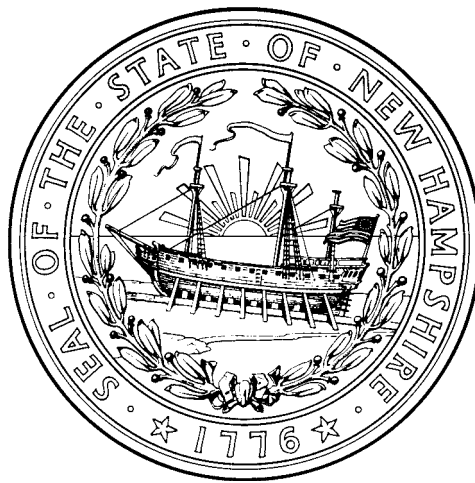


April 27, 2011  
Nos. 13-14

# **STATE OF NEW HAMPSHIRE**

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**162<sup>nd</sup> Session of the New Hampshire General Court**  
**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – APRIL 20, 2011 SESSION**  
**COMMENCEMENT – APRIL 27, 2011 SESSION**

# SENATE JOURNAL 13 *(continued)*

*April 20, 2011*

## INTRODUCTION OF HOUSE BILLS

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following House legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

**Adopted.**

## First and Second Reading and Referral

**CACR 12**, relating to: public education. Providing that: the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education. (Internal Affairs Committee.)

**HB 61**, relative to daylight saving time. (Public and Municipal Affairs Committee.)

**HB 89**, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act. (Commerce Committee.)

**HB 160**, relative to the powers of the joint committee on legislative facilities. (Internal Affairs Committee.)

**HB 168**, establishing a committee to study the juvenile delinquency and child in need of services statutes. (Health and Human Services Committee.)

**HB 248**, establishing a commission to study business regulations in New Hampshire. (Commerce Committee.)

**HB 291**, relative to permissible fireworks. (Commerce Committee.)

**HB 520-FN**, requiring certain bills to have performance standard notes. (Finance Committee.)

**HB 605**, authorizing the business finance authority to establish a New Hampshire innovation business job growth program. (Commerce Committee.)

**HB 651**, allowing the sale and possession of monk parakeets. (Energy and Natural Resources Committee.)

**HCR 6**, a resolution requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties. (Internal Affairs Committee.)

**HCR 9**, a resolution urging Congress to support H.R. 6416 or similar legislation relative to airport security. (Internal Affairs Committee.)

**HCR 11**, a resolution to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces. (Internal Affairs Committee.)

**HCR 12**, a resolution urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement. (Internal Affairs Committee.)

**HCR 19**, a resolution affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire. (Internal Affairs Committee.)

**April 15, 2011**  
**2011-1446-EBA**  
**09/03**

## Enrolled Bill Amendment to SB 26

The Committee on Enrolled Bills to which was referred SB 26

AN ACT establishing a committee to study the classification of motor vehicles.

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 SB 26

This enrolled bill amendment corrects a senate committee name.

Enrolled Bill Amendment to SB 26

Amend subparagraph I(a) of section 2 of the bill by replacing it with the following:

(a) Two members of the senate, one of whom shall be a member of the transportation committee, appointed by the president of the senate.

**Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.**

**April 15, 2011  
2011-1448-EBA  
08/03**

**Enrolled Bill Amendment to SB 35-FN-A**

The Committee on Enrolled Bills to which was referred SB 35-FN-A

AN ACT relative to exemption from the definition of utility property for purposes of the utility property tax.

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 SB 35-FN-A

This enrolled bill amendment corrects a statutory reference.

Enrolled Bill Amendment to SB 35-FN-A

Amend RSA 83-F:1, V(f) as inserted by section 1 of the bill by replacing line 4 with the following:

***subject to tax under RSA 72:6, 72:7, and 72:8, but not exempt under RSA 72:23, that is***

**Sen. Prescott moved adoption of the Enrolled Bill Amendment. 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:

**HB 288**, relative to payment for election services by unincorporated places.

**SB 18**, deleting a function of the central tax services unit.

**SB 25**, relative to the Connecticut River Valley resource commission.

**SB 29**, relative to the definition of "moped" and relative to motorcycle endorsements.

**SB 31**, relative to revocation or denial of a driver's license for drug or alcohol involvement by persons under 21 years of age.

**SB 43**, making a technical correction to the tobacco tax laws.

**SB 60**, relative to the definition of commercial motor vehicle.

**SB 85**, naming a bay in the town of Meredith Johnson Bay.

**SB 140**, relative to the disposition of military justice fines.

**SB 174**, relative to the Concord regional solid waste/resource recovery cooperative.

**Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.**

**Out of Recess. Call Senate to Order.**

**MOTION TO ADJOURN FROM LATE SESSION**

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

**Adopted. Adjournment from the Late Session.**

# SENATE JOURNAL 14

*April 27, 2011*

The Senate reconvened at 10 a.m., a quorum being present.

The Reverend Kate Atkinson, guest chaplain to the Senate, offered the following meditation and prayer.

Good morning. Well, if you were around at 10:00 last Sunday morning, you might have noticed something a little bit unusual about the State House lawn: it was covered with eggs; around 1,200 of them. And then, a few moments later, it was covered with children. And, before you could say, "Happy Easter," the eggs were gone. You might still come across one or two if you look carefully.

Well, inside every single one of those eggs there was a gift. It might have been a balloon or a sticker or some candy or maybe even a couple of nickels. But, every single egg held something special. So, by the end of the morning, each of those children was a little bit richer. And, each of those children hold some special gift. And, luckily we don't have to break them open to find out what those gifts are: gifts of humor and joy and creativity and enthusiasm and awe and wisdom and compassion, and every one of us is a little bit richer when we make time to appreciate them. Let us pray.

*Lord, we bring before You the world of children. We bring their openness and friendliness, their sense of enquiry and creativity. Forgive our readiness to classify and divide, to label and separate. Forgive our voices of experience and our demand for their conformity. Help us to understand and encourage them, that their spirits may be lifted, their imaginations quickened, and their vision broadened, for Your world's sake. Amen.*

Sen. Barnes led the Pledge of Allegiance.

**INTRODUCTION OF GUESTS AND PRESENTATIONS**

Sen. D'Allesandro introduced Megan Mann and Edward Marion, students from West High School in Manchester, serving as Senate Pages today.

