips, cash, and other cash equivalents used in table gaming.

(2) Check cashing.

(3) The redemption of chips and other cash equivalents used in table gaming and the payoff of jackpots.

(4) The recording of transactions pertaining to table gaming.

(e) Establish procedures for the collection and security of moneys at the gaming tables.

(f) Establish procedures for the transfer and recording of chips between the gaming tables and the cashier's cage.

(g) Establish procedures for the transfer of drop boxes for table games from the gaming tables to the count room.

(h) Establish procedures and security for the counting and recording of table gaming revenue.

(i) Establish procedures for the security, storage, and recording of cash, chips, and other cash equivalents utilized in table gaming.

(j) Establish procedures and security standards for the handling and storage of gaming apparatus, including cards, dice, machines, wheels, and all other gaming equipment.

(k) Establish procedures and rules governing the conduct of particular games and the responsibility of casino personnel.

(l) Establish procedures for the collection and recording of revenue from poker when it is a non-licensee bank game, including the type of rake utilized, the methodology for calculating the rake, and the amount of maximum permissible rake.

(m) Ensure that any wagering governing the operation of a table game is implemented only in accordance with the management's general or specific authorization, as approved by the commission.

(n) Ensure that there is proper and timely accounting of gross table game revenue and the calculation of gross table game revenue, fees, and taxes and maintain accountability for assets.

(o) Ensure that recorded accountability for assets is compared with actual assets at reasonable intervals and that appropriate action is taken with respect to any discrepancies.

(p) Ensure that all functions, duties, and responsibilities are appropriately segregated and performed in accordance with sound financial practices by competent, qualified personnel.

(q) Permit use of its existing onsite facilities by the commission and, other persons authorized by the commission to facilitate their ability to perform regulatory and oversight functions under this chapter.

III. Each facility operator licensee shall, prior to being approved for a table game operation certificate, submit to the commission a detailed description of its administrative and accounting procedures related to table games, including its written system of internal controls. Each written system of internal controls shall include:

(a) An organizational chart depicting appropriate functions and responsibilities of employees involved in the table game operation.

(b) A description of the duties and responsibilities of each position shown on the organizational chart.

(c) The record retention policy of the applicant.

(d) The procedure to be utilized to ensure that assets are safeguarded, including mandatory count procedures.

IV. Prior to approving a petitioner for a table game operation certificate, the commission shall review the system of internal controls submitted under RSA 284-B:7, III(b)(7) to determine whether it conforms to the requirements of this chapter and provides adequate and effective controls for the operations of the facility.

284-B:13 Wagering Policies.

I. Holders of table game operation certificates shall maintain a detailed narrative description of the administrative and accounting procedures which meet the requirements of this section.

II. A facility operator licensee may accept a check from a patron in exchange for cash or chips, provided that each check is deposited with the financial institution upon which the check is drawn within 10 days of receipt by the facility operator licensee.

III. Holders of table game operation certificates may make credit card advances and debit card withdrawals available to table game patrons at a licensed facility. All fees charged for cash advances, check cashing, and debit card withdrawals shall be disclosed. Notwithstanding any other provision of law, a holder of a table game operation certificate may provide credit to patrons for the purpose of playing table games in accordance with this section. No third party checks shall be permitted.

284-B:14 Table Game Authorization Fee.

I. Upon approval of a petition filed under RSA 284-B:7 and prior to the commencement of the operation of table games at the facility, the commission shall impose a one-time authorization fee on the facility lottery operator licensee in the amount of \$10,000,000 for licensees approved by the lottery commission for facility operator licenses A, B and C, and \$5,000,000 for the licensee approved by the lottery commission for facility operator license D. The commission is authorized to use such funds to support staff and resources necessary to implement this chapter.

II. All table game authorization fees received by the commission under this section shall be deposited in the general fund.

287-B:15 Distribution of Table Game Revenues.

I. Each certificate holder shall pay from its daily gross table game revenue from the table games in operation at its facility; and

(a) Eight percent of daily gross table revenue to the state to be deposited into the general fund; and

(b) The balance of the daily gross table game revenue shall be retained by the facility operator licensee that operates the table games.

II. The distribution due to the state pursuant to subparagraph I(a) shall be due and payable to the state treasurer on a quarterly basis and shall be based upon gross table game revenue derived during the previous quarter. All funds owed to the state under this section shall be held in trust by the certificate holder until the funds are paid or transferred and distributed by the certificate holder. Unless otherwise agreed to by the commission, a certificate holder shall establish a separate bank account to maintain table gaming proceeds until such time as the proceeds are paid or transferred under this section.

284-B:16 Authorization of Suppliers and Manufacturers of Table Game Devices. Any person seeking to supply table game devices for use at a licensed facility shall obtain approval by the commission for authority to manufacture or supply table games, table game devices, or other equipment associated with table games, and shall pay such fees as the commission deems reasonable and appropriate. Upon approval, the manufacturer or supplier shall pay a fee of \$50,000. A fee of \$25,000 shall be paid for the annual renewal of a supplier license.

284-B:17 Equipment; Wagering; Prizes.

I. No table games shall be conducted with any equipment except such as is owned or leased from a supplier or manufacturer of such equipment who has been approved by the commission pursuant to RSA 284-B:16 and who has registered with the secretary of state in such manner and on such form as the secretary of state prescribes.

II. All devices and equipment used to conduct table games shall be subject to inspection by duly authorized law enforcement officials of the commission.

III. The amount of any wager permitted to be played by a player, on any table game, shall be prominently posted.

284-B:18 Sanction Powers of the Lottery Commission.

I. The commission shall have the sole and exclusive authority following appropriate hearings and factual determinations, to impose sanctions against any person for any violation of this chapter or any rule of the commission adopted under the provisions of this chapter as follows:

- (a) Revocation or suspension of a license.
- (b) Civil penalties as may be necessary to punish misconduct and to deter future violations, which penalties may not exceed \$50,000 for each violation.
- (c) Order restitution of any moneys or property unlawfully obtained or retained by a person.
- (d) Issuance of a cease and desist order which specifies the conduct which is to be discontinued, altered, or implemented by the person.
- (e) Issuance of letters of reprimand or censure, which shall be made a permanent part of the file of each person so sanctioned.
- (f) Imposition of any or all of the foregoing sanctions in combination with each other.

II. In determining appropriate sanctions in a particular case, the commission shall consider:

- (a) The risk to the public and to the integrity of table game operations created by the conduct of the person.
- (b) The seriousness of the conduct of the person and whether the conduct was purposeful or with knowledge that it was in contravention of the provisions of this chapter or the rules of the commission.
- (c) Any justification or excuse for such conduct.
- (d) The prior history of the person involved.
- (e) The corrective action taken by the person to prevent future misconduct of a like nature from occurring.
- (f) In the case of a monetary penalty, the amount of the penalty in relation to the misconduct and the financial means of the person.
- (g) In the event that a person receives 3 civil penalties during the term of such person's license, the commission may subject such person to enhanced fines or other disciplinary action.

284-B:19 Declaration of Limited Exemption from Operation of Provisions of 15 U.S.C. section 1171-1172. Pursuant to section 2 of an act of Congress of the United States entitled "An Act to Prohibit Transportation of Gambling Devices in Interstate and Foreign Commerce," approved January 2, 1951, being Chapter 1194, 64 Stat. 1134, and also designated as 15 U.S.C. sections 1171-1177, the state of New Hampshire, acting by and through the duly elected and qualified members of its legislature, does hereby, in accordance with and in compliance with the provisions of that section 2 of that act of Congress, declare and proclaim that it is in the state's best interest to benefit from limiting gambling device revenues but prevent the proliferation of gambling devices by limiting approved facility locations and therefore that section 2 of that act of Congress shall not apply to any gambling device in this state where the transportation of such a device is specifically authorized by and done in compliance with the provisions of this chapter and any rules adopted pursuant to it, and that any such gambling device transported in compliance with state law and rules shall be exempt from the provisions of that act of Congress.

284-B:20 Legal Shipment of Gaming Devices into New Hampshire. All shipments into this state of gaming devices, the registering, recording, and labeling of which has been duly made by the manufacturer or dealer

in accordance with sections 3 and 4 of an act of Congress of the United States entitled "An Act to Prohibit Transportation of Gambling Devices in Interstate and Foreign Commerce," approved January 2, 1951, being chapter 1194, 64 Stat. 1134, and also designated as 15 U.S.C. sections 1171-1172, shall be deemed legal shipments into this state.

CHAPTER 284-C

COMMISSION TO STUDY GAMING REGULATORY OVERSIGHT COMMISSIONS

284-C:1 Commission to Study Gaming Regulatory Oversight Commissions.

I. There is established a commission to study and review the regulatory oversight of gaming licensees and to make recommendations on how to streamline, consolidate, or modify the regulatory oversight process and commissions for gaming in the state of New Hampshire.

II. The members of the commission shall be as follows:

- (a) One member of the lottery commission, appointed by governor.
- (b) One member of the racing and charitable gaming commission, appointed by the governor.
- (c) The commissioner of safety, or his or her designee.
- (d) One individual who is a licensee under RSA 284-A, appointed by the governor.
- (e) Two members of the public, appointed by the governor.
- (f) Two members of the senate, appointed by the president of the senate.
- (g) Two members of the house, appointed by the speaker of the house of representatives.
- (h) The attorney general, or designee.

III. The commission shall study the role of the existing regulatory commissions for gaming in the state of New Hampshire and recommend any changes that would streamline, consolidate, modernize, or improve the regulatory process and role of the existing regulatory commissions.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be held within 90 days of the effective date of this section. Six members of the commission shall constitute a quorum.

V. The commission 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 September 1, 2012.

4 New Section; Lottery Commission; Administration of Video Lottery. Amend RSA 284 by inserting after section 21-v the following new section:

284:21-w Video Lottery; Duties of the Lottery Commission; Administration of Video Lottery.

I. The lottery commission shall:

- (a) Collect all license fees imposed upon any applicant and all taxes imposed by RSA 284-A.
- (b) Certify net machine income by inspecting records, conducting audits, having its agents on site, or by any other reasonable means.
- (c) Establish a central computer system located at the office of the lottery commission linking all video lottery machines to insure control over video lottery machines. The lottery commission shall establish a selection procedure for such contracts and ensure that the central computer system uses a widely adopted communications protocol approved by the Gaming Standards Association.
- (d) Require facility operator licensees to submit all contracts for services where the annual amount to be expended by the facility operator licensee is over \$500,000 to the lottery commission, and provide any further information to the lottery commission regarding vendors and suppliers as is requested.
- (e) Require all holders of facility operator licenses issued by the lottery commission pursuant to RSA 284-A to maintain a system of internal controls. At a minimum, the licensee's proposed system of internal controls shall:

(1) Safeguard its assets and revenues, including, but not limited to the recording of cash and evidences of indebtedness related to the video lottery machines.

(2) Provide for reliable records, accounts, and reports of any financial event that occurs in the operation of a video lottery machine.

(3) Ensure that each video lottery machine directly provides or communicates all required activities and financial details to the central computer system.

(4) Provide for accurate and reliable financial records.

(5) Ensure any financial event that occurs in the operation of a video lottery machine or table game is performed only in accordance with the management's general or specific authorization.

(6) Ensure that any financial event that occurs in the operation of a video lottery machine is recorded adequately to permit proper and timely reporting of net machine income and the calculation thereof and the related fees and taxes.

(7) Ensure that access to assets is permitted only in accordance with management's specific authorization.

(8) Ensure that recorded accountability for assets is compared with actual assets at reasonable intervals and appropriate action is taken with respect to any discrepancies.

(9) Ensure that all functions, duties, and responsibilities are appropriately segregated and performed in accordance with sound financial practices by qualified personnel.

(f) Establish technical standards for approval of video lottery machines, including mechanical and electrical reliability and security against tampering, as it may deem necessary to protect the public from fraud or deception and to ensure the integrity of their operation.

(g) Require all holders of licenses issued by the lottery commission pursuant to RSA 284-A to comply with any exclusion program established by the lottery commission and maintained pursuant to RSA 284-A:2, II(u) and to establish and implement a self-exclusion program whereby a person who acknowledges that he or she is a problem gambler and who requests to be placed on a self-exclusion list shall be excluded or ejected from a licensed facility.

II. The lottery commission may employ certain assistants to carry out the provisions of this section and RSA 284-A, and may employ such additional assistants and employees as the governor and council shall authorize. Such assistants and employees shall receive compensation at rates to be established by the department of administrative services, division of personnel, however, such compensation shall be funded by proceeds paid to or received by the lottery commission pursuant to RSA 284-A. No employee of the lottery commission shall have any pecuniary or other interest in any supplier or agent to the commission or in any facility location or licensee licensed under RSA 284-A.

III. The lottery commission shall have the authority to issue subpoenas and compel the attendance of witnesses, to administer oaths, and to require testimony under oath.

IV. No later than November 1 of each calendar year, the lottery commission shall provide a report to the fiscal committee of the general court regarding the generation of revenues of video lottery machines by licensees.

V. With regard to meetings, minutes, and records of the lottery commission:

(a) The lottery commission shall notice all proceedings and shall make and keep a record of all proceedings held at public meetings of the lottery commission. A verbatim transcript of those proceedings shall be prepared by the lottery commission upon the request of any commissioner or upon the request of any other person and the payment by that person of the costs of preparation. A copy of the transcript shall be made available to any person upon request and payment of the costs of preparing the copy.

(b) The lottery commission shall maintain such other files and records as the lottery commission determines is necessary.

(c) All information and data required by the commission, to be furnished to the commission, or which may otherwise be obtained, shall be confidential and shall not be revealed in whole or in part except in the course of the necessary administration of this chapter, or upon the lawful order of a court of competent jurisdiction, or with the approval of the attorney general, to a duly authorized law enforcement agency.

(d) All information and data pertaining to an applicant's criminal record, family, and background furnished to or obtained by the lottery commission from any source shall be confidential and shall be withheld in whole or in part. Such information shall be released only upon the lawful order of a court of competent jurisdiction, or with the approval of the attorney general, to a duly authorized law enforcement agency.

(e) Notice of the contents of any information or data released, except to a duly authorized law enforcement agency pursuant to subparagraph (c) or (d), shall be given to any applicant, registrant, or licensee in a manner prescribed by the rules adopted by the lottery commission.

(f) All records, information, or data maintained or kept by the lottery commission shall be maintained or kept at the office of the gaming enforcement unit.

5 New Sections; Department of Safety; Gaming Enforcement Unit Established. Amend RSA 21-P by inserting after section 11-a the following new sections:

21-P:11-b Division of State Police; Gaming Enforcement Unit.

I. There is established within the department of safety, division of state police, a gaming enforcement unit under the supervision of the commissioner of the department of safety. Notwithstanding RSA 106-B:15, the unit shall:

(a) Investigate violations of RSA 284-A and RSA 284-B and the rules adopted under the provisions of RSA 284-A and RSA 284-B, and initiate proceedings before the lottery commission for such violations. The unit shall report the results of any investigation conducted to the lottery commission.

(b) Participate in any hearing conducted by the lottery commission.

(c) Investigate crimes which may involve a violation of RSA 284-A or RSA 284-B that occur at a facility operator licensee location.

II. The commissioner of the department of safety shall organize the unit as the commissioner deems necessary. The commissioner of safety may employ such state police personnel as the commissioner deems necessary to fulfill the responsibilities of the unit.

21-P:11-c Enforcement Expenditures. The governor and council with the prior approval of the fiscal committee of the general court, upon request from the commissioner of the department of safety, may authorize the transfer of general funds as authorized in RSA 284-A:8, I(a)(1) to the department of safety to implement and enforce RSA 21-P:11-b, RSA 284-A, and RSA 284-B.

6 New Section; Racing and Charitable Gaming Commission; Duties. Amend RSA 284 by inserting after section 6-a the following new section:

284:6-b Duties of the Racing and Charitable Gaming Commission. The racing and charitable gaming commission shall:

I. Provide to the lottery commission, attorney general, or division of state police gaming enforcement unit, all records pertaining to the licensing of a pari-mutuel licensee to the extent a pari-mutuel licensee is an applicant or facility location relevant to the lottery commission's approval process under RSA 284-A within 30 days after the racing and charitable gaming commission receives a request. All records provided to the lottery commission shall be confidential in accordance with RSA 284:21-w, V.

II. Notice of the contents of any information or data released, except to a duly authorized law enforcement agency pursuant to paragraph I, shall be given to any applicant, registrant, or licensee in a manner prescribed by the rules and regulations adopted by the racing and charitable gaming commission.

7 Restriction on Gambling. RSA 284:17-c is repealed and reenacted to read as follows:

284:17-c Restriction on Gambling. Except as provided in the introductory paragraph of RSA 284:22, RSA 284:22-a, RSA 284-A, and RSA 284-B, no licensee who holds running horse races shall at the same facility hold any other kinds of races or permit any other type of gambling except harness horse races and activities licensed by the lottery commission or the racing and charitable gaming commission.

8 New Paragraph; Facility Licensee; Cocktail Lounge License. Amend RSA 178:22 by inserting after paragraph V the following new paragraph:

VI. The commission may issue a special license to a person holding a facility operator's license under the provisions of RSA 284-A, provided the facility licensee has an existing liquor license. Such special license

shall allow the sale of liquor, wine, and beverages within the facility licensee location, including dining room, function room, gaming room, lounge, or any other area designated by the commission, without regard to whether meals are served therein, but only during the time gaming is being conducted under RSA 284-A.

9 New Subparagraph; Authorized Video Lottery Machines. Amend RSA 647:2, V by inserting after subparagraph (c) the following new subparagraph:

(d) Video lottery machines authorized pursuant to RSA 284-A and table games authorized pursuant to RSA 284-B.

10 Rehabilitation of Problem Gaming. Amend RSA 172:2-a to read as follows:.

172:2-a Program Established. The commissioner shall provide for the scientific care, treatment, and rehabilitation of **gambling**, alcohol, and drug abusers, and work towards the prevention of, and assist in the control of, alcohol and drug abuse within the state through education, treatment, community organization, and research.

11 Duties of Commissioner; Rehabilitation of Problem Gaming. Amend RSA 172:8 to read as follows:

172:8 Duties of the Commissioner.

I. Study the problems presented by **gambling**, alcohol, and drug abuse, including methods and facilities available for the care, treatment, custody, employment, and rehabilitation of persons who are **problem gamers**, inebriates, alcohol abusers, drug dependent, or drug abusers.

II. Promote meetings and programs for the discussion of **gambling**, alcohol, and drug dependency and abuse for the guidance and assistance of individuals, schools, courts, and other public and private agencies.

III. Conduct, promote and finance, in full or in part, studies, and other appropriate facilities dealing with the physical, psychological, and/or social aspects of **gambling**, alcohol, and drug abuse.

IV. Have the authority to accept or reject for examination, diagnosis, guidance, and treatment, insofar as funds and facilities permit, any resident of the state who comes to the commissioner voluntarily for advice and treatment.

V. [Repealed.]

VI. Render biennially to the governor and council a report of his activities including recommendations for improvements therein by legislation or otherwise.

VII. Coordinate community medical resources for the emergency medical care of persons suffering acute mental or physical reaction to **gambling**, alcohol, or drugs and of persons suffering from drug dependency.

VIII. Employ such assistants as may be necessary to carry out the purposes of this chapter, in accordance with state personnel regulations, and within available appropriations and funds.

IX. Disseminate information on the subjects of **gambling**, alcohol, and drug abuse for the guidance and assistance of individuals, schools, courts and other public and private agencies.

X. [Repealed.]

12 Confidentiality of Client Records; Rehabilitation of Problem Gaming. Amend RSA 172:8-a to read as follows:

172:8-a Confidentiality of Client Records. No reports or records or the information contained therein on any client of the program or a certified **gambling**, alcohol, or drug abuse treatment facility or any client referred by the commissioner shall be discoverable by the state in any criminal prosecution. No such reports or records shall be used for other than rehabilitation, research, statistical or medical purpose, except upon the written consent of the person examined or treated. Confidentiality shall not be construed in such manner as to prevent recommendation by the commissioner to a referring court, nor shall it deny release of information through court order pursuant to appropriate federal regulations.

13 Rulemaking; Rehabilitation of Problem Gaming. Amend RSA 172:14, IV to read as follows:

172:8-b Rulemaking. The commissioner shall adopt rules under RSA 541-A relative to the following:

I. The acceptance, care and treatment of **gambling**, alcohol, or drug dependent persons and alcohol or drug abusers who are clients of the program established under this chapter or a certified substance abuse treatment facility.

II. A fee schedule and collection of fees under RSA 172:14, IV.

III. Certification of substance abuse treatment facilities including, but not limited to:

- (a) Program content;
- (b) Qualifications of program staff; and
- (c) Type of substance abuse treatment offered.

IV. Certification and recertification of **gambling**, alcohol, and drug abuse counselors including, but not limited to:

- (a) Peer review of applicants.
- (b) Minimum qualifications and competency.
- (c) Education and continuing education.
- (d) Experience required.
- (e) Required knowledge of **gambling**, alcohol, and drug abuse counseling.

(f) Such other matters as the commissioner may deem necessary to carry out the purposes of this chapter.

V. Voluntary admissions under RSA 172:13.

14 Acceptance of Grants; Treatment of Problem Gamers. Amend RSA 172:9 to read as follows:

172:9 Acceptance of [Grants] **Funds**. The commissioner is authorized to accept in the name of the state special grants or money or services from the federal or state governments or any of their agencies and may accept gifts to carry on the functions provided for in this chapter.

15 New Subparagraph; Gambling Offenses; Minors. Amend RSA 647:2, I by inserting after subparagraph (c) the following new subparagraph:

- (d) Violates the provisions of RSA 284-A:7.

16 Effective Date.

I. Section 1 of this act shall take effect July 1, 2010.

II. The remainder of this act shall take effect upon its passage.

2010-2077s

AMENDED ANALYSIS

This bill:

I. Repeals a provision which requires that the state treasurer fund the distribution of meals and rooms tax revenues to cities and towns for fiscal year 2011 at no more than the fiscal year 2009 level of distribution.

II Allows video lottery machines at 4 facility locations in the state, 2 locations with up to 3,500 machines, one location with up to 2,000 machines and one location with up to 1,000 machines pursuant to a competitive application process.

III. Establishes a permit process for table gaming.

IV. Establishes a gaming enforcement unit in the division of state police.

V. Distributes proceeds of video lottery machines to the general fund, municipalities where the facility is located and abutting communities, all ten counties for property tax reduction, the alcohol and drug abuse treatment program for problem gaming programs, the fire standards and training and emergency medical services fund, the police standards and training council training fund, and the department of resources and economic development for the promotion of tourism.

VI. Distributes a percentage of the proceeds from table gaming to the general fund.

VII. Establishes a commission to study regulatory oversight agencies.

The question is on the adoption of Floor Amendment 2077s.

A roll call was requested by Sen. Boutin, seconded by Sen. Barnes.

The following Senators voted Yes: Gallus, Reynolds, Sgambati, Cilley, Kelly, Bragdon, Gilmour, Lasky, Carson, Larsen, DeVries, D'Allesandro, Downing, Hassan.

The following Senators voted No: Bradley, Houde, Janeway, Odell, Roberge, Boutin, Barnes, Letourneau, Merrill, Fuller Clark.

Yeas: 14 - Nays: 10

Floor Amendment 2077s adopted.

Recess. Out of recess.

Sen. Sgambati offered a floor amendment.

Sen. D'Allesandro, Dist. 20

Sen. Sgambati, Dist. 4

May 13, 2010

2010-2089s

09/01

Floor Amendment to HB 1128-FN-LOCAL

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

AN ACT relative to costs and expenditures at the department of health and human services, establishing a special fund for certain civil fines collected by the department, relative to the due date for the Medicaid enhancement tax, making certain general fund reductions and tax and revenue changes, and relative to video lottery and table gaming at certain locations throughout the state and relative to the recovery of horse racing.

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

1 Administration of the New Hampshire Employment Program; Duties; Rulemaking. Amend RSA 167:83, V to read as follows:

V. The commissioner ~~[shall]~~ **may** enter into an agreement or contract with the commissioner of the department of employment security to carry out the employment program and may delegate authority and duties for the employment program to the commissioner of the department of employment security and other state agencies. The commissioner shall adopt rules for the employment program ~~[in consultation with the commissioner of the department of employment security]~~.

2 Non-TANF Funded Program for 2-Parent Families With Dependent Children. Amend RSA 167:77-e to read as follows:

167:77-e Assistance Program for 2-Parent Families with Dependent Children. ~~[By October 1, 2008,]~~ The department ~~[shall]~~ **may** establish a non-TANF, state-funded financial assistance program for 2-parent needy families with dependent children in which one parent is underemployed or unemployed. With the exception of parental underemployment or unemployment, client eligibility and program requirements and administration shall be in accordance with this chapter and the rules adopted under this chapter. In order to meet the federal work participation rate and avoid federally-imposed penalties, the commissioner may add additional groups of families to this state-funded, financial assistance program as funding permits and also may transfer cases back to the TANF program, pursuant to rules adopted under RSA 541-A.

3 Authorizing the Department of Health and Human Services to File Claims for Medical and Financial Assistance Against Abandoned Property Held by the Treasury; Filing of Claim With Administrator. Amend RSA 471-C:26, I(c)(2) and (3) to read as follows:

(2) **Except as provided in subparagraphs (5)-(7)**, in the case of a closed estate where the unclaimed property is valued at less than \$5,000 and does not include securities in share form, in accordance with the final distribution of assets as approved by the probate court.

(3) **Except as provided in subparagraphs (5)-(7)**, in the absence of an open estate or probate court decree of final distribution, and the unclaimed property is valued at less than \$5,000 and does not include securities in share form, by the surviving spouse of the deceased owner, or, if there is no surviving spouse, then to the next of kin in accordance with the provisions of RSA 561:1.

4 New Subparagraphs; Filing of Claim With Administrator. Amend RSA 471-C:26, I(c) by inserting after subparagraph (4) the following new subparagraphs:

(5) Before distributing any unclaimed property pursuant to subparagraphs (2) and (3), the administrator shall first ensure that the department of health and human services does not have a claim for medical and or financial assistance paid on behalf of the deceased owner.

(6) In the event that the department of health and human services has a claim for medical and or financial assistance paid on behalf of the deceased owner, the department may submit a claim for such assistance using an affidavit developed by the administrator that ensures that:

(A) No individual has moved to probate the deceased owner's estate through which the department could assert its claim or probate administration for the deceased owner had been open and no individual has moved to reopen the estate through which the department could assert its claim;

(B) The department does not believe, based on the information available to it, there are known expenses for the deceased owner's necessary funeral and burial; and

(C) Based on all facts known to the department, its recovery of this abandoned property is not limited by the prohibitions to recovery as set forth in 42 U.S.C. section 1396p and RSA 167:16-a, IV.

(7) If the department of health and human services has made a claim against a deceased owner's unclaimed property as provided in subparagraph (6), under no circumstances shall the administrator distribute to the department more than the claimed amount.

5 Repeal. 2009, 144:211, relative to community mental health centers; administrative requirements suspended, is repealed.

6 Department of Health and Human Services; Transfer Among Accounts. Amend 2009, 144:39, III to read as follows:

III. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the contrary except RSA 9:17-c, and subject to the approval of the fiscal committee of the general court and governor and council, for the biennium ending June 30, 2011, the commissioner of the department of health and human services is hereby authorized to transfer funds within and among all [PAUs] **accounting units** within the department, as the commissioner deems necessary and appropriate to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and otherwise as necessary for the efficient management of the department[, with the exception of class 60 transfers]. ***This transfer authority shall not apply to funds for employee benefits appropriated in class 60 which were previously transferred to the employee benefit adjustment account as defined in RSA 9:17-c.***

7 Lead Paint Poisoning Prevention and Control; Rulemaking. Amend RSA 130-A:10, IV to read as follows:

IV. Fees to be collected for the issuance of licenses to lead inspectors, lead risk assessors, lead abatement contractors, for certification of lead abatement workers and lead clearance testing technicians, for testing resulting from investigations, for certifications of training programs, ***exam and training fees***, [and] for notifications under RSA 130-A, ***and other environmental fees***. Property owners who own more than 4 but fewer than 7 dwelling units shall pay a fee for licensure which is 1/2 of that paid by other lead abatement contractor licensees. Such reduced fee license shall only be valid for work on dwellings or dwelling units owned by such license holder.

8 Lead Poisoning Prevention Fund. Amend RSA 130-A:15 to read as follows:

130-A:15 Lead Poisoning Prevention Fund. There is hereby established the lead poisoning prevention fund to be used to carry out the provisions of this chapter. The fund shall be composed of fees, fines, gifts, grants, donations, bequests, or other moneys from any public or private source and shall be used to implement and encourage lead paint removal and education, ***and to support program staff and administrative costs***. The fund shall be nonlapsing and shall be continually appropriated to the commissioner of the department of health and human services for the purposes of this chapter.

9 New Paragraph; Department of Health and Human Services; Duties of the Department. Amend RSA 161:2 by inserting after paragraph XVII the following new paragraph:

XVIII. Refugee Resettlement. Administer the New Hampshire refugee resettlement program as funded by and in cooperation with the United States Department of Health and Human Services under the Refugee Act of 1980.

10 New Section; Special Fund; Civil Fines. Amend RSA 151 by inserting after section 16-a the following new section:

151:16-b Civil Fines. All administrative fines and other civil monetary penalties collected by the department from facilities licensed under this chapter shall be kept by the state treasurer in a separate, non-lapsing, interest bearing account. Interest earned on moneys deposited in the account shall be deposited into the account. The moneys in the account shall be used by the department for the protection of the health and property of residents of facilities licensed under this chapter.

11 New Subparagraph; Special Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (299) the following new subparagraph:

(300) Civil fines collected under RSA 151:16-b, which shall be deposited as provided in such section.

12 Medicaid Enhancement Tax; Due Date. Amend RSA 84-A:3, II-a to read as follows:

II-a. For the taxable period beginning July 1, 1993, and for every taxable period thereafter, each hospital shall pay 100 percent of its medicaid enhancement tax due and payable for the taxable period no later than the fifteenth day of the ~~[third]~~ **fourth** month of the taxable period. Notwithstanding any provision of this chapter or any other law, no penalty or interest shall be imposed for failure to make payment of tax when due if such payment is made on or before the last day of the month in which such payment is due.

13 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, I(a)(3) to read as follows:

(3) Required to furnish proof of successful completion of an impaired driver intervention program prior to the restoration of the person's driver's license or privilege to drive, provided that, if the person has previously completed, or been required by a court or the department of safety to complete, an impaired driver intervention program (I.D.I.P.) or any similar program in any jurisdiction, the person shall be required to furnish proof of successful completion of the multiple DWI offender intervention ~~[detention-center]~~ program (M.O.P.) or an equivalent 7-day residential intervention program approved by the commissioner of health and human services;

14 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, I(b)(3) to read as follows:

(3) Sentenced to a mandatory sentence of not less than 10 consecutive days of which 3 consecutive 24-hour periods shall be served in the county correctional facility and 7 consecutive days shall be served at the ~~[state-operated]~~ 7-day multiple DWI offender intervention ~~[detention-center]~~ **program** established under RSA 265-A:40, which sentence shall begin no later than ~~[21]~~ **45** days after conviction. In the event that the ~~[state-operated]~~ 7-day multiple DWI offender intervention ~~[detention-center]~~ **program** has no available space, the person shall be assigned to an equivalent 7-day residential intervention program approved by the commissioner of health and human services. The person shall begin following any treatment recommendations arising out of the final evaluation given to the person at the multiple DWI offender intervention ~~[detention-center]~~ **program** or equivalent program within 60 days after the person has completed serving the required 7 consecutive days or such other time as the court may order;

15 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, I(c)(3) to read as follows:

(3) Sentenced to a mandatory sentence of not less than 21 consecutive days of which 14 consecutive 24-hour periods shall be served in the county correctional facility followed by 7 consecutive days served at the ~~[state-operated]~~ 7-day multiple DWI offender intervention ~~[detention-center]~~ **program** established under RSA 265-A:40, which sentence shall begin no later than 21 days after conviction. In the event that the ~~[state-operated]~~ 7-day multiple DWI offender intervention ~~[detention-center]~~ **program** has no available space the person shall be assigned to an equivalent 7-day residential intervention program approved by the commissioner of health and human services, and the remainder of the sentence may be deferred at the court's discretion. The person shall begin following any treatment recommendations arising out of the final evaluation given to the person at the multiple DWI offender intervention ~~[detention-center]~~ **program** or equivalent program within 60 days after the person has completed serving the required 7 consecutive days or such other time as the court may order. The court may, at the satisfactory completion of any ordered treatment, suspend any remaining deferred sentence. Failure to successfully complete any court-ordered intervention program or recommended treatment shall result in the imposition of any remaining deferred sentence; and

16 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, IV(a)(3)-(5) to read as follows:

(3)(A) If the complaint alleges that the prior conviction occurred within 2 years preceding the date of the second offense, the person shall be sentenced to a mandatory sentence of not less than 37 consecutive days of which 30 consecutive 24-hour periods shall be served in the county correctional facility followed by 7 consecutive days to be served at the ~~[state-operated]~~ 7-day multiple DWI offender intervention ~~[detention center]~~ **program** established under RSA 265-A:40 within 21 days after conviction, except that in circumstances where the ~~[state-operated]~~ 7-day multiple DWI offender intervention ~~[detention center]~~ **program** has no available space the person shall be assigned to an equivalent 7-day residential intervention program approved by the commissioner of health and human services. The person shall begin following any treatment recommendations arising out of the final evaluation given to the person at the multiple DWI offender intervention ~~[detention center]~~ **program** or equivalent program within 60 days after the person has completed serving the required 30 consecutive 24-hour periods or such other time as the court may order.

(B) If the complaint alleges that the prior conviction occurred more than 2 but not more than 10 years preceding the date of the second offense, the person shall be sentenced to a mandatory sentence of not less than 10 consecutive days of which 3 consecutive 24-hour periods shall be served in the county correctional facility and 7 consecutive days shall be served at the ~~[state-operated]~~ 7-day multiple DWI offender intervention ~~[detention center]~~ **program** established under RSA 265-A:40, which sentence shall begin no later than 21 days after conviction. In the event that the ~~[state-operated]~~ 7-day multiple DWI offender intervention ~~[detention center]~~ **program** has no available space the person shall be assigned to an equivalent 7-day residential intervention program approved by the commissioner of health and human services. The person shall begin following any treatment recommendations arising out of the final evaluation given to the person at the multiple DWI offender intervention ~~[detention center]~~ **program** or equivalent program within 60 days after the person has completed serving the required 7 consecutive days or such other time as the court may order.

(4) The person's driver's license or privilege to drive shall be revoked for not less than 3 years.

(5) The person shall pay a fee to the commissioner, as established under RSA 126-A:43, for the costs of the ~~[state-operated]~~ 7-day multiple DWI offender intervention ~~[detention center]~~ program prior to license restoration. If the person attends an approved equivalent 7-day residential intervention program, the fees and costs shall be paid to the program.

17 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, VI to read as follows:

VI. If any person is convicted of a violation of RSA 265-A:2, I or RSA 265-A:3, and the conviction is not based upon a complaint which alleges prior convictions as provided in paragraph IV, but the person is found to have had one or more such prior convictions in this state or in an out-of-state jurisdiction within 10 years preceding the date of the offense, the person's driver's license or privilege to drive shall be revoked for not less than one year nor more than 3 years. Except for good cause found by the court and noted in writing, the court may suspend up to 6 months of this sentence, provided that within 45 days after conviction the person has entered the 7-day program at the ~~[state-operated]~~ multiple DWI offender intervention ~~[detention center]~~ program or an equivalent 7-day residential intervention program approved by the commissioner of health and human services, as provided in RSA 265-A:40 and RSA 265-A:42. The person's license shall not be restored until the person has successfully completed the program. The court may further order attendance at a residential treatment center, for a period not to exceed 30 days, at the person's own expense.

