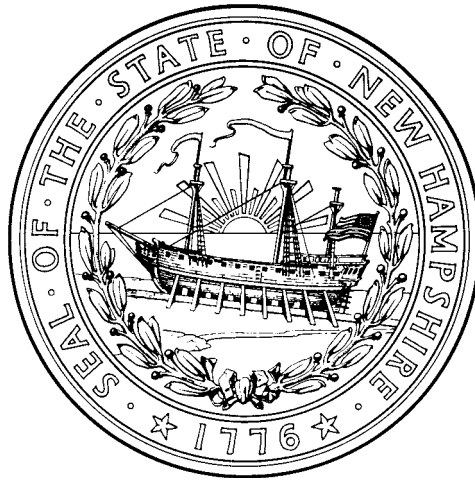


March 14, 2013
Nos. 6-7

STATE OF NEW HAMPSHIRE

Web Site Address: www.gencourt.state.nh.us



163rd Session of the New Hampshire General Court
Legislative Proceedings

SENATE JOURNAL

ADJOURNMENT – MARCH 7, 2013 SESSION
COMMENCEMENT – MARCH 14, 2013 SESSION

SENATE JOURNAL 6 *(continued)*

March 7, 2013

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 118, providing immunity from criminal prosecution for seeking medical assistance with an emergency drug or alcohol overdose event.

HB 119, relative to voter registration.

HB 139, relative to the time towns that have adopted official ballot voting have to approve bonding in solid waste management districts.

HB 146, increasing the speed limit on a portion of I-93 to 70 miles per hour.

HB 153, prohibiting the designation of industrial hemp as a controlled substance.

HB 161, relative to school district policies on health and sex education.

HB 178-FN-L, relative to public employer collective bargaining agreements.

HB 183, relative to processing absentee ballots.

HB 204-FN-L, relative to the removal of social security and other numbers from registry of deeds documents available on the Internet.

HB 234, relative to occupational and professional boards and commissions procedures concerning military service and occupational experience or training.

HB 247-FN, increasing compensation for wrongful incarceration,

HB 265, relative to procedures by absentee voters.

HB 278, relative to voluntary installation of fire suppression sprinklers.

HB 313, relative to the regulation of the compounding of drugs by pharmacists.

HB 314, raising limits on single wagers in games of chance and relative to gross revenues received by charitable organizations participating in games of chance.

HB 334-FN, requiring pharmacy interns to register with the pharmacy board.

HB 342-FN, relative to reporting of compensation paid to retired members of the retirement system.

HB 352, relative to sending checklists to the state archives.

HB 353, relative to the regulation of private investigators and security guards.

HB 362, banning corn-based ethanol as an additive to gasoline sold in New Hampshire.

HB 363, establishing a committee to study the form of the oath taken by members of the general court.

HB 367, relative to the municipal bond bank reserve process.

HB 373, establishing a right of discovery to a carrier's investigation of claims in workers' compensation cases.

HB 374, relative to electric utility investment in distributed energy resources.

HB 375, requiring certain health care organizations to report to the department of health and human services regarding implementation of New Hampshire's 10-year mental health plan.

HB 391-FN, establishing a committee to study options for mitigation of damages associated with highway noise.

HB 393, relative to effluent limitations with regard to nitrogen and phosphorus.

HB 400, relative to funding agreements issued by life insurance companies.

HB 401, relative to property and casualty insurers under the risk-based capital law.

HB 410, establishing a commission to study and update the rules and procedures of the legislative ethics committee under RSA 14-B and the laws governing legislative ethics under RSA 15-B.

HB 414, relative to privacy in the workplace.

HB 429, relative to service of writs against cities.

HB 433, relative to procedures for juvenile delinquency petitions filed by a school district or school official.

HB 442, prohibiting residency restrictions for registered sex offenders and offenders against children.

HB 450-FN, relative to the annulment of criminal records.

HB 453, repealing the prospective repeal of the information and analysis center.

HB 472, relative to residential units in rooming houses.

HB 486-FN-A, making an appropriation for the purpose of paying residential care providers at the Chase Home for Children.

HB 489-FN, relative to the New Hampshire medical malpractice joint underwriting association.

HB 501-FN, instituting a state minimum hourly rate.

HB 506, relative to certain time periods for adoption and amendment of town codes and ordinances.

HB 511-FN, relative to insurance holding companies.

HB 513, relative to the shoreland protection act.

HB 516, establishing a committee to study the overlap of federal, state, and local regulation relative to environmental issues.

HB 517, relative to the incidental combustion of untreated wood at certain municipal transfer stations.

HB 522, relative to duties of town treasurers.

HB 526-FN, relative to termination of activities and dissolution of the association created under RSA 404-G.

HB 528, relative to support and care costs for children with disabilities.

HB 546, relative to medical examinations under workers' compensation.