**FINANCE REPORT**

Sen. Morse announces that the following bills will not come to Finance: HB 274-FN, HB 277-FN, HB 331-FN, HB 348-FN, HB 419-FN, HB 524-FN, HB 572-FN, HB 580-FN-L, HB 601-FN. Sen. Morse announces that the following bills that are still in Judiciary Committee will not come to Finance: HB 147-FN, HB 329-FN.

**COMMITTEE REPORTS****COMMERCE**

**HB 175**, relative to technical changes in life, accident, and health insurance. Ought to Pass with Amendment, Vote 5-0. Senator White for the committee.

**Commerce**

**April 19, 2011**

**2011-1492s**

**01/04**

**Amendment to HB 175**

Amend the bill by replacing section 6 with the following:

6 New Paragraph; Insurance Standards; Preexisting Conditions. Amend RSA 415-A:5 by inserting after paragraph II the following new paragraph:

III. For policies that meet the definition of health coverage under RSA 420-G:2, IX, an insurer may impose a preexisting condition exclusion period, but only if it is at least as favorable to covered persons as the following:

(a) No preexisting condition exclusion period shall extend beyond a period of 9 consecutive months after the date of enrollment of the person's health coverage; and

(b) Such preexisting condition exclusion period shall only apply to a condition, whether physical or mental, regardless of the cause of the condition, for which medical advice, diagnosis, care or treatment was recommended or received during the 3 months immediately preceding the enrollment date of health coverage.

**The question is on the adoption of the Committee Amendment. Adopted.**

**Sen. White asserts Rule 2-15 on HB 175.**

**The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.**

**Sen. White asserts Rule 2-15 on HB 175.**

**HB 405**, relative to dissolving corporations. Re-refer to committee, Vote 5-0. Senator Houde for the committee.

**The question is on the adoption of the Committee recommendation of Re-refer to committee. Adopted.**

**HB 419-FN**, relative to language in insurance certificates. Ought to Pass with Amendment, Vote 4-0. Senator White for the committee.

**Commerce**  
**April 19, 2011**  
**2011-1491s**  
**01/04**

#### **Amendment to HB 419-FN**

Amend RSA 412:6-b, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) "Certificate holder" means any person, other than a policyholder, who possesses a certificate of insurance and is identified as the certificate holder on the certificate.

Amend RSA 412:6-b, II(a) as inserted by section 1 of the bill by replacing it with the following:

(a) No person shall issue a certificate of insurance that:

- (1) Does not comply with the requirements of subparagraph (b).
- (2) Is misleading, deceptive, or encourages misrepresentation.
- (3) Violates any law.

Amend RSA 412:6-b, II(b)(6) as inserted by section 1 of the bill by replacing it with the following:

(6) No certificate of insurance shall contain references to contracts, including construction or service contracts, other than the referenced contract of insurance, unless such reference is in relation to coverage or other requirements of the insurance contract.

Amend RSA 412:6-b, II(e) as inserted by section 1 of the bill by replacing it with the following:

(e) An insurance producer may charge a reasonable fee for providing a certificate.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 New Paragraph; Rulemaking Added. Amend RSA 412:43 by inserting after paragraph II the following new paragraph:

III. The commissioner shall adopt rules, under RSA 541-A, relative to defining a reasonable fee for providing insurance certificates and circumstances in which a fee may be charged under RSA 412:6-b.

**The question is on the adoption of the Committee Amendment. Adopted.**

**The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.**

**HB 601-FN**, relative to implementation of federal health care reform. Ought to Pass with Amendment, Vote 4-0. Senator De Blois for the committee.

**Commerce**  
**April 19, 2011**  
**2011-1493s**  
**01/04**

**Amendment to HB 601-FN**

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

1 New Subdivision; Federal Health Care Reform. Amend RSA 400-A by inserting after section 66 the following new subdivision:

**Federal Health Care Reform**

**400-A:67 Purpose and Scope.**

I. The intent of this subdivision is to preserve the insurance regulatory authority of the state by authorizing the commissioner to enforce the insurance reforms required under Public Law 111-152 (hereinafter "Law").

II. Further, it is the intent of this subdivision to prevent the state of New Hampshire from defaulting into federal oversight regarding the Law by not meeting certain federally-mandated time frames measuring the progress being made of state-implemented requirements under the Law. It is not the intent of this subdivision to commit the state of New Hampshire to the full implementation of the Law, but rather to preserve the state's options regarding the implementation as each requirement arises.

III. The provisions of this subdivision shall ensure that New Hampshire residents obtain the protections and benefits provided by the Law, notwithstanding the affirmative choice of the general court of the state of New Hampshire not to participate in some or all of the Law's provisions.

**400-A:68 Implementation of the Law.**

I. The general court shall determine any policy regarding implementation of the Law if it is determined that the state of New Hampshire is required to implement such Law. The insurance commissioner, or designee, shall develop recommendations in conjunction with the joint health insurance reform oversight committee, established in RSA 400-A:69, prior to the enforcement of the Law. In addition, any state official or agency that seeks to enforce the provisions of the Law shall develop recommendations in conjunction with the oversight committee.

II. The commissioner may, in limited circumstances, enforce provisions of the Law before consultation with the oversight committee when unforeseen circumstances or situations could cause harm to individuals or the insurance market generally, or immediate harm to the state of New Hampshire, if consultation with the oversight committee is not immediately practical, or if such administration and enforcement is a matter of the usual and customary day-to-day administrative and enforcement policies of the department generally. In such cases, the commissioner shall inform the oversight committee as soon as practical for consultation.

**400-A:69 Joint Health Insurance Reform Oversight Committee Established.**

I. There is established a joint health insurance reform oversight committee consisting of 5 members as follows:

(a) Two members of the senate, appointed by the senate president.

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

II. The terms of the members shall be for the biennium and shall be coterminous with their membership in the general court. The committee shall elect a chairman from its membership. The committee shall meet at the call of the chairman who may call a meeting as often as necessary.

III. The committee shall provide legislative oversight, policy direction, and recommendations for legislation to implement the Law as it determines appropriate.

IV. The committee shall make a report, together with any recommendations for legislation, to the president of the senate, the speaker of the house of representatives, the chairpersons of the house and senate committees having jurisdiction over commerce issues and the house and senate committees having jurisdiction over health and human services issues by October 1, 2011 and annually thereafter.