18 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, XI to read as follows:

XI. Any person convicted of a violation of RSA 265-A:2, RSA 265-A:3, or RSA 265-A:19, II, and who at the time of driving or attempting to drive a vehicle or off highway recreational vehicle or operating or attempting to operate a boat was transporting a person under the age of 16, shall have the driver's license or privilege to drive revoked for the maximum time period under the section violated and the person's license or privilege to drive shall not be restored until the offender has successfully completed a 7-day program at the ~~[state-operated]~~ multiple DWI offender program or an equivalent 7-day residential intervention program approved by the commissioner at the person's own expense.

19 Penalties for Boating While Intoxicated. Amend RSA 265-A:19, II to read as follows:

II. Any person convicted of a violation of RSA 265-A:2, II who at the time of the violation was transporting a person under the age of 16 shall not operate a boat on the waters of this state until the offender has successfully completed a 7-day program at the [state-operated] multiple DWI offender program or an equivalent 7-day residential intervention program approved by the department of health and human services at the person's own expense. Any person operating a boat in violation of this paragraph is guilty of a misdemeanor.

20 Impaired Driver Intervention Programs. Amend RSA 265-A:39, I to read as follows:

I. Except as provided in paragraph IV, the commissioner of the department of health and human services shall be responsible for biennially approving the impaired driver intervention programs and 7-day residential intervention programs equivalent to the multiple DWI offender intervention [detention-center] program (M.O.P.) which persons convicted under RSA 265-A:2 or RSA 265-A:3 shall attend in order to regain their driver's licenses or driving privileges; but the commissioner of the department of health and human services shall not approve any impaired driver intervention program unless such program is conducted without cost to the state. Notwithstanding RSA 6:12, any fees collected under subparagraph IV(g) of this section shall be placed in a nonlapsing revolving account and shall be used by the commissioner for the purposes of this subdivision only.

21 Multiple DWI Offender Intervention Program. RSA 265-A:40 is repealed and reenacted to read as follows:

265-A:40 Multiple DWI Offender Intervention Program.

I. The commissioner of the department of health and human services shall be responsible for the establishment and administration of the 7-day multiple DWI offender intervention program which persons convicted under RSA 265-A:2 or RSA 265-A:3 or sentenced pursuant to RSA 651:2, V(h) may be required to attend. The commissioner shall have the authority to directly operate the program, to approve community-based providers to operate the program in accordance with rules adopted pursuant to RSA 541-A, or to contract with public or private entities to operate the program.

II. Any person who attends the 7-day multiple DWI offender intervention program shall be required to pay the fees for the program to the department of health and human services. Full payment shall be made in advance unless the person has entered into a payment plan contract with the office of reimbursements prior to entry into the program. Payment of all fees shall be made no later than one year after completion of the program. The fees shall be sufficient to make the program self-supporting, exclusive of start-up costs. The fees collected shall be deposited in a special account in the office of the state treasurer and utilized as provided in RSA 265-A:41.

III. The 7-day multiple DWI offender intervention program shall furnish to the courts a report indicating when a person has completed attendance at the program, and shall furnish to the division of motor vehicles, department of safety, a report indicating when a person who attends the program pursuant to RSA 265-A:18 has successfully completed the program and treatment or involvement in a substance abuse program when appropriate and warranted.

IV. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to the operation of the 7-day multiple DWI offender intervention program with respect to:

(a) Program curriculum and content.

(b) Any other matter related to the proper administration of this section.

22 Impaired Driver Intervention Programs; Utilization of Funds. Amend RSA 265-A:41 to read as follows:

265-A:41 Utilization of Funds. All funds derived from the fees collected by the commissioner of the department of health and human services under RSA 265-A:18 shall be paid over to the state treasurer within 10 days of the subsequent month, or at an earlier date, for deposit into a separate account in the treasury known as the 7-day multiple DWI offender intervention [detention-center] program account. These funds are appropriated as indicated in the operating budget as a source of funds for the 7-day multiple DWI offender intervention [detention-center] program. Any funds remaining in the account over the appropriation indicated in the operating budget shall lapse into the general fund at the end of each fiscal year.

23 Impaired Driver Intervention Programs; Attendance Required. Amend RSA 265-A:42, IV(b) to read as follows:

(b) In the case of enrollment in the ~~[state-operated]~~ 7-day multiple DWI offender intervention ~~[detention-center]~~ **program**, a person shall provide such certified copy at the time of enrollment or prior to the issuance of a report under RSA 265-A:40, III and RSA 265-A:18, VIII.

24 Sentences and Limitations. Amend RSA 651:2, V(h) to read as follows:

(h) In cases of a person convicted of a felony or class A misdemeanor, a court may sentence such person to 7 consecutive 24-hour periods to be served at the ~~[state-operated]~~ 7-day multiple DWI offender intervention ~~[detention-center]~~ program established under RSA 265-A:40, if the evidence demonstrates that alcohol was a contributing factor in the commission of the offense and provided that space is available in the program and such person pays the fees for the program in full prior to admission.

25 Report Required. The commission to examine driving while impaired education and intervention programs shall, pursuant to the authority under 2008, 256:10, as extended by 2009, 202:5, study the penalties for intoxication or under the influence of drugs offenses, including but not limited to the multiple DWI offender intervention program. Based upon available research and data, the commission shall review and evaluate the merits of the penalties and the program in order to develop recommendations on these issues. On or before November 1, 2010, the commission shall report its findings to the governor's commission on alcohol and drug abuse prevention, intervention, and treatment, the speaker of the house of representatives, the president of the senate, the commissioner of the department of health and human services, the house clerk, the senate clerk, the state library, and the governor and shall make recommendations, if appropriate, for future legislation to address these issues.

26 State Treasurer; Application of Receipts. Amend RSA 6:12, I (b)(147) to read as follows:

(147) Moneys deposited in the 7-day multiple DWI offender intervention ~~[detention-center]~~ program account under RSA 265-A:41.

27 Department of Health and Human Services; Office of Reimbursements; Duties. Amend RSA 126-A:34, I(a) to read as follows:

(a) Review and investigate all records of the New Hampshire hospital, Laconia developmental services, the secure psychiatric unit, the Glenclyff home, the Anna Philbrook center, and the multiple DWI offender intervention ~~[detention-center]~~ program (M.O.P.), relative to expenses incurred by patients, residents, or clients at such institutions, facilities, or programs or expenses incurred by patients, residents, or clients receiving care, treatment, services, or maintenance at the direction of the commissioner of health and human services, and make recommendations to the commissioner and to the respective superintendents or directors of such institutions, facilities, or programs as to the rates to be charged for the care, treatment, and maintenance of such patients, residents, or clients.

28 Department of Health and Human Services; Office of Reimbursements; Financial Statements. Amend RSA 126-A:38, II-III to read as follows:

II. Persons admitted to the multiple DWI offender intervention ~~[detention-center]~~ program (M.O.P.) who do not pay program fees in full at the time of admission shall file a financial statement under penalty of perjury on forms provided for this purpose by the office of reimbursements and shall enter a payment contract for balance of fees due. The office of reimbursements shall be entitled to recover reasonable attorneys fees and costs of collection for program fees not paid in accordance with a payment contract.

III. Persons admitted to the multiple DWI offender intervention ~~[detention-center]~~ program (M.O.P.) shall notify the office of reimbursements of each change of mail address and actual street address until that person has made payment in full of fees due in accordance with an M.O.P. payment contract. Whenever notice to a person subject to a payment contract is required, notice to the last mail address on file with the office of reimbursements shall be deemed notice to and binding on the payer.

29 Operating Budget; Lapse; Legislative Branch. Notwithstanding 2009, 143:1, the legislative branch shall lapse an additional \$312,000 for the fiscal year ending June 30, 2010 and lapse an additional \$669,000 for the fiscal year ending June 30, 2011. The reductions required by this section shall be in addition to the lapse required pursuant to 2009, 143:10 and in addition to the lapse required pursuant to 2010, 4:1.

30 Operating Budget; General Fund Appropriation Reductions; Department of Information Technology. Notwithstanding 2009, 143:1, the department of information technology, in consultation with the department of administrative services, shall reduce class lines of the department by an amount that will result in additional reductions of general funded agencies' appropriations for class 27 totaling \$2,175,000 for the fiscal

year ending June 30, 2011. The reductions required under this section shall be in addition to any reductions required pursuant to 2009, 143:12 and by Executive Order No. 2010-02. The commissioner of the department of information technology shall submit to the fiscal committee of the general court and the commissioner of the department of administrative services an itemization of the reductions in expenditure classes made to implement this section on or before July 31, 2010.

31 Operating Budget; General Fund Appropriation Reduction; Department of State. Notwithstanding 2009, 143:1, the state general fund appropriations for the department of state shall be reduced by an additional \$149,000 for the fiscal year ending June 30, 2011. The reduction required by this section shall be in addition to any reductions required pursuant to Executive Order No. 2010-02. The secretary of state shall submit to the fiscal committee of the general court an itemization of the reductions in expenditure classes made to implement this section on or before February 15, 2011.

32 Operating Budget; General Fund Appropriation Reduction; Board of Tax and Land Appeals. Notwithstanding 2009, 143:1, the state general fund appropriations for the board of tax and land appeals shall be reduced by an additional \$41,454 for the fiscal year ending June 30, 2011. The reduction required by this section shall be in addition to any reductions required pursuant to Executive Order No. 2010-02. The chairman of the board of land and tax appeals shall submit to the fiscal committee of the general court an itemization of the reductions in expenditure classes made to implement this section on or before February 15, 2011.

33 New Paragraph; Animal Population Control Program; Management of Fund. Amend RSA 437-A:4-a by inserting after paragraph II the following new paragraph:

III. The commissioner shall put out to bid the duties related to managing the application for and distribution of moneys from the fund for the reimbursement of spay and neuter surgeries. The contract for the duties shall not exceed \$20,000. The commissioner may assess an administrative charge for the oversight of the program to the fund not to exceed \$5,000 annually.

34 Animal Population Control Program; Rulemaking. Amend RSA 437-A:5, II-a to read as follows:

II-a. ~~[Administration]~~ **Oversight** of the fund established under RSA 437-A:4-a.

35 Animal Population Control Program; Assistant Position. The animal population control program assistant position shall be abolished and, if the position is filled the department shall transfer the individual to a vacant position of similar responsibility, or the individual shall be laid off.

36 Operating Budget; General Fund Appropriation Reduction; Department of Environmental Services. Notwithstanding 2009, 143:1, the state general fund appropriations for the department of environmental services shall be reduced by an additional \$432,335 for the fiscal year ending June 30, 2011. The reduction required by this section shall be in addition to any reductions required pursuant to Executive Order No. 2010-02 and any other section contained in this act. Such reduction shall be attributable to a combination of vacant positions, supplanting general fund appropriations with federal funds and other funds that might be available for that purpose, and reductions in specific class line item appropriations provided that such reductions do not cause a reduction of services, a reduction of grants or aid to local communities, or an increase in fees. The commissioner of environmental services shall submit to the fiscal committee of the general court an itemization of the reductions in expenditure classes made to implement this section on or before February 15, 2011.

37 Health and Human Services; Contract Consolidation. For the fiscal year ending June 30, 2011, the department of health and human services shall reduce state general fund appropriations by \$1,500,000 by consolidating social services and medical contracts in order to reduce administrative costs. The department shall not reduce program services in order to meet the reductions required under this section.

38 Health and Human Services; TANF Family Supports. For the fiscal year ending June 30, 2011, the department of health and human services shall reduce state general fund appropriations by \$1,500,000 by eliminating contracts for Temporary Assistance to Needy Families (TANF) family supports and providing such services utilizing existing department staff.

39 Youth Development Center; Appropriation Reduction. Notwithstanding any provision of law to the contrary, the department of health and human services shall decrease state general fund appropriations for the youth development center under accounting unit 05-95-41-412010 by \$1,561,514 for the fiscal year ending June 30, 2011. In order to meet this reduction, the department shall eliminate 30 positions at the youth development center which are no longer necessary due to the declining census at such center.

40 Department of Health and Human Services; North Country Transportation. For the biennium ending June 30, 2011, the department of health and human services shall not reduce funding provided to North Country Transportation used toward meeting the state matching funds requirement for the Job Access and Reverse Commute (JARC) grant award from the United States Department of Transportation.

41 Prevention Programs. Amend RSA 170-G:4, XVI to read as follows:

XVI. Encourage cities, towns, and counties to develop and maintain prevention programs, court diversion programs, and alternative dispositions for juveniles other than placements outside of the home through the use of a formula which shall allow for the transfer of funds to cities, towns, and counties which have, or are developing, prevention programs or alternatives for juvenile care. The amount to be distributed for this program shall be not less than [4-5] **3** percent of the annual amount appropriated to the department of health and human services for placement costs. The method of distribution shall be based upon rules adopted under RSA 541-A by the commissioner. For purposes of this paragraph, prevention programs shall include programs or activities for the prevention of child abuse and neglect.

42 Department of Health and Human Services; Suspension of Residential Rate Setting Rule. Amend 2009, 144:32 to read as follows:

144:32 Department of Health and Human Services; Suspension of Residential Rate Setting Rule. Notwithstanding any provision of the law or rule to the contrary, for the biennium ending June 30, 2011, He-C 6422 relative to the residential child care facilities rate setting is suspended. The base rate for residential providers for the [biennium] **state fiscal year** ending June 30, [2011] **2010** shall be the rate in effect on June 30, 2009. ***For the state fiscal year ending June 30, 2011, the rate paid to residential providers subject to the rate setting rule as of June 30, 2009 shall be reduced by 2 percent. The base rate for the calculation of the 2 percent rate reduction shall be the rate in effect on June 30, 2009. Notwithstanding any provision of law or rule to the contrary, for state fiscal year 2011, the rate established pursuant to RSA 170-G:4, XVII for all other services and programs which are paid for by the department pursuant to RSA 169-B:40, 169-C:27, and 169-D:29 shall be reduced by 2 percent. The base rate for the calculation of the 2 percent rate reduction shall be the rate in effect on July 1, 2009.***

43 Department of Health and Human Services; Direct Graduate Medical Education; Suspension. Amend 2009, 144:24 to read as follows:

144:24 Department of Health and Human Services; Direct Graduate Medical Education. The commissioner of the department of health and human services shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend the provision of direct graduate medical education payments to hospitals as contemplated at 42 U.S.C. section 1396a(a)(30)(A) to be effective July 1, 2009. Upon approval of the state plan amendment, and as of the effective date of the state plan amendment, any obligations for payment of direct graduate medical education are suspended until [~~June 30, 2011~~] **July 1, 2011**.

44 Department of Health and Human Services; Funding for Indirect Graduate Medical Education and Catastrophic Aid Payments. For the biennium ending June 30, 2011, the department of health and human services shall not suspend funding for indirect graduate medical education and catastrophic aid payments to hospitals.

45 Department of Health and Human Services; Public Assistance; Definitions. Amend RSA 167:6, VI to read as follows:

VI. For the purposes hereof, a person shall be eligible for aid to the permanently and totally disabled who is between the ages of 18 and 64 years of age inclusive; is a resident of the state; and is disabled as defined in the federal Social Security Act, Titles II and XVI and the regulations adopted under such act, except that the minimum required duration of the impairment shall be 48 months, unless and until the department adopts a 12-month standard in accordance with RSA 167:3-j. In determining disability, the standards for "substantial gainful activity" as used in the Social Security Act shall apply, including all work incentive provisions including Impairment Related Work Expenses, Plans to Achieve Self Support, and subsidies. No person shall be eligible to receive such aid while receiving old age assistance, aid to the needy blind, or aid to families with dependent children. ***Notwithstanding any provision of law to the contrary, eligibility for cash assistance shall be conditioned upon the recipient filing an application for any federal disability benefits for which the individual may be entitled and pursuing any appeals available for those federal benefits. Cash assistance shall terminate upon a finding by a federal administrative law judge that the individual is medically ineligible for the federal benefits. The department may terminate cash assistance for failure to comply with the requirements of this paragraph, subject to the recipient's right to an administrative appeal.***

46 New Subdivision; Optional Local Meals and Rooms Tax. Amend RSA 78-A by inserting after section 26 the following new subdivision:

Optional Local Meals and Rooms Tax

78-A:27 Local Meals and Rooms Tax.

I. A municipality may, in accordance with the procedures under RSA 78-A:28, adopt an addition to the meals and rooms tax rate imposed under RSA 78-A:6, to be known as the local meals and rooms tax, at a rate to be established by the municipality.

II. The commissioner shall assess, collect, administer, and enforce the local meals and rooms tax in accordance with the applicable provisions of this chapter relative to the state meals and rooms tax; except that the revenue collected from the local meals and rooms tax shall, after deduction of administrative expenses, be remitted to the treasurer of the municipality imposing the local tax.

78-A:28 Procedure for Adoption and Modification of Local Meals and Rooms Tax.

I. Any town or city may adopt the provisions of RSA 78-A:27 in the following manner:

(a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition pursuant to RSA 39:3.

(b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

II. The vote shall specify the provisions of the local meals and rooms tax, the amount of such tax, and the manner of its determination, as listed in RSA 78-A:27. If a majority of those voting on the question vote "yes," the tax shall take effect within the town or city, on the date set by the governing body following its adoption.

III. A municipality may modify or rescind the tax provided in RSA 78-A:27 in the manner described in this section.

47 Meals and Rooms Tax; Definition of Hotel; Campsites. Amend the introductory paragraph of RSA 78-A:3, III to read as follows:

III. "Hotel" means an establishment which holds itself out to the public by offering sleeping accommodations for rent, whether or not the major portion of its operating receipts is derived from sleeping accommodations. The term includes, but is not limited to, inns, motels, tourist homes and cabins, ski dormitories, ski lodges, lodging homes, rooming houses, furnished room houses, boarding houses, private clubs, hostels, cottages, camps, [~~campsites~~], chalets, barracks, dormitories, and apartments. The term does not include the following:

48 Authorization for Debt Restructuring. The state treasurer is hereby authorized to refinance all or a portion of the state's fiscal year 2011 debt service obligations by the issuance at one time or from time to time of up to \$55,000,000 aggregate principal amount of general obligation refunding bonds, which shall mature in such amounts and at such time as the state treasurer, with the approval of the governor and council, shall determine; provided that the final maturity of such bonds shall not be later than June 30, 2021. The issue of such bonds shall be subject to the same requirements and provisions of law as would then be applicable to the issue of the bonds being refunded, except as provided in this section. Such refinancing is intended to result in a general fund reduction of the required debt service for the biennium ending June 30, 2011 of approximately \$40,000,000. The amount of general fund debt service so refinanced shall lapse to the general fund on or before June 30, 2011.

49 Capital Appropriation; University System of New Hampshire. Amend 2005, 259:2, I to read as follows:

I. The Knowledge Economy Education Plan (KEEP NH) documents the need for investment in university system of New Hampshire projects primarily to renovate and expand science, engineering, and technology facilities. The sum of \$109,500,00 is hereby committed and appropriated to the university system of New Hampshire (USNH) for the KEEP NH plan, effective July 1, 2005 but limited to the drawdown of funds as stated in this section. The appropriation is for the following capital projects:

- A. DeMeritt Hall renovation and expansion (UNH);
- B. James Hall renovation and expansion (UNH);
- C. Parsons Hall renovation (UNH);
- D. Planning for renovation of Nesmith Hall (UNH), renovation and expansion of Physical Education Center (PSU), and conversion of former Zorn dining commons to academic building (KSC);
- E. Infrastructure work on the Keene State College and Plymouth State University campuses;
- F. NHPTV equipment (UNH); and
- G. University Centers that would co-locate USNH and Community-Technical College System programs.

I-a. The further sum of \$25,000,000 is hereby committed and appropriated to USNH, subject to the limitation on the drawdown of funds as stated in this section, for such other deferred maintenance, repair, renovation, and capital projects as may be approved by the university system board of trustees provided, however, that such projects shall not involve any of the buildings renovated or expanded with funding appropriated for the KEEP NH plan, 2001, 202:2, and paragraph I of this section, namely, at UNH: Murkland Hall, Kingsbury Hall DeMeritt Hall, James Hall, and Parsons Hall; at PSU: Boyd Hall; and at KSC: Mason Library and Science Building 50 Capital Appropriation; University System of New Hampshire; KEEP NH. Amend 2005, 259:2, II, to read as follows:

II. The university system board of trustees will determine the timing of the projects and the specific dollar allocation to each from the above sum available, while ensuring the respective campus priorities are addressed. The board of trustees shall report on the progress of the projects in [paragraph] **paragraphs I and I-a** to the capital budget overview committee on a quarterly basis. The appropriation shall be nonlapsing and in addition to any other appropriation to the university system; provided, however, that the university system shall not receive actual cumulative payments from the state for such purposes of more than:

- A. \$4,500,000 through the biennium ending June 30, 2007.
- B. \$39,500,000 through the biennium ending June 30, 2009 (\$35,000,000 in new authorization for the biennium).
- C. [~~\$74,500,000~~] **\$99,500,000** through the biennium ending June 30, 2011 ([~~\$35,000,000~~] **\$60,000,000** in new authorization for the biennium).
- D. [~~\$109,500,000~~] **\$134,500,000** through the biennium ending June 30, 2013 (\$35,000,000 in new authorization for the biennium).

51 Capital Budget; Bonds Authorized; University System of New Hampshire; KEEP. Amend 2005, 259:8, II to read as follows:

II. To provide funds for the appropriation made in section 2, paragraphs I, **I-a**, and II, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$109,500,000~~] **\$134,500,000** and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A; provided the cumulative bonds or notes shall not be issued in excess of:

- (1) \$4,500,000 through the biennium ending June 30, 2007.
- (2) \$39,500,000 through the biennium ending June 30, 2009.
- (3) [~~\$74,500,000~~] **\$99,500,000** through the biennium ending June 30, 2011.
- (4) [~~\$109,500,000~~] **\$134,500,000** through the biennium ending June 30, 2013.

52 Tobacco Tax; Tax on Products Other than Cigarettes. Amend RSA 78:7-c to read as follows:

78:7-c Tax Imposed on Tobacco Products Other Than Cigarettes. A tax upon the retail consumer is hereby imposed on tobacco products other than cigarettes at a rate of [~~48.59~~] **65.03** percent of the wholesale sales price. The tax under this section may be rounded to the nearest cent if the commissioner determines that the amount of tax would not thereby be made materially disproportionate. No such tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States. No such tax shall be imposed on premium cigars.

53 Applicability; Tax on Tobacco Products Other than Cigarettes. Section 52 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products other than cigarettes in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this section. The tax rate effective on the effective date of this section shall apply to such inventory and the difference, if any, in the amount paid previously on such inventory and the current effective rate of tax shall be due within 90 days of the effective date of this section. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

54 Operating Budget; Transfer of Dedicated Funds. Notwithstanding RSA 6:12 and any other law to the contrary, for the fiscal year ending June 30, 2010, the department of administrative services shall transfer funds from the following accounts or funds maintained separately on the books of the state to the general fund in the following amounts:

Account/Fund	Amount Transferred to General Fund
Statewide Public Boat Access Fund, RSA 233-A:13	\$500,000
Nitrogen Oxide Emissions Reduction Fund, RSA 125-J:13, II	\$90,000
Laboratory Equipment Fund, RSA 131:3-a, II	\$100,000
New Hampshire Hazardous Waste Cleanup Fund, RSA 147-B:3	\$100,000
Default Bench Warrant Fund, RSA 263:56-d	\$100,000
Fire Standards and Training and Emergency Medical Services Fund, RSA 21-P:12-d	\$1,500,000
Recount Administrative and Fee Account, RSA 660:31	\$110,000
Reflectorized Plates Inventory Fund, RSA 228:25	\$250,000
Education Credentialing Fund, RSA 186:11, X	\$250,000
Sludge Analysis Fund, RSA 485-A:4, XIV-c	\$25,000
Wastewater Plant Operator Certification Fund, RSA 485-A:7-a	\$75,000

55 Operating Budget; Lapse of Appropriation. New Hampshire Retirement System; Retirement Pension Benefit; Health Insurance. Amend 2009, 143:1, 01, 59, 59, 590510, 1052, class 064, footnote F to read as follows:

~~[*064—F. This appropriation shall not lapse until June 30, 2011]~~

56 Operating Budget. Lapse of Appropriation. Judicial Council; Contracts for Program Services. Amend 2009, 143:1, 02, 07, 070010, 1094, class 102, footnote F to read as follows:

~~[*102—F. This appropriation shall not lapse until June 30, 2011]~~

57 Department of Treasury. Lapse of Appropriation for Debt Service. Amend 2009, 143:1, 01, 38, 38, 380010, 2076, class 043, footnote F and class 044, footnote F to read as follows:

~~[Class Notes, 043 F. This appropriation shall not lapse until on June 30, 2011.]~~

~~[Class Notes, 044 F. This appropriation shall not lapse until on June 30, 2011.]~~

58 Taxation of Interest and Dividends; Who Taxable. Amend RSA 77:3, I(b) to read as follows:

(b) Partnerships, limited liability companies, associations, and trusts, the beneficial interest in which is not represented by transferable shares, whose gross interest and dividend income from all sources exceeds \$2,400 during the taxable year, but not including a qualified investment company as defined in RSA 77-A:1, XXI, or a trust comprising a part of an employee benefit plan, as defined in the Employee Retirement Income Security Act of 1974, section 3.

59 Taxation of Interest and Dividends; What Taxable. RSA 77:4, III is repealed and reenacted to read as follows:

III. Dividends, other than stock dividends paid in new stock of the partnership, limited liability company, association, or trust issuing the same, on shares in partnerships, limited liability companies, associations, or trusts the beneficial interest in which is represented by transferable shares.

60 New Sections; Taxation of Interests and Dividends; Partnerships and Limited Liability Companies. Amend RSA 77 by inserting after section 14 the following new sections:

77:14-a Partnerships and Limited Liability Companies. Partnerships and limited liability companies having a usual place of business in this state, any member of which is an inhabitant thereof, shall be subject to taxes imposed by this chapter. If any of the members of the partnership or limited liability company are not inhabitants of this state only so much of the income thereof as is proportionate to the aggregate interest of the partners or members who are inhabitants of this state in the profits of the partnership or limited liability company shall be taxed.

77:14-b Partners and Members. The tax shall be assessed on such a partnership or limited liability company by the name under which it does business, and the partners or members shall not be taxed with respect to the taxable income derived by them from such a partnership or limited liability company.

77:14-c Members of Partnership or Limited Liability Company Outside the State. An inhabitant of this state who is a member of a partnership or limited liability company having no usual place of business in this state, who receives income from such partnership or limited liability company derived from such a source that it would be taxable if received directly from such source by such partner or member, shall as to such income be subject to the taxes imposed by this chapter.

77:14-d Application of Sections. RSA 77:14-a to 14-d shall apply, so far as apt, to associations and trusts, but not to partnerships, limited liability companies, associations, and trusts the beneficial interest in which is represented by transferable shares.

61 Repeal. RSA 77:1-a, relative to definitions, is repealed.

62 Applicability. Sections 58-61 of this act shall apply to taxable periods ending on or after December 31, 2010.

63 New Chapter; Commission to Study Business Taxes Established. Amend RSA by inserting after chapter 77-E the following new chapter:

CHAPTER 77-F COMMISSION TO STUDY BUSINESS TAXES

77-F:1 Commission to Study Business Taxes Established.

I. There is a commission established to study business taxes.

II. The members of the commission shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Four members of the house of representatives, appointed by the speaker of the house of representatives.

(c) Five members of the public appointed by the governor, representing the following groups and interests:

- (1) Tax experts and accountants;
- (2) Small business;
- (3) Real estate, finance, and investment; and
- (4) Business trade associations.

II. The commission shall study and evaluate:

(a) The present system of business taxation in New Hampshire, including but not limited to the rates and allocation among taxpayers of the business enterprise tax, the business profits tax, and the interest and dividends tax.

(b) Whether there are changes to the present system of business taxes and rates of assessment that should be considered by the legislature in order to:

(1) Ensure fairness and equity in the allocation of business taxes including among similarly situated business entities and taxpayers;

(2) Ensure clear tax laws and synchronization with federal tax laws; and

(3) Continue to provide a business tax environment that enhances the growth of jobs, income in the state, and the transition to clean and renewable energy.

(c) Safe harbors for the reasonable compensation deduction under the business profits tax, including but not limited to:

(1) Safe harbors based on the percentage of the gross selling price on the sale of business assets other than inventory;

(2) The percentage of gross revenues and the percentage of gross business profits using the independent investor return test;

(3) The federal self-employment tax; and

(4) Any other issue related to the reasonable compensation deduction.

(d) Business tax credits and deductions including, but not limited to, net operating losses.

(e) Offering tax credits to insurance companies that create new net jobs in New Hampshire.

III. The commission may solicit and receive testimony and other information from any person or organization with information or expertise relevant to the committee's objective. State agencies shall cooperate with the commission, and provide data, information, reports, and testimony to the commission upon request.

IV. The governor shall appoint a chair from among the members. The first meeting of the commission shall be called by the chair and shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

V. Legislative members of the commission shall receive mileage at the legislative rate when attending meetings of the commission.

VI. The commission shall, following a public hearing on a draft final report, submit a final report on the items included in subparagraphs II(a) and (b) or before December 1, 2010, containing its findings and any recommendations for proposed legislation, to the governor, the president of the senate, the speaker of the house of representatives, the chairs of the house and senate ways and means committees, the house and senate clerks, and the state librarian.

VII. The commission shall, following a public hearing on a draft final report, submit a final report on the items included in subparagraphs II(c) and (d) or before November 1, 2012, containing its findings and any recommendations for proposed legislation, to the governor, the president of the senate, the speaker of the house of representatives, the chairs of the house and senate ways and means committees, the house and senate clerks, and the state librarian.

64 Repeal. RSA 77-F, relative to a commission to study business taxes, is repealed.

65 Department of Agriculture; Licenses; Transfers of Animals and Birds. Amend RSA 437:3 to read as follows:

437:3 Licenses. Applications for licenses shall be made annually in writing to the department accompanied by a license fee of [~~\$200~~] **\$350**. After January 1, the license fee shall be [~~\$100~~] **\$175**. If after inspection the department finds that the premises, cages and facilities thereon meet the proper standards for health and sanitation and that their use will not result in inhumane treatment of said animals or birds, and proof is provided with the application that the zoning enforcement official of the municipality wherein such facility is to be maintained has certified that the facility conforms to the municipal zoning regulations, a license shall be issued. Licenses shall expire on June 30 following issue, and may be renewed on application to the department accompanied by a renewal fee of [~~\$200~~] **\$350**. Such licenses shall be in the form prescribed by the department, shall be publicly displayed at the premises covered by them and adjacent to animal display cages. Each such license shall be subject to revocation at any time by the department, if in the judgment of the department the conditions under which it was issued are not being maintained. Each licensee shall be inspected by an employee of the department or by a person appointed by the department no less frequently than every 6 months. Upon receipt of a written complaint alleging violation of this subdivision, the department shall investigate said complaint within a reasonable time. All license fees shall be deposited in the state treasury.

66 Lottery Commission; Report Required. The lottery commission shall submit to the governor, the president of the senate, and the speaker of the house of representatives, no later than November 15, 2010, a comprehensive report describing how it proposes to modernize and update its products within the next 5 years in order to maximize revenues in a competitive lottery environment.

67 Operating Budget; Transfer of Appropriations; Adequate Education Grants; Funds From Education Trust Fund Transferred to General Fund.

I. The commissioner of the department of administrative services is authorized to transfer up to \$80,000,000 from the appropriation in account 06-56-56-560010-7550 class line 086 for fiscal year 2011 into account 06-56-56-560010-7550, class line 086 for fiscal year 2010 on or before June 30, 2010. Account 06-56-56-560010-7550, class line 079 for fiscal year 2010 shall be reduced by the same amount that is transferred into account 06-56-56-560010-7550, class line 086 for fiscal year 2010, and account 06-56-56-560010-7550, class line 079 for fiscal year 2011 shall be increased by the corresponding amount.

II. Notwithstanding RSA 198:39, any funds remaining in the education trust fund as of June 30, 2010 shall be transferred to the general fund as undesignated surplus.

68 Application; Appropriations Reductions; All State Agencies. The reductions required by this act shall be in addition to the reductions required by 2009, 143:22, I and 2009, 144:289.

69 Special School District Meetings. Notwithstanding RSA 197:2 and RSA 197:3, for the fiscal year ending June 30, 2011, a special meeting of a school district shall be held upon the majority vote of the school board only for the purpose of addressing changes in catastrophic aid funding which could affect the school district during the 2011 year.

70 Repeal. Section 69 of this act, relative to special school district meetings, is repealed.

71 Special Meeting of Towns for the Fiscal Year Ending June 30, 2011. Notwithstanding any other provision of law to the contrary, for the fiscal year ending June 30, 2011, any town, including those towns that have adopted RSA 40:13 may, by a majority vote of the governing body, call a special meeting without court approval to address any reduction in the amount of state revenue distributed to the town which could affect the town's budget. Such meetings shall be subject to the following:

I. The governing body of such town shall post a notice, which shall include the warrant, in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the meeting. Additional notice shall be published in a newspaper of general circulation in the political subdivision, provided that if there is no newspaper of general circulation in which notice can be published at least 7 days before the date of the meeting, public notice shall be posted in at least one additional place within the political subdivision.

II. The governing body shall hold a public hearing on the proposed warrant articles at the town meeting.

III. The governing body of any town that has adopted the provisions of RSA 40:13 may elect to hold and conduct the meeting in accordance with the provisions of RSA 39 and RSA 40 and other applicable law without regard to RSA 40:13. If the governing body elects to follow the provisions of RSA 40:13, it shall provide at least a 15-day period between the deliberative session and the vote for the purposes of proceedings under this section.

72 Repeal. Section 71 of this act, relative to the special meetings of towns, is repealed.

73 State Agencies; Supplanting General Fund Reductions With Other Funds. For the fiscal year ending June 30, 2011, any state agency may supplant general fund reductions required pursuant to this act with federal and other funds that may become available for that purpose. The department of administrative services shall report to the fiscal committee of the general court on or before July 30, 2010 detailing the use of any such funds.

74 Department of Health and Human Services; Reduction in Appropriation. Amend 2009, 143:9, as amended by 2010, 4:3 to read as follows:

143:9 Department of Health and Human Services; Reduction in Appropriation. The department of health and human services is hereby directed to reduce state general fund appropriations from any line by [~~\$19,559,231~~] **\$8,676,231** for the biennium ending June 30, 2011. Any direct services to New Hampshire citizens shall be excluded from these reductions unless expressly approved by the fiscal committee of the general court and the governor and council. The department shall provide a quarterly report of reductions made under this section to the fiscal committee of the general court and the governor and council.

75 Transfer of Anna Philbrook Center Residents. Notwithstanding any provision of law to the contrary, the department of health and human services shall transfer all residents of the Anna Philbrook center to the F-Unit wing of New Hampshire hospital. After said transfer is complete, the department shall consider utilizing the Anna Philbrook center for office space as needed by the department, or taking steps to close the facility once vacant.

76 Shelter Care Services. For the biennium ending June 30, 2011, the department of health and human services shall continue to fund shelter care services at Midway Shelter in Bradford, Antrim Girls Shelter in Antrim, and North Country Shelter Care in Jefferson.

77 Committee to Study the Youth Development Center and State Prison for Women.

I. There is established a committee to study the state-owned facility options for the populations of the youth development center and the state prison for women.

II. 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) Two members of the senate, appointed by the president of the senate.