HB 551, relative to the composition and duties of the task force on work and family.

HB 554, allowing parents to agree on college contributions.

HB 556, establishing a committee to study the resolution of barriers to the use of telehealth technology in New Hampshire.

HB 559, relative to the general banking laws of the state.

HB 560, repealing the board of trust company incorporation.

HB 581-FN-L, relative to recovering moneys from a neighboring state for mitigation of flooding.

HB 583, relative to proceedings of medical injury claims screening panels.

HB 598, relative to the reasonable compensation deduction under the business profits tax.

HB 599-FN, relative to establishing a single liquor commissioner.

HB 629-FN, relative to the criteria for approving and calculating school building aid grants.

HB 634, relative to water resource management and protection plans in municipal master plans.

HB 636, relative to the waitlist for community mental health services.

HB 640, relative to the standard valuation law.

HB 655-FN, relative to the collection of the amount of the property tax deferral for the elderly or disabled upon sale of the property.

HB 664-FN, relative to the New Hampshire vaccine association.

HB 668-FN, relative to group and individual health insurance market rules.

HB 676-FN-A-L, extending the Coos county job creation tax credit.

HJR 1, directing the joint legislative historical committee to acquire and display a portrait of suffragist Marilla Marks Ricker.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 57, relative to approval of the project proposed by the Town of Alstead for the lower Warren Brook Restoration project, establishing a commission to determine the appropriate use of flood damaged property, and repealing a commission established in 2006 to determine the appropriate use of property damaged in the October 2005 floods.

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.

HB 142, relative to teacher evaluation systems. (Health, Education and Human Services)

HB 180, relative to the definitions of “student athlete” and “student sports” for the management of concussion and head injury. (Health, Education and Human Services)

HB 206, relative to political advertising. (Public and Municipal Affairs)

HB 252, consolidating the property appraisal division and the municipal services division of the department of revenue administration. (Executive Departments and Administration)

HB 253, relative to limitations on sales by nano breweries for consumption on the premises. (Commerce)

HB 254-FN-A, abolishing certain positions in the liquor commission. (Executive Departments and Administration)

HB 282, relative to mixed use school buses, relative to licensing and criminal records of driver education instructors, and relative to background checks for department of safety employees. (Transportation)

HB 293, relative to the adverse events reporting system. (Health, Education and Human Services)

HB 308, relative to technical changes to election laws. (Public and Municipal Affairs)

HB 327-FN, relative to payment of attorneys’ fees for indigent parents in termination of parental rights cases. (Judiciary)

HB 370-FN, repealing the education tax credit program. (Health, Education and Human Services)

HB 372, relative to state agency telecommunications services. (Executive Departments and Administration)

HB 383, relative to operation of OHRVs on the traveled portion of public highways, where permitted. (Transportation)

HB 394-FN, relative to transfer of funds by the liquor commission. (Finance)

HB 413, relative to property abandoned by tenants. (Judiciary)

HB 426, relative to payment of costs and fees in guardianship cases. (Judiciary)

HB 428, relative to funds for dam maintenance, removal and improvement. (Energy and Natural Resources)

HB 440, relative to new hire reports to the department of employment security. (Commerce)

HB 444, establishing a committee to study the use of autonomous vehicles in New Hampshire. (Transportation)

HB 488-FN, changing the definition of “cigarette” under the tobacco tax to match the definition of “cigarette” under the Master Settlement Agreement. (Ways and Means)

HB 519, requiring the division of higher education to develop a policy on academic credit for a student's military occupation, military training, coursework, and experience. (Health, Education and Human Services)

HB 520, establishing a committee to study implementing Keno in New Hampshire. (Ways and Means)

HB 521, establishing a committee to study New Hampshire election laws and procedures. (Public and Municipal Affairs)

HB 558, relative to disclosure of information regarding charitable solicitations. (Public and Municipal Affairs)

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 7

March 14, 2013

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

The Reverend Canon Charles LaFond, chaplain to the Senate, offered the following meditative thoughts and prayer.

Christian Scripture refers to a peace which passes all understanding. Now, as for me, there is a lot in life that I just do not understand: how music comes from a vinyl record, how no two snowflakes can be the same, and why resentment turns in on the one who resents; these are just three examples.

But what I do know is that goodness will always prevail, and that piety pales in comparison to goodness. With the papal election, there's much discussion about human holiness. That subject, too, eludes me. But human goodness, even when obscured by the clouds of sad choices, still convinces me that all manner of thing shall be well. Let us pray.

God of all goodness, bring us, we pray, that peace which passes understanding, so that if in the midst of the slings of arrows of life we may, under the surface of our experience, sense a deep and abiding stillness, which is nothing short of miraculous.
Amen.

Sen. Hosmer led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Larsen introduced Dylan Stratton and John West, students from Merrimack Valley High School, serving as a Senate Page for the day.