400-A:70 Authority of the Commissioner. The commissioner shall enforce the consumer protections and market reforms as set forth in the Law that relate to insurance. This shall not include the medical assistance program under RSA 167. The commissioner, in consultation with the oversight committee established in RSA 400-A:69, shall have authority to:

I. Make, adopt, and amend rules and regulations pursuant to RSA 541-A for, or as an aid to, the administration of any provision of the Law relating to insurance;

II. Apply for any grant funds available under the Law; and

III. Adopt and apply standards consistent with the Law for form and rate review of insurance products and any other regulatory oversight functions performed by the department.

2 Contingency. RSA 420-L, relative to federal health care reform, shall be repealed upon the effective date of this act and 2010, 243:15 and 2010, 243:16 shall not take effect.

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

**The question is on the adoption of the Committee Amendment. Adopted.**

**The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.**

#### **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**HB 331-FN**, relative to posting agency expenditures on the state transparency website. Ought to Pass, Vote 4-0. Senator Groen for the committee.

**The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.**

**HB 503**, allowing a master electrician to have 2 apprentice electricians under his or her supervision. Ought to Pass, Vote 4-0. Senator Groen for the committee.

**The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.**

**HB 580-FN-L**, relative to the New Hampshire retirement system, and relative to continuation of provisions of a collective bargaining agreement following the end of the term of the agreement. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

#### **Senate Executive Departments and Administration**

**April 21, 2011**

**2011-1527s**

**10/03**

#### **Amendment to HB 580-FN-LOCAL**

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

AN ACT establishing a committee to study collective bargaining by public employees.

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

1 Committee Established. There is established a committee to study collective bargaining by public employees.

2 Membership and Compensation.

I. The members of the committee 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.

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 matters as it deems necessary related to public employer collective bargaining agreements with public employees under RSA 273-A.

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 December 1, 2011.

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

**2011-1527s**

#### AMENDED ANALYSIS

This bill establishes a committee to study collective bargaining by public employees.

**The question is on the adoption of the Committee Amendment. Adopted.**

**The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.**

#### JUDICIARY

**HB 524-FN**, relative to the release of prisoners on probation or parole. Ought to Pass with Amendment, Vote 3-0. Senator Carson for the committee.

#### Senate Judiciary

**April 15, 2011**

**2011-1444s**

**04/09**

#### Amendment to HB 524-FN

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

AN ACT excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole.

Amend the bill by replacing all after the enacting clause with the following 1 Parole of Prisoners; Terms of Release. Amend RSA 651-A:6, I(b) to read as follows:

(b) A prisoner convicted of a nonviolent offense *who has not been previously convicted of a sexually violent offense as defined in RSA 135-E:2, XI, aggravated felonious sexual assault pursuant to RSA 632-A:2, felonious sexual assault pursuant to RSA 632-A:3, sexual assault pursuant to RSA 632-A:4, I(a)-(b), kidnapping pursuant to RSA 633:1, I, first degree assault pursuant to RSA 631:1, I, possession of child sexual abuse images pursuant to RSA 649-A:3, I, or distribution of child sexual abuse images pursuant to RSA 649-A:3-a, I* shall be released on parole upon serving 120 percent of the minimum term of his or her sentence, minus any credits received pursuant to RSA 651-A:23, plus the disciplinary period added to such minimum under RSA 651:2, II-e, any part of which is not reduced for good conduct as provided in RSA 651-A:22, *unless the parole board votes to deny such release.*

2 Parole of Prisoners; Terms of Release. Amend RSA 651-A:6, I(c) to read as follows:

(c) ~~[All prisoners who have not been previously paroled]~~ *A prisoner who has not been previously paroled*, or who ~~[were]~~ *was* recommitted to prison more than one year prior to the expiration of the maximum term of his or her sentence, shall be released on parole at least 9 months prior to the expiration of the maximum term of his or her sentence, *unless the parole board votes to deny such release.* This provision shall not apply to any prisoner who is the subject of a pending petition for civil commitment pursuant to RSA 135-E. In the event that the prisoner is not civilly committed, he or she shall be released on parole for the remainder of his or her sentence.

3 Effect of Recommittal. Amend RSA 651-A:19 to read as follows:

651-A:19 Effect of Recommittal.

I. A prisoner who is recommitted shall serve 90 days in prison before being placed back on parole or the remainder of his or her maximum sentence, whichever is shorter, *or may be subject to an extended term of recommitment pursuant to paragraphs III and IV.* The time between the return of the parolee to prison after arrest and revocation of parole shall be considered as time served as a portion of the maximum sentence.



II. Prisoners who are recommitted shall be ~~housed separately in a prison housing unit that provides~~ **provided access to** focused, evidence-based programming aimed at reengaging parolees in their parole plan.

**III. The parole board may impose an extended term of recommitment for greater than 90 days if:**

- (a) The prisoner has previously been recommitted for a parole violation; or**
- (b) The prisoner was on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII; and**
  - (1) The conduct underlying the parole violation is related to his or her offense or offending pattern; or**
  - (2) The prisoner has displayed a combination of dynamic risk factors, including but not limited to, homelessness, loss of supports, substance abuse, or non-compliance with treatment, as determined by the department of corrections sexual offender treatment program staff; or**
  - (3) Both subparagraphs (1) and (2); or**
- (c) The prisoner was on parole for a violent crime as defined in RSA 651:5, XIII; or**
- (d) The nature of the conduct underlying the parole violation constitutes a criminal act or is otherwise so serious as to warrant an extended period of recommitment.**

**IV.(a) A prisoner may be brought before the parole board at any time during the 90-day term of recommitment to determine whether a longer term is warranted if:**

- (1) The prisoner did not meaningfully participate in the evidence-based programming during the 90-day recommitment period; or**
- (2) The prisoner received one or more major disciplinary violations during the 90-day recommitment period.**
- (b) The prisoner shall be provided notice of the hearing and the basis of the parole board's consideration of an extended term.**

**V. The imposition of an extended term of recommitment pursuant to paragraph III or IV shall be supported by written findings and a written order.**