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

IV. The committee shall study the state-owned facility options for the populations of the youth development center and state prison for women. The committee shall make a recommendation on the use of state-owned facilities for said populations and determine all statutory or administrative rule changes that will be necessary to effectuate said recommendation.

V. 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 senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

VI. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2010.

78 Fine Revenues. Notwithstanding the provisions of RSA 262:44, the state treasurer shall deposit into the general fund \$185,000 for fiscal year 2010 and \$760,000 for fiscal year 2011 from fine revenues received under RSA 262:44, I.

79 Documentation of Marriages; Marriage License Fee. Amend RSA 457:29 to read as follows:

457:29 Marriage License Fee. The fee for the marriage license shall be [~~\$45~~] **\$50** to be paid by the parties entering into the marriage. The clerk shall forward \$38 from each fee to the department of health and human services for the purposes of RSA 173-B:15, **and \$5 to the state treasurer for deposit in the general fund.** The clerk shall retain the remaining \$7 as the fee for making the records of notice, issuing the certificate of marriage, and forwarding the [~~\$38~~] **\$43** portion of the marriage license fee.

80 Fees for Copies, Verifications, and Amendments to Vital Records. Amend RSA 5-C:10, I-II to read as follows:

I. A town clerk or the registrar shall be paid in advance, by any person requesting any copy or verification as provided in RSA 5-C:9, the sum of [~~\$12~~] **\$20** for making a search, which sum shall include payment for the issuance of such copy or verification, and [~~\$8~~] **\$10** for each subsequent copy, provided that the fee to town clerks for examination of documents and issuance of a delayed birth certificate shall be \$25.

II. The town clerk shall forward \$8 of each search fee collected by the clerk under this section to the department of state for deposit in the vital records improvement fund established under RSA 5-C:15, **\$8 to the state treasurer for deposit in the general fund**, and shall retain the remaining \$4 as the clerk's fee for issuing such a copy. For subsequent copies issued at the same time, the town clerk shall forward \$5 of the fee collected for each subsequent copy under this section to the department for deposit in the vital records improvement fund established under RSA 5-C:15, **\$2 to the state treasurer for deposit in the general fund**, and [~~the town clerk~~] shall retain the remaining \$3 as the clerk's fee for issuing such a copy. The town

clerk shall retain the \$25 fee for a delayed birth certificate as the clerk's fee for examining documents and issuing the delayed birth certificate. Fees collected by the registrar shall be forwarded to the state treasurer for deposit into the vital records improvement fund established under RSA 5-C:15.

81 Prohibition on Delay of Payment or Expenditure. For the fiscal years ending June 30, 2010 and June 30, 2011, no department as defined in RSA 9:1 shall delay a payment or expenditure from one fiscal year to the subsequent fiscal year solely for the purpose of generating an unexpended balance that would lapse in the preceding year.

82 Appropriations and Charges. In addition to any other sums appropriated for the fiscal year ending June 30, 2011, the following appropriations and charges are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

Accounting Unit	Class	Department/Agency	Fund Source	FY 2011
01-14		Department of Administrative Services		
01-14-14-1400-1042		Commissioner - Administration		
01-14-14-1400-1042	020	Current Expenses	General Funds	(\$1,000)
01-14-14-1400-1042	030	Equipment New/Replacement	General Funds	(\$500)
01-14-14-1400-1042	080	Out-of State Travel	General Funds	(\$1,000)
01-14-14-1410-1044		Personnel Admin - Support		
01-14-14-1410-1044	020	Current Expenses	General Funds	(\$7,500)
01-14-14-1405-1310		Bureau of Accounting		
01-14-14-1405-1310	030	Equipment New/Replacement	General Funds	(\$250)
01-14-14-1405-1310	066	Employee Training	General Funds	(\$1,450)
01-14-14-1405-1330		Financial Reporting		
01-14-14-1405-1330	070	In-State Travel	General Funds	(\$150)
01-14-14-1405-1330	080	Out-of State Travel	General Funds	(\$1,000)
01-14-14-1400-1350		Budget Office		
01-14-14-1400-1350	080	Out-of State Travel	General Funds	(\$1,000)
01-14-14-1400-1360		Business Office		
01-14-14-1400-1360	020	Current Expenses	General Funds	(\$500)
01-14-14-1420-1370		Financial Data Management		
01-14-14-1420-1370	037	Technology - Hardware	General Funds	(\$25,352)
01-14-14-1420-1370	046	Consultants(non-benefited)	General Funds	(\$30,000)
01-14-14-1400-1375		Risk Management Unit		
01-14-14-1400-1375	020	Current Expenses	General Funds	(\$500)
01-14-14-1400-1375	030	Equipment New/Replacement	General Funds	(\$250)
01-14-14-1400-1375	080	Out-of State Travel	General Funds	(\$1,000)
01-14-14-1415-1440		Plant & Property Administration		
01-14-14-1415-1440	070	In-State Travel	General Funds	(\$250)
01-14-14-1415-1440	080	Out-of State Travel	General Funds	(\$1,450)
01-14-14-1410-1442		Employee Relations		
01-14-14-1410-1442	020	Current Expenses	General Funds	(\$600)
01-14-14-1415-2040		General Services		
01-14-14-1415-2040	023	Heat, Electricity & Water	General Funds	(\$50,000)
01-14-14-1415-2040	080	Out-of State Travel	General Funds	(\$184)

01-14-14-1415-2042		Bureau Facilities and Assets Management		
01-14-14-1415-2042	030	Equipment New/Replacement	General Funds	(\$5,300)
01-14-14-1415-2045		Bureau of Court Facilities		
01-14-14-1415-2045	023	Heat, Electricity & Water	Other Funds	(\$125,000)
01-14-14-1415-2045	047	Own Forces Maintenance - Building & Grounds	Other Funds	(\$6,500)
01-14-14-1415-2045	070	In-State Travel	Other Funds	(\$5,000)
01-14-14-1415-2045	201	Sheriff's Reimbursement	General Funds	(\$100,000)
01-14-14-1415-2083		M-S Building		
01-14-14-1415-2083	020	Current Expenses	General Funds	(\$10,000)
01-14-14-1415-2083	023	Heat, Electricity & Water	General Funds	(\$25,000)
01-14-14-1415-2083	030	Equipment New/Replacement	General Funds	(\$900)
01-14-14-1415-2083	070	In-State Travel	General Funds	(\$500)
01-14-14-1415-2091		Public Works Bureau		
01-14-14-1415-2091	020	Current Expenses	General Funds	(\$5,000)
01-14-14-1415-2091	030	Equipment New/Replacement	General Funds	(\$1,000)
01-14-14-1415-2091	070	In-State Travel	General Funds	(\$7,500)
01-14-14-1415-2098		Dept. Of Justice Building		
01-14-14-1415-2098	023	Heat, Electricity & Water	General Funds	(\$15,000)
01-14-14-1415-2098	030	Equipment New/Replacement	General Funds	(\$1,000)
01-14-14-1415-2099		Upham Walker Building		
01-14-14-1415-2099	023	Heat, Electricity & Water	General Funds	(\$5,000)
01-14-14-1415-5320		Lakes Region Campus		
01-14-14-1415-5320	070	In-State Travel	General Funds	(\$300)
01-14-14-1400-1356		Retirees Health		
01-14-14-1400-1356	046	Consultants (Non-benefited)	General Funds	(\$7,790)
01-14-14-1400-1356	100	Prescription Drug Expenditures	General Funds	(\$1,423,300)
01-14-14-1400-1356	101	Medical Payments To Providers	General Funds	(\$1,010,800)
01-14-14-1400-1356	102	Contracts for Program Services	General Funds	(\$108,110)
01-34		Department of Cultural Resources		
01-34-34-3420-3420		Office of Preservation		
01-34-34-3420-3420	010	Personal Services - Permanent Classified	General Funds	(\$38,560)
01-34-34-3420-3420	060	Benefits	General Funds	(\$31,614)
01-34-34-3420-3441		Federal Preservation Programs		
01-34-34-3420-3441	010	Personal Services - Permanent Classified	Federal Funds	\$38,560
01-34-34-3420-3441	060	Benefits	Federal Funds	\$31,614
01-34-34-3405-7000		Central Library Services		
01-34-34-3405-7000	010	Personal Services - Permanent Classified	General Funds	(\$115,595)
01-34-34-3405-7000	060	Benefits	General Funds	(\$44,512)
01-34-34-3410-1250		State Arts Development		
01-34-34-3410-1250	011	Personal Services - Unclassified	General Funds	(\$32,561)
01-34-34-3410-1250	060	Benefits	General Funds	(\$12,469)
01-84		Dept of Revenue Administration		
01-84-84-8400-7884		Administration		
01-84-84-8400-7884	070	In-State Travel	General Funds	(\$50,000)

01-84-84-8405-1301		Audit Division		
01-84-84-8405-1301	010	Personal Services - Permanent Classified	General Funds	(\$319,665)
01-84-84-8405-1301	060	Benefits	General Funds	(\$180,391)
01-84-84-8405-1401		Collections Division		
01-84-84-8405-1401	010	Personal Services - Permanent Classified	General Funds	(\$47,981)
01-84-84-8405-1401	060	Benefits	General Funds	(\$24,135)
01-84-84-8405-1501		Documents Processing Division		
01-84-84-8405-1501	010	Personal Services - Permanent Classified	General Funds	(\$126,805)
01-84-84-8405-1501	012	Personal Services - Unclassified	General Funds	(\$70,853)
01-84-84-8405-1501	045	Personal Services (Non-Benefited)	General Funds	(\$30,000)
01-84-84-8405-1501	060	Benefits	General Funds	(\$126,972)
01-84-84-8410-5413		Appraisal Services		
01-84-84-8410-5413	010	Personal Services - Permanent Classified	General Funds	(\$33,291)
01-84-84-8410-5413	060	Benefits	General Funds	(\$14,258)
01-28		Real Estate Commission		
01-28-28-2800-2054		Real Estate Comm Admin		
01-28-28-2800-2054	010	Personal Services- Permanent Classified	General Funds	(\$11,000)
01-28-28-2800-2054	104	Certification Expense	General Funds	(\$27,000)
01-29		Real Estate Appraiser Board		
01-29-29-2923-1140		Real Estate Appraiser Board Admin		
01-29-29-2923-1140	060	Benefits	General Funds	(\$7,155)
01-51		Board of Accountancy		
01-51-51-5100-2115		Board of Accountancy Admin		
01-51-51-5100-2115	020	Current Expenses	General Funds	(\$8,000)
01-51-51-5100-2115	046	Consultants (Non-benefited)	General Funds	(\$4,100)
01-31		Joint Board		
01-31-31-3100-2250		Joint Board Admin		
01-31-31-3100-2250	010	Personal Services- Permanent Classified	General Funds	(\$33,840)
01-31-31-3100-2250	060	Benefits	General Funds	(\$23,561)
01-39		Board of Manufactured Housing		
01-39-39-3923-4423		Board of Manufactured Housing		
01-39-39-3923-4423	020	Current Expense	General Funds	(\$1,451)
01-39-39-3923-4423	070	In-State Travel	General Funds	(\$260)
01-05		Executive Council		
01-05-05-0520-1001		Executive Council		
01-05-05-0520-1001	012	Personal Services - Unclassified	General Funds	(\$300)
01-05-05-0520-1001	020	Current Expense	General Funds	(\$2,180)
01-05-05-0520-1001	027	Transfers to DoIT	General Funds	(\$500)
01-05-05-0520-1001	030	Equipment	General Funds	(\$600)
01-05-05-0520-1001	080	Out-of-state Travel	General Funds	(\$1,215)
01-02		Executive Office		
01-02-02-0200		Executive Office		
01-02-02-0200-1036		Office of the Governor		
01-02-02-0200-1036		Personal Services/Current Expenses/Benefits	General Funds	(\$75,665)
01-02-02-0205		Governor's Commission on Disability		
01-02-02-0205-1004		Commission on Disability		
01-02-02-0205-1004	011	Personal Services - Unclassified	General Funds	(\$31,237)

01-02-02-0205-1006	020	Current Expenses	General Funds	(\$500)
01-02-02-0205-1004	026	Organizational Dues	General Funds	(\$100)
01-02-02-0205-1006	030	Equipment	General Funds	(\$500)
01-02-02-0205-1006	046	Consultants (Non-Benefited)	General Funds	(\$750)
01-02-02-0205-1004	060	Benefits	General Funds	(\$4,881)
01-02-02-0205-1006	070	In-state Travel	General Funds	(\$1,500)
01-02-02-0205-1006	080	Out-of-State	General Funds	(\$559)
01-02-02-0205-1004	230	Interpreter Services	General Funds	(\$2,000)
01-02-02-0240		Office of Energy and Planning		
01-02-02-0240-6400		Administration		
01-02-02-0240-6400	010	Personal Services - Permanent Classified	General Funds	(\$21,204)
01-02-02-0240-6400	016	Personal Services - Non-Classified	General Funds	(\$12,659)
01-02-02-0240-6400	046	Consultants (Non-Benefited)	General Funds	(\$10,000)
01-02-02-0240-6400	060	Benefits	General Funds	(\$6,942)
01-02-02-0240-6400	068	Remuneration	General Funds	(\$18,607)
01-02-02-0240-6570		Municipal/Regional Assistance		
01-02-02-0240-6570	010	Personal Services- Permanent Classified	General Funds	(\$2,150)
01-02-02-0240-6570	060	Benefits	General Funds	(\$332)
01-02-02-0240-6570	073	Grants - Non Federal	General Funds	(\$30,000)
01-02-02-0240-4096		Connecticut River Valley		
01-02-02-0240-4096	068	Remuneration	General Funds	(\$26,136)
01-02-02-0240-8114		Unemployment Compensation		
01-02-02-0240-8114	061	Unemployment Compensation	General Funds	(\$5,000)
02-12		Adjutant General Department		
02-12-12-1200-2220		Administration and Armories		
02-12-12-1200-2220	010	Personal Services- Permanent Classified	General Funds	(\$89,318)
02-12-12-1200-2220	020	Current Expense	General Funds	(\$15,000)
02-12-12-1200-2220	022	Rents & Leases Other than State	General Funds	(\$6,853)
02-12-12-1200-2220	060	Benefits	General Funds	(\$63,308)
02-12-12-1200-2233		Air National Guard MNT/OPER		
02-12-12-1200-2233	020	Current Expenses	General Funds	(\$5,000)
02-12-12-1200-2233	020	Current Expenses	Federal Funds	(\$15,000)
02-12-12-1200-2233	023	Heat, Electricity, & Water	General Funds	(\$5,000)
02-12-12-1200-2233	023	Heat, Electricity, & Water	Federal Funds	(\$15,000)
02-12-12-1200-2233	047	Own Forces Maintenance - Building & Grounds	General Funds	(\$5,000)
02-12-12-1200-2233	047	Own Forces Maintenance - Building & Grounds	Federal Funds	(\$15,000)
02-12-12-1200-2240		Army and State 50/50		
02-12-12-1200-2240	023	Heat, Electricity, & Water	General Funds	(\$45,000)
02-12-12-1200-2240	023	Heat, Electricity, & Water	Federal Funds	(\$45,000)
02-12-12-1200-2240	103	Contracts for Operational Services	General Funds	(\$88,374)
02-12-12-1200-2240	103	Contracts for Operational Services	Federal Funds	(\$88,374)
02-12-12-1210-2260		NH State Veterans Cemetery Operations		
02-12-12-1210-2260	050	Personal Services - Temporary/Appointed	General Funds	(\$15,000)
02-12-12-1210-2260	060	Benefits	General Funds	(\$1,147)
02-18		Department of Agriculture, Markets & Food		
02-18-18-1825-2705		Animal Population Control		
02-18-18-1825-2705	010	Personal Services- Permanent Classified	General Funds	(\$30,888)
02-18-18-1825-2705	060	Benefits	General Funds	(\$30,098)

02-18-18-1830-2137		Pesticide Regulation		
02-18-18-1830-2137	060	Benefits	General Funds	(\$31,626)
02-18-18-1830-2137	060	Benefits	Other Funds	\$31,626
02-18-18-1805-2133		Division of Weights & Measures		
02-18-18-1805-2133	018	Overtime	General Funds	(\$31,041)
02-18-19-1900-7883		Board of Veterinary Medicine		
02-18-19-1900-7883	010	Personal Services - Permanent Classified	General Funds	(\$9,688)
02-18-19-1900-7883	060	Benefits	General Funds	(\$5,677)
02-20		Department of Justice		
02-20-20-2000-2601		Attorney General		
02-20-20-2000-2601	010	Personal Services- Permanent Classified	General Funds	(\$89,379)
02-20-20-2000-2601	060	Benefits	General Funds	(\$32,799)
02-20-20-2005-2610		Criminal Bureau		
02-20-20-2005-2610	010	Personal Services - Permanent Classified	General Funds	(\$124,374)
02-20-20-2005-2610	060	Benefits	General Funds	(\$63,229)
02-20-20-2005-2610	010	Personal Services - Permanent Classified	Federal Funds	\$92,428
02-20-20-2005-2610	060	Benefits	Federal Funds	\$42,264
02-20-20-2005-2611		Consumer Bureau		
02-20-20-2005-2611	010	Personal Services - Permanent Classified	General Funds	(\$39,990)
02-20-20-2005-2611	014	Personal Services- Unclassified	General Funds	(\$68,092)
02-20-20-2005-2611	060	Benefits	General Funds	(\$43,025)
02-20-20-2005-2611	010	Personal Services - Permanent Classified	Other Funds	\$39,990
02-20-20-2005-2611	014	Personal Services - Unclassified	Other Funds	\$68,092
02-20-20-2005-2611	060	Benefits	Other Funds	\$43,025
02-20-20-2010-2620		Civil Bureau		
02-20-20-2010-2620	010	Personal Services- Permanent Classified	General Funds	(\$47,310)
02-20-20-2010-2620	013	Personal Services- Unclassified	General Funds	(\$172,374)
02-20-20-2010-2620	060	Benefits	General Funds	(\$106,062)
02-73		Public Employee Labor Relations Board		
02-73-73-7300-2066		Public Employee Labor Relations Board		
02-73-73-7300-2066	010	Personal Services - Permanent Classified	General Funds	(\$14,936)
02-73-73-7300-2066	020	Current Expenses	General Funds	(\$1,500)
02-73-73-7300-2066	026	Organizational Dues	General Funds	(\$115)
02-73-73-7300-2066	046	Consultants (Non-Benefited)	General Funds	(\$1,200)
02-73-73-7300-2066	050	Personal Services - Temporary / Appointed	General Funds	(\$4,500)
02-73-73-7300-2066	070	In-State Travel	General Funds	(\$250)
02-86		Racing & Charitable Gaming Commission		
02-86-86-8600-2210		Racing & Charitable Gaming Commission		
02-86-86-8600-2210	018	Overtime	General Funds	(\$5,000)
02-86-86-8600-2210	019	Holiday Pay	General Funds	(\$1,000)
02-86-86-8600-2210	020	Current Expenses	General Funds	(\$15,000)
02-86-86-8600-2210	024	Maintenance Other than Building & Grounds	General Funds	(\$500)
02-86-86-8600-2210	059	Full-Time Temporary	General Funds	(\$20,000)
02-86-86-8600-2210	060	Benefits	General Funds	(\$10,000)
02-86-86-8600-2210	070	In-State Travel	General Funds	(\$5,000)
02-26		Department of Labor		
02-26-26-2605-6100		Inspection Division		
02-26-26-2605-6100	010	Personal Services- Permanent Classified	General Funds	(\$57,826)
02-26-26-2605-6100	060	Benefits	General Funds	(\$50,174)

02-77		Liquor Commission		
02-77-77-7705-7878		Enforcement		
02-77-77-7705-7878	18	Overtime	Other Funds	(\$60,000)
02-77-77-7705-7878	30	Equipment New/Replacement	Other Funds	(\$70,000)
02-77-77-7705-1021		Licensing		
02-77-77-7705-1021	22	Rents & Leases Other Than State	Other Funds	(\$40,000)
02-77-77-7710-1023		Financial Administration		
02-77-77-7710-1023	22	Rents & Leases Other Than State	Other Funds	(\$110,000)
02-77-77-7715-1024		Merchandising - Administration		
02-77-77-7715-1024	46	Consultants (Non-Benefited)	Other Funds	(\$225,000)
02-46		Department of Corrections		
02-46-46-4650-8236		Pharmacy		
02-46-46-4650-8236	070	In-State travel	General Funds	(\$1,601)
02-46-46-4650-8236	100	Prescription Drug Expenditures	General Funds	(\$750,000)
02-46-46-4600-7101		Commissioner's Office		
02-46-46-4600-7101	020	Current Expenses	General Funds	(\$15,000)
02-46-46-4600-7101	066	Employee Training	General Funds	(\$15,000)
02-46-46-4600-7101	070	In-State travel	General Funds	(\$1,722)
02-46-46-4660-7111		NH State Prison for Women		
02-46-46-4660-7111	020	Current Expenses	General Funds	(\$10,000)
02-46-46-4660-7111	023	Heat, Electricity & Water	General Funds	(\$11,493)
02-46-46-4660-7111	047	Own Forces Maintenance - Building & Grounds	General Funds	(\$2,000)
02-46-46-4660-7111	048	Contractual Maintenance - Building & Grounds	General Funds	(\$3,000)
02-46-46-4660-7111	068	Remuneration	General Funds	(\$12,497)
02-46-46-4660-7111	070	In-State travel	General Funds	(\$3,257)
02-46-46-4660-7111	102	Contracts For Program Services	General Funds	(\$242,000)
02-46-46-4650-5833		Secured Psych Unit (SPU)		
02-46-46-4650-5833	020	Current Expenses	General Funds	(\$5,000)
02-46-46-4650-5833	024	Maintenance Other Than Building & Grounds	General Funds	(\$1,000)
02-46-46-4650-5833	047	Own Forces Maintenance - Building & Grounds	General Funds	(\$5,000)
02-46-46-4650-5833	068	Remuneration	General Funds	(\$4,507)
02-46-46-4650-5833	070	In-State travel	General Funds	(\$1,831)
02-46-46-4630-7103		NHSP/M - Kitchen		
02-46-46-4630-7103	020	Current Expenses	General Funds	(\$10,000)
02-46-46-4630-7103	024	Maintenance Other Than Building & Grounds	General Funds	(\$2,000)
02-46-46-4630-7108		NHSP/M - Warehouse		
02-46-46-4630-7108	020	Current Expenses	General Funds	(\$40,000)
02-46-46-4630-7108	070	In-State travel	General Funds	(\$217)
02-46-46-4630-7113		NHSP/M - Admin		
02-46-46-4630-7113	020	Current Expenses	General Funds	(\$10,000)
02-46-46-4630-7113	024	Maintenance Other Than Building & Grounds	General Funds	(\$1,000)
02-46-46-4630-7113	070	In-State travel	General Funds	(\$25,727)
02-46-46-4630-7120		NHSP/M - Security		
02-46-46-4630-7120	020	Current Expenses	General Funds	(\$10,000)
02-46-46-4630-7120	068	Remuneration	General Funds	(\$150,173)

02-46-46-4630-7140		NHSP/M - Maintenance		
02-46-46-4630-7140	020	Current Expenses	General Funds	(\$40,000)
02-46-46-4630-7140	023	Heat, Electricity & Water	General Funds	(\$158,914)
02-46-46-4630-7140	047	Own Forces Maintenance - Building & Grounds	General Funds	(\$10,000)
02-46-46-4630-7140	070	In-State travel	General Funds	(\$3,257)
02-46-46-4600-7170		Parole Board		
02-46-46-4600-7170	020	Current Expenses	General Funds	(\$5,000)
02-46-46-4600-7170	068	Remuneration	General Funds	(\$200)
02-46-46-4600-7170	070	In-State travel	General Funds	(\$9,874)
02-46-46-4650-8231		Mental Health		
02-46-46-4650-8231	020	Current Expenses	General Funds	(\$1,000)
02-46-46-4650-8231	070	In-State travel	General Funds	(\$2,569)
02-46-46-4650-8235		Residential Treatment Unit (RTU)		
02-46-46-4650-8235	020	Current Expenses	General Funds	(\$5,000)
02-46-46-4650-8235	070	In-State travel	General Funds	(\$2,910)
02-46-46-4610-8300		Financial Services		
02-46-46-4610-8300	020	Current Expenses	General Funds	(\$1,000)
02-46-46-4610-8300	070	In-State travel	General Funds	(\$286)
02-46-46-4640-8302		Field Services		
02-46-46-4640-8302	020	Current Expenses	General Funds	(\$10,000)
02-46-46-4640-8302	023	Heat, Electricity & Water	General Funds	(\$1,562)
02-46-46-4640-8302	047	Own Forces Maintenance - Building & Grounds	General Funds	(\$2,000)
02-46-46-4640-8302	070	In-State travel	General Funds	(\$90,733)
02-46-46-4600-8360		Training		
02-46-46-4600-8360	020	Current Expenses	General Funds	(\$2,000)
02-46-46-4600-8360	070	In-State travel	General Funds	(\$1,329)
02-46-46-4645-7874		Calumet House		
02-46-46-4645-7874	023	Heat, Electricity & Water	General Funds	(\$2,455)
02-46-46-4645-7874	024	Maintenance Other Than Building & Grounds	General Funds	(\$2,000)
02-46-46-4645-7874	070	In-State travel	General Funds	(\$1,086)
02-46-46-4650-8234		Medical - Dental		
02-46-46-4650-8234	024	Maintenance Other Than Building & Grounds	General Funds	(\$3,000)
02-46-46-4650-8234	070	In-State travel	General Funds	(\$11,326)
02-46-46-4645-5172		Shea Farm		
02-46-46-4645-5172	023	Heat, Electricity & Water	General Funds	(\$2,947)
02-46-46-4645-5172	048	Contractual Maintenance - Building & Grounds	General Funds	(\$6,000)
02-46-46-4645-7107		North End House		
02-46-46-4645-7107	070	In-State travel	General Funds	(\$543)
02-46-46-4600-8301		Human Resources		
02-46-46-4600-8301	070	In-State travel	General Funds	(\$615)
02-76		NH Commission for Human Rights		
02-76-76-7600-7882		NH Commission for Human Rights		
02-76-76-7600-7882	020	Current Expenses	General Funds	(\$2,175)
02-76-76-7600-7882	020	Current Expenses	Federal Funds	(\$458)
02-76-76-7600-7882	038	Technology - Software	General Funds	(\$2,557)
02-76-76-7600-7882	038	Technology - Software	Federal Funds	(\$539)

02-76-76-7600-7882	050	Personal Services- Temporary / Appointed	General Funds	(\$1,638)
02-76-76-7600-7882	050	Personal Services- Temporary / Appointed	Federal Funds	(\$345)
02-76-76-7600-7882	057	Books, Periodicals,Subscriptions	General Funds	(\$1,922)
02-76-76-7600-7882	057	Books, Periodicals,Subscriptions	Federal Funds	(\$405)
02-76-76-7600-7882	066	Employee Training	General Funds	(\$814)
02-76-76-7600-7882	066	Employee Training	Federal Funds	(\$171)
02-76-76-7600-7882	068	Remuneration	General Funds	(\$826)
02-76-76-7600-7882	068	Remuneration	Federal Funds	(\$174)
02-76-76-7600-7882	070	In-State Travel	General Funds	(\$1,264)
02-76-76-7600-7882	070	In-State Travel	Federal Funds	(\$266)
02-76-76-7600-7882	103	Contracts for Operational Services	General Funds	(\$25)
02-76-76-7600-7882	103	Contracts for Operational Services	Federal Funds	(\$5)
03-35		Department of Resources and Economic Development		
03-35-35-3500-3400		Office of the Commissioner		
03-35-35-3500-3400	040	Indirect Costs	General Funds	(\$1,657)
03-35-35-3500-3401		Design Development-Maintenance		
03-35-35-3500-3401	010	Personal Services- Permanent Classified	General Funds	(\$36,025)
03-35-35-3500-3401	010	Personal Services- Permanent Classified	Other Funds	(\$41,782)
03-35-35-3500-3401	060	Benefits	General Funds	(\$14,395)
03-35-35-3500-3401	060	Benefits	Other Funds	(\$16,694)
03-35-35-3500-3402		Bureau Of Historic Sites		
03-35-35-3500-3402	070	In-State Travel	General Funds	(\$500)
03-35-35-3510-3500		Forest And Lands/Adm.		
03-35-35-3510-3500	045	Personal Services (Non-Benefited)	General Funds	(\$16,000)
03-35-35-3510-3505		Management & Protection		
03-35-35-3510-3505	010	Personal Services- Permanent Classified	Other Funds	(\$19,413)
03-35-35-3510-3505	060	Benefits	Other Funds	(\$7,765)
03-35-35-3510-3510		Forest Management		
03-35-35-3510-3510	010	Personal Services- Permanent Classified	General Funds	(\$86,509)
03-35-35-3510-3510	010	Personal Services- Permanent Classified	Other Funds	\$86,509
03-35-35-3510-3510	020	Current Expenses	General Funds	(\$10,000)
03-35-35-3510-3510	060	Benefits	General Funds	(\$24,825)
03-35-35-3510-3510	060	Benefits	Other Funds	\$24,825
03-35-35-3510-2102		Fuelwood		
03-35-35-3510-2102	020	Current Expenses	Other Funds	\$10,000
03-35-35-3510-3520		Forest Protection		
03-35-35-3510-3520	010	Personal Services- Permanent Classified	General Funds	(\$55,996)
03-35-35-3510-3520	050	Personal Services - Temporary / Appointed	General Funds	(\$29,778)
03-35-35-3510-3520	060	Benefits	General Funds	(\$32,758)
03-35-35-3510-3492		Special Deputy Training		
03-35-35-3510-3492	050	Personal Services - Temporary / Appointed	Other Funds	\$25,000
03-35-35-3510-3492	060	Benefits	Other Funds	\$1,912
03-35-35-3505-3600		Economic Development Admin.		
03-35-35-3505-3600	020	Current Expenses	General Funds	(\$4,458)
03-35-35-3505-3600	069	Promotional And Marketing Expense	General Funds	(\$100,000)

03-35-35-3505-3612		Office of International Comm.		
03-35-35-3505-3612	020	Current Expenses	General Funds	(\$86,000)
03-35-35-3505-3615		Industrial Research Center		
03-35-35-3505-3615	102	Contracts For Program Services	General Funds	(\$100,000)
03-35-35-3520-3620		Travel & Tourism		
03-35-35-3520-3620	069	Promotional And Marketing Expense	General Funds	(\$165,000)
03-35-35-3520-3576		International Tourism		
03-35-35-3520-3576	069	Promotional And Marketing Expense	General Funds	(\$5,000)
03-35-35-3520-5874		Travel & Tourism Dev Fund		
03-35-35-3520-5874	069	Promotional And Marketing Expense	General Funds	(\$40,000)
03-44		Environmental Services		
03-44-44-4400-1002		Administration and Support		
03-44-44-4400-1002	102	Contracts for Program Services	General Funds	(\$220,000)
03-44-44-4420-1003		State Aid Grants		
03-44-44-4420-1003	073	Grants - Non-Federal	General Funds	(\$327,701)
03-44-44-4420-1518		Lakes - Rivers Management		
03-44-44-4420-1518	102	Contracts for Program Services	General Funds	(\$100,000)
03-44-44-4420-1523		ShellFish Healthy Tides		
03-44-44-4420-1523	102	Contracts for Program Services	General Funds	(\$16,500)
03-44-44-4420-3800		Dam Maintenance Administration		
03-44-44-4420-3800	102	Contracts for Program Services	General Funds	(\$78,700)
03-44-44-4420-3800	303	Public Access Projects	General Funds	(\$25,000)
03-44-44-4440-2589		CERCLA Maintenance		
03-44-44-4440-2589	102	Contracts for Program Services	General Funds	(\$200,000)
03-44-44-4400-1002		Administration and Support		
03-44-44-4400-1002	010	Personal Services - Permanent Classified	General Funds	(\$75,373)
03-44-44-4400-1002	010	Personal Services - Permanent Classified	Other Funds	(\$34,982)
03-44-44-4400-1002	060	Benefits	General Funds	(\$40,861)
03-44-44-4400-1002	060	Benefits	Other Funds	(\$18,965)
03-44-44-4420-3800		Dam Bureau Administration		
03-44-44-4420-3800	010	Personal Services - Permanent Classified	General Funds	(\$110,070)
03-44-44-4420-3800	060	Benefits	General Funds	(\$64,534)
03-44-44-4420-3800	010	Personal Services - Permanent Classified	Other Funds	(\$22,545)
03-44-44-4420-3800	060	Benefits	Other Funds	(\$13,218)
03-44-44-4420-3815		Wetlands Administration		
03-44-44-4420-3815	010	Personal Services - Permanent Classified	General Funds	(\$64,254)
03-44-44-4420-3815	060	Benefits	General Funds	(\$51,343)
03-44-44-4440-5402		Solid Waste Assist- Prmt- Enfor		
03-44-44-4440-5402	010	Personal Services - Permanent Classified	General Funds	(\$147,661)
03-44-44-4440-5402	060	Benefits	General Funds	(\$72,576)
03-44-44-4440-5492		RCRA State Match		
03-44-44-4440-5492	010	Personal Services - Permanent Classified	General Funds	(\$94,551)
03-44-44-4440-5492	060	Benefits	General Funds	(\$56,607)

03-44-44-4430-5496		Radon Program		
03-44-44-4430-5496	010	Personal Services - Permanent Classified	General Funds	(\$31,907)
03-44-44-4430-5496	060	Benefits	General Funds	(\$10,027)
03-44-44-4430-5496	010	Personal Services - Permanent Classified	Federal Funds	(\$31,907)
03-44-44-4430-5496	060	Benefits	Federal Funds	(\$10,028)
04-96		Department of Transportation		
04-96-96-9640-2931		Railroad		
04-96-96-9640-2931	010	Personal Services- Permanent Classified	General Funds	(\$34,866)
04-96-96-9640-2931	060	Benefits	General Funds	(\$21,800)
04-96-96-9640-2931	010	Personal Services- Permanent Classified	Federal Funds	\$34,866
04-96-96-9640-2931	060	Benefits	Federal Funds	\$21,800
04-96-96-9640-2107		Aeronautics		
04-96-96-9640-2107	070	In-State Travel	General Funds	(\$4)
04-96-96-9640-2049		Land & Buildings		
04-96-96-9640-2049	046	Consultants (Non-Benefited)	General Funds	(\$2,500)
04-96-96-9640-2049	048	Contractual Maintenance - Buildings & Grounds	General Funds	(\$17,500)
04-96-96-9640-2049	400	Construction, Repair & Material	General Funds	(\$5,000)
04-96-96-9640-2058		Maintenance/Critical Repair		
04-96-96-9640-2058	048	Contractual Maintenance - Buildings & Grounds	General Funds	(\$10,000)
05-95		Department of Health and Human Services		
05-95-40		Division for Children, Youth and Families		
05-95-40-4030-5855		Child-Family Services		
05-95-40-4030-5855	101	Medical Payments to Providers	General Funds	(\$6,997)
05-95-40-4030-5855	101	Medical Payments to Providers	Federal Funds	(\$7,031)
05-95-40-4030-5855	533	Foster Care Services	General Funds	(\$172,486)
05-95-40-4030-5855	533	Foster Care Services	Federal Funds	(\$173,320)
05-95-40-4030-5855	535	Out Of Home Placements	General Funds	(\$232,263)
05-95-40-4030-5855	535	Out Of Home Placements	Federal Funds	(\$233,385)
05-95-40-4030-5855	550	Assessment and Counseling	General Funds	(\$1,716)
05-95-40-4030-5855	550	Assessment and Counseling	Federal Funds	(\$1,724)
05-95-40-4030-5855	563	Community Based Services	General Funds	(\$59,040)
05-95-40-4030-5855	563	Community Based Services	Federal Funds	(\$59,325)
05-95-40-4030-5857		DCYF-Prevention Programs		
05-95-40-4030-5857	073	Grants - Non-Federal	General Funds	(\$784,911)
05-95-45		Division of Family Assistance		
05-95-45-4500-6127		Employment Support		
05-95-45-4500-6127	102	Contracts For Program Services	General Funds	(\$73,000)
05-95-45-4500-6127	102	Contracts For Program Services	Federal Funds	(\$554,000)
05-95-48		Bureau of Elderly and Adult Services		
05-95-48-4810-8915		Congregate Housing		
05-95-48-4810-8915	502	Payments to Providers	General Funds	(\$15,000)
05-95-48-4815-6173		Nursing Services		
05-95-48-4815-6173	504	Nursing Home Payments	General Funds	(\$2,057,000)
05-95-48-4815-6173	504	Nursing Home Payments	Federal Funds	(\$2,057,000)
05-95-48-4815-6173	505	Mid-Level Care Expenses	General Funds	(\$71,000)
05-95-48-4815-6173	505	Mid-Level Care Expenses	Federal Funds	(\$70,000)
05-95-48-4815-6173	506	Home Nursing Services	General Funds	(\$435,000)
05-95-48-4815-6173	506	Home Nursing Services	Federal Funds	(\$436,000)