FN REPORT FOR MARCH 14, 2013

Senator Morse recommends the waiver, under Senate Rule 4-5, of Finance Committee referral for the following bills which have fiscal notes or otherwise appropriate money:

COMMERCE

SB 149-FN, relative to liquor samples.

ENERGY AND NATURAL RESOURCES

SB 59-FN, prohibiting the cruel confinement of certain farm animals.

SB 65-FN, relative to energy efficiency plans of gas and electric distribution companies.

SB 66-FN, relative to the regional greenhouse gas initiative cap and trade program.

SB 124-FN, establishing an integrated land development permit.

SB 131-FN-L, relative to a permitting process for the removal of submerged logs from certain great ponds

SB 188-FN, relative to municipally-owned utilities.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 132-FN, relative to part-time employment in the retirement system and establishing a committee to study police special details.

SB 141-FN, establishing the Granite State farm to plate program.

SB 189-FN, relative to the licensure of fuel gas fitters and plumbers by a mechanical licensing board established within the department of safety and transferring regulation of plumbers to the mechanical licensing board.

HEALTH, EDUCATION AND HUMAN SERVICES

SB 138-FN, relative to support for certain residents of nursing and assisted living facilities.

SB 194-FN, requiring the department of health and human services to implement the Medicaid family planning expansion.

JUDICIARY

SB 144-FN, relative to forfeiture of bail.

SB 151-FN, relative to the payment of witness fees in criminal cases.

PUBLIC AND MUNICIPAL AFFAIRS

SB 142-FN-A, relative to campaign contributions and expenditures.

SB 146-FN-L, relative to aid to the permanently and totally disabled and old age assistance.

SB 182-FN, relative to implementation of voter identification requirements.

SB 196-FN, relative to the definition of push-polling.

WAYS AND MEANS

SB 3-FN, eliminating the ramp tolls on the Everett turnpike in the town of Merrimack.

SB 61-FN, relative to table stakes poker.

SB 118-FN-A, increasing the annual limit on the new investment tax credit.

SB 121-FN-L, relative to the distribution formula for meals and rooms tax revenue.

SB 128-FN-L, relative to fees for vital records.

SB 130-FN-A-L, exempting special hospitals for rehabilitation from the Medicaid enhancement tax.

SB 152-FN-A-L, relative to video lottery and table gaming.

Senator Morse recommends the following non-FN bills be ordered to the Finance Committee upon being found Ought-to-Pass:

HEALTH, EDUCATION AND HUMAN SERVICES

SB 27, relative to monitoring by the department of education of programs for children with disabilities.

WAYS AND MEANS

SB 75, relative to games of chance.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS

The following bills were removed from the Consent Calendar:

SB 91, relative to drug use not approved by the Food and Drug Administration. Removed by Sen. Sanborn.

SB 105, relative to disclosure of expert testimony in civil cases. Removed by Sen. Bragdon.

SB 180, establishing a restitution fund for victims of financial fraud and continually appropriating a special fund. Removed by Sen. D'Allesandro.

Sen. Bradley moved that the Consent Calendar, with the relevant amendments as printed in the day's Calendar be adopted and that all such bills found Ought-to-Pass be ordered as follows:

FN bills not waived under Senate Rule 4-5, to the Committee on Finance; non-FN bills approved for referral to Finance by the day's FN report, to the Committee on Finance; and all other bills, to Third Reading.

COMMERCE

SB 94, relative to portable electronics insurance. Ought to Pass with Amendment, Vote 5-0.

Senator Pierce for the committee.

This bill, as amended, will update our statutes to allow portable electronic insurance sales by unlicensed staff as long as they are supervised by a licensed insurance adjuster.

Commerce
March 6, 2013
2013-0757s
01/05

Amendment to SB 94

Amend the introductory paragraph of RSA 402-B:2, II(d) as inserted by section 1 of the bill by replacing it with the following:

(d) A person who, for purposes of portable electronics insurance claims, collects and enters claims information from, or furnishes claims information to, insureds or claimants, utilizing an automated claims adjudication system; provided, that no more than 25 such persons are under the supervision of a licensed insurance claims adjuster or a licensed insurance producer. A licensed insurance producer adjusting claims or acting as a supervisor pursuant to this subparagraph shall not also be required to be a licensed insurance claims adjuster. In this subparagraph:

Amend RSA 402-B:2, II(d)(1)(B) as inserted by section 1 of the bill by replacing it with the following:

(B) Certified as compliant with the claims settlement requirements of the insurance laws of this state by a licensed insurance claims adjuster that is an officer of the entity which employs the individuals operating pursuant to this subparagraph.

SB 147-FN, relative to prescription drugs in workers' compensation cases. Ought to Pass with Amendment, Vote 5-0. Senator Cataldo for the committee.