**VI. Any prisoner who is subject to an extended term of recommitment shall, upon request, be entitled to a hearing before the parole board after serving 6 months of his or her term of recommitment and every 6 months thereafter.**

**VII. At the revocation hearing, the parole board may impose a term of recommitment for less than 90 days if:**

- (a) The prisoner has not been previously recommitted for a parole violation;**
- (b) The prisoner was not on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII;**
- (c) The prisoner was not on parole for a violent crime as defined in RSA 651:5, XIII;**
- (d) The parole violation is not substantially related to his or her offense or offending pattern; and**
- (e) The parole board determines that a lesser period of recommitment will aid in the rehabilitation of the parolee.**

4 Involuntary Civil Commitment of Sexually Violent Predators; Notice. Amend RSA 135-E:3, II to read as follows:

II. When a person who has committed a sexually violent offense is to be released from total confinement in New Hampshire, the agency with jurisdiction over the person shall give written notice to the person and the county attorney of the county where that person was last convicted of a sexually violent offense, or attorney general if the case was prosecuted by the attorney general. If the person is in custody on an out-of-state or federal sexually violent offense, the agency with jurisdiction shall give written notice to the person and the county attorney of the county where the person plans to reside upon release or, if no residence in this state is planned, the county attorney in the county where the facility from which the person to be released is located

or to the attorney general if the person has been convicted of murder. Except as provided in RSA 135-E:4, the written notice shall be given at least 9 months prior to the [anticipated] **potential** release on parole pursuant to RSA 651-A:6, I(c), except that in the case of persons who are totally confined for a period of less than 9 months, written notice shall be given as soon as practicable.

5 Involuntary Civil Commitment of Sexually Violent Predators; Release From Total Confinement. Amend RSA 135-E:4, I to read as follows:

I. In the event that a person who has been convicted of a sexually violent offense is eligible for immediate release on parole pursuant to RSA 651-A:6, I(c), or upon completion of the maximum term of incarceration, the agency with jurisdiction shall provide immediate notice to the county attorney or attorney general of the person's release. The county attorney or attorney general or the agency with jurisdiction may file a petition for an emergency hearing in the superior court requesting that the person subject to immediate release be evaluated by the multidisciplinary team to determine whether the person is a sexually violent predator. The hearing shall be held within 24 hours of the filing of the petition, excluding Saturdays, Sundays, and holidays. The person shall not be released from total confinement until after the hearing has been held. At the hearing, the court shall determine whether there is probable cause to believe that the person is a sexually violent predator. If the court finds probable cause, the person shall be held in an appropriate secure facility.

6 Probationers and Parolees; Risk Assessment and Length of Supervision. Amend RSA 504-A:15, III-IV to read as follows:

III. Any person placed on probation for a felony shall be subject to active supervision for up to the first 12 months and thereafter be placed on administrative supervision unless the probationer has been designated high risk [or], has been adjudicated by the court for a violation of the conditions of probation during the first 12 months under supervision, **or was placed on probation for a felony listed as a tier II or tier III offense in RSA 651-B:1, IX and X, respectively.**

IV. Any person placed on parole for a felony shall be subject to active supervision for up to the first 18 months and thereafter be placed on administrative supervision unless the parolee has been designated high risk [or], has violated the conditions of parole during the first 18 months under supervision, **or was placed on parole for a felony listed as a tier II or tier III offense in RSA 651-B:1, IX and X, respectively.**

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

**2011-1444s**

#### AMENDED ANALYSIS

This bill:

I. Excludes a prisoner convicted of a violent crime or a sexually violent offense from mandatory early supervised release if the parole board votes to do so.

II. Provides the parole board with greater discretion to recommit a person who reoffends while on mandatory early supervised release.

III. Requires that an offender placed on probation or parole for conviction of a felony offense that would require registration as a sexual offender or an offender against children shall not be placed on administrative supervision.

**The question is on the adoption of the Committee Amendment. Adopted.**

**The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.**

**HB 572-FN**, relative to official oppression. Inexpedient to Legislate, Vote 3-0. Senator Groen for the committee.

**The question is on the adoption of the Committee recommendation of Inexpedient to Legislate. Adopted.**

#### PUBLIC AND MUNICIPAL AFFAIRS

**HB 56**, relative to proper observance of September 11, 2001. Ought to Pass, Vote 4-0. Senator Boutin for the committee.

**The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.**

**HB 198**, relative to the investment options for county funds. Ought to Pass, Vote 4-0. Senator Merrill for the committee.

**The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.**

**HB 251**, relative to absentee ballots. Ought to Pass, Vote 3-0. Senator Stiles for the committee.

**The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.**

**HB 274-FN**, relative to voting procedures. Ought to Pass, Vote 4-0. Senator Forrester for the committee.

**The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.**

#### **WAYS AND MEANS**

**HB 156-FN-A**, reducing the rates of the tobacco tax. Inexpedient to Legislate, Vote 3-3. Senator Odell for the committee.

**Sen. Gallus is in opposition to the motion of Inexpedient to Legislate on HB 156-FN-A.**

**Sen. Odell moved to Lay on the Table HB 156-FN-A. Adopted.**

**Sens. Carson, Forsythe, and Sanborn are in opposition to the motion to Lay on the Table HB 156-FN-A.**

**HB 187-FN-A**, relative to the carry forward periods for the business enterprise tax credit against the business profits tax. Ought to Pass, Vote 5-0. Senator Odell for the committee.

**The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Committee on Finance (Rule 4-3).**

**HB 277-FN**, relative to the deposit of fees collected under the Unified Carrier Registration System into the highway fund. Ought to Pass, Vote 5-0. Senator Boutin for the committee.

**The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.**

**HB 348-FN**, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization. Ought to Pass with Amendment, Vote 6-0. Senator Bradley for the committee.

#### **Senate Ways and Means**

**April 19, 2011**

**2011-1490s**

**08/10**

#### **Amendment to HB 348-FN**

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

AN ACT relative to games of chance and prohibiting the racing and charitable gaming commission and the lottery commission from authorizing new gambling machines or devices.