05-95-48-4815-6173	529	Home Health Services	General Funds	(\$161,000)
05-95-48-4815-6173	529	Home Health Services	Federal Funds	(\$161,000)
05-95-90		Division of Public Health Services		
05-95-90-9015-5121		Health Promotion		
05-95-90-9015-5121	020	Current Expenses	General Funds	(\$12,422)
05-95-90-9015-5121	022	Rents & Leases Other than State	General Funds	(\$1,500)
05-95-90-9015-5121	050	Personal Services - Temporary/Appointed	General Funds	(\$9,503)
05-95-90-9015-5121	060	Benefits	General Funds	(\$727)
05-95-90-9025-5178		Immunization Program		
05-95-90-9025-5178	102	Contracts For Program Services	Federal Funds	(\$5,000)
05-95-90-9030-5230		Public Health Laboratories		
05-95-90-9030-5230	020	Current Expenses	General Funds	(\$20,400)
05-95-90-9030-5230	548	Reagents	General Funds	(\$27,000)
05-95-92		Bureau of Behavioral Health		
05-95-92-9200-7010		Community Mental Health Services		
05-95-92-9200-7010	552	Rehab Services	General Funds	(\$466,000)
05-95-92-9200-7010	552	Rehab Services	Federal Funds	(\$617,000)
05-95-93		Division of Developmental Services		
05-95-93-9300-7100		Developmental Services		
05-95-93-9300-7100	102	Contracts for Program Services	General Funds	(\$30,000)
05-95-93-9300-7100	557	Medicaid Waiver Services	General Funds	(\$487,000)
05-95-93-9300-7100	557	Medicaid Waiver Services	Federal Funds	(\$487,000)
05-95-93-9300-7016		Acquired Brain Disorder Services		
05-95-93-9300-7016	557	Medicaid Waiver Services	General Funds	(\$87,000)
05-95-93-9300-7016	557	Medicaid Waiver Services	Federal Funds	(\$87,000)
05-95-93-9300-7559		NH Brain Injury Program		
05-95-93-9300-7559	502	Payments to Providers	General Funds	(\$50,000)
05-95-93-9300-5191		Special Medical Services		
05-95-93-9300-5191	046	Consultants (Non-Benefited)	General Funds	(\$41,000)
05-95-93-9300-5191	102	Contracts for Program Services	General Funds	(\$15,000)
05-95-93-9300-5191	561	Specialty Clinics	General Funds	(\$99,000)
05-95-94		New Hampshire Hospital		
05-95-94-9400-8750		Acute Psychiatric Services		
05-95-94-9400-8750	102	Contracts for Program Services	General Funds	(\$190,000)
05-95-94-9400-8750	102	Contracts for Program Services	Federal Funds	(\$22,000)
05-95-95-9560		Office of Medicaid and Business Policy		
05-95-95-9560-6126		Medicaid Administration		
05-95-95-9560-6126	512	Transportation Of Clients	General Funds	(\$306,000)
05-95-95-9560-6126	512	Transportation Of Clients	Federal Funds	(\$306,000)
05-95-95-9560-6143		Pharmacy Services		
05-95-95-9560-6143	503	State Phase Down	General Funds	(\$5,500,000)
05-95-95-9560-6147		Provider Payments		
05-95-95-9560-6147	101	Medical Payments to Providers	General Funds	(\$1,455,046)
05-95-95-9560-6147	101	Medical Payments to Providers	Federal Funds	(\$1,455,046)
05-95-95-9560-6147	565	Outpatient Hospital	General Funds	(\$350,000)
05-95-95-9560-6147	565	Outpatient Hospital	Federal Funds	(\$350,000)

05-95-95-9584		DCBCS Treatment & Prevention		
05-95-95-9584-1388		Governor		
05-95-95-9584-1388	102	Contracts for Program Services	General Funds	(\$76,000)
05-43		New Hampshire Veterans Home		
05-43-43-4300-5358		Custodial Services		
05-43-43-4300-5358	018	Overtime	General Funds	(\$10,000)
05-43-43-4300-5358	019	Holiday Pay	General Funds	(\$5,000)
05-43-43-4300-5358	020	Current Expenses	General Funds	(\$10,000)
05-43-43-4300-5358	021	Food Institutions	General Funds	(\$26,000)
05-43-43-4300-5358	023	Heat, Electricity & Water	General Funds	(\$40,000)
05-43-43-4300-5358	047	Own Forces Maintenance - Building & Grounds	General Funds	(\$50,000)
05-43-43-4300-5358	050	Personal Services - Temporary/Appointed	General Funds	(\$20,000)
05-43-43-4300-5358	070	In-State Travel	General Funds	(\$7,000)
05-43-43-4300-5359		Professional Services		
05-43-43-4300-5359	010	Personal Services- Permanent Classified	General Funds	(\$773,535)
05-43-43-4300-5359	010	Personal Services- Permanent Classified	Federal Funds	\$773,535
05-43-43-4300-5359	011	Personal Services - Unclassified	General Funds	(\$5,727)
05-43-43-4300-5359	011	Personal Services - Unclassified	Federal Funds	\$5,727
05-43-43-4300-5359	018	Overtime	General Funds	(\$6,180)
05-43-43-4300-5359	018	Overtime	Federal Funds	\$6,180
05-43-43-4300-5359	019	Holiday Pay	General Funds	(\$23,619)
05-43-43-4300-5359	019	Holiday Pay	Federal Funds	\$10,974
05-43-43-4300-5359	019	Holiday Pay	Other Funds	(\$9,540)
05-43-43-4300-5359	020	Current Expenses	General Funds	(\$31,999)
05-43-43-4300-5359	020	Current Expenses	Federal Funds	\$27,640
05-43-43-4300-5359	020	Current Expenses	Other Funds	(\$3,289)
05-43-43-4300-5359	026	Organizational Dues	General Funds	(\$119)
05-43-43-4300-5359	026	Organizational Dues	Federal Funds	\$119
05-43-43-4300-5359	027	Transfers to Office Information Technology	General Funds	(\$7,520)
05-43-43-4300-5359	027	Transfers to Office Information Technology	Federal Funds	\$7,520
05-43-43-4300-5359	030	Equipment New/Replacement	General Funds	(\$10,952)
05-43-43-4300-5359	030	Equipment New/Replacement	Federal Funds	\$10,952
05-43-43-4300-5359	041	Audit Fund Set Aside	General Funds	(\$377)
05-43-43-4300-5359	041	Audit Fund Set Aside	Federal Funds	\$377
05-43-43-4300-5359	046	Consultants (Non-Benefited)	General Funds	(\$18,775)
05-43-43-4300-5359	046	Consultants (Non-Benefited)	Federal Funds	\$18,775
05-43-43-4300-5359	050	Personal Services - Temporary / Appointed	General Funds	(\$40,051)
05-43-43-4300-5359	050	Personal Services - Temporary / Appointed	Federal Funds	\$40,051
05-43-43-4300-5359	060	Benefits	General Funds	(\$407,826)
05-43-43-4300-5359	060	Benefits	Federal Funds	\$407,826
05-43-43-4300-5359	070	In-State Travel	General Funds	(\$1,366)
05-43-43-4300-5359	070	In-State Travel	Federal Funds	\$527
05-43-43-4300-5359	070	In-State Travel	Other Funds	(\$633)
05-43-43-4300-5359	080	Out-of State Travel	General Funds	(\$313)
05-43-43-4300-5359	080	Out-of State Travel	Federal Funds	\$313
05-43-43-4300-5360		Pharmacy Services		
05-43-43-4300-5360	100	Prescription Drug Expenditures	General Funds	(\$54,000)
05-74		HHS Admin Attached Boards		
05-74-74-7405-7400		Board of Medicine		
05-74-74-7405-7400	018	Overtime	General Funds	(\$31)
05-74-74-7405-7400	020	Current Expenses	General Funds	(\$5,000)
05-74-74-7405-7400	050	Personal Services - Temporary / Appointed	General Funds	(\$18,810)
05-74-74-7405-7400	060	Benefits	General Funds	(\$1,552)

05-74-74-7410-7410		Board of Optometry		
05-74-74-7410-7410	020	Current Expenses	General Funds	(\$1,500)
05-74-74-7410-7410	070	In-State Travel	General Funds	(\$539)
05-74-74-7420-7420		Nursing Home Exam Board		
05-74-74-7420-7420	020	Current Expenses	General Funds	(\$500)
05-74-74-7420-7420	050	Personal Services - Temporary / Appointed	General Funds	(\$924)
05-74-74-7420-7420	060	Benefits	General Funds	(\$77)
05-74-74-7425-7425		Off of Allied Health Prof		
05-74-74-7425-7425	046	Consultants (Non-Benefited)	General Funds	(\$700)
05-74-74-7425-7425	050	Personal Services - Temporary / Appointed	General Funds	(\$4,883)
05-74-74-7425-7425	060	Benefits	General Funds	(\$117)
	070	In-State Travel	General Funds	(\$2,000)
05-74-74-7430-7430		Nurses Registration		
05-74-74-7430-7430	018	Overtime	General Funds	(\$8,000)
05-74-74-7430-7430	020	Current Expenses	General Funds	(\$10,000)
05-74-74-7430-7430	024	Maintenance Other Than Building & Grounds	General Funds	(\$3,000)
05-74-74-7430-7430	046	Consultants (Non-Benefited)	General Funds	(\$3,500)
05-74-74-7430-7430	050	Personal Services - Temporary / Appointed	General Funds	(\$924)
05-74-74-7430-7430	060	Benefits	General Funds	(\$77)
05-74-74-7430-7430	070	In-State Travel	General Funds	(\$500)
05-74-74-7431-7431		Nurses Registration		
05-74-74-7431-7431	020	Current Expenses	Other Funds	(\$1,000)
05-74-74-7431-7431	024	Maintenance Other Than Building & Grounds	Other Funds	(\$3,000)
05-74-74-7431-7431	042	Post Retirement (Additional Fringe Benefits)	Other Funds	(\$1,442)
05-74-74-7431-7431	050	Personal Services - Temporary / Appointed	Other Funds	(\$306)
05-74-74-7431-7431	060	Benefits	Other Funds	(\$500)
05-74-74-7432-7432		Nurses Registration		
05-74-74-7432-7432	020	Current Expenses	Other Funds	(\$9,000)
05-74-74-7432-7432	046	Consultants (Non-Benefited)	Other Funds	(\$250)
05-74-74-7432-7432	070	In-State Travel	Other Funds	(\$1,000)
05-74-74-7435-7435		Pharmacy Board		
05-74-74-7435-7435	018	Overtime	General Funds	(\$8,000)
05-74-74-7435-7435	020	Current Expenses	General Funds	(\$2,004)
05-74-74-7435-7435	022	Rents & Leases Other than State	General Funds	(\$1,000)
05-74-74-7435-7435	026	Organizational Dues	General Funds	(\$600)
05-74-74-7435-7435	046	Consultants (Non-Benefited)	General Funds	(\$2,500)
05-74-74-7435-7435	070	In-State Travel	General Funds	(\$6,000)
05-74-74-7440-7440		Chiropractic Examiners		
05-74-74-7440-7440	010	Personal Services- Permanent Classified	General Funds	(\$10,156)
05-74-74-7440-7440	060	Benefits	General Funds	(\$5,542)
05-74-74-7445-7445		Cosmetology/Barbers Board		
05-74-74-7445-7445	010	Personal Services- Permanent Classified	General Funds	(\$8,385)
05-74-74-7445-7445	060	Benefits	General Funds	(\$10,632)
05-74-74-7450-7450		Dental Board		
05-74-74-7450-7450	020	Current Expenses	General Funds	(\$5,500)
05-74-74-7450-7450	026	Organizational Dues	General Funds	(\$590)
05-74-74-7450-7450	046	Consultants (Non-Benefited)	General Funds	(\$1,000)

05-74-74-7455-7455		Electrolysis Board		
05-74-74-7455-7455	020	Current Expenses	General Funds	(\$334)
05-74-74-7460-7460		Funeral Directors - Embalmers		
05-74-74-7460-7460	020	Current Expenses	General Funds	(\$994)
05-74-74-7460-7460	026	Organizational Dues	General Funds	(\$75)
05-74-74-7460-7460	046	Consultants (Non-Benefited)	General Funds	(\$1,000)
05-74-74-7465-7465		NH Bd of Mental Health Practice		
05-74-74-7465-7465	020	Current Expenses	General Funds	(\$3,000)
05-74-74-7465-7465	046	Consultants (Non-Benefited)	General Funds	(\$1,000)
05-74-74-7465-7465	050	Personal Services - Temporary / Appointed	General Funds	(\$8,847)
05-74-74-7465-7465	060	Benefits	General Funds	(\$733)
05-74-74-7470-7470		Ophthalmic Dispensers		
05-74-74-7470-7470	020	Current Expenses	General Funds	(\$1,410)
05-74-74-7475-7475		Naturopathic Examiners		
05-74-74-7475-7475	020	Current Expenses	General Funds	(\$197)
05-74-74-7475-7475	050	Personal Services - Temporary / Appointed	General Funds	(\$584)
05-74-74-7475-7475	060	Benefits	General Funds	(\$48)
05-74-74-7480-7480		Hearing Aid Dealers		
05-74-74-7480-7480	020	Current Expenses	General Funds	(\$1,000)
05-74-74-7480-7480	070	In-State Travel	General Funds	(\$128)
05-74-74-7485-7485		Board of Acupuncture		
05-74-74-7485-7485	020	Current Expenses	General Funds	(\$183)
05-74-74-7485-7485	050	Personal Services - Temporary / Appointed	General Funds	(\$544)
05-74-74-7485-7485	060	Benefits	General Funds	(\$45)
05-74-74-7490-7490		Midwifery Council		
05-74-74-7490-7490	020	Current Expenses	General Funds	(\$64)
05-74-74-7492-7492		Bd of Alc - ODA Professionals		
05-74-74-7492-7492	070	In-State Travel	General Funds	(\$1,962)
05-74-74-7493-7493		Massage Therapy Advisory Board		
05-74-74-7493-7493	020	Current Expenses	General Funds	(\$5,821)
05-74-74-7495-7495		Bd of Licensed Dietitians		
05-74-74-7495-7495	050	Personal Services - Temporary / Appointed	General Funds	(\$1,158)
05-74-74-7495-7495	060	Benefits	General Funds	(\$96)
06-57		Postsecondary Education Commission		
06-57-57-5700-5407		Administration - Financial Aid		
06-57-57-5700-5407	021	Food Institutions	General Funds	(\$2,000)
06-57-57-5700-5407	050	Personal Services - Temporary / Appointed	General Funds	(\$20,659)
06-57-57-5700-5407	060	Benefits	General Funds	(\$1,580)
06-57-57-5700-6074		Granite State Scholars		
06-57-57-5700-6074	107	Scholarships & Grants	General Funds	(\$160,949)
06-57-57-5700-6075		Veterinary Education Program		
06-57-57-5700-6075	107	Scholarships & Grants	General Funds	(\$21,813)
06-57-57-5700-6076		Medical Education Program		
06-57-57-5700-6076	107	Scholarships & Grants	General Funds	(\$5,000)

06-56		Department of Education		
06-56-56-5605-2022		Governance and Standards		
06-56-56-5605-2022	010	Personal Services- Permanent Classified	General Funds	(\$72,852)
06-56-56-5605-2022	046	Consultants (Non-Benefited)	General Funds	(\$7,810)
06-56-56-5605-2022	060	Benefits	General Funds	(\$21,412)
06-56-56-5605-2022	067	Training & Providers	General Funds	(\$5,000)
06-56-56-5605-2022	235	Transcription Services	General Funds	(\$1,203)
06-56-56-5610-6019		Other State Aid		
06-56-56-5610-6019	078	Cat Aid - Education	General Funds	(\$3,946,405)
06-56-56-5610-6019	600	Tuition and Transportation Aid	General Funds	(\$607,993)
06-56-56-5610-6019	606	Dropout Prevention	General Funds	(\$128,065)
06-56-56-5610-6019	607	Statewide Special Education	General Funds	(\$23,942)
06-56-56-5610-6019	609	Local Education Improvement	General Funds	(\$39,903)
06-56-56-5610-6019	610	Career Tech Student Orgs	General Funds	(\$9,178)
06-56-56-5615-4101		Court Ordered Placements		
06-56-56-5615-4101	602	State Fund Non-Match	General Funds	(\$122,710)
06-56-56-5620-6401		Instruction - State		
06-56-56-5620-6401	010	Personal Services- Permanent Classified	General Funds	(\$137,710)
06-56-56-5620-6401	060	Benefits	General Funds	(\$62,529)
06-56-56-5620-3260		Curriculum and Assessment		
06-56-56-5620-3260	010	Personal Services- Permanent Classified	General Funds	(\$63,180)
06-56-56-5620-3260	060	Benefits	General Funds	(\$27,613)
06-56-56-5620-3260	067	Training & Providers	General Funds	(\$1,836)
06-56-56-5620-3260	102	Contracts for Program Services	General Funds	(\$4,589)
06-56-56-5620-3260	103	Contracts for Operational Services	General Funds	(\$120)
06-56-56-5620-3260	612	State Testing	General Funds	(\$240,420)
06-56-56-5620-5406		Parent As Teacher		
06-56-56-5620-5406	602	State Fund Non-Match	General Funds	(\$65,000)
06-56-56-5635-4000		Program Support - State		
06-56-56-5635-4000	010	Personal Services- Permanent Classified	General Funds	(\$73,682)
06-56-56-5635-4000	060	Benefits	General Funds	(\$30,926)
06-56-56-5635-4000	614	Data/Info Processing	General Funds	(\$2,190)
06-56-56-5640-3004		School Nutrition - Section IV		
06-56-56-5640-3004	602	State Fund Non-Match	General Funds	(\$15,961)
06-56-56-5650-4082		Career Tech - Adult Learn - ADM		
06-56-56-5650-4082	011	Personal Services-Unclassified	General Funds	(\$92,106)
06-56-56-5650-4082	060	Benefits	General Funds	(\$25,218)
06-56-56-5650-6030		Vocational Education - State		
06-56-56-5650-6030	010	Personal Services- Permanent Classified	General Funds	(\$30,888)
06-56-56-5650-6030	060	Benefits	General Funds	(\$13,235)
06-56-56-5660-7004		Adult Education		
06-56-56-5660-7004	602	State Fund Non-Match	General Funds	(\$102,920)
06-83		Lottery Commission		
06-83-83-8300-1029		Lottery Division		
06-83-83-8300-1029	022	Rents & Leases Other than State	Other Funds	(\$650,000)

06-61		McAuliffe-Shepard Discovery Center		
06-61-61-6100-3432		Administration		
06-61-61-6100-3432	018	Overtime	General Funds	(\$1,500)
06-61-61-6100-3432	020	Current Expenses	General Funds	(\$12,700)
06-61-61-6100-3432	023	Heat, Electricity & Water	General Funds	(\$21,100)
06-61-61-6100-3432	024	Maintenance Other Than Building & Grounds	General Funds	(\$1,500)
06-61-61-6100-3432	048	Contractual Maintenance - Building & Grounds	General Funds	(\$8,200)

Total appropriations and charges as included in category 01 thru and including 06

General fund	(\$31,615,456)
Federal funds	(\$5,732,455)
Other funds	(\$1,165,845)
Total	(\$38,513,756)

83 Operating Budget; General Fund Appropriation Reduction; Judicial Branch. Notwithstanding 2009, 143:1, the state general fund appropriation for the judicial branch shall be reduced by an additional \$2,000,000 for the fiscal year ending June 30, 2011. The reduction required by this section shall be in addition to the reductions required of the judicial branch pursuant to 2009, 143:18 and in addition to the reductions undertaken in order to attain the judicial branch's proportional reduction under 2009, 144:289, including, specifically, the reductions effected pursuant to Supreme Court Administrative Order 2010-01. The director of the administrative office of the courts shall submit to the fiscal committee of the general court and the commissioner of the department of administrative services an itemization of the reductions in expenditure classes made to implement this section on or before June 15, 2011.

84 Department; Powers and Duties; Publication of Rates of Reimbursement Exempt From Rulemaking. Amend RSA 170-G:4, XVII to read as follows:

XVII. Establish rates for all services, placements and programs which are paid for by the department pursuant to RSA 169-B:40, 169-C:27, 169-D:29, and any services required to be provided by the department pursuant to paragraph II of this section. When educational aspects are present in any service, placement or program subject to rate-setting by the department, rates for the educational component shall be addressed jointly by the department and the department of education. ***Publication of rates of reimbursement shall be exempt from the provisions of RSA 541-A.***

85 New Paragraph; Administrative Procedure Act; Exception Added. Amend RSA 541-A:21 by inserting after paragraph VI the following new paragraph:

VII. RSA 170-G:4, XVII, relative to the publication of rates for services, placements, and programs which are paid for by the department of health and human services pursuant to RSA 169-B:40, RSA 169-C:27, and RSA 169-D:29 shall be exempt from RSA 541-A.

86 Eligibility for Services Under the Medicaid Waiver. Amend RSA 151-E:3, II to read as follows:

II. A person is eligible for services under the medicaid waiver if the person has been determined ***clinically*** eligible under RSA 151-E:3, I(a), ***and financially eligible pursuant to rules adopted by the commissioner under RSA 541-A.***

87 Repeal. 2009, 144:160, relative to the catastrophic aid program, is repealed.

88 Catastrophic Aid Program. Notwithstanding any provision of law to the contrary, the department of health and human services shall make catastrophic claims payments using the methodology which was in effect prior to the passage of 2009, 144:160. The department of health and human services shall submit to the federal Centers for Medicare and Medicaid Services a Medicaid state plan amendment for the purpose of defining the criteria by which catastrophic claims payments shall be made. Said payments shall be based upon the percentage calculated of each hospital's total claims request divided against the total amount of requests received from all hospitals.

89 Department of Health and Human Services; Suspension of Home Health Rate Setting Rule. Notwithstanding any provision of the law or rule to the contrary, for the biennium ending June 30, 2011, He-W 553 relative to the home health services rate setting is suspended. Payments for home health services shall be limited to appropriations for home health services as may be restricted or reduced by action by the fiscal committee of the general court or other legislative action. The commissioner of health and human services shall retain the discretion to prioritize within the line items.

90 Authorization. The general court may authorize additional modifications to the 2010-2011 state budget, 2009, 143, as may be required to accomplish a balanced budget in a time of fluctuating revenues.

91 Appropriation; Department of Health and Human Services. The sum of \$2,700,000 is hereby appropriated to the department of health and human service for the fiscal year ending June 30, 2011, for the purpose of changing the current per child cost share requirement for child care services back to a family cost share, and utilizing any remaining funds to address projected shortfalls in child care services appropriations. The governor is authorized to draw a warrant for such amount out of any money in the treasury not otherwise appropriated.

92 Department of Health and Human Services. Alcohol Abuse Prevention and Treatment Fund. Amend RSA 176-A:1, III to read as follows:

III. Moneys shall be disbursed from the fund upon the authorization of the ~~[governor's commission on alcohol and drug abuse prevention, intervention, and treatment established pursuant to RSA 12-J:1]~~ **commissioner of the department of health and human services**. Funds disbursed shall be used for alcohol and other drug abuse prevention, intervention, and treatment services, and ~~[other purposes related to the duties of the commission under RSA 12-J:3]~~ **for costs related to the administration of this fund**.

93 Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention, and Treatment; Duties. Amend RSA 12-J:3 to read as follows:

12-J:3 Duties. The duties of the commission shall be to:

I. **Collaborate with the department of health and human services** to develop and revise, as necessary, a statewide plan for the effective prevention of alcohol and drug abuse, particularly among youth, and a comprehensive system of intervention and treatment for individuals and families affected by alcohol and drug abuse. The statewide plan shall:

- (a) Identify the causes, nature and scope, and the impact of alcohol and drug abuse in New Hampshire.
- (b) Identify and prioritize unmet needs for prevention, intervention, and treatment.
- (c) Recommend initiatives to reduce the incidence of alcohol and drug abuse in New Hampshire.
- (d) Identify and quantify public and private resources available to support alcohol and drug abuse prevention, intervention and treatment.
- (e) Specify additional resources necessary to address unmet needs for prevention, intervention, and treatment.
- (f) Specify evaluation and monitoring methodology.

II. Promote collaboration between and among state agencies and communities to foster the development of effective community-based alcohol and drug abuse prevention programs.

III. Promote the development of treatment services to meet the needs of citizens addicted to alcohol or other drugs.

IV. Identify unmet needs and the resources required to reduce the incidence of alcohol and drug abuse in New Hampshire and to make recommendations to the governor regarding legislation and funding to address such needs.

~~[V. Authorize the disbursement of moneys from the alcohol abuse prevention and treatment fund, pursuant to RSA 176-A:1, III.]~~

94 Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention, and Treatment; Meetings and Reports. Amend RSA 12-J:4, II(b) to read as follows:

(b) Indicate the progress made during the prior year toward the implementation of the statewide plan developed ~~[by the commission]~~ pursuant to RSA 12-J:3, I;

95 New Subdivision; Commission Exploring Certain State Inventory. Amend RSA 21-I by inserting after section 86 the following new subdivision:

Commission Exploring Certain State Inventory

21-I:87 Commission Established. There is established a commission to study the inventory of all state assets, enterprises, and resources that may be monetized by sale or lease.

21-I:88 Membership and Compensation.

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

- (a) Two members of the senate, appointed by the president of the senate.
- (b) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The state treasurer, or designee.
- (d) The commissioner of the department of administrative services, or designee.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

21-I:89 Duties. The commission shall study the inventory of all state assets, enterprises, and resources that may be monetized by sale or lease.

21-I:90 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four members of the commission shall constitute a quorum.

21-I:91 Report. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the chairman of the house and senate finance committee, and the chairman of the house and senate ways and means committees, the senate clerk, the house clerk, the governor, and the state library on or before October 1, 2010.

96 Repeal. RSA 21-I:86-91, relative to a commission to study the inventory of all state assets, enterprises, and resources that may be monetized by sale or lease, is repealed.

97 Pari-Mutuel Pools on Simulcast Racing; Historical Races Added. Amend RSA 284:22-a to read as follows:

284:22-a Pari-Mutuel Pools on Simulcast Racing ***and Historical Races.***

I. In this section:

(a) "State" means each state of the United States, the District of Columbia, the Commonwealth of Puerto Rico and any territory or possession of the United States.

(b) "Simulcast" means a licensee's receipt of the transmission of races conducted at a racetrack other than the licensee's racetrack and which races are exhibited simultaneously at the licensee's racetrack by television or other means of electronic reproduction with the conduct of such races at the point of origin and on which races the licensee sells pari-mutuel pools.

(c) "Licensee" means any individual, association, partnership, joint venture, corporation, or other organization or other entity which holds a license under RSA 284 to conduct a race meet, or if the election is made pursuant to RSA 284:22-a,II(c), "licensee" means any individual, association, partnership, joint venture, corporation, or other organization or entity which holds a license under RSA 284 to conduct simulcasting at a facility at which live running or harness horse racing or live dog racing was conducted in 2008.

(d) "Historical races" means those races displayed by electronic means on which the licensee sells pari-mutuel pools and which are approved by the commission.

II.(a) During the calendar years 1941-2029, a licensee may sell pari-mutuel pools on races held at race-tracks other than the racetrack at which the licensee conducts its race meet, provided:

(1) Such sales are within the enclosure of the racetrack at which the licensee holds a license for the current year to conduct live racing in this state;

(2) Wagers are made on races which are exhibited by television or other means of electronic reproduction at the licensee's racetrack ***either (i) as historical races, or (ii)*** simultaneously with the conduct of each such race at its point of origin with the agreement or approval of the racetrack which provides the transmission of the races to be simulcast and the racetrack which conducts the races to be simulcast;

(3) The licensee has scheduled at least 50 calendar days of live racing in the calendar year in which the licensee simulcasts ***or displays historical races***, or if the licensee does not have scheduled at least 50 calendar days of live racing in such calendar year, the licensee conducts live racing on the day on which the licensee simulcasts ***or displays historical races***; and

(4) The licensee obtains the consents and approvals set forth in RSA 284:22-a, III.

(b) [Repealed.]

(c) Notwithstanding subparagraph II(a), an individual, association, partnership, joint venture, corporation, or other organization or entity may be issued a license to conduct simulcasting without conducting live racing provided such person or entity makes such election with the approval of the commission and such person or entity either held a license on January 1, 2009 under this chapter to conduct a race meet or seeks to conduct simulcasting without conducting live racing at a facility at which live racing was authorized to be conducted in 2009.

III. A licensee may sell pari-mutuel pools on **historical races or on** races held at other appropriately licensed racetracks, whether such racetracks are in the state of New Hampshire or outside the state of New Hampshire with the agreement or approval of the racetrack which provides the transmission of the races to be simulcast and the racetrack which conducts the races to be simulcast. A licensee may sell pari-mutuel pools under RSA 284:22-a on the same types of races that it conducts live at its racetrack with the approval of the commission. A licensee may sell pari-mutuel pools under RSA 284:22-a on types of races different from the type of races conducted live at the licensee's racetrack provided:

(a) The licensee obtains the approval of the commission; and

(b) The licensee shall have received city or town approval under RSA 284:17 to conduct the type of racing which is to be simulcast **or displayed** prior to or subsequent to the effective date of RSA 284:22-a; the type of racing which is to be simulcast **or displayed** shall have been approved by the city or town in which the licensee's racetrack is located in accordance with RSA 284:17 prior to or subsequent to the effective date of RSA 284:22-a; or the acceptance of wagers or simulcast races **or historical races** of a type other than the type of racing which the licensee conducts live at its racetrack shall have been approved by a majority vote at an annual town meeting or special town meeting called for such purpose in the town in which the licensee's racetrack is located.

IV. A licensee which has scheduled less than 50 calendar days of live racing in a calendar year may simulcast **or display historical races** on a day on which live racing is scheduled at the licensee's race track, without conducting live racing, provided that the live racing program is cancelled due to weather or other conditions which produce unsafe conditions at the racetrack of the licensee. The determination to cancel a live program based upon weather or the condition of the racetrack shall be made by the licensee, and notice shall be provided to the commission. Notwithstanding the foregoing, a licensee which has scheduled less than 50 calendar days of live racing shall be limited to no more than 10 such cancellations in a calendar year.

V.(a) A licensee may sell pari-mutuel pools for **historical races or** simulcast races for races held at racetracks within or outside the state of New Hampshire in accordance with RSA 284:22-a, II, within the enclosure of said licensee's racetrack or a licensee, with the written agreement with the licensee which conducts or transmits the race which is to be simulcast **or displayed**, may sell a common pari-mutuel pool in conjunction with the licensee which conducts or transmits the race which is to be simulcast **or displayed**. In the event of common pools, the licensee which conducts or transmits the race shall pay the tax required under RSA 284:23 for the portion of the common pool actually contributed at said licensee's racetrack and the licensee which simulcasts **or displays historical races** shall pay the tax due under RSA 284:23 for the portion of the common pool actually contributed at said licensee's racetrack.

(b) A licensee may sell pari-mutuel pools for **historical races or** simulcast races for races held at racetracks outside the state of New Hampshire in accordance with RSA 284:22-a, II, within the enclosure of said licensee's racetrack or said licensee, with the written agreement with the entity which conducts the race which is to be simulcast **or displayed**, may sell a common pari-mutuel pool in conjunction with the entity which conducts the race which is to be simulcast **or displayed**. In the event of such common pools, the commission shall be in the amount established by the law of the state in which the race to be simulcast **or displayed** is actually conducted, provided, however, the licensee shall pay the tax as provided under RSA 284:23.

VI. Racing officials, as defined in the rules adopted by the commission, any employee or owner of the entity which provides the totalizator system to the licensee, and any person responsible for the operation of the electronic reproduction equipment which receives the simulcast **or display of a historical race** shall be prohibited from participating in wagering, directly or indirectly, on simulcast races **or historical races** shown at the licensee's racetrack.

VII. The provisions of RSA 284:15-c, RSA 284:16-a, RSA 284:16-c, RSA 284:17, RSA 284:17-a, and RSA 284:17-c shall not apply to simulcast, **historical races**, and pari-mutuel pools under RSA 284:22-a, except as specifically provided in RSA 284:22-a.

VIII. RSA 284:22, I, II, III, and IV shall apply according to the type of race on which the simulcast **and historical race** wagers are made, excepting, however, interstate common pools as provided in RSA 284:22-a, V(b) and that the provisions made for purses made in RSA 284:22, I shall not apply to simulcast races **and historical races**. The commission on simulcast race pools shall be available to the simulcasting licensee to satisfy obligations to the racing association originating or transmitting such simulcast races or to the horsemen's group of such association.

98 Pari-Mutuel Pools; Distribution of Tax. Amend RSA 284:23 to read as follows:

284:23 Tax.

I.(a) Each person, association or corporation licensed to conduct a running horse race or running horse meet under this chapter shall pay to the state treasurer a sum of money equal to one percent of the total contributions to all pari-mutuel pools conducted, made, or sold at any such race or meet licensed under this chapter. The amounts so paid to the state treasurer shall be for the use of the state.

(b) Each person, association, or corporation licensed to **display historical races or to** simulcast a running horse race or running horse meet under this chapter shall pay to the state treasurer a sum of money equal to 1- 1/4 percent of the total contributions to all such pari-mutuel pools conducted, made, or sold at such **historical race**, simulcast race, or simulcast race, meet by such person, association, or corporation licensed to simulcast such races **or display historical races**. The amount so paid to the state treasurer shall be for the use of the state.

II.(a) Each person, association, or corporation licensed to conduct a harness horse race or harness horse race meet under this chapter shall pay to the state treasurer a sum of money equal to one percent of all total contributions to all pari-mutuel pools in a calendar day. The amount so paid to the state treasurer shall be for the use of the state.

(b) Each person, association, or corporation licensed to **display historical races or to** simulcast a harness horse race or simulcast a harness horse race meet under this chapter shall pay to the state treasurer a sum of money equal to 1-1/4 percent of the total contributions to all such pari-mutuel pools conducted, made, or sold at such **historical race**, simulcast race, or race meet by such person, association, or corporation licensed to simulcast such races. The amount so paid to the state treasurer shall be for the use of the state.

III.(a) Each person, association, or corporation licensed to conduct a dog race or a dog race meet under this chapter shall pay to the state treasurer a sum of money equal to 1-1/4 percent of so much of the total contributions to all pari-mutuel pools conducted, made, or sold at any dog race or dog race meet licensed under this chapter. The amount so paid to the state treasurer shall be for the use of the state.