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

1 Unclaimed Ticket Vouchers. 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, hereunder shall pay to the state treasurer all moneys collected during the previous year of pari-mutuel pool tickets *and vouchers* 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, 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 *or voucher* to the holder thereof from funds not otherwise appropriated upon an order from the commission. Pari-mutuel tickets *and vouchers* which remain unclaimed after 11 months shall not be paid. *Vouchers shall be remitted to the state treasurer on January 31 of the calendar year, 24 months after the year of the unclaimed voucher.*

2 Definitions; Game Operator. Amend RSA 287-D:1, V to read as follows:

V. "Game operator" means:

(a) "Primary game operator" which means any consultant or any person other than a bona fide member of the charitable organization, involved in conducting, managing, supervising, directing, or running the games of chance; or

(b) "Secondary game operator" which means any person other than a bona fide member of the charitable organization, involved in dealing, running a roulette wheel, ~~or~~ handling chips, **or providing accounting services or security functions.**

(c) **"Game operator employer" means a primary game operator or a business entity who employs, supervises, and controls game operators and who is hired by a charitable organization to operate games of chance on its behalf. The owner of 10 percent or more of the entity, partner, managing member, or chief executive of a business entity who serves as a game operator employer must be licensed as a primary game operator.**

3 Operation of Games of Chance; Game Operators. Amend RSA 287-D:2-b, I(d) to read as follows:

(d) Notwithstanding subparagraph (a), all charitable organizations that conduct games of chance for charitable purposes may employ, by means of a written agreement, a ~~[primary]~~ game operator **employer or a primary game operator** licensed under RSA 287-D:2-c to operate games of chance on their behalf.

4 Operation of Games of Chance; Game Operators. Amend RSA 287-D:2-d, III to read as follows:

III. An applicant for a primary game operator license under RSA 287-D:2-c shall apply to the racing and charitable gaming commission, and if the applicant meets all other requirements of this chapter and pays the fee established by the racing and charitable gaming commission in rules adopted pursuant to RSA 541-A, a license shall be issued. A **primary game operator** license issued under RSA 287-D:2-c shall expire on December 31. The racing and charitable gaming commission shall notify the attorney general and police chief of any city or town where games of chance are held of any applications approved. RSA 7:28-c shall not apply to game operator licensees subject to this chapter. An applicant for a secondary game operator license under RSA 287-D:2-c shall apply to the racing and charitable gaming commission, and if the applicant meets all other requirements of this chapter and pays the fee established by the racing and charitable gaming commission in rules adopted pursuant to RSA 541-A, which shall not exceed \$45, a license shall be issued. **A secondary game operator license issued under RSA 284-D:2-c shall expire on the last day of the month of the licensee's birthday.**

5 Operation of Games of Chance; Game Operators. Amend RSA 287-D:2-d, VI to read as follows:

VI. Any license issued under RSA 287-D:2-a or RSA 287-D:2-c shall not be transferable and the fees for the license shall not be refunded except for good cause shown as specified in rules adopted by the racing and charitable gaming commission. **Nothing in this section shall prevent a licensee from working for different licensed entities. A licensee who works for more than one game operator employer during the licensed period shall have a separate badge for each game operator employer and pay a separate fee for each badge.**

6 Bond; Game Operators. Amend RSA 287-D:2-b, VIII to read as follows:

VIII.(a) On game dates where the charitable organization operates the games, the charitable organization shall deposit cash and proceeds from a game of chance into the account required by RSA 287-D:2-a, VII(e). All expenses, including ~~[prizes of more than \$500]~~ **prizes of \$500 or more** and equipment and hall rental fees shall be paid by check from the account required by RSA 287-D:2-a, VII(e). The treasurer of the charitable organization shall document all prizes awarded as prescribed in rules adopted by the racing and charitable gaming commission.

(b) On game dates where the licensed game operator operates the games, the licensed game operator shall deposit cash and proceeds from a game of chance into the account required by RSA 287-D:2-c, VI. All expenses, including ~~[prizes of more than \$500 and]~~ equipment and hall rental fees shall be paid by check **or electronic fund transfers** from the account established in RSA 287-D:2-c, VI. The licensed game operator shall document all prizes awarded as prescribed in rules adopted by the racing and charitable gaming commission. **Prizes of \$500 or more shall be paid by check from the account established in RSA 287-D:2-c, VI.**

7 Bond; Game Operators. Amend RSA 287-D:2-c, V to read as follows:

**V. Prior to conducting any games of chance**, the game operator or the game operator's employer shall submit a bond for each location where the game operator is conducting games of chance, conditioned upon the game operator running games of chance in conformity with this chapter and with the rules and regulations prescribed by the racing and charitable gaming commission, in the amount of up to [~~\$300,000~~] **\$500,000 but not less than \$25,000** to the racing and charitable gaming commission with the application form. **The amount of the bond in excess of \$25,000 established for each licensee shall be based on that licensee's normal outstanding obligations of charity payments and state taxes.**

8 New Paragraph; Licensing of Game Operators. Amend RSA 287-D:2-c by inserting after paragraph VII the following new paragraph:

VIII. Unless a provision to the contrary is part of a written agreement in place prior to the commencement of a game date between the charitable organization and the game operator or game operator employer, all moneys due to the charitable organization shall be paid over to the organization no later than 5 business days following the date on which a game was conducted. Notwithstanding the provisions of any agreement with the charitable organization, the game operator or game operator employer shall pay over all moneys due to the charitable organization no later than 15 business days following a game date.

9 Wagering; Game Operators. Amend RSA 287-D:3, VII to read as follows:

VII. Unless a charitable organization rents a facility from a [~~primary~~] game operator **employer or a primary game operator** licensed under RSA 287-D:2-c, the charitable organization shall only rent a facility by means of a fixed rental payment. The fixed rental payment shall not be based on a percentage of what the charitable organization receives from the game of chance and it shall reflect fair rental value of the property for any use not just as a place to hold a game of chance. If a charitable organization rents a facility from a licensed game operator under RSA 287-D:2-c, the charitable organization shall retain no less than 35 percent of the gross revenues from any games of chance minus any prizes paid in accordance with RSA 287-D:3, VIII. Any rental agreement entered into by the charitable organization shall be submitted with the charitable organization's license application for review by the racing and charitable gaming commission. Under no circumstances shall a charitable organization sustain any loss from games of chance, such that its share of the gross revenues minus any prizes paid is less than zero dollars, during a license period with a single game operator.

10 Wagering; Game Operators. Amend RSA 287-D:5, I to read as follows:

I. A charitable organization [~~or~~], a licensed [~~primary~~] game operator **employer, or a primary game operator** under contract to conduct games of chance on behalf of a charitable organization **and designated by the charitable organization to be responsible for submitting financial reports** shall submit a complete financial report for all game dates licensed under RSA 287-D:2 and RSA 287-D:2-a to the racing and charitable gaming commission on forms approved by the racing and charitable gaming commission within 15 days of the end of each month during which a game of chance was held.

11 Operation of Bingo Games; Penalty Added. Amend RSA 287-E:7, XVI to read as follows:

XVI. In not more than one game conducted in accordance with [~~RSA 287-E:7;~~] **paragraph XIII**, a carry-over, cover-all game may be run with the prize money rolled over to the successive game dates in the event that there is no winner on the original or preceding game dates. Notwithstanding any provision of law to the contrary, the prize money may accumulate until there is a winner. The prize shall be awarded to any winner covering all 24 numbers on the card in less than 50 numbers, or a greater number if so designated prior to the game. If there is no winner on a given game date, a pre-designated consolation prize shall be awarded to the game winner who first achieves cover-all. The balance of the [~~monies~~] **moneys** collected shall be carried over to subsequent game dates until there is a winner. **Any person who purposely, knowingly, or recklessly deprives a charitable organization of any of its moneys collected from bingo or lucky 7 or any person who purposely, knowingly, or recklessly deprives players of any prizes collected from bingo or lucky 7, shall be guilty of a class A felony.**

12 Reference Change; Financial Reports and Inspection Required. Amend RSA 287-E:9, I to read as follows:

I. A charitable organization which has been licensed to conduct bingo games shall submit a complete financial report to the commission for each license issued under RSA 287-E:6 within 15 days after the expiration of each license; provided, however, a complete monthly financial report shall be submitted in a timely fashion to the commission for each month covered by a license issued under [~~RSA 287-E:6; I-a~~] **RSA 287-E:6, II.**

13 Reference Change; Financial Reports and Inspection Required. Amend RSA 287-E:9, IV to read as follows:

IV. All charitable organizations licensed under this chapter shall maintain a separate checking account for the deposit and disbursement of all income relating to bingo and lucky 7, except cash prizes awarded at the games. All expenses shall be paid by check, ~~[and all prizes of \$500 or more shall be paid by check]~~ **or electronic funds transfers. All prizes of \$500 or more shall be paid by check.** There shall be no commingling of bingo and lucky 7 funds with other funds of the charitable organization. The organization shall retain all cancelled checks for the payment of expenses and prizes for at least 2 years. The organization may cash checks which it issues.

14 Campground Bingo. Amend RSA 287-E:12 to read as follows:

287-E:12 Bingo [License] for Private Campgrounds and Hotels. Any private campground or hotel may ~~[apply to the commission for a special campground or hotel bingo license. Licenses may be granted under the following conditions]~~ **conduct bingo games provided:**

~~[I. The bingo license application fee shall be \$25 per year and shall be nonrefundable.]~~

~~[H. The provisions of RSA 287-E:6, IV and RSA 287-E:7, IV and VI relating to bingo licenses and the operation of games for charitable organizations shall also apply to licenses issued under this section.]~~

~~[HH.]~~ **I.** The price to be paid for a single card or play under the license shall be \$.10.

~~[IV. A license shall permit no more than 2 game dates of bingo in any one calendar week and shall be issued on an annual basis.]~~

~~[V.]~~ **II.** All revenues received from the sale of bingo cards in any game or series of games on any one calendar day shall be paid out to the players. The total value of all prizes, tokens, or awards used, given, offered, or awarded in connection with any game or series of games in any calendar day shall not exceed \$500.

~~[VI.]~~ **III.** Games shall be operated only by persons on the staff of the campground or hotel ~~[holding the license under this section]~~. Such staff shall operate the games without compensation from the bingo revenues.

~~[VII.]~~ **IV.** The games of bingo shall be open only to persons 18 years of age or older who are bona fide guests at the campground or hotel.

~~[VIII. Licenses shall be granted only to campgrounds or hotels in cities or towns which have approved bingo under RSA 287-E.]~~

~~[IX.]~~ **V.** No campground or hotel shall act as an agent for operating games of bingo when it is unlawful for such campground's or hotel's principal to operate bingo games.

~~[X. The campground or hotel holding the license issued under this section shall keep records and submit a report as required for agricultural fairs under RSA 287-E:10, VIII, except that the report shall be submitted to the commission within 15 days of the expiration of the bingo license. The report shall include the names and addresses of persons from whom bingo equipment was rented or leased.]~~

~~[XI.]~~ **VI.** The campground or hotel shall have been in existence for at least 2 years in the city or town in which the bingo games are to be conducted.

~~[XII. The campground or hotel shall be in compliance at the time of application with all applicable state and local requirements for the operation of private campgrounds or hotels.]~~

~~[XIII.]~~ **VII.** The campground or hotel shall maintain a current list of bona fide guests.

~~[XIV.]~~ **VIII.** The campground or hotel shall not have been established solely for the purpose of operating bingo games.

15 Campground Bingo. Amend the introductory paragraph RSA 287-E:13 to read as follows:

Any campground or hotel ~~[holding a license under RSA 287-E:12]~~ may conduct special bingo games for children under the conditions specified in RSA 287-E:12, except:

16 Payment to Distributor. Amend RSA 287-E:23-a to read as follows:

287-E:23-a Payment to Distributor. Licensees shall pay for purchased tickets no later than 30 **calendar** days after delivery. ***Unless a waiver is given by the commission for good cause shown, no charitable organization may purchase tickets from a different distributor when that charitable organization has failed to comply with the provisions of this section.***

17 Financial Reports and Inspection Required. Amend RSA 287-E:24, IV to read as follows:

IV. All expenses ***shall be paid by check or electronic funds transfers***, and all cash prizes ~~over~~ of \$500 ***or more*** shall be paid by check, and the charitable organization shall retain cancelled checks ***or bank produced facsimiles of cancelled checks*** for the payment of expenses and ***checks or bank produced facsimiles of checks and receipts for the payment of prizes*** for a period of 2 years.

18 Campground Bingo. Amend RSA 287-E:4, II to read as follows:

II. Such fee shall be submitted to the commission at the time the application for a bingo license is filed and ~~[, except as provided in RSA 287-E:12]~~, shall be refunded if the application is denied.