(b) Each person, association or corporation licensed to **display historical races or to** simulcast a dog race or simulcast a dog race meet under this chapter shall pay to the state treasurer a sum of money equal to 1-1/2 percent of all pari-mutuel pools conducted, made, or sold at such **historical race**, simulcast race, or simulcast race meet by such person, association, or corporation licensed under this chapter. The amount so paid to the state treasurer shall be for the use of the state.

IV. Each person, association, or corporation licensed to conduct a race or race meet under this chapter shall also pay to the city or town treasurer in which the racing plant is located for each day of racing, whether such day includes live racing only, **historical races and** simulcast racing only, or a combination thereof, the fees assessed in subparagraphs (a) and (b) below, based upon the aggregate pari-mutuel pools conducted, made, or sold by such person, association, or corporation on each such day. This rate is provided if said person, association, or corporation has a license to conduct races or race meets for more than 10 days during the year for which the license is issued. If said person, association, or corporation has a license to conduct races or race meets for 10 days or less, the per diem fee shall be determined by the commission.

(a) Each Weekday including Saturday

Pari-mutuel pool	Fee
Under \$300,000	\$300 per day
\$300,000 or more	\$350 per day

(b) Each Sunday

Pari-mutuel pool	Fee
Under \$350,000	\$400 per day
\$350,000 but under \$500,000	\$800 per day
\$500,000 or more	\$1,200 per day

V. [Repealed.]

VI. During each calendar year, by March 31, each licensee shall make a report to the commission with regard to such licensee's efforts to enhance live racing at such licensee's race track. Such report shall include, but not be limited to, licensee's enhancement of purses, capital improvements, promotion, advertising, and other activities determined by the licensee to enhance live racing. The report shall be in writing and shall be in sufficient detail as determined by the commission. The report shall be distributed to the commission and each member of the fiscal committee.

VII. For the purposes of this chapter, "racing program" means live racing with any number of individual races as determined by the racing and charitable gaming commission. A live race or racing program may include a combined live and simulcast race **or historical race** where the combination contains at least one more live race to simulcast **or display** in the same combination. Any such live racing program or combined racing program upon which a separate tax is paid may constitute a live racing performance day.

99 Unclaimed Ticket Money. Amend RSA 284:31 to read as follows:

284:31 Unclaimed Ticket Money. On or before January 31 of each year every person, association or corporation conducting a race or race meet, whether live racing [or], simulcast racing, **or display of historical races** hereunder shall pay to the state treasurer all moneys collected during the previous year of pari-mutuel pool tickets which have not been redeemed. The books or records of said person, association or corporation, which clearly show the tickets entitled to reimbursement in any given race, live [or], simulcast, **or historical**, shall be forwarded to the commission. Such moneys shall become a part of the general funds of the state. The state treasurer shall pay the amount due on any ticket to the holder thereof from funds not otherwise appropriated upon an order from the commission. Pari-mutuel tickets which remain unclaimed after 11 months shall not be paid.

100 Statement of Purpose: The general court finds that:

I. Regulation of all forms of gaming is vitally important to the economy of the state and the general welfare of New Hampshire citizens.

II. By virtue of New Hampshire's location, natural resources, and development, tourism is a critically important and valuable asset in the continued viability of the state and strength of its communities.

III. New Hampshire has an interest in promoting economic recovery, revenue, and job creation as soon as possible through the development of regulated gaming in order to preserve the quality of life for New Hampshire residents.

IV. The state will limit the proliferation of gaming by controlling the locations for gaming sites in New Hampshire. The locations shall be determined based on demographics, population, access to appropriate transportation, suitability for tourism, local resources, and development opportunities.

V. Any license issued or permission granted pursuant to the provisions of RSA 284-A is a revocable privilege and no holder acquires any vested right in such license or permission.

101 New Chapters; Video Lottery Machines; Table Games; Commission to Study Regulatory Oversight Commission. Amend RSA by inserting after chapter 284 the following new chapters:

CHAPTER 284-A VIDEO LOTTERY MACHINES

284-A:1 Definitions.

I. "Affiliated" means a person who directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with, a specified person.

II. "Applicant" means any person, officer, director, or key employee, who on his or her own behalf or on behalf of another, is applying for permission to engage in any act or activity which is regulated under the

provisions of this chapter. In cases in which the applicant is a corporation, foundation, organization, business trust, estate, limited liability company, trust, partnership, limited partnership, association, or any other form of legal business entity, the lottery commission shall determine the affiliated persons whose qualifications must be provided and reviewed as a precondition to the licensing of the applicant.

III. "Central computer system" means a central monitor and control system provided and monitored by the lottery commission to which video lottery terminals communicate for purposes of information retrieval, retrieval of the win and loss determination from video lottery machines, and programs to activate and disable video lottery machines.

IV. "Charitable gaming" means games of chance and other gaming as permitted under RSA 287-A, RSA 287-D, and RSA 287-E.

V. "Facility operator applicant" means the applicant applying for approval by the lottery commission as a facility operator licensee.

VI. "Facility operator licensee" means the facility operator licensed by the lottery commission to possess, conduct, and operate video lottery machines at a facility location.

VII. "Facility location" means the land, buildings, structures, and any portion thereof approved by the lottery commission for video lottery machine operations by a facility operator licensee.

VIII. "Key employee" means any individual who is employed in a director or department head capacity and who is authorized to make discretionary decisions that regulate video lottery machine operations, including the general manager and assistant manager of the operator licensee or technology provider, director of operations, director of cage or credit operations, director of surveillance, director of marketing, director of management information systems, director of security, comptroller, and any employee who supervises the operations of these departments or to whom these department directors or department heads report, and such other positions which the lottery commission shall determine based on detailed analyses of job descriptions as provided in the internal controls of the licensee. All other gaming employees shall be considered non-key employees.

IX. "License A" means the license issued to a facility operator licensee to operate up to 3,500 video lottery machines at a facility location pursuant to this chapter and for which license the facility operator licensee pays an initial license fee of \$50,000,000.

X. "License B" means the license issued to a facility operator licensee to operate up to 3,500 video lottery machines at a facility location pursuant to this chapter and for which license the facility operator licensee pays an initial license fee of \$50,000,000.

XI. "License C" means the license issued to a facility operator licensee to operate up to 2,000 video lottery machines at a facility location pursuant to this chapter and for which license the facility operator licensee pays an initial license fee of \$30,000,000.

XII. "License D" means the license issued to a facility operator licensee to operate up to 1,000 video lottery machines at a facility location pursuant to this chapter and for which license the facility operator licensee pays an initial license fee of \$15,000,000.

XIII. "Licensee" means any applicant licensed by the lottery commission under this chapter.

XIV. "Net machine income" means all cash or other consideration utilized to play a video lottery machine at a facility licensee, less all cash or other consideration paid to players of video lottery machines as winnings. Non-cashable promotional credits shall be excluded from the calculation.

XV. "Progressive jackpot" means a prize that increases over time or as video lottery machines that are linked to a progressive system are played. Upon conditions established by the lottery commission, a progressive jackpot may be paid by annuity.

XVI. "Progressive system" means one or more video lottery machines linked to one or more common progressive jackpots.

XVII. "Request for application" means a request for applications to be submitted by applicants to the lottery commission pursuant to RSA 284-A:3.

XVIII. "Table game" means games authorized pursuant to RSA 284-B.

XIX. "Technology provider" means any person or entity which designs, manufactures, installs, distributes, or supplies video lottery machines for sale or lease to the facility operator licensees, and which are for use by a facility operator licensee for conducting video lottery games in accordance with this chapter.

XX. "Technology provider license" means the license issued by the lottery commission to a technology provider licensee which allows the technology provider licensee to design, manufacture, install, distribute, or supply video lottery machines for sale or lease to the facility operator licensees.

XXI. "Technology provider licensee" means a technology provider that is licensed by the lottery commission.

XXII. "Token" means the coin or coupon, which is not legal tender, sold by a cashier in a face amount equal to the cash paid by a player for the sole purpose of playing a video lottery machine at the facility licensee or paid to a player of a video lottery machine, which can be exchanged for cash at the facility licensee.

XXIII. "Video lottery" means any lottery conducted with a video lottery machine or linked video lottery machines with an aggregate progression prize or prizes. Video lottery conducted pursuant to this chapter shall not be considered a state-run lottery.

XXIV. "Video lottery machine" means an electronic, mechanical, or computerized machine which, upon the insertion of bills, coins, tokens, or any representative of value is available to be played where, by chance or skill, or both, the player may receive cash, cash equivalents, or tokens. Video lottery machines include, but are not limited to, slot machines, video poker machines, and other lottery machines. A machine shall be considered a video lottery machine notwithstanding the use of an electronic credit system making the deposit of bills, coins, or tokens unnecessary. Video lottery machines do not include any redemption slot machines and redemption poker machines as defined in RSA 647 or video poker machines or other similar machines used for amusement purposes only.

284-A:2 Video Lottery Oversight and Regulation.

I. No license shall be issued to any person under this chapter without prior approval of the lottery commission pursuant to this chapter and RSA 284:21-w. The lottery commission shall only issue licenses to persons who operate video lottery machines at a facility location after meeting the requirements of this chapter. The lottery commission shall have the exclusive authority to license and regulate the installation, operation, and conduct of video lottery machines.

II. The lottery commission shall have general responsibility for the implementation of this chapter and shall adopt rules, that include as a minimum guidance from the North American Gaming Regulators Association, under RSA 541-A relative to:

(a) Issuing requests for applications, and hearing and deciding all license applications or recommendations for the suspension or revocation of any license issued under this chapter.

(b) Conducting all investigations in conjunction with the attorney general required under this chapter with regard to the application of any applicant for any license.

(c) Conducting hearings pertaining to civil violations, rules, and penalties required under this chapter.

(d) Establishing standards for licensure and a reasonable fee structure for the licensing and renewal of licenses for facility operators and technology providers consistent with this chapter.

(e) Establishing technical standards for approval of video lottery machines, including mechanical and electrical reliability and security against tampering, as deemed necessary to protect the public from fraud or deception and to insure the integrity of the operation.

(f) Establishing standards for the competitive review of facility operator applicants pursuant to RSA 284-A:4.

(g) Ensuring that all licensees update the lottery commission with regard to any change in ownership or material change in information or data regarding the licensee that the commission determines is necessary and appropriate.

(h) Ensuring that any facility operator licensee seeking to host or operate table games at a facility licensee location has appropriate approvals from the lottery commission pursuant to RSA 284-B.

(i) Prescribing the methods and forms of application which any applicant shall follow and complete prior to consideration of the application by the commission.

(j) Prescribing the methods, procedures, and form for delivery of information concerning any person's family, habits, character, associates, criminal record, business activities, and financial affairs.

(k) Prescribing procedures for the fingerprinting of an applicant, employee of a licensee, or registrant, or other methods of identification which may be necessary in the judgment of the commission to accomplish effective enforcement of restrictions to access to the licensed facility.

(l) Prescribing the manner and procedure of all hearings conducted by the commission or any hearing examiner, including special rules of evidence applicable thereto and notices thereof.

(m) Prescribing the method of collection of payments of taxes, fees, and penalties.

(n) Defining and limiting the areas of operation, the rules of authorized games, odds, and devices permitted, and the method of operation of such games and devices.

(o) Prescribing grounds and procedures for the revocation or suspension of licenses.

(p) Governing the manufacture, distribution, sale, and servicing of gaming devices and equipment.

(q) Prescribing minimum procedures for the exercise of effective control over the internal fiscal affairs of a licensee, including provisions for the safeguarding of assets and revenues, the recording of cash and evidence of indebtedness, and the maintenance of reliable records, accounts, and reports of transactions, operations, and events, including reports to the lottery commission.

(r) Providing for a minimum standard of accountancy methods, procedures, and forms; a uniform code of accounts and accounting classifications; and such other standard operating procedures as may be necessary to assure consistency, comparability, and effective disclosure of all financial information.

(s) Requiring quarterly financial reports and the form thereof, and an annual audit prepared by a certified public accountant licensed to do business in this state, attesting to the financial condition of a licensee and disclosing whether the accounts, records, and control procedures examined are maintained by the licensee as required by this chapter.

(t) Governing the gaming-related advertising of licensees, their employees and agents, with the view toward assuring that such advertisements are in no way deceptive and promote the purposes of this chapter; provided, however, that such rules shall require the words "Bet with your head, not over it," or some comparable language approved by the lottery commission, to appear on all billboards, signs, and other on-site advertising of a licensee operation and shall require the words "If you or someone you know has a gambling problem and wants help, call 1-800-GAMBLER," or some comparable language approved by the commission, provided such language shall include the words "gambling problem" and "call 1-800-GAMBLER," which shall appear legibly on all print, billboard, and sign advertising of a casino operation.

(u) Providing for the establishment and maintenance by the lottery commission of a list of persons who are to be excluded or ejected from any facility licensed under RSA 284, because of the person's criminal background or presence in a licensed facility would be, in the opinion of the lottery commission, inimical to the interests of the state, including standards relating to persons to be excluded, and providing for a self-exclusion program to be established by facility operator licensees, whereby persons who are problem gamblers can be excluded or ejected from a licensed facility.

(v) The licensing process and approval process for selecting the provider of the central computer system.

III. Pending the adoption of rules under RSA 541-A, the lottery commission shall adopt interim rules pursuant to RSA 541-A:19 relative to the licensing process within 90 days of the effective date of this chapter. Notwithstanding any law to the contrary such interim rules shall remain in effect until final rules relative to standards set forth in RSA 284-A:2, II are adopted pursuant to RSA 541-A, which shall be no later than 270 days from the effective date of this chapter.

IV. The lottery commission shall provide and operate a single central monitor and control system into which all licensed video lottery machines shall be connected.

(a) The central monitor and control system shall be capable of:

(1) Continuously monitoring, retrieving, and auditing the operations, financial data, and program information of all video lottery machines;

(2) Allowing the lottery commission to account for all money inserted in and payouts made from any video lottery terminal;

(3) Disabling from operation or play any video lottery machine as the lottery commission deems necessary to carry out the provisions of this chapter;

(4) Supporting and monitoring a progressive jackpot system capable of operating one or more progressive jackpots; and

(5) Providing any other function that the lottery commission considers necessary.

(b) The central monitor and control system shall employ a widely accepted gaming industry communications protocol, as approved by the Gaming Standards Association, to facilitate the ability of video lottery machine manufacturers to communicate with the statewide system.

(1) Except as provided in subparagraph (2), the lottery commission shall not allow an operator licensee to have access to, or obtain information from, the central monitor and control system.

(2) If the access does not in any way affect the integrity or security of the central monitor and control system, the lottery commission may allow an operator licensee to have access to the central monitor and control system that allows the licensee to obtain information pertinent to the legitimate operation of its video lottery.

V. The lottery commission may issue subpoenas and compel the attendance of witnesses, and may administer oaths and require testimony of witnesses under oath.

VI. No later than November 1 of each calendar year, the lottery commission shall submit a report to the fiscal committee of the general court, regarding the operation of video lottery machines. Such report may include recommendations for future legislation.

VII.(a) The lottery commission shall keep a written record of all proceedings of public meetings of the commission.

(b) The lottery commission shall keep and maintain a list of all applicants for licenses it receives under this chapter together with a record of all actions taken with respect to such applicants. Subject to subparagraphs (d) and (e), a file and record of the actions by the lottery commission shall be open to public inspection provided, however, that the information regarding any applicant whose license or registration has been denied, revoked, or not renewed shall be removed from such list after 5 years from the date of such action.

(c) The lottery commission shall maintain such other files and records as the commission determines is necessary. All records maintained by the lottery commission may be maintained in digital or other format, provided that such information can be produced in written form upon the request of the commission.

(d) All information and data required by the lottery commission to be furnished to it, or which may otherwise be obtained, shall be considered to be confidential and shall not be revealed in whole or in part except in the course of the necessary administration of this chapter, or upon the lawful order of a court of competent jurisdiction, or, with the approval of the attorney general, to a duly authorized law enforcement agency.

(e) All information and data pertaining to an applicant's or key employee's finances, family, and background furnished to or obtained by the lottery commission from any source shall be considered confidential and shall be withheld in whole or in part. Such information shall be released upon the lawful order of a court of competent jurisdiction or to a duly authorized law enforcement agency. Notwithstanding the above, the criminal record of an applicant or a key employee shall be available for review as a public record of the lottery commission.

(f) Notice of the contents of any information or data to be released, except to a duly authorized law enforcement agency pursuant to subparagraph (d) or (e), shall be given to any applicant, registrant, or licensee in a manner prescribed by the rules adopted by the lottery commission so that the applicant, registrant, or licensee has the opportunity to object to such release.

VIII. The lottery commission, the attorney general, and the division of state police gaming enforcement unit may from time to time contract for such financial, economic, or security consultants, and any other technical and professional services as the lottery commission deems necessary for the discharge of its duties.

284-A:3 Number of Facility Operator Licenses

I. The lottery commission shall review, select, and grant licenses for up to 4 facility operators: license A, license B, license C, and license D. Facility operators granted a license A or a license B may operate up to 3,500

video lottery machines each at their respective facility locations. A facility operator granted a license C may operate up to 2,000 video lottery machines at its facility location. A facility operator granted a license D may operate up to 1,000 video lottery machines at its facility location.

II. In order to facilitate the timely and orderly deployment of licensed gaming operations in this state, the lottery commission shall adopt a schedule by which applications for facility operators and technology providers shall be filed, considered, and resolved in accordance with the provisions of this section. In so doing, the lottery commission shall consider, approve, condition, or deny the approval of all filed applications for technology providers at least simultaneously with the lottery commission's approval, denial, or conditional approval of any facility operator license applications.

III. The lottery commission shall issue a request for applications for facility operators pursuant to the process set forth in this section. The lottery commission shall approve, approve with condition, or deny all applications submitted. The first request for applications shall be issued within 30 days of the adoption of interim rules by the lottery commission pursuant to RSA 284-A:2, III. Such first request for applications shall be for a license A facility operator and a license C facility operator. The request for applications shall require all applications in response to the first request for applications to be submitted by no later than December 15, 2010. The lottery commission shall issue a request for applications for a license B facility operator and a license D facility operator by December 31, 2011 and such applications shall be submitted no later than February 15, 2012.

IV. The lottery commission shall not issue a request for applications from or issue a license to any applicant seeking to operate video lottery machines or table games at a facility location within a radius of 5 miles of the facility location of any other facility operator licensee.

284-A:4 License Requirements for Facility Operators.

I. A facility operator shall obtain a facility operator's license from the lottery commission to possess, conduct, and operate video lottery machines as follows:

(a) An applicant shall complete and sign an application on forms and in a manner prescribed by the lottery commission.

(b) The applicant shall include information regarding:

(1) The applicant's criminal history background including authorization for a criminal background and records check, and an attested disclosure of all arrests and citations for non-traffic offenses;

(2) Civil judgments;

(3) Financial affairs;

(4) The full name, address, date of birth, and other personal identifying information of the applicant and all key employees;

(5) If a corporation or other form of business enterprise, the information required by this subparagraph shall be provided with respect to each partner, trustee, officer, director, and any shareholder or other holder who owns more than 10 percent of the legal or beneficial interests of such entity; and

(6) The identity of the owners of the facility location along with information required by this subparagraph shall be provided with respect to each owner, partner, principal, trustee, officer, director and any shareholder or other holder who owns more than 10 percent of the legal or beneficial interest of such facility location. If the owner of the facility location is not an affiliate of the applicant, the applicant shall also submit a copy of the proposed lease agreement and executed letter of intent between the facility location and the applicant.

(c) The lottery commission shall not accept applications from applicants except within the timeframe prescribed by the request for applications issued by the lottery commission.

(d) If the applicant or any principal has held or holds a gaming or video lottery machine license in a jurisdiction where video lottery machine activities are permitted, the applicant shall so state and may produce either a letter of reference from the gaming or lottery enforcement or control agency which sets forth the experience of that agency with the applicant, the applicant's associates and gaming operations, or a statement under oath that the applicant is or was during the period the activities were conducted in good standing with the agency.

(e) The application shall be accompanied by a complete description of the proposed project including a description of the facility location and all supporting amenities, type and number of video lottery machines, and type and number of table games.

(f) The application shall include information explaining how the proposed project meets the following criteria:

(1) The availability of local resources to support services and amenities necessary to accommodate projected guest volume in the form of transportation, rooms and meals, utilities, law enforcement, and mental health services.

(2) The immediate and long range financial feasibility of the applicant's proposed project including a projection of the revenues to be produced by the operation of the video lottery machines at the facility location, and proposed table games if applicable, as supported by an expert experienced in the field of gaming.

(3) A licensing fee payment bond, letter of credit, or guaranty on private equity or other fund with demonstrated cash and reserve availability supporting the applicant's ability to pay the licensing fee.

(4) The development of jobs for the local community and a commitment to equal opportunity employment.

(5) The ability of the applicant's proposed facility location to efficiently generate and sustain an acceptable level of revenue and revenue growth.

(6) The ability of the applicant to comply with statutory, regulatory, and technical standards applicable to the design of the proposed facility.

(7) The demonstrated experience of the owners of the facility operator in developing, constructing, and managing a similar enterprise.

(8) The character and fitness of the principals and key employees of the facility operator.

(9) The accessibility of the proposed facility location to public access and public highway infrastructures.

(10) The suitability of the proposed location and facility design for tourism and entertainment, including the applicant's degree of control over the facility location, the applicant's projected capital investment in the facility, compatibility of local zoning, commercial development opportunities and the applicant's plan to meet community needs.

(11) Whether the applicant has support of the municipality in which the project is proposed by local referendum consistent with RSA 284-A:9.

(12) The availability of space in the facility for charitable gaming to take place under RSA 287-D.

(13) A proposed system of internal security and accounting controls.

II.(a) Within 30 days of receiving an application, the lottery commission shall examine the application, notify the applicant whether the application is complete pursuant to RSA 284-A:6, VIII. The applicant shall be given the opportunity to correct any deficiencies within the timeframe prescribed by the lottery commission and the lottery commission shall thereafter confirm whether the application is complete or incomplete.

(b) If the lottery commission determines that there is only one complete application for a particular license, then the lottery commission shall review such application and within 30 days determine whether the applicant meets the criteria set forth in subparagraph I(f). The lottery commission shall give the applicant the opportunity to respond to questions concerning any of the criteria and to submit such additional information as may be requested. If such a determination is made, the applicant shall proceed to a character and fitness review by the attorney general and a final license review by the lottery commission pursuant to RSA 284-A:6.

(c) To the extent more than one application for a particular license is confirmed complete pursuant to subparagraph (a), the lottery commission shall schedule a hearing within 30 days of confirming completeness pursuant to the hearing process set forth in RSA 541-A regarding adjudicative proceedings. Competing applicants will serve pre-hearing memoranda as prescribed by the lottery commission which shall include at a minimum a summary of evidence each applicant intends to present in support of its application for licensure. Competing applications will be heard separately by the lottery commission at one hearing. There will be no right for one application to cross-examine witnesses of a competing applicant. Upon conclusion of the hear-

ing, based on the evidence submitted, the lottery commission shall determine which applicant demonstrates superiority in meeting the criteria of subparagraph I(f) based on evidence that the applicant's experience, project design, availability of resources, and local support will enable the applicant to quickly, efficiently, and effectively begin operations, generate revenues to the state, attract tourism from out of state, accommodate traffic, and support the community. The lottery commission shall order the successful applicant to proceed to a character and fitness review by the attorney general and a final license review by the lottery commission pursuant to RSA 284-A:6.

(d) Subject to RSA 284-A:3, IV, no facility operator applicant denied approval by the lottery commission pursuant to this paragraphs I and II, shall be prevented from responding to subsequent requests for applications.

(e) Upon issuance of an initial determination that a facility operator applicant for a license A or license C meets the criteria under subparagraph I(f), the lottery commission shall, upon the direction of the fiscal committee of the general court, require such facility operator applicants to pay the applicable license fee set forth in subparagraph IV(c) to the lottery commission. The amount paid by any such facility operator applicant shall be refunded to such facility operator applicant if a final license is not issued to such facility operator applicant pursuant to subparagraph III(c) and RSA 284-A:6, XI.

III.(a) The attorney general shall conduct a background review of each facility operator applicant upon an initial determination pursuant to RSA 284-A:4, II above and any of its principals and key employees, and owners, principals and key employees of the facility location if not an affiliated with the applicant, consistent with RSA 284-A:4. The background review may be conducted through any appropriate state or federal law enforcement system and the authorized reviewers may seek information as to the subject's financial, criminal, or business background, or any other information which the attorney general, in his or her sole discretion, may find relevant to the subject's fitness to be associated with the ownership or management of the operation of video lottery machines in New Hampshire, including, but not limited to, the subject's character, personal associations, and the extent to which the subject is properly doing business in the manner in which it purports to operate. If the applicant is a pari-mutuel licensee licensed and authorized to conduct racing, whether live, simulcast, or both, as provided in RSA 284:16 or RSA 284:16-a at a pari-mutuel licensee location, and the attorney general has conducted a background investigation pursuant to RSA 284:15-b within the 12 months prior to the application filing, the attorney general may rely on the results of the previous investigation to the extent the applicant's circumstances have not materially changed. The attorney general shall also take into consideration as evidence of fitness a letter of reference or sworn statement of good standing produced pursuant to subparagraph I(d). The attorney general shall report the results of the background review to the lottery commission within 60 days. Notwithstanding any other law to the contrary, the information provided to the attorney general and the results of any such review shall be confidential and shall not be subject to disclosure or to public inspection, except that the attorney general, in the attorney general's sole discretion, shall determine the extent to which and the manner in which said results may be reported to the lottery commission or other state agency or official and, if reported, whether such results are to retain their confidential character; provided, however, that whenever the attorney general conducts such a review, the attorney general shall notify the lottery commission whether or not in his or her opinion such person is fit to be associated with participation in the ownership or management of the operation of video lottery machines in this state. The attorney general may conduct such review on the attorney general's motion into the background of the license applicant or holder, or any person or entity upon whom the license applicant or holder relies for financial support.

(b) In any review conducted pursuant to subparagraph (a), the attorney general or any duly authorized member of the attorney general's staff may require by subpoena or otherwise the attendance of witnesses and the production of such correspondence, documents, books, and papers as he or she deems advisable, and for purposes of this section, may administer oaths and take the testimony of witnesses.

(c) Upon receipt of the report of the attorney general, the lottery commission shall determine whether the facility operator applicant meets the criteria for issuance of a license pursuant to RSA 284-A:6.

IV.(a) The lottery commission shall impose an application fee of \$100,000 which shall be used to defray the cost of processing the application. If the cost of processing the application exceeds \$100,000, the applicant shall pay the difference.

(b) The attorney general shall impose an investigation fee of \$50,000 which shall be used to defray the cost of the background investigation. If the cost of the background investigation exceeds \$50,000, the applicant shall pay the difference.

(c) Upon approval of a facility operator licensee, the lottery commission shall charge an initial license fee of \$50,000,000 for a facility operator licensee seeking a license A or license B; \$30,000,000 for a facility operator licensee seeking a license C; and \$15,000,000 for a facility operator licensee seeking a license D. The lottery commission shall charge a license fee of \$1,500,000 to renew a license A or license B; \$1,000,000 to renew a license C; and \$500,000 to renew a license D; however, such person seeking renewal of such license shall pay all costs incurred by the attorney general to conduct an investigation with regard to such application to renew the facility operator's license. Notwithstanding any other provision of this chapter, the first \$50,000,000 received by the lottery commission pursuant to this subparagraph shall be dedicated to the department of health and human services for the purposes of restoring programming and rate reductions.

284-A:5 Technology Provider Licensee Applications. A technology provider licensee applicant shall obtain a technology provider license from the lottery commission, as follows:

I. An applicant shall complete and sign an application on forms and in a manner prescribed by the lottery commission.

II. The applicant shall include information regarding:

(a) The applicant's criminal history background including authorization for a criminal background and records check, and an attested disclosure of all arrests and citations for non-traffic offenses;

(b) Civil judgments;

(c) Financial affairs using a multi-jurisdictional personal history disclosure form;

(d) The full name, address, date of birth, and other personal identifying information of the applicant and all key employees; and

(e) If a corporation or other form of business enterprise, the same information shall be provided with respect to each partner, trustee, officer, director, and any shareholder or other holder who owns more than 10 percent of the legal or beneficial interests of such entity.

III. If the applicant or any owner has held or holds a technology provider, manufacturer, or supplier's license in a jurisdiction where video lottery machine activities are permitted, the applicant shall so state and may produce either a letter of reference from the gaming or lottery enforcement or control agency which sets forth the experience of that agency with the applicant, the applicant's associates, and gaming operation, or a statement under oath that the applicant is or was during the period the activities were conducted in good standing with the agency.

IV. The attorney general shall conduct a background review of each technology provider applicant and any of its owners and key employees. The review may be conducted through any appropriate state or federal law enforcement system and may seek information as to the subject's financial, criminal, or business background, or any other information which the attorney general, in his or her sole discretion, may find relevant the subject's fitness to be associated with the distribution of video lottery machines in New Hampshire, including, but not limited to, the subject's character, personal associations, and the extent to which the subject is properly doing business in the manner in which it purports to operate. The attorney general shall take into consideration as evidence of fitness a letter of reference or sworn statement of good standing. The attorney general shall report the results of the review to the lottery commission within 60 days. Notwithstanding any other law to the contrary, the information provided to the attorney general and the results of any such review shall be confidential and shall not be subject to disclosure or to public inspection, except that the attorney general, in the attorney general's sole discretion, shall determine the extent to which and the manner in which said results may be reported to the lottery commission or other state agency or official and, if reported, whether such results are to retain their confidential character; provided, however, that whenever the attorney general conducts such a review, the attorney general shall notify the lottery commission whether or not in his or her opinion such person is fit to be associated with the distribution of video lottery machines in this state. The attorney general may conduct a background review on the attorney general's motion into the background of the license applicant or holder, or any person or entity upon whom the license applicant or holder relies for financial support.

V. In any review conducted pursuant to paragraph IV, the attorney general or any duly authorized member of the attorney general's staff may require by subpoena or otherwise the attendance of witnesses and the production of such correspondence, documents, books, and papers as he or she deems advisable, and for purposes of this section, may administer oaths and take the testimony of witnesses.

VI.(a) The lottery commission shall charge the technology provider applicant an application fee of \$100,000 which shall be used to defray the cost of processing the application. If the cost of processing the application exceeds \$100,000, the applicant shall pay the difference.

(b) The attorney general shall charge the technology provider applicant an investigation fee of \$25,000 which shall be used to defray the cost of the background investigation. If the cost of the background investigation exceeds \$25,000, the applicant shall pay the difference.

(c) Upon approval of a technology provider licensee, the lottery commission shall charge an initial license fee of \$50,000. The lottery commission shall charge a fee of \$50,000 to renew a license to a technology provider licensee provided, however, such person seeking renewal of its license shall pay all costs incurred by the attorney general to conduct an investigation with regard to such application to renew the operator's license.

284-A:6 Licensure Requirements for All Licenses.

I. No license shall be issued by the lottery commission unless the applicant demonstrates it complies with the provisions of this section. The lottery commission shall consider as evidence of compliance any letter of reference or sworn statement of good standing from the gaming or lottery enforcement or control agency in every jurisdiction where the applicant has held or holds a gaming or video lottery machine license submitted pursuant to RSA 284-A:4, I(d) or RSA 284-A:5, III. The lottery commission shall consider:

(a) The applicant's financial stability, integrity, and responsibility, considering, without limitation, bank references, business and personal income and disbursement schedules, tax returns, and other reports filed with governmental agencies, business and personal accounting records, check records, and ledgers.

(b) The trustworthiness of all financial backers, investors, mortgagees, bondholders, and holders of indentures, notes, and other evidences of indebtedness of the applicant, its affiliated persons, subsidiaries, or holding companies.

(c) The applicant's good character, honesty, and integrity, considering, without limitation, information pertaining to family, habits, character, reputation, criminal and arrest record, business activities, financial affairs, and business, professional, and personal associates, covering at least the 10-year period immediately preceding the filing of the application.

(d) The applicant's business ability and experience in the operation of video lottery machines, as appropriate, so as to establish the likelihood of a successful and efficient operation.

(e) Disclosure of any material administrative or enforcement actions pending in other jurisdictions.

II. No license shall be issued by the lottery commission to any applicant unless the applicant proves that each director, officer, or key employee of the applicant, its principals, subsidiaries, and holding companies complies with the criteria for licensure contained in this section. The lottery commission may waive the requirements of this section for a person directly or indirectly holding ownership of securities in a publicly traded corporation if the board determines that the holder of the securities is not significantly involved in the activities of the corporation and does not have the ability to control the corporation or elect one or more directors thereof. The lottery commission may determine whether the licensing standards of another jurisdiction within the United States or Canada in which an applicant, its affiliate, intermediary subsidiary, or holding company for an operator or technology vendor license is similarly licensed are comprehensive and thorough and provide similar adequate safeguards as those required by this chapter. If the lottery commission makes that determination, it may determine that the facility operator or technology vendor meets the standards set forth in RSA 284-A:6, I if an applicant holds a similar license in such other jurisdiction after conducting an evaluation of the information relating to the applicant from such other jurisdiction, as updated by the lottery commission, and evaluating other information related to the applicant received from that jurisdiction and other jurisdictions where the applicant may be licensed. The lottery commission may incorporate such information, in whole or in part, into its or the attorney general's evaluation of the applicant.

III. No license shall be issued by the lottery commission to any applicant if the applicant, any key employee, or any individual who has an ownership or financial interest in or with the applicant or its facility location is an elected official of the general court or executive branch of the state of New Hampshire or the attorney general's office or the lottery commission on a full or part-time or contractual basis at any time during the previous 2 years. If any such applicant, key employee, or any individual who has an ownership or financial interest in the applicant becomes such an elected official, the applicant shall be subject to sanctions pursuant to RSA 284-A:14.

IV. In the event the lottery commission finds that an individual who is a principal or has an interest in the applicant does not meet the eligibility requirements of paragraph I herein, and on this basis the applicant shall be denied a license, the lottery commission may afford the individual the opportunity to completely divest his or her interest in the applicant and after such divestiture reconsider the applicant's suitability for licensure in an expedited proceeding and may, after such proceeding, issue the applicant a license.

V. No license shall be issued to a facility operator applicant unless the applicant has obtained local approval as provided in RSA 284-A:9.

VI. No licensee or any individual or entity that is an owner of, or has a financial interest in or with, the licensee or facility location shall be permitted to make a political contribution as defined by RSA 664:2, VIII.

VII.(a) The lottery commission shall grant or deny a license under this chapter within 75 days of receiving a completed application, notwithstanding the adoption of interim or final rules, consistent with RSA 541-A. No facility operator licensee may begin operations until the lottery commission has adopted final rules. Once final rules have been adopted, a facility operator licensee may commence operations in a temporary facility while completing construction of the permanent facility.

(b) The lottery commission may impose reasonable requirements upon a facility operator licensee with respect to the completion of construction of the permanent facility, provided that the lottery commission may amend, modify, or waive such conditions upon good cause shown by the facility operator licensee and determined by the lottery commission.

VIII. The lottery commission shall not consider an incomplete application and shall notify the applicant in writing if an application is incomplete. An application shall be considered incomplete if it does not include all applicable fees and all information and accompanying documentation required by the commission, including, but not limited to, a current tax lien certificate issued by the department of revenue administration at the time of filing the application. Any unpaid taxes identified on the tax lien certificate shall be paid before the application is considered complete. A notification of incompleteness shall state the deficiencies in the application that must be corrected prior to consideration of the merits of the application.