19 Games of Chance. Amend RSA 287-D:2-b, II-a to read as follows:

II-a. Unless otherwise agreed to in advance, pursuant to paragraph II, in writing by the charitable organization, ~~[operators of games of chance]~~ ***game operators*** may be reimbursed for their out-of-pocket expenses in an amount not to exceed \$25 per game date, provided that such expenses are itemized and submitted in writing to the charitable organization.

20 Games of Chance. Amend RSA 287-D:2-b, VII-a to read as follows:

VII-a. Notwithstanding any other provision of law, a member of the sponsoring charitable organization shall be present and on site at least once per day during the operation of any game of chance and shall file with the racing and charitable gaming commission an affidavit attesting to the member's presence at the site during the operation of any games of chance. The sponsoring charitable organization member shall not be employed by the game operator ~~[or the employer of the game operator]~~.

21 Licensing of Game Operators. Amend RSA 287-D:2-c, II(a)-(c) to read as follows:

(a) The name and social security number of the ***primary or secondary*** game operator, or for ~~[an organization]~~ ***a game operator employer*** the name and federal tax identification number. The racing and charitable gaming commission shall not disclose any social security number submitted;

(b) The name, ~~[of the game operator's employer and the employer's]~~ address, and telephone number ***of the game operator employer***;

(c) A list of the ***known*** ~~[games of chance]~~ ***game dates*** in which the game operator will participate including the ~~[date]~~ ***name*** of the game, the location of the game, and the charitable organization holding the game;

22 Licensing of Game Operators. Amend RSA 287-D:2-c, VI to read as follows:

VI. To be eligible for licensure under this chapter, a licensed ***game operator employer or primary*** game operator shall maintain an account at a financial institution with at least one branch.

23 New Section; Surveillance Requirements. Amend RSA 287-D by inserting after section 2-d the following new section:

287-D:2-e. Surveillance Requirements.

I.(a) A game operator employer conducting games of chance at a facility that is required to be licensed pursuant to RSA 287-D:2-a, VI shall conduct and record, at the expense of the game operator employer, video surveillance that allows clear, unobstructed views of cashier transactions, table games where cash wagers are accepted, and the counting of money from storage boxes removed from a gaming table. A game operator employer which is authorized to conduct games of chance for no more than 50 calendar days in a calendar year at a particular location may petition the commission to adopt an alternate method of oversight of cash transactions in lieu of the surveillance requirements in this section. Upon approval of any such alternative method of oversight of cash transactions by the commission, the game operator employer may conduct games of chance at such location for not more than 50 calendar days at the particular location in a calendar year. The game operator employer shall be responsible for all costs and expenses associated with implementation of the alternative method of oversight as approved by the commission.

(b) Surveillance shall include the customer, the employee, and the surrounding area and shall monitor and record with sufficient clarity to identify employees and customers in all areas where currency is counted, verified, sorted, stacked, or stored, including monitoring and recording all table game drop boxes, safes, and counting surfaces, and all cashier personnel. The counting surface area shall be continuously monitored and recorded by a dedicated camera during the count.

(c) Access to the surveillance equipment shall be limited to management personnel, designated employees, state regulators, and other persons authorized in accordance with the surveillance policy.

(d) The game operator employer shall ensure at least one person at the facility while games of chance are being conducted is trained in the use of the equipment, knowledge of the games, and all applicable regulations.

(e) Each camera required by these regulations shall be installed in a manner that will prevent it from being readily obstructed, tampered with, or disabled by customers or employees.

(f) Reasonable effort shall be made to repair each malfunction of surveillance system equipment required by the standards in this section within 72 hours after the malfunction is discovered.

(g) In the event of a dedicated camera malfunction, the gaming operator or the surveillance person shall immediately provide alternative camera coverage or other security measures.

II. The surveillance system, at a minimum, shall:

(a) Have an auxiliary or backup power source shall be available and capable of providing immediate restoration of power to all elements of the surveillance system.

(b) Include date and time generators that possess the capability to display the date and time of recorded events on all digital recordings. The displayed date and time shall not significantly obstruct the recorded view.

(c) Utilize cameras that possess the capability of having its picture displayed on a monitor and recorded.

(d) Include sufficient numbers of monitors and recorders to simultaneously display and record multiple table games and count room activities, and record the views of all dedicated cameras and motion-activated cameras.

(e) Record at 30 frames per second or its equivalent.

III.(a) All digital records of coverage provided by cameras required by the standards in this section shall be retained for a minimum of 30 days.

(b) Recordings involving suspected or confirmed gaming crimes, unlawful activity, or actions of investigations by management personnel, shall be retained for a minimum of 90 days.

(c) Duly authenticated copies of digital records shall be provided to the commission upon request.

(d) Multiple recordings shall be made to avoid any loss of images in the event of a hardware failure.

(e) A recording library log, or comparable alternative procedure approved by the commission, shall be maintained to demonstrate compliance with the storage, identification, and retention standards required in this section.

(f) All recordings may be destroyed after a period of 90 days.

24 New Paragraph; Surveillance. Amend RSA 284:12 by inserting after paragraph X the following new paragraph:

XI. Surveillance regulations pursuant to RSA 287-D:2-e.

25 New Paragraph; Racing and Charitable Gaming Commission; Authorization of Electronic Gaming. Amend RSA 284:6-a by inserting after paragraph V the following new paragraph:

VI. The racing and charitable gaming commission shall not authorize the use of any electronic gaming device in connection with the acceptance of wagers on running or harness horse racing, whether live or simulcast, or simulcast dog racing, the type of which was not in use prior to January 1, 2011, unless specific authorization for such electronic gaming device is enacted by the general court. Electronic gaming devices shall mean and include all electro-mechanical instruments and devices used for the purposes of gaming, other than wagering on live or simulcast horse racing or simulcast dog racing, whether in physical presence or through the Internet, and such shall include video slot machines and other gambling devices which function or are designed to function to emulate a video slot machine or historic racing machine. This section shall not be interpreted to prohibit licensees under RSA 284 from replacing equipment used in the conduct of wagering on live or simulcast horse racing or simulcast dog racing, which type of equipment was in service prior to



January 1, 2011 with updated or new equipment which are the functional equivalent of the machines which are being replaced. This section shall not be interpreted as prohibiting licensees from accepting account wagers in compliance with applicable rules and regulations.

26 New Paragraph; Lottery Commission; Authorization of Electronic Gaming. Amend RSA 284:21-h by inserting after paragraph V the following new paragraph:

VI. The commission shall not authorize the use of any electronic gaming device in any game, lottery or other offering which was not in use by the commission on or before January 1, 2011, unless specific authorization for such electronic gaming device is enacted by the general court. Electronic gaming devices shall mean and include all electro-mechanical instruments and device used for the purpose of gaming, whether in physical presence or through the Internet, and shall include video slot machines and other gambling devices which function or are designed to emulate a video slot machine or other gambling machine, historic racing machine, and computer technology to reveal instant ticket winners. This section shall not be interpreted to prohibit the commission from replacing offerings, games, or equipment which were in service prior to January 1, 2011 with new offerings, games or equipment which are the functional equivalent of those offerings, games or equipment which are being replaced.

27 Racing and Charitable Gaming Commission; Lucky 7; Authorization of Electronic Gaming. RSA 287-E:21, III-a is repealed and reenacted to read as follows:

III-a. Lucky 7 tickets may be sold by dispenser devices approved by the commission and located at the regular meeting place of, or at a facility owned, leased, or utilized by, the licensee for its activities. The commission may authorize electronic lucky 7 ticket dispenser devices so long as those devices have been certified by a testing laboratory, authorized and approved by the commission, as meeting the following criteria: communication with a server to obtain the next available ticket in a finite game set; offer only the game approved by the commission; assure that each game set is totally exhausted; possess the ability to retain accounting information in the event of a power failure; have the ability to accept \$1, \$5, \$10 and \$20 bills; have individual programmable ticket values; contain a tamper-proof money receptacle; dispense a paper ticket; dispense a redemption certificate and an electronically produced lucky 7 ticket that comply with commission rules; have a distinctive serial number; and have system servers that interface with the manufacturer's secure website database that is capable of tracking each charity location, vendor, terminal game form, game set, ticket number and time of sale for each ticket purchased.

28 Effective Date.

I. Sections 1 through 22 and sections 25 through 27 of this act shall take effect 60 days after its passage.

II. Section 23 of this act shall take effect January 1, 2012.

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

## **2011-1490s**

### **AMENDED ANALYSIS**

This bill:

I. Defines game operator employers.

II. Requires that game operators pay charities participating in charitable gaming no later than 15 business days following a game date.

III. Raises the amount of bond required for conducting games of chance.

IV. Requires charitable organizations to collect certain fees on lucky 7 deals and pay them to the racing and charitable gaming commission.

V. Allows private campgrounds and hotels to conduct certain bingo games without a license.

VI. Prohibits the racing and charitable gaming commission and the lottery commission from authorizing new gambling machines or devices in the state.

**Sen. Bradley moved to Lay on the Table HB 348-FN. Adopted.**

**Sen. Bradley moved to remove HB 426 from the table. Adopted.**

**HEALTH AND HUMAN SERVICES**

**HB 426**, adding certain entities to the unused prescription drug program. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

**The pending question is on the adoption of the Committee recommendation of Ought to Pass. Adopted, bill ordered to Third Reading.**

**Sen. Rausch moved to remove HB 397 from the table. Adopted.**

**TRANSPORTATION**

**HB 397**, relative to image display devices in motor vehicles. Ought to Pass with Amendment, Vote 3-0. Senator Stiles for the committee.

**Senate Transportation**

**April 14, 2011**

**2011-1438s**

**03/10**

**Amendment to HB 397**

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

AN ACT relative to image display devices in motor vehicles and relative to air pollution rules.

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

2 New Paragraph; Air Pollution Control; Rulemaking Authority. Amend RSA 125-C:4 by inserting after paragraph I-b the following new paragraph:

I-c. This section shall not be interpreted to authorize the adoption of standards for motor vehicle emissions.

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

**2011-1438s**

**AMENDED ANALYSIS**

This bill replaces the prohibition on televisions in motor vehicles with a prohibition on image display devices, as defined in the bill. This bill also limits the authority of the commissioner of the department of environmental services to adopt rules establishing motor vehicle emission standards.

**The pending question is on the adoption of the Committee Amendment. Failed.**

**Sen. Rausch offered a floor amendment.**

**Sen. Rausch, Dist. 19**

**April 22, 2011**

**2011-1542s**

**03/04**

**Floor Amendment to HB 397**

Amend RSA 266:75, IV as inserted by section 1 of the bill by inserting after subparagraph (h) the following new subparagraph:

(i) Image display devices that permit the driver to monitor horses or livestock in a vehicle intended to carry horses or livestock, or in a trailer being towed by the vehicle.

Amend the bill by replacing section 2 with the following:

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

**The question is on the adoption of the Floor Amendment. Adopted.**

**The question is on the adoption of the motion of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.**

**MOTION TO ADJOURN FROM EARLY SESSION**

Sen. Bradley 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.

**Adopted. Adjournment from the Early Session.**

**LATE SESSION**  
**Third Reading and Final Passage**

**HB 56**, relative to proper observance of September 11, 2001.

**HB 175**, relative to technical changes in life, accident, and health insurance.

**HB 198**, relative to the investment options for county funds.

**HB 251**, relative to absentee ballots.

**HB 274-FN**, relative to voting procedures.

**HB 277-FN**, relative to the deposit of fees collected under the Unified Carrier Registration System into the highway fund.

**HB 331-FN**, relative to posting agency expenditures on the state transparency website.

**HB 397**, relative to image display devices in motor vehicles.

**HB 419-FN**, relative to language in insurance certificates.

**HB 426**, adding certain entities to the unused prescription drug program.

**HB 503**, allowing a master electrician to have 2 apprentice electricians under his or her supervision.

**HB 524-FN**, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole.

**HB 580-FN-L**, establishing a committee to study collective bargaining by public employees.

**HB 601-FN**, relative to implementation of federal health care reform.

**LIST OF RULE 2-15'S FOR THE DAY**

Sen. White: HB 175.

**ANNOUNCEMENTS**

**MOTION TO RECESS TO CALL OF THE CHAIR**

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

**Adopted. The Senate is in recess to the Call of the Chair.**