IX. Notwithstanding any law to the contrary, the lottery commission shall not consider any application for a license if the applicant or any person affiliated with or directly related to the applicant is a party in any ongoing civil proceeding in which the party is seeking to overturn or otherwise challenge a decision or order of the lottery commission pertaining to the approval, denial or conditioning of a license to operate video lottery machines. This paragraph shall not be interpreted to affect the rights of applicants to seek judicial enforcement of mandatory obligations of boards or commissions as may be required by this part.

X. The applicant at all times shall have the burden of establishing its eligibility and suitability for licensure. If the applicant does not meet the requirements for licensure, the lottery commission may deny, revoke, suspend, or condition the license until the applicant meets the requirements.

XI. Following approval of an application for a license, the applicant shall provide formal notification to the commission as soon as:

(a) It fulfills all required conditions for issuance of the license; and

(b) The board's decision approving the application is a final, binding, nonappealable determination which is not subject to a pending legal challenge. Upon receipt of such formal notification, upon conducting any necessary verification, and payment of the license fee, the lottery commission shall issue a license to the applicant. The licensee shall pay any applicable licensing fees in full within 15 days of receiving the license, provided, however, any payment made by an applicant pursuant to RSA 284-A:4, II(e) shall be a complete credit for the initial fee due pursuant to RSA 284-A:4, IV(c).

XII. Applicants may appeal the denial of a license to the New Hampshire supreme court, pursuant to RSA 541. Notwithstanding any law to the contrary, such appeal shall be filed with the clerk of the supreme court within 5 days after the commission has denied any request for reconsideration. Such appeal shall be limited to questions of law. Findings of fact made by the commission shall be final if supported by the requisite evidence. The supreme court may hold a special session to consider such appeal if it considers such action necessary.

284-A:7 Exclusion of Minors.

I. No person under 21 years of age shall play a video lottery machine authorized by this chapter. Each violation of this paragraph shall be punishable by a fine of no more than \$2,400 and shall be payable by such person who violates this section.

II. No operator licensee shall knowingly permit any person under 21 years of age to play or participate in any aspect of the play of a video lottery machine or table game. Each violation of this paragraph shall be punishable by a fine of no more than \$20,000 and shall be payable by the operator licensee.

284-A:8 Distribution of Net Machine Income.

I.(a) Thirty nine percent of the net machine income generated by video lottery machines at a facility licensee shall be paid as follows:

(1) Thirty percent of the net machine income generated by video lottery machines shall be paid to the state from which the state shall pay for the costs of regulation administration, enforcement of this chapter under RSA 21-P:11-b, and the operation of the central computer system, and the balance shall be deposited in the general fund of the state.

(2) Three percent of the net machine income generated by video lottery machines operated by a facility operator licensee in any specific municipality shall be paid to the municipality in which the operator licensee operates video lottery machines.

(3) Three percent of the net machine income generated by video lottery machines operated by a facility operator licensee shall be paid to the state treasurer to be divided equally amongst each county in the state for property tax relief in each county.

(4) One percent of the net machine income generated by video lottery machines operated by a facility operator licensee shall be paid in equal portions to each of the municipalities of New Hampshire which abut and are contiguous to a municipality in which that operator licensee operates video lottery machines; provided, however, that if a municipality abuts and is contiguous to more than one municipality in which an operator licensee operates video lottery machines, such municipality shall only receive net machine income pursuant to this paragraph from the operator licensee who operates video lottery machines in the same county as the abutting municipality.

(5) One percent of the net machine income generated by all video lottery machines shall be paid to the state treasurer and credited to the commissioner of the department of health and human services to support programs established by RSA 172 to treat problem gambling.

(6) One-half of one percent of the net machine income generated by video lottery machines shall be paid to the state treasurer and credited to the division of travel and tourism development, department of resources and economic development, for the purpose of promoting tourism in the state.

(7) One-half of one percent of the net income generated by all video lottery machines shall be paid equally to the police standards and training council training fund established in RSA 188-F:30 and the fire standards and training and emergency medical services fund established RSA 21-P:12-d to be used for reimbursement of expenses incurred for certification training and salaries.

(b) The balance of the funds from the net machine income from video lottery machines shall be retained by the facility operator licensee that operates such video lottery machines.

II. The facility operator licensee shall deliver the amounts payable to the state or municipality as provided in paragraph I in immediately available funds of the United States on a daily basis. At the time payment is delivered, the operator licensee shall provide a written accounting of net machine income generated from the video lottery machines by the operator licensee on an aggregate basis and the calculation of amounts due to the state separately for distribution pursuant to subparagraphs I(a)(1), (5), (6), and (7), the amount due the municipality pursuant to subparagraph I(a)(2), the amount due to the county pursuant to subparagraph I(a)(3), the amount due certain municipalities pursuant to subparagraph I(a)(4), and the balance of net machine income retained by the operator licensee. The facility operator licensee shall pay a penalty of \$1,000 for each day that payment or the accounting is not delivered on time to the state, a penalty of \$1,000 for each day that payment or the accounting is not delivered to the municipality on time, and a penalty of \$1,000 for each day that payment or the accounting is not delivered to the county on time.

284-A:9 Procedures for Adoption by Local Community.

I. Any municipality in which a facility location is or proposes to be situated may adopt the provisions of RSA 284-A to allow the operation of video lottery machines in the following manner:

(a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the questions shall be placed on the warrant of an annual or special town meeting, by the governing body or by petition pursuant to RSA 39:3.

(b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, upon request of a facility operator applicant to authorize the operation of video lottery machines within the municipality in accordance with the provisions of RSA 284-A, the governing body shall place the question on the ballot to be voted upon at the next regularly scheduled municipal or biennial election unless such election is more than 90 days from the request. In such circumstance, the governing body shall place the question on the ballot for a special election called for the purpose of voting on said question and which special election shall occur within 75 days after the request is made. Such special election shall be held at the usual ward polling places by the regular election officials.

(c) In any unincorporated place, and notwithstanding any other provision of law to the contrary, upon the request of a facility operator applicant to authorize the operation of video lottery machines within the unincorporated place to either the moderator of the unincorporated place if the unincorporated place is organized to vote pursuant to RSA 668:1, or the clerk of the designated town if the unincorporated place is not organized for voting as provided in RSA 668:2, and the moderator or the clerk shall place the question on the ballot to be voted upon at the next regularly scheduled biennial election. The ballot shall be given to the individuals who are domiciled in such unincorporated place who are registered to vote.

(d) If a majority of those voting on the question vote "Yes," RSA 284-A shall apply in such town or city and the operation of video lottery machines shall be permitted within such town, city or unincorporated place in accordance with RSA 284-A. If a majority of those voting on the question vote "No" the question may be voted on at a subsequent time in accordance with this section provided, however, the town may consider the question at no more than one special meeting and the annual town meeting in the same calendar year after a "No" vote. A city or town subject to paragraph I(b) may consider the question at no more than one special election and a regular municipal or biennial election in the same calendar year after a "No" vote.

(e) The wording of the question shall be substantially as follows: "Shall we adopt the provisions of RSA 284-A allowing the operation of video lottery machines at [insert the name of the proposed facility location] located within the [insert name of town, city, or unincorporated place]"?

II. When a facility operator licensee requests a town, city, or unincorporated place to act under paragraph I, the facility licensee shall pay all costs associated with carrying out the actions under this section.

284-A:10 Inspection of Video Lottery Machines; Penalty for Tampering or Manipulating.

I. The lottery commission shall periodically test video lottery machines installed at any location. In conducting such tests, the lottery commission shall use the services of an independent laboratory, and the cost of such independent laboratory shall be paid by the technology provider.

II. Any person who purposely manipulates the outcome, payoff, or operation of any video lottery machine or table game by physical, electronic, or mechanical means, shall be guilty of a felony.

284-A:11 Video Lottery Machines.

I.(a) A facility operator licensee shall provide to the lottery commission prior to commencing operations of any video lottery machines, by diagram or narrative, a description of:

- (1) The location of each video lottery machine available for play by the public.
- (2) The location of all areas for the storage, maintenance, or repair of video lottery machines.
- (3) A description of all security measures to be taken for the safeguarding of video lottery machines.
- (4) The location and security measures taken for the safeguarding of all moneys, tokens, or other items of value utilized in the use of video lottery machines.
- (5) All procedures for the operation, maintenance, repair, and inserting or removing of moneys, tokens, or other items of value from video lottery machines; and
- (6) All internal control systems as required by RSA 284:21-w.

(b) The provisions of subparagraphs (a)(1)-(6) shall be approved by the lottery commission prior to commencing the operation of any video lottery machine.

II. No video lottery machine shall be possessed, maintained, exhibited, brought into, or removed from a facility licensee by any person unless such machine has permanently affixed to it an identification number or symbol authorized by the lottery commission and prior notice of any such movement has been given to the lottery commission.

III. Each facility operator licensee shall maintain secure facilities for the counting and storage of all moneys, tokens, or other items of value utilized in the conduct of video lottery machines.

IV. The drop boxes and other devices shall not be brought into a facility licensee or removed from an video lottery machine, locked or unlocked, except at such specific times and such places and according to such procedures as the lottery commission may require to safeguard such boxes and devices and their contents.

V. No video lottery machine shall be used to conduct gaming unless it is identical in all electrical, mechanical, and other aspects to a model which has been specifically tested by the lottery commission and licensed for use by the lottery commission.

VI. Video lottery machines in operation at a facility licensee shall provide a payoff of an average of at least 90 percent, except that progressive jackpots shall have a payoff of an average of at least 87 percent.

VII. All tickets given as prizes or winnings from video lottery machines shall be redeemed for cash within one year after the date of winning. Upon the expiration of such one-year period, the value of such unredeemed tickets shall be considered net machine income of the issuing operator licensee.

VIII. A facility operator licensee shall not be restricted in the days of operation of video lottery machines.

IX. Video lottery machines shall be operated only at times when the public is allowed access to the locations. No automatic teller machines shall be located within 50 feet of video lottery machines.

X. All table games operated by a facility operator licensee shall be approved in advance by the lottery commission consistent with RSA 284-B and operated consistent with the approval.

284-A:12 Term of License. Any license issued pursuant to this chapter and any renewal thereof shall be valid for 5 years unless earlier suspended or revoked by the lottery commission. The lottery commission shall adopt procedures for license renewal that take into consideration whether the applicant has been previously licensed in good standing under this chapter. No license issued by the lottery commission may be transferred to a separate entity without approval by the lottery commission consistent with this chapter.

284-A:13 Presence of the Lottery Commission. The lottery commission and the division of state police gaming enforcement unit may be present at any facility licensee at which video lottery machines are operated at all times when the facility is open to the public. The licensee may be required by the lottery commission or gaming enforcement unit to provide such office space and equipment which the commission or unit shall determine is reasonably necessary or proper.

284-A:14 Sanction Powers of the Lottery Commission.

I. The lottery commission shall have exclusive authority following appropriate hearings and factual determinations, to impose sanctions against any person for any violation of this chapter or any rule of the lottery commission adopted under the provisions of this chapter as follows:

- (a) Revocation or suspension of a license.
- (b) Civil penalties as may be necessary to punish misconduct and to deter future violations, which penalties may not exceed \$50,000 for each violation.
- (c) Restitution of any moneys or property unlawfully obtained or retained by a person.
- (d) Issuance of a cease and desist order which specifies the conduct which is to be discontinued, altered, or implemented by the person.
- (e) Issuance of letters of reprimand or censure, which shall be made a permanent part of the file of each person so sanctioned.
- (f) Imposition of any or all of the foregoing sanctions in combination with each other.

II. In determining appropriate sanctions in a particular case, the lottery commission shall consider:

- (a) The risk to the public and to the integrity of video lottery machine operations created by the conduct of the person.
- (b) The seriousness of the conduct of the person and whether the conduct was purposeful or with knowledge that it was in contravention of the provisions of this chapter or the rules of the lottery commission.
- (c) Any justification or excuse for such conduct.

(d) The prior history of the person involved.

(e) The corrective action taken by the person to prevent future misconduct of a like nature from occurring.

(f) In the case of a monetary penalty, the amount of the penalty in relation to the misconduct and the financial means of the person.

(g) In the event that a person receives 3 civil penalties during the term of such person's license, the lottery commission may subject such person to enhanced fines or other disciplinary action.

284-A:15 Declaration of Limited Exemption from Operation of Provisions of 15 U.S.C. section 1171-1172. Pursuant to section 2 of an act of Congress of the United States entitled "An act to prohibit transportation of gambling devices in interstate and foreign commerce," approved January 2, 1951, being Chapter 1194, 64 Stat 1134, and also designated as 15 U.S.C. sections 1171-1177, the state of New Hampshire, acting by and through the duly elected and qualified members of its legislature, does hereby, in accordance with and in compliance with the provisions of that section 2 of that act of Congress, declare and proclaim that it is in the state's best interest to benefit from limiting gambling device revenues but prevent the proliferation of gambling devices by limiting approved facility locations and therefore that section 2 of that act of Congress shall not apply to any gambling device in this state where the transportation of such a device is specifically authorized by and done in compliance with the provisions of this chapter and any rules adopted pursuant to it, and that any such gambling device transported in compliance with state law and rules shall be exempt from the provisions of that act of Congress.

284-A:16 Legal Shipment of Gaming Devices into New Hampshire. All shipments into this state of gaming devices, the registering, recording, and labeling of which has been duly made by the manufacturer or dealer in accordance with sections 3 and 4 of an act of Congress of the United States entitled "An Act to Prohibit Transportation of Gambling Devices in Interstate and Foreign Commerce, approved January 2, 1951, being chapter 1194, 64 Stat. 1134, and also designated as 15 U.S.C. sections 1171-1172, shall be deemed legal shipments into this state.

CHAPTER 284-B TABLE GAMES

284-B:1 Definitions. In this chapter:

I. "Associated equipment" means any equipment or mechanical, electromechanical, or electronic contrivance, component, or machine used in connection with table gaming, including linking devices, replacement parts, equipment which affects the proper reporting of gross revenue, computerized systems for controlling and monitoring table games, including, but not limited to, the central control computer, and devices for weighing or counting money.

II. "Cash" means United States currency and coin or foreign currency and coin that have been exchanged for its equivalent in United States currency and coin.

III. "Cash equivalent" means an asset that is readily convertible to cash, including, but not limited to, any of the following:

(a) Travelers checks.

(b) Certified checks, cashier's checks, and money orders.

(c) Personal checks or drafts.

(d) Credit extended by the table game licensee, a recognized credit card company, or a banking institution.

(e) Any other instrument that the New Hampshire lottery commission deems a cash equivalent. Other than recognized credit cards or credit extended by the table game certificate holder, all instruments that constitute a cash equivalent shall be made payable to the table game certificate holder, to the bearer, or to cash. An instrument made payable to a third party shall not be considered a cash equivalent and shall be prohibited.

IV. "Certificate holder" means a facility operator licensee issued a table game operator certificate by the commission to operate the table games at a licensed facility.

V. "Commission" means the lottery commission.

VI. "Count room" means the room designated for counting, wrapping, and recording of table game receipts.

VII. "Facility operator licensee" means a facility operator licensed by the lottery commission pursuant to RSA 284-A.

VIII.(a) "Gross table game revenue" means the total of cash or equivalent wagers received in the playing of a table game minus the total of:

- (1) Cash or cash equivalents paid out to patrons as a result of playing a table game;
- (2) Cash paid to purchase annuities to fund prizes payable to patrons over a period of time as a result of playing a table game;
- (3) Any personal property distributed to a patron as a result of playing a table game; and
- (4) Any promotional credits provided to patrons.

(b) "Gross table game revenue" does not include travel expenses, food, refreshments, lodging, or other complimentary services. This term does not include counterfeit money, tokens, or chips; coins or currency of other countries received in the playing of a table game, except to the extent that they are readily convertible to United States currency; cash taken in a fraudulent act perpetrated against a licensee for which the licensee is not reimbursed; or cash received as entry fees for contests or tournaments in which patrons compete for prizes.

IX. "Key employee" means any individual who is employed in a director or department head capacity and who is authorized to make discretionary decisions that regulate table game operations, including but not limited to, the director of table games, pit bosses, shift bosses, credit supervisors, cashier supervisors, table game facility managers, and assistant managers.

X. "Table game" means any banking or percentage game in which there is an opportunity for the player to use his or her reason, foresight, or other strategy to increase the expected return, including roulette, baccarat, blackjack, poker, craps, big six wheel, mini-baccarat, red dog, pai gow, casino war, Asia poker, Boston 5 stud poker, Caribbean stud poker, Colorado hold 'em poker, double attack blackjack, double cross poker, double down stud poker, fast action hold 'em, flop poker, four card poker, let it ride poker, mini-craps, mini-dice, pai gow poker, pokette, Spanish 21, Texas hold 'em bonus poker, three card poker, two card joker poker, ultimate Texas hold 'em, winner's pot poker and sic bo or any multi-station electronic version of the games described in this subsection, and any other games approved by the commission. The term includes any variations or composites of approved games, provided that the commission determines that the new table game, variations, or composites are suitable for use after an appropriate test or experimental period under such terms and conditions as the commission may deem appropriate, and any other game which the commission determines to be suitable for use in a licensed facility after an appropriate test or experimental period as the commission may deem appropriate. The term shall also include gaming contests or tournaments in which players compete against one another in any table game authorized for use in a licensed facility by the commission. The term shall not include wagering on pari-mutuel racing regulated by the racing and charitable gaming commission pursuant to RSA 284, raffles regulated pursuant to RSA 287-A, lotteries regulated by the lottery commission pursuant to RSA 284:21-a and RSA 287-F, and bingo and lucky 7 games regulated by the racing and charitable gaming commission pursuant to RSA 287-E. Table games which are operated as games of chance pursuant to RSA 287-D shall not be subject to the provisions of this chapter.

XI. "Table game device" includes tables, cards, dice, chips, shufflers, tiles, dominoes, wheels, drop boxes, or any mechanical or electrical contrivance, terminal, machine or other device approved by the commission and used or consumed in operation of or connection with a table game.

XII. "Table game operation certificate" means a certificate issued by the commission that certifies that the table gaming operation of a licensed facility operator conforms to the requirements of this chapter and rules adopted under this chapter and that authorizes a facility operator licensee to conduct table gaming under this chapter.

XIII. "Table game operator" means:

(a) "Primary game operator" which means any consultant or any person involved in conducting, managing, supervising, directing, or running the table games at a licensed facility and shall include the banker, the auditor, the counter, and persons involved in the cage; or

(b) "Secondary game operator" which means any person involved in dealing, running a roulette wheel, or handling chips at a licensed facility.

XIV. "Technology provider" means a technology provider that is licensed by the lottery commission pursuant to RSA 284-A, or who manufactures, builds, rebuilds, fabricates, assembles, produces, programs, designs, or otherwise modifies table games.

284-B:2 State Employee Prohibition. No member, employee, or independent contractor of the lottery commission or racing and charitable gaming commission shall accept a complimentary service or wager or be paid any prize from any wager at any licensed facility within the state or at any other facility outside this state which is owned or operated by a licensed gaming entity or any of its affiliates, intermediaries, subsidiaries, or holding companies thereof for the duration of his or her term of office, employment, or contract with the lottery commission or the racing and charitable gaming commission and for a period of one year from the termination of term of office, employment, or contract with the lottery commission or racing and charitable gaming commission. The provisions of this section shall not apply to employees who utilize table games for testing purposes or to verify the performance of table games as part of an enforcement investigation.

284-B:3 General and Specific Powers.

I. The commission shall have general and sole regulatory authority over the conduct of table games described in this chapter. The commission shall ensure the integrity of the acquisition and operation of table game devices and associated equipment and shall have sole regulatory authority over every aspect of the authorization and operation of table games.

II. The commission shall:

(a) Issue, approve, renew, revoke, suspend, condition, or deny issuance or renewal of a table game operation certificate to a facility operator licensee.

(b) Determine at its discretion the suitability of any person, including technology vendors not licensed pursuant to RSA 284-A, who furnishes or seeks to furnish to a certificate holder licensee directly or indirectly any services or property related to the table games or associated equipment or through any arrangements under which that person receives payment based directly or indirectly on earnings, profits, or receipts from table games and associated equipment. Any criminal background checks shall be conducted by the division of state police, gaming enforcement unit, and any other background investigations shall be conducted by the attorney general's office. The commission may require any such person to comply with the requirements of this chapter and the rules of the commission and may prohibit the person from furnishing the services or property.

III. The commission shall not issue or renew a table games operation certificate unless it is satisfied that the applicant is a facility operator licensee in good standing operating video lottery machines under RSA 284-A.

IV. To publish on the commission's Internet website a complete list of all persons or entities who applied for or held a table game operation certificate, manufacturer license, supplier license, or racetrack license at any time during the preceding calendar year and all affiliates, intermediaries, subsidiaries, and holding companies thereof and the status of the application or license, however, information regarding any applicant who's approval or certificate has been denied, revoked or not renewed shall be removed from such list after 5 years from the date of such action.

284-B:4 Enforcement. The commission, with the assistance of the attorney general and the division of state police gaming enforcement unit, shall administer and enforce the provisions of this chapter.

284-B:5 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to:

I. The application procedure for video lottery operator licensees to obtain a table game operation certificate.

II. The approval procedure for table game operators, including the classification of primary game operators and secondary game operators.

III. Procedures for a hearing following revocation of any table game operation certificate pursuant to this chapter.

IV. The operation of table games.

V. Refunds of certificate fees pursuant to this chapter.

VI. Procedures for approving technology providers not licensed by RSA 284-A and associated fees.

VII. Accountability controls to ensure game integrity, including, but not limited to, cash, attendance, prizes, income, expense, and financial reporting, and record-keeping to be implemented by licensed table game operators in addition to requirements set forth in this chapter.

VIII. Enforcement of this chapter.

IX. The issuance of subpoenas, administrative orders and fines, badge specifications, requirements, and fees.

X. Other matters related to the proper administration of this chapter.

284-B:6 Table Games Authorized. A person licensed to operate video lottery pursuant to RSA 284-A may operate table games at a licensed facility operator location in the manner hereinafter provided and not otherwise:

I. Persons holding a current facility operator license in good standing from the lottery commission to operate video lottery pursuant to RSA 284-A may apply for a table games operation certificate for the operation of table games at a licensed facility and upon confirmation by the commission that it meets the criteria set forth in this section shall be granted a certificate for the operation of table games.

II. The certificate shall authorize table games at specified licensed facilities.

III. The certificate shall only permit the operation of table games at a facility operator licensee that operates or permits the operation of games of chance for or on behalf of charitable organizations pursuant to RSA 287-D, provided that the space allocated for games of chance at the facility be at least 5,000 square feet within the principal gaming area of the licensed facility, and the number of tables used for table games shall be limited to not more than 150 tables.

IV. The certificate shall not be transferable.

284-B:7 Authorization to Conduct Table Games.

I. Notwithstanding any other provision of law to the contrary, the commission may authorize only a licensed video lottery operator to engage in the operation of table games and the system of wagering associated with table games at a facility licensed under RSA 284-A. Authorization to conduct table games shall be contingent upon the licensee's agreement to conduct table games in accordance with this chapter.

II. A video lottery operator who is issued a table games operation certificate may only be permitted to operate table games at a licensed facility consistent with the permission granted by the certificate.

III.(a) A facility operator licensee may seek approval to operate table games by filing a petition with the commission.

(b) A petition shall include the following:

(1) The name, business address, and contact information of the petitioner.

(2) The name and address, job title, and a photograph of each principal and key employee of the petitioner not currently approved or licensed by the commission, including table game operators.

(3) An itemized list of the number and type of table games for which authorization is being sought.

(4) The estimated number of full-time and part-time employment positions that will be created at the licensed facility if table games are authorized.

(5) Information and authorizations sufficient to allow the commission to confirm that any person providing services as a table game operator has not, in any jurisdiction, been convicted of a felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, or a class B misdemeanor within the previous 5 years which has not been annulled by a court, or has violated any statutes or rules governing gambling or gaming of any kind.

(6) The details of any financing that will be obtained or has been obtained to fund the expansion of the licensed facility to accommodate the operation of table games.

(7) Detailed site plans identifying the petitioner's proposed table game area within the licensed facility including reference to the area reserved for charitable games of chance. The proposed table game area shall be reviewed by the commission to determine the adequacy of the proposed internal controls and external security and proposed surveillance measures and submit a finding regarding adequacy to the commission.

IV. The applicant shall certify under oath that:

(a) The information provided on the application is accurate.

(b) Information and authorizations sufficient to allow the commission to confirm that any person providing services as a table game operator has not, in any jurisdiction, been convicted of a felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, or a class B misdemeanor within the previous 5 years which has not been annulled by a court, or has violated any statutes or rules governing gambling or gaming of any kind.

(c) The applicant who will be participating in the operation of the games of chance is aware of all statutes and rules applicable to the operation of table games.

284-B:8 Standard of Review. The commission shall grant the petition and issue a certificate to authorize the petitioner to operate table games if the petitioner establishes evidence of the following:

I. The petitioner is an eligible video lottery operator licensee duly licensed pursuant to RSA 284-A.

II. If necessary, the petitioner has secured adequate financing to fund the expansion of the petitioner's licensed facility to accommodate the operation of table games.

III. The proposed internal and external security and proposed surveillance measures within the petitioner's proposed table game area within the licensed facility are adequate.

IV. The petitioner agrees to permit the operation of charitable games of chance consistent with RSA 284-B:6, III.

284-B:9 Commencement of Table Game Operations. A facility operator licensee may not operate or offer table games for play at a licensed facility until:

I. The commission approves the petition filed under RSA 284-B:7;

II. The facility operator licensee pays the fee under RSA 284-B:14; and

III. The commission has issued a table games operation certificate to the facility operator licensee under RSA 284-B:6 and RSA 284-B:8.

284-B:10 Term of Table Game Authorization. After payment of the fee under RSA 284-B:14, authorization to conduct table games shall be in effect unless suspended, revoked, or not renewed by the commission upon good cause consistent with the license requirements provided in this chapter. Facility operator licensees shall be required to update the information in their initial table games petition at times prescribed by the commission, but at least as frequently as the operator is required to renew its video lottery operator's license. An additional license fee of no more than \$1,000,000 shall be imposed for renewal of a table game operation certificate every 5 years. The commission shall be entitled to use such funds to support staff and resources necessary to implement this chapter.

284-B:11 Condition of Continued Operation. A certificate holder shall maintain all books, records, and documents pertaining to the certificate holder's table game operation in a manner and location as approved by the commission. All books, records, and documents related to table game operations shall:

I. Be maintained separate and apart from all books, records, and documents of the video lottery machine operations;

II. Be immediately available for inspection upon request of the commission, the state police, or agents of the attorney general during all hours of operation in accordance with rules adopted by the commission; and

III. Be maintained for a period as the commission, by rule, may require.

284-B:12 Table Game Accounting Controls and Audits.

I. Prior to being approved for a table game operation certificate, a facility operator licensee shall obtain approval from the commission of its proposed site plans and internal control systems and audit protocols for its table games operation.

II. The facility operator licensee's proposed internal controls and audit protocols shall:

(a) Safeguard its assets and revenues, including the recording of cash and evidences of indebtedness related to the table games.

(b) Provide for reliable records, accounts, and reports of any financial event that occurs in the operation of a table game, including reports to the commission related to the table games.

(c) Provide for accurate and reliable financial records related to the table games operation.

(d) Establish procedures for all the following:

(1) The receipt, storage, and disbursement of chips, cash, and other cash equivalents used in table gaming.

(2) Check cashing.

(3) The redemption of chips and other cash equivalents used in table gaming and the payoff of jackpots.

(4) The recording of transactions pertaining to table gaming.

(e) Establish procedures for the collection and security of moneys at the gaming tables.

(f) Establish procedures for the transfer and recording of chips between the gaming tables and the cashier's cage.

(g) Establish procedures for the transfer of drop boxes for table games from the gaming tables to the count room.

(h) Establish procedures and security for the counting and recording of table gaming revenue.

(i) Establish procedures for the security, storage, and recording of cash, chips, and other cash equivalents utilized in table gaming.

(j) Establish procedures and security standards for the handling and storage of gaming apparatus, including cards, dice, machines, wheels, and all other gaming equipment.

(k) Establish procedures and rules governing the conduct of particular games and the responsibility of casino personnel.

(l) Establish procedures for the collection and recording of revenue from poker when it is a non-licensee bank game, including the type of rake utilized, the methodology for calculating the rake, and the amount of maximum permissible rake.

(m) Ensure that any wagering governing the operation of a table game is implemented only in accordance with the management's general or specific authorization, as approved by the commission.

(n) Ensure that there is proper and timely accounting of gross table game revenue and the calculation of gross table game revenue, fees, and taxes and maintain accountability for assets.

(o) Ensure that recorded accountability for assets is compared with actual assets at reasonable intervals and that appropriate action is taken with respect to any discrepancies.

(p) Ensure that all functions, duties, and responsibilities are appropriately segregated and performed in accordance with sound financial practices by competent, qualified personnel.

(q) Permit use of its existing onsite facilities by the commission and, other persons authorized by the commission to facilitate their ability to perform regulatory and oversight functions under this chapter.

III. Each facility operator licensee shall, prior to being approved for a table game operation certificate, submit to the commission a detailed description of its administrative and accounting procedures related to table games, including its written system of internal controls. Each written system of internal controls shall include:

(a) An organizational chart depicting appropriate functions and responsibilities of employees involved in the table game operation.

(b) A description of the duties and responsibilities of each position shown on the organizational chart.

(c) The record retention policy of the applicant.

(d) The procedure to be utilized to ensure that assets are safeguarded, including mandatory count procedures.

IV. Prior to approving a petitioner for a table game operation certificate, the commission shall review the system of internal controls submitted under RSA 284-B:7, III(b)(7) to determine whether it conforms to the requirements of this chapter and provides adequate and effective controls for the operations of the facility.

284-B:13 Wagering Policies.

I. Holders of table game operation certificates shall maintain a detailed narrative description of the administrative and accounting procedures which meet the requirements of this section.

II. A facility operator licensee may accept a check from a patron in exchange for cash or chips, provided that each check is deposited with the financial institution upon which the check is drawn within 10 days of receipt by the facility operator licensee.

III. Holders of table game operation certificates may make credit card advances and debit card withdrawals available to table game patrons at a licensed facility. All fees charged for cash advances, check cashing, and debit card withdrawals shall be disclosed. Notwithstanding any other provision of law, a holder of a table game operation certificate may provide credit to patrons for the purpose of playing table games in accordance with this section. No third party checks shall be permitted.

284-B:14 Table Game Authorization Fee.

I. Upon approval of a petition filed under RSA 284-B:7 and prior to the commencement of the operation of table games at the facility, the commission shall impose a one-time authorization fee on the facility lottery operator licensee in the amount of \$10,000,000 for licensees approved by the lottery commission for facility operator licenses A, B and C, and \$5,000,000 for the licensee approved by the lottery commission for facility operator license D. The commission is authorized to use such funds to support staff and resources necessary to implement this chapter.

II. All table game authorization fees received by the commission under this section shall be deposited in the general fund.

284-B:15 Distribution of Table Game Revenues.

I. Each certificate holder shall pay from its daily gross table game revenue from the table games in operation at its facility; and

(a) Eight percent of daily gross table revenue to the state to be deposited into the general fund; and

(b) The balance of the daily gross table game revenue shall be retained by the facility operator licensee that operates the table games.

II. The distribution due to the state pursuant to subparagraph I(a) shall be due and payable to the state treasurer on a quarterly basis and shall be based upon gross table game revenue derived during the previous quarter. All funds owed to the state under this section shall be held in trust by the certificate holder until the funds are paid or transferred and distributed by the certificate holder. Unless otherwise agreed to by the commission, a certificate holder shall establish a separate bank account to maintain table gaming proceeds until such time as the proceeds are paid or transferred under this section.

284-B:16 Authorization of Suppliers and Manufacturers of Table Game Devices. Any person seeking to supply table game devices for use at a licensed facility shall obtain approval by the commission for authority to manufacture or supply table games, table game devices, or other equipment associated with table games, and shall pay such fees as the commission deems reasonable and appropriate. Upon approval, the manufacturer or supplier shall pay a fee of \$50,000. A fee of \$25,000 shall be paid for the annual renewal of a supplier license.

284-B:17 Equipment; Wagering; Prizes.

I. No table games shall be conducted with any equipment except such as is owned or leased from a supplier or manufacturer of such equipment who has been approved by the commission pursuant to RSA 284-B:16 and who has registered with the secretary of state in such manner and on such form as the secretary of state prescribes.

II. All devices and equipment used to conduct table games shall be subject to inspection by duly authorized law enforcement officials of the commission.

III. The amount of any wager permitted to be played by a player, on any table game, shall be prominently posted.

284-B:18 Sanction Powers of the Lottery Commission.

I. The commission shall have the sole and exclusive authority following appropriate hearings and factual determinations, to impose sanctions against any person for any violation of this chapter or any rule of the commission adopted under the provisions of this chapter as follows:

- (a) Revocation or suspension of a license.
- (b) Civil penalties as may be necessary to punish misconduct and to deter future violations, which penalties may not exceed \$50,000 for each violation.
- (c) Order restitution of any moneys or property unlawfully obtained or retained by a person.
- (d) Issuance of a cease and desist order which specifies the conduct which is to be discontinued, altered, or implemented by the person.
- (e) Issuance of letters of reprimand or censure, which shall be made a permanent part of the file of each person so sanctioned.
- (f) Imposition of any or all of the foregoing sanctions in combination with each other.

II. In determining appropriate sanctions in a particular case, the commission shall consider:

- (a) The risk to the public and to the integrity of table game operations created by the conduct of the person.
- (b) The seriousness of the conduct of the person and whether the conduct was purposeful or with knowledge that it was in contravention of the provisions of this chapter or the rules of the commission.
- (c) Any justification or excuse for such conduct.
- (d) The prior history of the person involved.
- (e) The corrective action taken by the person to prevent future misconduct of a like nature from occurring.
- (f) In the case of a monetary penalty, the amount of the penalty in relation to the misconduct and the financial means of the person.
- (g) In the event that a person receives 3 civil penalties during the term of such person's license, the commission may subject such person to enhanced fines or other disciplinary action.

284-B:19 Declaration of Limited Exemption from Operation of Provisions of 15 U.S.C. section 1171-1172. Pursuant to section 2 of an act of Congress of the United States entitled "An Act to Prohibit Transportation of Gambling Devices in Interstate and Foreign Commerce," approved January 2, 1951, being Chapter 1194, 64 Stat. 1134, and also designated as 15 U.S.C. sections 1171-1177, the state of New Hampshire, acting by and through the duly elected and qualified members of its legislature, does hereby, in accordance with and in compliance with the provisions of that section 2 of that act of Congress, declare and proclaim that it is in the state's best interest to benefit from limiting gambling device revenues but prevent the proliferation of gambling devices by limiting approved facility locations and therefore that section 2 of that act of Congress shall not apply to any gambling device in this state where the transportation of such a device is specifically authorized by and done in compliance with the provisions of this chapter and any rules adopted pursuant to it, and that any such gambling device transported in compliance with state law and rules shall be exempt from the provisions of that act of Congress.

284-B:20 Legal Shipment of Gaming Devices into New Hampshire. All shipments into this state of gaming devices, the registering, recording, and labeling of which has been duly made by the manufacturer or dealer in accordance with sections 3 and 4 of an act of Congress of the United States entitled "An Act to Prohibit Transportation of Gambling Devices in Interstate and Foreign Commerce," approved January 2, 1951, being chapter 1194, 64 Stat. 1134, and also designated as 15 U.S.C. sections 1171-1172, shall be deemed legal shipments into this state.

CHAPTER 284-C

COMMISSION TO STUDY GAMING REGULATORY OVERSIGHT COMMISSIONS

284-C:1 Commission to Study Gaming Regulatory Oversight Commissions.

I. There is established a commission to study and review the regulatory oversight of gaming licensees and to make recommendations on how to streamline, consolidate, or modify the regulatory oversight process and commissions for gaming in the state of New Hampshire.

II. The members of the commission shall be as follows:

- (a) One member of the lottery commission, appointed by governor.

- (b) One member of the racing and charitable gaming commission, appointed by the governor.
- (c) The commissioner of safety, or his or her designee.
- (d) One individual who is a licensee under RSA 284-A, appointed by the governor.
- (e) Two members of the public, appointed by the governor.
- (f) Two members of the senate, appointed by the president of the senate.
- (g) Two members of the house, appointed by the speaker of the house of representatives.
- (h) The attorney general, or designee.

III. The commission shall study the role of the existing regulatory commissions for gaming in the state of New Hampshire and recommend any changes that would streamline, consolidate, modernize, or improve the regulatory process and role of the existing regulatory commissions.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be held within 90 days of the effective date of this section. Six members of the commission shall constitute a quorum.

V. The commission 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 September 1, 2012.

102 New Section; Lottery Commission; Administration of Video Lottery. Amend RSA 284 by inserting after section 21-v the following new section:

284:21-w Video Lottery; Duties of the Lottery Commission; Administration of Video Lottery.

I. The lottery commission shall:

- (a) Collect all license fees imposed upon any applicant and all taxes imposed by RSA 284-A.
- (b) Certify net machine income by inspecting records, conducting audits, having its agents on site, or by any other reasonable means.
- (c) Establish a central computer system located at the office of the lottery commission linking all video lottery machines to insure control over video lottery machines. The lottery commission shall establish a selection procedure for such contracts and ensure that the central computer system uses a widely adopted communications protocol approved by the Gaming Standards Association.
- (d) Require facility operator licensees to submit all contracts for services where the annual amount to be expended by the facility operator licensee is over \$500,000 to the lottery commission, and provide any further information to the lottery commission regarding vendors and suppliers as is requested.
- (e) Require all holders of facility operator licenses issued by the lottery commission pursuant to RSA 284-A to maintain a system of internal controls. At a minimum, the licensee's proposed system of internal controls shall:
 - (1) Safeguard its assets and revenues, including, but not limited to the recording of cash and evidences of indebtedness related to the video lottery machines.
 - (2) Provide for reliable records, accounts, and reports of any financial event that occurs in the operation of a video lottery machine.
 - (3) Ensure that each video lottery machine directly provides or communicates all required activities and financial details to the central computer system.
 - (4) Provide for accurate and reliable financial records.
 - (5) Ensure any financial event that occurs in the operation of a video lottery machine or table game is performed only in accordance with the management's general or specific authorization.
 - (6) Ensure that any financial event that occurs in the operation of a video lottery machine is recorded adequately to permit proper and timely reporting of net machine income and the calculation thereof and the related fees and taxes.
 - (7) Ensure that access to assets is permitted only in accordance with management's specific authorization.

(8) Ensure that recorded accountability for assets is compared with actual assets at reasonable intervals and appropriate action is taken with respect to any discrepancies.

(9) Ensure that all functions, duties, and responsibilities are appropriately segregated and performed in accordance with sound financial practices by qualified personnel.

(f) Establish technical standards for approval of video lottery machines, including mechanical and electrical reliability and security against tampering, as it may deem necessary to protect the public from fraud or deception and to ensure the integrity of their operation.

(g) Require all holders of licenses issued by the lottery commission pursuant to RSA 284-A to comply with any exclusion program established by the lottery commission and maintained pursuant to RSA 284-A:2, II(u) and to establish and implement a self-exclusion program whereby a person who acknowledges that he or she is a problem gambler and who requests to be placed on a self-exclusion list shall be excluded or ejected from a licensed facility.

II. The lottery commission may employ certain assistants to carry out the provisions of this section and RSA 284-A, and may employ such additional assistants and employees as the governor and council shall authorize. Such assistants and employees shall receive compensation at rates to be established by the department of administrative services, division of personnel, however, such compensation shall be funded by proceeds paid to or received by the lottery commission pursuant to RSA 284-A. No employee of the lottery commission shall have any pecuniary or other interest in any supplier or agent to the commission or in any facility location or licensee licensed under RSA 284-A.

III. The lottery commission shall have the authority to issue subpoenas and compel the attendance of witnesses, to administer oaths, and to require testimony under oath.

IV. No later than November 1 of each calendar year, the lottery commission shall provide a report to the fiscal committee of the general court regarding the generation of revenues of video lottery machines by licensees.

V. With regard to meetings, minutes, and records of the lottery commission:

(a) The lottery commission shall notice all proceedings and shall make and keep a record of all proceedings held at public meetings of the lottery commission. A verbatim transcript of those proceedings shall be prepared by the lottery commission upon the request of any commissioner or upon the request of any other person and the payment by that person of the costs of preparation. A copy of the transcript shall be made available to any person upon request and payment of the costs of preparing the copy.

(b) The lottery commission shall maintain such other files and records as the lottery commission determines is necessary.

(c) All information and data required by the commission, to be furnished to the commission, or which may otherwise be obtained, shall be confidential and shall not be revealed in whole or in part except in the course of the necessary administration of this chapter, or upon the lawful order of a court of competent jurisdiction, or with the approval of the attorney general, to a duly authorized law enforcement agency.

(d) All information and data pertaining to an applicant's criminal record, family, and background furnished to or obtained by the lottery commission from any source shall be confidential and shall be withheld in whole or in part. Such information shall be released only upon the lawful order of a court of competent jurisdiction, or with the approval of the attorney general, to a duly authorized law enforcement agency.

(e) Notice of the contents of any information or data released, except to a duly authorized law enforcement agency pursuant to subparagraph (c) or (d), shall be given to any applicant, registrant, or licensee in a manner prescribed by the rules adopted by the lottery commission.

(f) All records, information, or data maintained or kept by the lottery commission shall be maintained or kept at the office of the gaming enforcement unit.

103 New Sections; Department of Safety; Gaming Enforcement Unit Established. Amend RSA 21-P by inserting after section 11-a the following new sections:

21-P:11-b Division of State Police; Gaming Enforcement Unit.

I. There is established within the department of safety, division of state police, a gaming enforcement unit under the supervision of the commissioner of the department of safety. Notwithstanding RSA 106-B:15, the unit shall:

(a) Investigate violations of RSA 284-A and RSA 284-B and the rules adopted under the provisions of RSA 284-A and RSA 284-B, and initiate proceedings before the lottery commission for such violations. The unit shall report the results of any investigation conducted to the lottery commission.

(b) Participate in any hearing conducted by the lottery commission.

(c) Investigate crimes which may involve a violation of RSA 284-A or RSA 284-B that occur at a facility operator licensee location.

II. The commissioner of the department of safety shall organize the unit as the commissioner deems necessary. The commissioner of safety may employ such state police personnel as the commissioner deems necessary to fulfill the responsibilities of the unit.

21-P:11-c Enforcement Expenditures. The governor and council with the prior approval of the fiscal committee of the general court, upon request from the commissioner of the department of safety, may authorize the transfer of general funds as authorized in RSA 284-A:8, I(a)(1) to the department of safety to implement and enforce RSA 21-P:11-b, RSA 284-A, and RSA 284-B.

104 New Section; Racing and Charitable Gaming Commission; Duties. Amend RSA 284 by inserting after section 6-a the following new section:

284:6-b Duties of the Racing and Charitable Gaming Commission. The racing and charitable gaming commission shall:

I. Provide to the lottery commission, attorney general, or division of state police gaming enforcement unit, all records pertaining to the licensing of a pari-mutuel licensee to the extent a pari-mutuel licensee is an applicant or facility location relevant to the lottery commission's approval process under RSA 284-A within 30 days after the racing and charitable gaming commission receives a request. All records provided to the lottery commission shall be confidential in accordance with RSA 284:21-w, V.

II. Notice of the contents of any information or data released, except to a duly authorized law enforcement agency pursuant to paragraph I, shall be given to any applicant, registrant, or licensee in a manner prescribed by the rules and regulations adopted by the racing and charitable gaming commission.

105 Restriction on Gambling. RSA 284:17-c is repealed and reenacted to read as follows:

284:17-c Restriction on Gambling. Except as provided in the introductory paragraph of RSA 284:22, RSA 284:22-a, RSA 284-A, and RSA 284-B, no licensee who holds running horse races shall at the same facility hold any other kinds of races or permit any other type of gambling except harness horse races and activities licensed by the lottery commission or the racing and charitable gaming commission.

106 New Paragraph; Facility Licensee; Cocktail Lounge License. Amend RSA 178:22 by inserting after paragraph V the following new paragraph:

VI. The commission may issue a special license to a person holding a facility operator's license under the provisions of RSA 284-A, provided the facility licensee has an existing liquor license. Such special license shall allow the sale of liquor, wine, and beverages within the facility licensee location, including dining room, function room, gaming room, lounge, or any other area designated by the commission, without regard to whether meals are served therein, but only during the time gaming is being conducted under RSA 284-A.

107 New Subparagraph; Authorized Video Lottery Machines. Amend RSA 647:2, V by inserting after subparagraph (c) the following new subparagraph:

(d) Video lottery machines authorized pursuant to RSA 284-A and table games authorized pursuant to RSA 284-B.

108 Rehabilitation of Problem Gaming. Amend RSA 172:2-a to read as follows:.

172:2-a Program Established. The commissioner shall provide for the scientific care, treatment, and rehabilitation of **gambling**, alcohol, and drug abusers, and work towards the prevention of, and assist in the control of, alcohol and drug abuse within the state through education, treatment, community organization, and research.

109 Duties of Commissioner; Rehabilitation of Problem Gaming. Amend RSA 172:8 to read as follows:

172:8 Duties of the Commissioner.

I. Study the problems presented by **gambling**, alcohol, and drug abuse, including methods and facilities available for the care, treatment, custody, employment, and rehabilitation of persons who are **problem gamblers**, inebriates, alcohol abusers, drug dependent, or drug abusers.

II. Promote meetings and programs for the discussion of **gambling**, alcohol, and drug dependency and abuse for the guidance and assistance of individuals, schools, courts, and other public and private agencies.

III. Conduct, promote and finance, in full or in part, studies, and other appropriate facilities dealing with the physical, psychological, and/or social aspects of **gambling**, alcohol, and drug abuse.

IV. Have the authority to accept or reject for examination, diagnosis, guidance, and treatment, insofar as funds and facilities permit, any resident of the state who comes to the commissioner voluntarily for advice and treatment.

V. [Repealed.]

VI. Render biennially to the governor and council a report of his activities including recommendations for improvements therein by legislation or otherwise.

VII. Coordinate community medical resources for the emergency medical care of persons suffering acute mental or physical reaction to **gambling**, alcohol, or drugs and of persons suffering from drug dependency.

VIII. Employ such assistants as may be necessary to carry out the purposes of this chapter, in accordance with state personnel regulations, and within available appropriations and funds.

IX. Disseminate information on the subjects of **gambling**, alcohol, and drug abuse for the guidance and assistance of individuals, schools, courts and other public and private agencies.

X. [Repealed.]

110 Confidentiality of Client Records; Rehabilitation of Problem Gaming. Amend RSA 172:8-a to read as follows:

172:8-a Confidentiality of Client Records. No reports or records or the information contained therein on any client of the program or a certified **gambling**, alcohol, or drug abuse treatment facility or any client referred by the commissioner shall be discoverable by the state in any criminal prosecution. No such reports or records shall be used for other than rehabilitation, research, statistical or medical purpose, except upon the written consent of the person examined or treated. Confidentiality shall not be construed in such manner as to prevent recommendation by the commissioner to a referring court, nor shall it deny release of information through court order pursuant to appropriate federal regulations.

111 Rulemaking; Rehabilitation of Problem Gaming. Amend RSA 172:14, IV to read as follows:

172:8-b Rulemaking. The commissioner shall adopt rules under RSA 541-A relative to the following:

I. The acceptance, care and treatment of **gambling**, alcohol, or drug dependent persons and alcohol or drug abusers who are clients of the program established under this chapter or a certified substance abuse treatment facility.

II. A fee schedule and collection of fees under RSA 172:14, IV.

III. Certification of substance abuse treatment facilities including, but not limited to:

- (a) Program content;
- (b) Qualifications of program staff; and
- (c) Type of substance abuse treatment offered.

IV. Certification and recertification of **gambling**, alcohol, and drug abuse counselors including, but not limited to:

- (a) Peer review of applicants.
- (b) Minimum qualifications and competency.
- (c) Education and continuing education.
- (d) Experience required.

(e) Required knowledge of **gambling**, alcohol, and drug abuse counseling.

(f) Such other matters as the commissioner may deem necessary to carry out the purposes of this chapter.

V. Voluntary admissions under RSA 172:13.

112 Acceptance of Grants; Treatment of Problem Gamers. Amend RSA 172:9 to read as follows:

172:9 Acceptance of [Grants] **Funds**. The commissioner is authorized to accept in the name of the state special grants or money or services from the federal or state governments or any of their agencies and may accept gifts to carry on the functions provided for in this chapter.

113 New Subparagraph; Gambling Offenses; Minors. Amend RSA 647:2, I by inserting after subparagraph (c) the following new subparagraph:

(d) Violates the provisions of RSA 284-A:7.

114 Effective Date.

I. Sections 10-12, 40-42, 45, 58-63, 65, and 91 of this act shall take effect July 1, 2010.

II. Section 43 of this act shall take effect June 15, 2010.

III. Section 64 of this act shall take effect November 1, 2012.

IV. Sections 70 and 72 of this act shall take effect July 1, 2011.

V. Section 96 of this act shall take effect October 1, 2010.

VI. Sections 97-99 shall take effect 60 days after its passage.

VII. The remainder of this act shall take effect upon its passage.

2010-2089s

AMENDED ANALYSIS

1. Clarifies the administration of the New Hampshire employment program.

2. Makes the funded family assistance program (TANF) permissive rather than mandatory.

3. Allows the department of health and human services to make a claim for recovery of assistance for a deceased recipient from the division of abandoned property.

4. Repeals 2009, 144:211 requiring a report relative to suspending certain administrative requirements for community mental health centers for the biennium ending June 30, 2011.

5. Authorizes the commissioner of the department of health and human services to transfer funds within and among all accounting units within the department, to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and as otherwise necessary for the efficient management of the department.

6. Permits funds from the lead paint poisoning prevention fund to be used to support program staff and administrative costs.

7. Transfers powers and duties for the New Hampshire refugee resettlement program from the governor's office to the department of health and human services.

8. Establishes a special account for civil fines collected by the department of health and human services under RSA 151.

9. Changes the due date for the Medicaid enhancement tax.

10. Renames the "multiple DWI offender intervention detention center program" as the "multiple DWI offender intervention program," and authorizes the commissioner of the department of health and human services to directly operate the program, to approve community-based providers of the program, or to contract with public or private entities to operate the program.

11. Requires the commission to examine driving while impaired education and intervention programs to study penalties for intoxication or under the influence of drugs offenses and submit a report of its findings.

12. Makes further reductions in the operating budget for the legislative and executive branches for fiscal years 2010 and 2011.

13. Requires the commissioner of the department of agriculture, markets and food to put out to bid administration of the animal population control fund.

14. Abolishes the position of animal population control assistant.

15. Provides that the department of health and human services shall not reduce funding provided to North Country Transportation used for meeting the state matching funds requirement for the Job Access and Reverse Committee (JARC).

16. Reduces required funding by the department of health and human services for juvenile placement programs.

17. Reduces the rate paid to residential providers subject to the rate setting rule of the department of health and human services by 2 percent.

18. Extends the suspension of direct graduate medical education payments to hospitals until July 1, 2011.

19. Prohibits suspension of the provision of indirect graduate medical education payments to hospitals through June, 2011 and prohibits suspension of catastrophic aid payments to hospitals effective June 15, 2010 through June 30, 2011.

20. Conditions eligibility for cash assistance and medical assistance benefits on the recipient filing an application for any federal cash assistance benefits for which the individual may be entitled.

21. Allows a municipality, with the approval of its legislative body, to adopt a local meals and rooms tax in addition to the state meals and rooms tax.

22. Removes the application of the rooms and meals tax to campsites.

23. Authorizes the state treasurer to refinance certain debt service obligations.

24. Increases the bonded appropriation for the university system of New Hampshire KEEP NH program by \$25,000,000 for the biennium ending June 30, 2011.

25. Increases the tax rate imposed on tobacco products other than cigarettes.

26. Authorizes the department of administrative services to transfer moneys from certain dedicated funds or accounts maintained separately on the books of the state.

27. Requires the lapse of certain retirement pension benefit-health insurance funds.

28. Requires the lapse of certain judicial council funds for contracts for program services.

29. Requires the lapse of certain appropriations to the state treasurer for debt service.

30. Makes distributions from limited liability companies, partnerships, and associations subject to the interest and dividends tax only if they have transferable shares.

31. Establishes a commission to study business taxes.

32. Increases the license fees for selling animals and birds.

33. Requires the lottery commission to submit a report to the governor and the legislature describing how it proposes to modernize and update its products.

34. Transfers certain appropriations relating to adequate education grants.

35. Specifies that state agency appropriation reductions in this bill are in addition to the reductions required by 2009, 143:22, I and 2009, 144:289.

36. For the fiscal year ending June 30, 2011, suspends existing legal requirements for a special meeting of a school district and requires a special meeting of a school district to be held upon the majority vote of the school board to address changes to catastrophic aid funding.

37. Allows a town to call a special meeting during the 2011 fiscal year to address any reduction in the amount of state revenue distributed to the town which could affect the town's budget.

38. Allows state agencies to supplant general fund reductions with federal and other funds that may become available for that purpose.

39. Directs the department of health and human services to reduce state general fund appropriations from any line by a certain amount, excluding direct services unless approved by the fiscal committee of the general court and the governor and council.

40. Requires the relocation of the populations of the Anna Philbrook center.

41. Establishes a committee to study the state-owned facility options for the populations of the youth development center and the state prison for women.

42. Directs the state treasurer to deposit certain fine revenues in the general fund.

43. Increases the fees for marriage licenses and vital record copies and amendments and requires a portion of the increase to be deposited in the general fund.

44. Prohibits departments from delaying a payment or expenditure from one fiscal year to the subsequent fiscal year solely for the purpose of generating an unexpended balance that would lapse in the preceding year.

45. Makes appropriation reductions for fiscal year 2011.

46. Requires the judicial branch to reduce general fund appropriations.

47. Exempts certain rates for services, placements, and programs for children and families from RSA 541-A.

48. Clarifies criteria for determining eligibility for services under the Medicaid waiver.

49. Repeals 2009, 144:160 relative to the catastrophic aid program and requires the department of health and human services to make catastrophic claims payments using the methodology in effect prior to the passage of 2009, 144:160.

50. Suspends a home health rate setting rule.

51. Makes an appropriation to the department of health and human services for child care services.

52. Amends the duties of the governor's commission on alcohol and drug abuse prevention, intervention, and treatment and deletes the authority for disbursement of funds from the alcohol abuse prevention and treatment fund.

53. Establishes a commission to study the inventory of all state assets, enterprises, and resources that may be monetized by sale or lease.

54. Allows historical races approved by the racing and charitable gaming commission on which the licensee sells pari-mutuel pools.

55.(a) Allows video lottery machines at 4 facility locations in the state, 2 locations with up to 3,500 machines, one location with up to 2,000 machines and one location with up to 1,000 machines pursuant to a competitive application process.

(b) Establishes a permit process for table gaming.

(c) Establishes a gaming enforcement unit in the division of state police.

(d) Distributes proceeds of video lottery machines to the general fund, municipalities where the facility is located and abutting communities, all ten counties for property tax reduction, the alcohol and drug abuse treatment program for problem gaming programs, the fire standards and training and emergency medical services fund, the police standards and training council training fund, and the department of resources and economic development for the promotion of tourism.

(e) Distributes a percentage of the proceeds from table gaming to the general fund.

(f) Establishes a commission to study regulatory oversight agencies.

Recess. Out of recess.

Sen. D'Allesandro moved the question.

Without objection President Larsen closed debate.

The question is on the adoption of Floor Amendment 2089s.

A roll call was requested by Sen. Bragdon, seconded by Sen. Barnes.

The following Senators voted Yes: Reynolds, Sgambati, Houde, Cilley, Janeway, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Bradley, Odell, Roberge, Bragdon, Carson, Boutin, Barnes, Letourneau, Downing.

Yeas: 14 - Nays: 10

Floor Amendment 2089s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1128-FN-L.

A roll call was requested by Sen. Bragdon, seconded by Sen. Barnes.

The following Senators voted Yes: Reynolds, Sgambati, Cilley, Janeway, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Bradley, Houde, Odell, Roberge, Bragdon, Carson, Boutin, Barnes, Letourneau, Downing.

Yeas: 13 - Nays: 11

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

SPECIAL ORDER

HB 1607-FN-A, relative to the reasonable compensation deduction under the business profits tax. Ways and Means Committee. Ought to Pass with Amendment, Vote 7-0. Senator Odell for the committee.

Senate Ways and Means

May 4, 2010

2010-1859s

09/10

Amendment to HB 1607-FN-A

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

AN ACT relative to the reasonable compensation deduction under the business profits tax, making distributions from limited liability companies, partnerships, and associations subject to the interest and dividends tax only if they have transferable shares, and relative to the interest and dividends tax on certain distributions to investors in investment organizations.

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

1 Purpose. The legislature finds that:

I. Good tax policy requires clear tax law that treats similarly situated business organizations equally, responds to changing business practices, provides taxpayers with clear and simple guidance, encourages compliance, and enhances the growth of jobs and income in our state.

II. The strength of New Hampshire's economy is based on attracting and growing small businesses that create good jobs and growth, and the state's tax system should provide clear rules that encourage and enhance the state's reputation as a leading jurisdiction for the creation and growth of small businesses.

III. The business profits tax statute, RSA 77-A, was put in place in 1970 to tax the profits of businesses, excluding income earned by their owners through the provision of personal services, when natural persons. The business profits tax statute has always allowed a partnership or a proprietorship to deduct an amount attributable to the reasonable value of services provided by a partner or proprietor in connection with the business when calculating its business profits tax.

IV. The interest and dividends tax statute, RSA 77, was first enacted in 1923, and recent amendments in 2009 to extend this tax to distributions from partnerships and limited liability companies resulted in inappropriate taxation of these businesses and their owners and in unintended consequences. This act will repeal this 2009 law in its entirety to restore the interest and dividends tax statute to its terms as they existed prior to the 2009 change.

V. This act will reform, simplify, and modernize important business profits tax rules that apply to small businesses and their owners, will reduce costly audits, and will restore New Hampshire's ability to encourage small business growth and the good jobs these businesses create.

2 Business Profits Tax; Reasonable Compensation Deduction. RSA 77-A:4, III is repealed and reenacted to read as follows:

III.(a) In the case of any business organization filing a business profits tax return as a proprietorship or a partnership, a deduction of an amount equal to a fair and reasonable compensation for the personal services of a natural person who is a proprietor, partner, or member provided to the business organization, as exclusively determined pursuant to subparagraph (d).

(b) The purpose of this paragraph is to permit a deduction from gross business profits of such a business organization all amounts that are fairly attributable to the personal services of the proprietor, partner, or member, but not to permit a deduction from gross business profits of amounts that are attributable to a return on equity capital actually invested in the business organization. Such deductible amounts attributable to labor services would generally include amounts reported as earned income on federal tax returns, but would also include amounts attributable to personal services provided in connection with the operation and rental of real property, the sale of property and services, and other amounts due to services rendered.

(c) The deduction allowed under this paragraph may reduce a business organization's taxable business profits below zero for any taxable period only if such compensation has actually been paid.

(d) The amount of the deduction allowed under this paragraph shall be determined using the standards set forth in section 162(a)(1) of the United States Internal Revenue Code, as it may be amended from time to time, and the Treasury Regulations, administrative rulings, and judicial cases issued thereunder.

3 Taxation of Interest and Dividends; Who Taxable. Amend RSA 77:3, I(b) to read as follows:

(b) Partnerships, limited liability companies, associations, and trusts, the beneficial interest in which is not represented by transferable shares, whose gross interest and dividend income from all sources exceeds \$2,400 during the taxable year, but not including a qualified investment company as defined in RSA 77-A:1, XXI, or a trust comprising a part of an employee benefit plan, as defined in the Employee Retirement Income Security Act of 1974, section 3.

4 Taxation of Interest and Dividends; What Taxable. RSA 77:4, III is repealed and reenacted to read as follows:

III. Dividends, other than stock dividends paid in new stock of the partnership, limited liability company, association, or trust issuing the same, on shares in partnerships, limited liability companies, associations, or trusts the beneficial interest in which is represented by transferable shares.

5 New Sections; Taxation of Interests and Dividends; Partnerships and Limited Liability Companies. Amend RSA 77 by inserting after section 14 the following new sections:

77:14-a Partnerships and Limited Liability Companies. Partnerships and limited liability companies having a usual place of business in this state, any member of which is an inhabitant thereof, shall be subject to taxes imposed by this chapter. If any of the members of the partnership or limited liability company are not inhabitants of this state only so much of the income thereof as is proportionate to the aggregate interest of the partners or members who are inhabitants of this state in the profits of the partnership or limited liability company shall be taxed.

77:14-b Partners and Members. The tax shall be assessed on such a partnership or limited liability company by the name under which it does business, and the partners or members shall not be taxed with respect to the taxable income derived by them from such a partnership or limited liability company.

77:14-c Members of Partnership or Limited Liability Company Outside the State. An inhabitant of this state who is a member of a partnership or limited liability company having no usual place of business in this state, who receives income from such partnership or limited liability company derived from such a source that it would be taxable if received directly from such source by such partner or member, shall as to such income be subject to the taxes imposed by this chapter.

77:14-d Application of Sections. RSA 77:14-a to RSA 77:14-c shall apply, so far as apt, to associations and trusts, but not to partnerships, limited liability companies, associations, and trusts the beneficial interest in which is represented by transferable shares.

6 New Section; Investors in Investment Organizations Taxable Only on Portion of Distributions Attributable to Interest and Dividends. Amend RSA 77 by inserting after section 4-f the following new section:

77:4-g Investors in Investment Organizations Taxable Only on Portion of Distributions Attributable to Interest and Dividends.

I. In this section, "investment organization" means any organization, including a mutual fund, that limits its activities to investment activities involving some or all of the activities of acquiring, owning, holding, trading, managing, and disposing of equity or debt securities and activities incidental to or in support thereof.

II. Notwithstanding any other provision of RSA 77:4 to the contrary, an investor in an investment organization shall be taxable under this chapter only on the portion of distributions received from the investment organization that are attributable to interest and dividends of the investment organization, provided, however, that the portion of any such distribution attributable to interest from New Hampshire direct or municipal obligations and direct obligations of the United States government shall not be taxable under this chapter.

7 Repeal. RSA 77:1-a, relative to definitions, is repealed.

8 Applicability.

I. Section 2 of this act shall apply with respect to taxable periods ending on or after June 30, 2010.

II. Sections 3-5 and 7 shall apply to taxable periods ending on or after December 31, 2010.

10 Effective Date.

I. Section 6 of this act shall take effect July 1, 2010.

II. The remainder of this act shall take effect upon its passage.

2010-1859s

AMENDED ANALYSIS

This bill changes certain requirements for the reasonable compensation deduction under the business profits tax. The bill makes distributions from limited liability companies, partnerships, and associations subject to the interest and dividends tax only if they have transferable shares.

This bill also establishes that investors in investment organizations shall be taxed under the interest and dividends tax only on the portion of distributions received from the investment organization which are attributable to interest and dividends.

The question is on the adoption of Committee Amendment 1859s.

Committee Amendment 1859s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1607-FN-A.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

SPECIAL ORDER

HB 1459, relative to the board of trust company incorporation. Commerce, Labor and Consumer Protection Committee. Ought to Pass with Amendment, Vote 4-2. Senator Hassan for the committee.

Commerce, Labor and Consumer Protection

May 6, 2010

2010-1957s

08/10

Amendment to HB 1459

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

AN ACT relative to the board of trust company incorporation and relative to political advertising and advocacy advertising.

Amend RSA 386-A:4, I as inserted by section 8 of the bill by replacing it with the following:

I. A petition requesting approval of the proposed incorporation shall be filed with the bank commissioner. The petition shall be upon such form as may be prescribed by the bank commissioner and shall contain all the information required by such form, signed and verified under oath by the incorporators, to which shall

be annexed a signed duplicate of the articles of agreement. An examination fee of \$1,500 shall be paid when the petition is filed. Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner. The bank commissioner shall examine **and investigate** each petition [~~and if he finds that it is duly completed, he shall forthwith refer the petition to the board of trust company incorporation. The bank commissioner shall then make such investigation of each petition~~] as he **or she** considers expedient[, ~~for the purpose of more fully informing the board. Said board~~]. **The commissioner** may, upon request of any interested person or corporation or at [its] **his or her** own discretion, order a public hearing, or may approve said petition without a hearing. The petitioners shall cause to be published such notices relating to the petition as the [board] **commissioner** may order.

Amend RSA 390:6 as inserted by section 25 of the bill by replacing it with the following:

390:6 Reserves. Every such corporation shall at all times maintain as a reserve an amount equal to at least 12 percent of the aggregate amount of its demand deposits plus an amount equal to at least 5 percent of the aggregate amount of its time and savings deposits. Not less than 100 percent of the reserves on demand deposits shall consist of cash and due from banks, and/or federal funds advanced from one business day until the next. The form of the reserve for time and savings deposits may be in any of the following: cash and due from banks, and/or federal funds advanced from one business day until the next, and/or obligations of the United States of America, the maturity of which shall not exceed 5 years, and/or the obligations of agencies of the United States at par value, the maturity of which shall not exceed 5 years, and/or the obligations of any federal government sponsored enterprises (as are designated by written ruling of the bank commissioner), at par value the maturity of which shall not exceed 5 years. The [~~board of trust company incorporation created under RSA 392~~] **commissioner** may vary the amount of reserve required, provided, however, that [~~said board~~] **the commissioner** shall not increase the amount of reserves required for any bank to an amount in excess of that which is required by the Federal Reserve System of similar banks located in this state which are members of the Federal Reserve System. No new loan or investment shall be made by such corporation when its reserve is not in accordance with the requirements of this section. The required reserve must be maintained on a daily basis. The method of computation and the reserve computation period for determining compliance with this section shall be established by the commissioner. Any deficiency in the reserve established pursuant to this section may be subject to a penalty of up to \$100 per day.

Amend section 29 of the bill by replacing it with the following:

29 Hearing. Amend RSA 392:6-a to read as follows:

392:6-a Hearing. The [board] **commissioner** may order within [its] **his or her** discretion a public hearing on the petition. The [board] **commissioner** may approve or deny the petition with or without a public hearing. Any required public hearing shall be held at the time and place fixed by the [board] **commissioner** and a notice shall be published in accordance with the provisions of RSA 392:6. The [board] **commissioner** may prescribe reasonable procedural rules to govern the proceedings, including rules for maintaining the confidentiality of the portions of the petition, the commissioner's investigation, and the proceedings of the [board] **commissioner** that include confidential information or are determined by [~~the board or~~] the commissioner or otherwise determined by law to be confidential or to exempt a certain class of petitions from any public hearing requirement. The [board] **commissioner** shall keep a permanent verbatim record of all such evidence.

Amend the bill by inserting after section 47 the following and renumbering the original sections 48-49 to read as 52-53, respectively:

48 New Subdivision; Shareholder Approval for Political and Advocacy Advertising. Amend RSA 293-A by inserting after section 7.47 the following new subdivision:

Shareholder Approval for Political and Advocacy Advertising

293-A:7.48 Political Advertising and Advocacy Advertising. In this subdivision:

(a) "Advocacy advertising" shall mean any communication:

(1) Advocating in favor or against any New Hampshire statute, legislation that is the subject of a bill pending before the New Hampshire legislature, or any bill or resolution introduced in the most recent session of the New Hampshire legislature, or any matter that is the subject of a referendum which is submitted or intended to be submitted to a vote in a municipal election; or

(2) That clearly identifies by name, image or voice a current holder of any elective office in New Hampshire, or a candidate for elective office.

(b) “Candidate” means any person who has registered or for whom a committee has been registered pursuant to RSA 664:3 for the purpose of soliciting receipts or making expenditures to support the person’s candidacy or possible candidacy for office including candidate’s committees, friends committees, exploratory committees, and draft committees.

(c) “Commencement of political advertising and/or advocacy advertising” means the first dissemination by an organization of a communication containing political advertisement or advocacy advertisement by any means whatsoever.

(d) “Communication” means “communication” as defined in RSA 664:2, VII.

(e) “Political advertising” means “political advertising” as defined in RSA 664:2, VI.

293-A:7.49 Filing with New Hampshire Secretary of State. Prior to commencing any political advertising or advocacy advertising, any corporation, domestic or foreign, intending to engage in political advertising or advocacy advertising in the state of New Hampshire, shall file a statement with the New Hampshire secretary of state, corporate division, that the corporation intends to engage in either political advertising or advocacy advertising. The corporation shall file the statement with the secretary of state, corporate division, at least 5 days before the date of commencement of political advertising and/or advocacy advertising. The corporation shall attach to the statement a vote of the shareholders of the corporation, certified as true and complete by the secretary of the corporation, authorizing the corporation to engage in political advertising or advocacy advertising in the state of New Hampshire. The shareholders’ vote shall be dated no more than 12 months prior to the date of filing with the secretary of state. The corporation shall also attach to the statement a vote of the board of directors of the corporation, certified as true and complete by the secretary of the corporation, authorizing the president of the corporation to expend corporate funds or other corporate assets for the purpose of paying for political advertising and/or advocacy advertising in the state of New Hampshire. The vote of the board of directors shall specify the maximum amount of corporate funds or other assets that the president of the corporation is authorized to expend in paying for political advertising or advocacy advertising. The statement shall be in substance the following form:

_____, of _____, _____ County, State of _____, intends to engage in [check the appropriate box or boxes]:

☐ Political Advertising

☐ Advocacy Advertising

in the state of New Hampshire. Attached hereto is a true and complete copy of a shareholder vote of the corporation authorizing the corporation to engage in political advertising or advocacy advertising, and a true and complete copy of a vote of the board of directors of the corporation authorizing the president of the corporation to expend corporate funds or other assets for political advertising or advocacy advertising.

[Duly Authorized Secretary of _____]

293-A:7.50 Filing Fee. Any statement filed in accordance with RSA 293-A:7.49 shall be accompanied by a \$25 filing fee.

293-A:7.51 Penalties. A violation of RSA 293-A:7.49 shall result in a civil penalty of \$5,000 per violation. Each individual airing or broadcasting on radio or television or by on-line viewing of a political advertising or an advocacy advertisement by a corporation that has failed to comply with RSA 293-A:7.49 shall constitute a separate violation. Any candidate or voter may make a complaint in writing to the attorney general of any violation of this subdivision. If the attorney general determines that a provision of this subdivision has been violated, he or she may:

(a) Issue an order requiring the violator to cease and desist from its violation.

(b) If the attorney general’s order is not obeyed, petition to the superior court of the county in which the violation occurred for an order of enforcement, and to enjoin any further political advertising or advocacy advertising until the appropriate statement has been filed.

(c) Prosecute to final judgment through his or her designee if sufficient cause for such prosecution is found.

293-A:7.52 Private Right of Action. Any candidate or voter may have a private right of action to enforce the provisions of this subdivision by filing a petition with the Merrimack County superior court requesting

an order of enforcement or an injunction to enjoin further political advertising or advocacy advertising until the required statements have been filed with the secretary of state, corporate division, and the appropriate filing fee and civil penalties have been paid. Upon a finding by the superior court that the required statements have not been filed, and the ordering of any enforcement or injunctive relief, the complaining candidate or voter shall be entitled to his or her attorney's fees and costs.

49 New Subdivision; Approval for Political and Advocacy Advertising. Amend RSA 304-C by inserting after section 85 the following new subdivision:

Political Advertising and Advocacy Advertising

304-C:86 Political Advertising and Advocacy Advertising. In this subdivision:

I. "Advocacy advertising" means any communication:

(a) Referencing any New Hampshire statute, legislation pending before the New Hampshire legislature, or any matter that is the subject of a referendum which is submitted or intended to be submitted to a vote in a municipal election; or

(b) That clearly identifies a current holder of any elective office in New Hampshire, or a candidate for elective office.

II. "Candidate" means any person who has established a committee pursuant to RSA 664 for the purpose of soliciting receipts or making expenditures.

III. "Commencement of political advertising and/or advocacy advertising" means the first dissemination by an organization of a communication containing political advertisement or advocacy advertisement by any means whatsoever.

IV. "Communication" means "communication" as defined in RSA 664:2, VII.

V. "Political advertising" means "political advertising" as defined in RSA 664:2, VI.

304-C:87 Filing with New Hampshire Secretary of State. Prior to commencing any political advertising or advocacy advertising, any limited liability company, domestic or foreign, intending to engage in political advertising or advocacy advertising in the state of New Hampshire, shall file a statement with the New Hampshire secretary of state, corporate division, that the limited liability company intends to engage in either political advertising or advocacy advertising. The limited liability company shall file the statement with the secretary of state, corporate division, at least 5 days before the commencement of political advertising or advocacy advertising. The limited liability company shall attach to the statement a vote of the members of the limited liability company, certified as true and complete by the manager of the limited liability company, or, if member managed, by a member of the limited liability company, authorizing the limited liability company to engage in political advertising or advocacy advertising in the state of New Hampshire. The vote shall also authorize the manager or managers of the limited liability company to use company funds or other company assets for the purpose of paying for political advertising or advocacy advertising in the state of New Hampshire, and shall specify the maximum amount of company funds or other assets that the manager or managers are authorized to use in paying for political advertising or advocacy advertising. The member vote shall be dated no more than 12 months prior to the date of filing with the secretary of state. The statement shall be in substance the following form:

_____, of _____, _____ County, State of _____, intends to engage in [check the appropriate box or boxes]:

☐ Political Advertising

☐ Advocacy Advertising

in the state of New Hampshire. Attached hereto is a true and complete copy of a member vote of the limited liability company authorizing the limited liability company to engage in political advertising or advocacy advertising, and authorizing the manager of the limited liability company to expend company funds or other assets for political advertising or advocacy advertising.

[Duly Authorized _____ of _____]

304-C:88 Filing Fee. Any statement filed in accordance with RSA 304-C:87 shall be accompanied by a \$25 filing fee.

304-C:89 Penalties. A violation of this subdivision shall result in a civil penalty of \$5,000 per violation. Each individual airing or broadcasting on radio or television or by on-line viewing of a political advertising or an advocacy advertisement by a limited liability company that has failed to comply with this subdivision shall constitute a separate violation. Any candidate or voter may make complaint in writing to the attorney general of any violation of this subdivision. If the attorney general determines that a provision of this chapter has been violated, he or she may:

I. Issue an order requiring the violator to cease and desist from its violation.

II. If the attorney general's order is not obeyed, petition to the superior court of the county in which the violation occurred for an order of enforcement, and to enjoin any further political advertising or advocacy advertising until the appropriate statement has been filed.

III. Prosecute to final judgment through his or her designee if sufficient cause for such prosecution is found.

304-C:90 Private Right of Action. Any candidate or voter may have a private right of action to enforce the provisions of this subdivision by filing a petition with the Merrimack county superior court requesting an order of enforcement or an injunction to enjoin further political advertising or advocacy advertising until the required statements have been filed with the secretary of state and the appropriate filing fee and civil penalties have been paid. Upon a finding by the superior court that the required statements have not been filed, and the ordering of any enforcement or injunctive relief, the complaining candidate or voter shall be entitled to his or her attorney's fees and costs.

50 Political Advertising and Advocacy Advertising. Amend RSA 304-B by inserting after section 64 the following new subdivision:

Political Advertising and Advocacy Advertising

304-B:65 Political Advertising And Advocacy Advertising. As used in this subdivision:

I. "Advocacy advertising" means any communication:

(a) Referencing any New Hampshire statute, legislation pending before the New Hampshire legislature, or any matter that is the subject of a referendum which is submitted or intended to be submitted to a vote in a municipal election; or

(b) That clearly identifies a current holder of any elective office in New Hampshire, or a candidate for elective office.

II. "Candidate" means any person who has established a committee pursuant to RSA 664 for the purpose of soliciting receipts or making expenditures.

III. "Commencement of political advertising and/or advocacy advertising" shall mean the first dissemination by an organization of a communication containing political advertisement or advocacy advertisement by any means whatsoever.

IV. "Communication" means "communication" as defined in RSA 664:2, VII.

V. "Political advertising" means "political advertising" as defined in RSA 664:2, VI.

304-B:66 Filing with New Hampshire Secretary of State. Prior to commencing any political advertising or advocacy advertising, any limited partnership, domestic or foreign, intending to engage in political advertising or advocacy advertising in the state of New Hampshire, shall file a statement with the New Hampshire secretary of state, corporate division, that the limited partnership intends to engage in either political advertising or advocacy advertising. The limited partnership shall file the statement with the secretary of state, corporate division, at least 5 days before the commencement of political advertising or advocacy advertising. The limited partnership shall attach to the statement a vote of the limited and general partners of the limited partnership, certified as true and complete by one of the general partners of the limited partnership, authorizing the limited partnership to engage in political advertising or advocacy advertising in the state of New Hampshire. The vote also shall authorize the general partner or general partners of the limited partnership to use partnership funds or other partnership assets of the purpose of paying for political advertising or advocacy advertising in the state of New Hampshire. The vote also shall specify the maximum amount of partnership funds or other assets that the general partner or general partners are authorized to use in pay-

ing for political advertising or advocacy advertising. The partner vote shall be dated no more than 12 months prior to the date of filing with the secretary of state. The statement shall be in substance the following form:

_____, of _____, _____ County, State of _____, intends to engage in [check the appropriate box or boxes]:

☐ Political Advertising

☐ Advocacy Advertising

in the state of New Hampshire. Attached hereto is a true and complete copy of a partnership vote of the limited partnership authorizing the limited partnership to engage in political advertising or advocacy advertising, and a true and complete copy of a vote of the limited and general partners of the limited partnership authorizing the president of the limited partnership to expend corporate funds or other assets for political advertising or advocacy advertising.

[Duly Authorized General partner

of _____]

304-B:67 Filing Fee. Any statement filed in accordance with RSA 304-B:66 shall be accompanied by a \$25 filing fee.

304-B:68 Penalties. A violation of this subdivision shall result in a civil penalty of \$5,000 per violation. Any candidate or voter may make complaint in writing to the attorney general of any violation of this subdivision. If the attorney general determines that a provision of this subdivision has been violated, he or she may:

I. Issue an order requiring the violator to cease and desist from its violation.

II. If the attorney general's order is not obeyed, petition to the superior court of the county in which the violation occurred for an order of enforcement, and to enjoin any further political advertising or advocacy advertising until the appropriate statement has been filed.

III. Prosecute to final judgment through his or her designee if sufficient cause for such prosecution is found.

304-B:69 Private Right of Action. Any candidate or voter may have a private right of action to enforce the provisions of this subdivision by filing a petition with the Merrimack county superior court requesting an order of enforcement or an injunction to enjoin further political advertising or advocacy advertising until the required statements have been filed with the secretary of state, corporate division, and the appropriate filing fee and civil penalties have been paid. Upon a finding by the superior court that the required statements have not been filed, and the ordering of any enforcement or injunctive relief, the complaining candidate or voter shall be entitled to his or her attorney's fees and costs.

51 Severability. If any provision of this act or the application thereof to any person or circumstances held invalid, the invalidity does not affect any other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

2010-1957s

AMENDED ANALYSIS

This bill reallocates the duties of the board of trust company incorporation to the banking commissioner.

This bill also requires the filing of a statement with the secretary of state before a corporation, limited liability company, or limited partnership engages in political advertising or advocacy advertising in this state.

Recess. Out of recess.

The question is on the adoption of Committee Amendment 1957s on HB 1459.

Committee Amendment 1957s adopted.

Sen. Hassan offered a floor amendment.

Sen. Hassan, Dist. 23
May 13, 2010
2010-2093s
04/03

Floor Amendment to HB 1459

Amend RSA 293-A:7.48, (d) as inserted by section 48 of the bill by replacing it with the following:

(d) "Communication" means "communication" as defined in RSA 664:2, VII. "Communication" shall exclude:

(1) Any direct contact by a corporation or an officer, shareholder, employee, or other authorized agent of a corporation to an elected official or candidate, or any public official acting in the public official's official capacity, including, but not limited to, contact by telephone, letter, or email;

(2) Public testimony before a legislative committee or subcommittee, or before any entity subject to RSA 91-A, the right-to-know law, or a written document filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(3) Communication made in a speech or other public forum or in a newspaper, magazine, or on-line internet publication;

(4) Any communication by a corporation at a cost of less than \$500; and

(5) Any communication made on behalf of a corporation by a person who is a registered lobbyist under RSA 15:1.

Amend RSA 293-A:7.49 as inserted by section 48 of the bill by replacing it with the following:

293-A:7.49 Identification and Filing with New Hampshire Secretary of State. All political advertising and/or advocacy advertising shall indicate the name of the corporation and the president or chief executive officer shall sign his or her name and address. The signature and identification shall comply with the requirements of RSA 664:14, III and IV. Prior to commencing any political advertising or advocacy advertising, any corporation, domestic or foreign, intending to engage in political advertising or advocacy advertising in the state of New Hampshire, shall file a statement with the New Hampshire secretary of state, corporate division, that the corporation intends to engage in either political advertising or advocacy advertising. The corporation shall file the statement with the secretary of state, corporate division, prior to the date of commencement of political advertising and/or advocacy advertising. The corporation shall attach to the statement a vote of the shareholders of the corporation, certified as true and complete by the secretary of the corporation, authorizing the corporation to engage in political advertising or advocacy advertising in the state of New Hampshire. The shareholders' vote shall be dated no more than 12 months prior to the date of filing with the secretary of state. The corporation shall also attach to the statement a vote of the board of directors of the corporation, certified as true and complete by the secretary of the corporation, authorizing the president of the corporation to expend corporate funds or other corporate assets for the purpose of paying for political advertising and/or advocacy advertising in the state of New Hampshire. The vote of the board of directors shall specify the maximum amount of corporate funds or other assets that the president of the corporation is authorized to expend in paying for political advertising or advocacy advertising. The statement shall be in substance the following form:

_____, of _____, _____ County, State of _____, intends to engage in [check the appropriate box or boxes]:

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in the state of New Hampshire. Attached hereto is a true and complete copy of a shareholder vote of the corporation authorizing the corporation to engage in political advertising or advocacy advertising, and a true and complete copy of a vote of the board of directors of the corporation authorizing the president of the corporation to expend corporate funds or other assets for political advertising or advocacy advertising.

 [Duly Authorized Secretary of _____]

Amend the introductory paragraph of RSA 293-A:7.51 as inserted by section 48 of the bill by replacing it with the following:

293-A:7.51 Penalties. A violation of RSA 293-A:7.49 shall result in a civil penalty of \$1,000 per violation. In the event the violation consists of the airing or broadcasting of a paid advertisement, and the court finds that the violation was willful or knowing, the court may consider each individual airing or broadcasting on radio or television or on-line posting a separate violation. Any candidate or voter may make a complaint in writing to the attorney general of any violation of this subdivision. If the attorney general determines that a provision of this subdivision has been violated, he or she may:

Amend RSA 304-C:86, IV as inserted by section 49 of the bill by replacing it with the following:

IV. "Communication" means "communication" as defined in RSA 664:2, VII. "Communication" shall exclude:

(a) Any direct contact by a limited liability company or an officer, manager, member, employee, or other authorized agent of a limited liability company to an elected official or candidate, or any public official acting in the public official's official capacity, including, but not limited to, contact by telephone, letter, or email;

(b) Public testimony before a legislative committee or subcommittee, or before any entity subject to RSA 91-A, the right-to-know law, or a written document filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(c) Communication made in a speech or other public forum or in a newspaper, magazine, or on-line internet publication;

(d) Any communication by a limited liability company at a cost of less than \$500; and

(e) Any communication made on behalf of a limited liability company by a person who is a registered lobbyist under RSA 15:1.

Amend RSA 304-C:87 as inserted by section 49 of the bill by replacing it with the following:

304-C:87 Identification and Filing with New Hampshire Secretary of State. All political advertising and/or advocacy advertising shall indicate the name of the limited liability company and the manager or a member shall sign his or her name and address. If the manager or member is not a natural person, then a natural person who has an ownership interest in a manager or member shall sign his or her name and address. The signature and identification shall comply with the requirements of RSA 664:14, III and IV. Prior to commencing any political advertising or advocacy advertising, any limited liability company, domestic or foreign, intending to engage in political advertising or advocacy advertising in the state of New Hampshire, shall file a statement with the New Hampshire secretary of state, corporate division, that the limited liability company intends to engage in either political advertising or advocacy advertising. The limited liability company shall file the statement with the secretary of state, corporate division, prior to the date of commencement of political advertising and/or advocacy advertising. The limited liability company shall attach to the statement a vote of the members of the limited liability company, certified as true and complete by the manager of the limited liability company, or, if member managed, by a member of the limited liability company, authorizing the limited liability company to engage in political advertising or advocacy advertising in the state of New Hampshire. The vote shall also authorize the manager or managers of the limited liability company to expend company funds or other company assets for the purpose of paying for political advertising and/or advocacy advertising in the state of New Hampshire and shall specify the maximum amount of company funds or other assets that the manager or managers are authorized to expend in paying for political advertising or advocacy advertising. The member vote shall be dated no more than 12 months prior to the date of filing with the secretary of state. The statement shall be in substance the following form:

_____, of _____, _____ County, State of _____, intends to engage in [check the appropriate box or boxes]:

☐ Political Advertising

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in the state of New Hampshire. Attached hereto is a true and complete copy of a member vote of the limited liability company authorizing the limited liability company to engage in political advertising or advocacy

advertising, and authorizing the manager of the limited liability company to expend company funds or other assets for political advertising or advocacy advertising.

[Duly Authorized Secretary of _____]

Amend the introductory paragraph of RSA 304-C:89 as inserted by section 49 of the bill by replacing it with the following:

304-C:89 Penalties. A violation of this subdivision shall result in a civil penalty of \$1,000 per violation. In the event the violation consists of the airing or broadcasting of a paid advertisement, and the court finds that the violation was willful or knowing, the court may consider each individual airing or broadcasting on radio or television or on-line posting a separate violation. Any candidate or voter may make a complaint in writing to the attorney general of any violation of this subdivision. If the attorney general determines that a provision of this subdivision has been violated, he or she may:

Amend RSA 304-B:65, IV as inserted by section 50 of the bill by replacing it with the following:

IV. "Communication" means "communication" as defined in RSA 664:2, VII. "Communication" shall exclude:

(a) Any direct contact by a limited partnership or a partner, employee, officer, or other authorized agent of a limited partnership to an elected official or candidate, or any public official acting in the public official's official capacity, including, but not limited to, contact by telephone, letter, or email;

(b) Public testimony before a legislative committee or subcommittee, or before any entity subject to RSA 91-A, the right-to-know law, or a written document filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(c) Communication made in a speech or other public forum or in a newspaper, magazine, or on-line internet publication;

(d) Any communication by a limited partnership at a cost of less than \$500; and

(e) Any communication made on behalf of a limited partnership by a person who is a registered lobbyist under RSA 15:1.

Amend RSA 304-B:66 as inserted by section 50 of the bill by replacing it with the following:

304-B:66 Identification and Filing with New Hampshire Secretary of State. All political advertising and/or advocacy advertising shall indicate the name of the limited partnership and a general partner shall sign his or her name and address. If the general partner is not a natural person, then a natural person who has an ownership interest in a general partner shall sign his or her name and address. The signature and identification shall comply with the requirements of RSA 664:14, III and IV. Prior to commencing any political advertising or advocacy advertising, any limited partnership, domestic or foreign, intending to engage in political advertising or advocacy advertising in the state of New Hampshire, shall file a statement with the New Hampshire secretary of state, corporate division, that the limited partnership intends to engage in either political advertising or advocacy advertising. The limited partnership shall file the statement with the secretary of state, corporate division, prior to the date of commencement of political advertising and/or advocacy advertising. The limited partnership shall attach to the statement a vote of the limited and general partners of the limited partnership, certified as true and complete by one of the general partners of the limited partnership, authorizing the limited partnership to engage in political advertising or advocacy advertising in the state of New Hampshire. The limited partnership vote shall be dated no more than 12 months prior to the date of filing with the secretary of state. The vote also shall authorize the general partner or general partners of the limited partnership to expend partnership funds or other partnership assets for the purpose of paying for political advertising and/or advocacy advertising in the state of New Hampshire. The vote shall also specify the maximum amount of partnership funds or other assets that the general partner or general partners are authorized to expend in paying for political advertising or advocacy advertising. The statement shall be in substance the following form:

_____, of _____, _____ County, State of _____, intends to engage in [check the appropriate box or boxes]:

☐ Political Advertising

☐ Advocacy Advertising

in the state of New Hampshire. Attached hereto is a true and complete copy of a partnership vote of the limited partnership authorizing the limited partnership to engage in political advertising or advocacy advertising, and a true and complete copy of a vote of the limited and general partners of the limited partnership authorizing the general partner or general partners of the limited partnership to expend partnership funds or other assets for political advertising or advocacy advertising.

[Duly Authorized Secretary of _____]

Amend the introductory paragraph of RSA 304-B:68 as inserted by section 50 of the bill by replacing it with the following:

304-B:68 Penalties. A violation of this subdivision shall result in a civil penalty of \$1,000 per violation. In the event the violation consists of the airing or broadcasting of a paid advertisement, and the court finds that the violation was willful or knowing, the court may consider each individual airing or broadcasting on radio or television or on-line posting a separate violation. Any candidate or voter may make a complaint in writing to the attorney general of any violation of this subdivision. If the attorney general determines that a provision of this subdivision has been violated, he or she may:

Amend the bill by inserting after section 51 the following and renumbering the original sections 52-53 to read as 53-54, respectively:

52 New Subdivision; Approval for Political and Advocacy Advertising. Amend RSA 292 by inserting after section 31 the following new subdivision:

Disclosure of Sources of Funding for Political and Advocacy Advertising

292:32 Political Advertising and Advocacy Advertising. In this subdivision:

I. "Advocacy advertising" shall mean any communication:

(a) Advocating in favor or against any New Hampshire statute, legislation that is the subject of a bill pending before the New Hampshire legislature, or any bill or resolution introduced in the most recent session of the New Hampshire legislature, or any matter that is the subject of a referendum which is submitted or intended to be submitted to a vote in a municipal election; or

(b) That clearly identifies by name, image, or voice a current holder of any elective office in New Hampshire, or a candidate for elective office.

II. "Candidate" means any person who has registered or for whom a committee has been registered pursuant to RSA 664:3 for the purpose of soliciting receipts or making expenditures to support the person's candidacy or possible candidacy for office including candidate's committees, friends committees, exploratory committees, and draft committees.

III. "Commencement of political advertising and/or advocacy advertising" means the first dissemination by an organization of a communication containing political advertisement or advocacy advertisement by any means whatsoever.

IV. "Communication" means "communication" as defined in RSA 664:2, VII. "Communication" shall exclude:

(a) Any direct contact by an organization or an officer, shareholder, employee or other authorized agent of an organization to an elected official or candidate, or any public official acting in the public official's official capacity, including, but not limited to, contact by telephone, letter, or email;

(b) Public testimony before a legislative committee or subcommittee, or before any entity subject to RSA 91-A, the right-to-know law, or a written document filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(c) Communication made in a speech or other public forum or in a newspaper, magazine, or on-line internet publication;

(d) Any communication by an organization at a cost of less than \$500; and

(e) Any communication made on behalf of an organization by a person who is a registered lobbyist under RSA 15:1.

V. "Political advertising" means "political advertising" as defined in RSA 664:2, VI.

292:33 Identification and Filing with New Hampshire Secretary of State. All political advertising and/or advocacy advertising by an organization shall indicate the name of the organization and the president or chief executive officer shall sign his or her name and address. The signature and identification shall comply with the requirements of RSA 664:14, III and IV. Prior to commencing any political advertising or advocacy advertising, any organization, domestic or foreign intending to engage in political advertising or advocacy advertising, and that claims exemption from federal taxation under section 501 or any other section of the Internal Revenue Code, and any amendments thereto, excluding any political committee registered with the secretary of state pursuant to RSA 664, shall file a statement with the New Hampshire secretary of state, corporate division, that the organization intends to engage in political advertising and/or advocacy advertising. The organization shall file the statement with the secretary of state, corporate division, prior to the date of commencement of political advertising or advocacy advertising. The organization shall attach to the statement a vote of the board of directors or board of trustees of the organization, as applicable, certified as true and complete by the secretary of the organization, authorizing:

(a) The organization to engage in political advertising and/or advocacy advertising in the state of New Hampshire;

(b) The president or the executive director of the organization to expend the organization's funds or other assets on political advertising and/or advocacy advertising; and

(c) The maximum amount of the organization's funds or other assets that may be expended in political advertising and/or advocacy advertising in the state of New Hampshire. The organization also shall attach to the statement a list of the members of the board of directors or board of trustees of the organization, as applicable and the officers of the corporation, certified as true and correct by the secretary of the organization. Any foreign corporation or other organization filing pursuant to this chapter shall also include a copy of its articles of incorporation or articles of organization, certified by the secretary of state of the state in which the organization is domiciled. A revised statement shall be filed in the event of any change in the members of the board of directors or trustees or officers of the organization, or in the event of any change in the maximum amount of the organization's funds or other assets that may be expended in political advertising or advocacy advertising in the state of New Hampshire. The statement shall be in substance the following form:

_____, of _____, _____ County, State of _____, intends to engage in [check the appropriate box or boxes]:

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in the state of New Hampshire. Attached hereto is a true and complete copy of a vote of the board of (choose one) directors/trustees of _____ authorizing it to engage in political advertising or advocacy advertising in the state of New Hampshire, and further authorizing the organization's president or executive director to expend the organization's funds or other assets for political advertising or advocacy advertising, and the maximum amount of the organization's funds or other assets that may be expended in political advertising or advocacy advertising in the state of New Hampshire.

[Duly Authorized Secretary of _____]

292:34 Donors. At least 24 hours prior to the commencement of any political advertising and/or advocacy advertising at a cost in excess of \$500, any organization engaging or intending to engage in political advertising or advocacy advertising shall file with the secretary of state corporate division, a statement listing the names of any donor to the organization whose contributions are being utilized to pay for the political advertising or advocacy advertising in New Hampshire. In the event the organization does not maintain a separate record of those donors whose contributions are utilized for political advertising or advocacy advertising in New Hampshire, then the statement shall list the names of all donors who have contributed, in the aggregate, at least \$500 to the organization in the 6 months preceding the commencement of the political advertising or the advocacy advertising. The statement shall be signed by the president or executive director of the organization, and shall show each of its receipts with the full name and home/post office address of the donor in alphabetical order and the amount of the contribution, the date it was received, and the aggregate total for each contributor of over \$100. The name of any donor whose contribution is in excess of \$100 in the

aggregate shall be accompanied by the donor's occupation including official job title, the name of the donor's employer, and the city or town of the contributor's principal place of business, if any. An updated report shall be filed on the first day of each month, until such time as the organization files a statement that it is no longer engaged in political advertising or advocacy advertising in the state of New Hampshire.

292:35 Penalties. A violation of this subdivision shall result in a civil penalty of \$1,000 per violation. In the event the violation consists of the airing or broadcasting of a paid advertisement, and the court finds that the violation was willful or knowing, the court may consider each individual airing or broadcasting on radio or telephone or on-line posting a separate violation. Any person may make complaint in writing to the attorney general of any violation of this subdivision. If the attorney general determines that a provision of this subdivision has been violated, he or she may:

I. Issue an order requiring the violator to cease and desist from its violation.

II. If the attorney general's order is not obeyed, the attorney general or designee may petition to the superior court of the county in which the violation occurred for an order of enforcement, and to enjoin any further political advertising or advocacy advertising until the appropriate statement has been filed.

III. Prosecute to final judgment through his or her designee if sufficient cause for such prosecution is found.

292:36 Private Right of Action. Any candidate or voter may have a private right of action to enforce the provisions of this subdivision by filing a petition with the Merrimack County superior court requesting an order of enforcement or an injunction to enjoin further political advertising or advocacy advertising until the required statements have been filed with the secretary of state, corporate division, and the appropriate filing fee and civil penalties have been paid. Upon a finding by the superior court that the required statements have not been filed, and the ordering of any enforcement or injunctive relief, the complaining candidate or voter shall be entitled to his or her attorney's fees and costs.

292:37 Severability. If any provision of this subdivision or the application thereof to any person or circumstances held invalid, the invalidity does not affect any other provisions or applications of the subdivision which can be given effect without the invalid provisions or applications, and to this end the provisions of this subdivision are severable.

Sen. Houde moved the question.

Without objection President Larsen closed debate with one remaining speaker.

The question is on the adoption of Floor Amendment 2093s on HB 1459.

A roll call was requested by Sen. Bragdon, seconded by Sen. Boutin.

The following Senators voted Yes: Reynolds, Sgambati, Houde, Cilley, Janeway, Kelly, Gilmour, Lasky, Larsen, DeVries, D'Allesandro, Merrill, Hassan, Fuller Clark.

The following Senators voted No: Gallus, Bradley, Odell, Roberge, Bragdon, Carson, Boutin, Barnes, Letourneau, Downing.

Yeas: 14 - Nays: 10

Floor Amendment 2093s adopted.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

May 13, 2010

2010-2092s

03/04

Floor Amendment to HB 1459

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

AN ACT relative to the board of trust company incorporation and relative to political advertising and advocacy advertising and relative to the taxation of certain income accumulations.

Amend the bill by inserting after section 52 the following and renumbering the original sections 53-54 to read as 54-55, respectively:

53 Income Accumulations; Taxation. Amend RSA 77:11 to read as follows:

77:11 Accumulations.

~~[I. Income accumulated in trust for the benefit of unborn or unascertained persons shall be taxed as if accumulated for the benefit of inhabitants of this state.~~

H.] Income accumulated in an employee benefit plan, as defined by the Employment Retirement Income Security Act of 1974, section 3, 29 United States Code § 1002(3), as amended, or in a trust comprising a part of such a plan, shall not be subject to taxation under RSA 77:1.

2010-2092s

AMENDED ANALYSIS

This bill reallocates the duties of the board of trust company incorporation to the banking commissioner.

This bill also requires the filing of a statement with the secretary of state before a corporation, limited liability company, or limited partnership engages in political advertising or advocacy advertising in this state.

This bill also removes the exemption from taxation for certain income accumulated in trust for the benefit of unborn or unascertained persons.

The question is on the adoption of Floor Amendment 2092s.

Floor Amendment 2092s adopted.

The question is on the motion of Ought to Pass as Amended on HB 1459.

Motion of Ought to Pass as Amended adopted, bill ordered to Third Reading.

ENROLLED BILL AMENDMENT TO HB 1399

HB 1399, relative to state water pollution control and drinking water revolving loan funds, and state contributions to sewage disposal facilities.

April 22, 2010

2010-1549-EBA

03/09

Enrolled Bill Amendment to HB 1399

The Committee on Enrolled Bills to which was referred HB 1399

AN ACT relative to state water pollution control and drinking water revolving loan funds, and state contributions to sewage disposal facilities.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1399

This enrolled bill amendment inserts omitted statutory text which is current law and makes a technical correction.

Enrolled Bill Amendment to HB 1399

Amend the bill by replacing all after section 1 with the following:

2 State Water Pollution Control and Drinking Water Revolving Loan Funds. Amend RSA 486:14 to read as follows:

486:14 State Water Pollution Control and Drinking Water Revolving Loan Funds.

I.(a) Authority is granted for the state of New Hampshire to participate in the federally funded state water pollution control and drinking water revolving loan funds **or grants** as may be provided under the Clean Water Act, the Safe Drinking Water Act, or related federal legislation as amended from time to time. The loan funds shall be administered by the commissioner of the department of environmental services under rules adopted by the commissioner under the provisions of RSA 541-A.

(b) A sum equal to 2 percent of all loan principal balances outstanding each year, which shall be an administrative charge, shall be set aside to be used by the department of environmental services to pay the

costs of administering the state water pollution control and drinking water revolving loan funds. The funds set aside shall be deposited in nonlapsing water pollution control and drinking water loan administration funds and shall be continually appropriated to the department exclusively for the purposes of this section. If the sum of the administrative charge plus interest charge as established by rules of the department of environmental services based on market rates is less than 2 percent for a loan, then the administrative charge shall be equal to this sum and no interest charge shall be assessed on the loan.

(c) The department of environmental services is authorized to review projects funded from the state water pollution and drinking water revolving loan funds for impacts on the human and natural environment similar in intent to the steps described in 40 C.F.R. part 6, sections 506 and 508 through 511, pursuant to rules adopted by the commissioner of the department of environmental services under RSA 541-A.

(d) [Repealed.]

II. It is the intent of the general court that many projects be considered for inclusion in the state water pollution control revolving loan fund program. The following projects shall be given first consideration for inclusion:

- (a) Manchester sewage treatment plant expansion.
- (b) Exeter sewage treatment plant.
- (c) Monroe sewage treatment plant.

III. Any borrowing by a municipality from the loan fund *or grant funded monies* shall be governed by the applicable provisions of RSA 33, provided that the first principal payment on any loan and the first of the annual payments required under RSA 33:2 may be deferred up to one year after the estimated or actual completion date of the project being financed by the loan, and provided further that no authenticating certificate shall be required under RSA 33:11.

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

The question is on the adoption of Enrolled Bill Amendment 1549.

Enrolled Bill Amendment 1549 failed.

SENATE CONCURRENCE WITH HOUSE AMENDMENTS

Without objection the Clerk was instructed to read the first complete House Message and thereafter only the title of each bill shall be read.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 193, relative to the interest rate on small loans and relative to the definition of lender for purposes of regulating such loans.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 193, relative to the interest rate on small loans and relative to the definition of lender for purposes of regulating such loans.

Sen. Hassan moves concurrence. Motion to concur adopted.

HOUSE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

SENATE CONCURRENCE WITH HOUSE AMENDMENTS

SCR1, urging Congress to fund the construction of a full-service veterans' hospital in New Hampshire.

Sen. Lasky moved concurrence. Motion to concur adopted.

SB 326, relative to certain extensions for temporary plates.

Sen. Letourneau moved concurrence. Motion to concur adopted.

SB 390-FN, relative to health insurance premium only cafeteria plans.

Sen. Hassan moved concurrence. Motion to concur adopted.

SB 405, relative to grounds for revocation of school bus driver's certificate.

Sen. Letourneau moved concurrence. Motion to concur adopted.

SB 413, relative to obstructions on motor vehicle windows.

Sen. Letourneau moved concurrence. Motion to concur adopted.

SB 433, relative to underground facility damage prevention and establishing the position of director of safety and security of the public utilities commission.

Sen. Fuller Clark moved concurrence. Motion to concur adopted.

SB 437, relative to the authority of district court justices to issue emergency orders in any district court.

Sen. Reynolds moved concurrence. Motion to concur adopted.

SB 439, making technical corrections and changes to court sites and names.

Sen. Reynolds moved concurrence. Motion to concur adopted.

SB 464, relative to speed limits on Lake Winnepesaukee and reporting vessel operation violations.

Sen. Letourneau moved concurrence. Motion to concur adopted.

SB 484, allowing the New Hampshire children's trust fund to become a not-for-profit entity.

Sen. Sgambati moved concurrence. Motion to concur adopted.

SB 494, relative to legislative study committees.

Sen. Cilley moved concurrence. Motion to concur adopted.

SB 500-FN, implementing changes in the probation, parole, and sentencing of certain offenders in an effort to increase public safety, strengthen community supervision, and reduce recidivism.

Sen. Reynolds moved concurrence. Motion to concur adopted.

SB 505-FN-A, establishing the commission on health care cost containment and appropriating a special fund.

Sen. Hassan moved concurrence. Motion to concur adopted.

SB 510, establishing a commission to evaluate the parity between oral and intravenous chemotherapy.

Sen. Sgambati moved concurrence. Motion to concur adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 465-FN-L, relative to the transition period for implementing the adequacy aid formula.

SENATE NONCONCURS AND REQUESTS COMMITTEE OF CONFERENCE

SB 465-FN-L, relative to the transition period for implementing the adequacy aid formula.

Sen. D'Allesandro moved nonconcurrence and requests Committee of Conference.

Motion of nonconcurrence and request for Committee of Conference adopted.

The President appointed Senators Kelly, Janeway and Odell.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 450-FN, relative to costs and expenditures at the department of health and human services, establishing a special fund for certain civil fines collected by the department, and relative to the due date for the Medicaid enhancement tax.

SENATE NONCONCURS

SB 450-FN, relative to costs and expenditures at the department of health and human services, establishing a special fund for certain civil fines collected by the department, and relative to the due date for the Medicaid enhancement tax.

Sen. D'Allesandro moved nonconcurrence. Motion to nonconcur adopted.

MOTION TO ADJOURN FROM EARLY SESSION

Sen. Hassan moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Motion adopted.

Adjournment from the Early Session.

LATE SESSION**Third Reading and Final Passage**

HB 366, relative to retail vehicle dealers.

HB 431-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable.

HB 1128-FN-L, (New Title) relative to costs and expenditures at the department of health and human services, establishing a special fund for certain civil fines collected by the department, relative to the due date for the Medicaid enhancement tax, making certain general fund reductions and tax and revenue changes, and relative to video lottery and table gaming at certain locations throughout the state and relative to the recovery of horse racing.

HB 1239, (New Title) relative to processing certain environmental permits and administrative fines for violations of dredge and fill requirements, relative to air quality in public schools, and drinking water revolving loan funds.

HB 1270, (New Title) relative to balancing amounts expended from the renewable energy fund.

HB 1364, relative to Medicare unfair trade practices.

HB 1379, relative to promotion of the state parks.

HB 1417, (New Title) allowing the companion dogs of restaurant owners in certain areas of restaurants.

HB 1459, (New Title) relative to the board of trust company incorporations and relative to political advertising and advocacy advertising and relative to the taxation of certain income accumulations.

HB 1461, relative to the municipal regulation of the sale of martial arts weapons.

HB 1490, establishing a citizens task force to study state revenues and expenditures.

HB 1572-FN, (New Title) establishing a committee to study certification or licensing of integrated residential communities.

HB 1607-FN-A, (New Title) relative to the reasonable compensation deduction under the business profits tax, making distributions from limited liability companies, partnerships, and associations subject to the interest and dividends tax only if they have transferable shares, and relative to the interest and dividends tax on certain distributions to investors in investment organizations.

HB 1615, relative to the determination of value and a notice requirement for purposes of the utility property tax.

ANNOUNCEMENTS**MOTION TO RECESS TO CALL OF THE CHAIR**

Sen. Hassan moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of sending and receiving messages, and processing enrolled bill reports and amendments, and forming Committees of Conference.

Motion adopted.

The Senate is in recess to the Call of the Chair.