This bill, as amended by the Committee, requires pharmacies to substitute generic drugs when possible unless the prescribing physician indicates that the brand name drug is medically necessary, provided that in cases where the legend drug is less expensive, the legend drug shall be used.

Commerce
March 6, 2013
2013-0758s
01/05

Amendment to SB 147-FN

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

1 New Paragraph; Workers' Compensation; Medical, Hospital, and Remedial Care. Amend RSA 281-A:23 by inserting after paragraph VI the following new paragraph:

VII. Pharmacies, including mail-order pharmacies, shall substitute generically equivalent drug products for all legend and non-legend prescriptions unless the prescribing practitioner handwrites "medically necessary" on each paper prescription, uses electronic indications when transmitted electronically, or gives instructions when transmitted orally that the brand name drug product is medically necessary; provided that in cases where the legend drug is less expensive, the legend drug shall be used. Prescription refills shall not require the reissuance of the "medically necessary" indication.

2 Effective Date. This act shall take effect January 1, 2014.

2013-0758s

AMENDED ANALYSIS

This bill requires pharmacies to substitute generic drugs unless the prescribing physician indicates that the brand name drug is medically necessary, provided that in cases where the legend drug is less expensive, the legend drug shall be used.

SB 161, relative to electronic funds transfers. Ought to Pass, Vote 5-0. Senator Bradley for the committee.

This bill is a request of the New Hampshire Banking Department as a result of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Federal banking reform had some unintended consequences relative to fund transfers at the state level. SB 161 is a necessary update to restore statutory authority to its pre federal banking reform status.

ENERGY AND NATURAL RESOURCES

SB 188-FN, relative to municipally-owned utilities.
Ought to Pass, Vote 5-0.

Senator Bradley for the committee.

This bill clarifies the definition of municipally owned utilities to ensure that highway projects in close proximity to the utility do not negatively impact rate-payers.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 24, relative to Medicaid rates.

Ought to Pass, Vote 5-0.

Senator Reagan for the committee.

This legislation was requested by the Department of Health and Human Services so that the yearly Medicaid rate report generated by the department is repealed in statute. The Department does not feel that this report is a necessity.

SB 132-FN, relative to part-time employment in the retirement system and establishing a committee to study police special details.

Ought to Pass with Amendment, Vote 5-0.

Senator Carson for the committee.

This bill with amendment establishes a study committee to study the use and efficacy of police special details, and alternatives which may be available to towns, cities, and the state.

Senate Executive Departments and Administration

March 6, 2013

2013-0776s

10/03

Amendment to SB 132-FN

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

AN ACT establishing a committee to study police special details.

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

1 Committee Established; Police Special Details.

I. There is established a committee to study the use and efficacy of police special details.

II. 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.

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 use and efficacy of police special details, and alternatives which may be available to towns, cities, and the state.

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 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, 2013.

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

2013-0776s

AMENDED ANALYSIS

This bill establishes a committee to study the use and efficacy of police special details.

SB 141-FN, establishing the Granite State farm to plate program.

Re-refer to committee, Vote 5-0.

Senator Carson for the committee.

This legislation was re-referred to committee so that the sponsor could work with various stakeholders on the remaining outstanding issues.

SB 184-FN, excluding conservation officers of the fish and game department from requirements for emergency medical and trauma services.

Ought to Pass with Amendment, Vote 5-0.

Senator Soucy for the committee.

This bill with amendment exempts New Hampshire Fish and Game Department conservation officers from licensure requirements of emergency medical care providers, but requires the officers to maintain training and certification requirements.

Senate Executive Departments and Administration

March 6, 2013

2013-0774s

10/03

Amendment to SB 184-FN

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

1 Emergency Medical Care Provider; Definition; Conservation Officers Excluded. Amend RSA 153-A:2, V to read as follows:

V. "Emergency medical care provider" means an employee or volunteer member of a public or private organization having responsibility for the delivery of health services to individuals experiencing illness or injury at a location other than a hospital or other medical facility. The term shall not include lifeguards at swimming facilities or members of ski patrols, **or New Hampshire fish and game department conservation officers**, unless said individuals are performing invasive patient care procedures.

2 Emergency Medical Services Unit; Definition; Conservation Officers Excluded. Amend RSA 153-A:2, IX to read as follows:

IX. "Emergency medical service unit" means an organization, public or private, operating alone or as part of a larger organization, which has the responsibility to provide emergency medical services. The term shall not include ski patrols **or New Hampshire fish and game department conservation officers** unless a ski patrol **or a New Hampshire fish and game department conservation officer** is providing invasive patient care procedures.

3 New Paragraph; Fish and Game; Duties of Conservation Officers. Amend RSA 206:26-b by inserting after paragraph IV the following new paragraph:

V. Each fish and game conservation officer shall be required to maintain training and certification for wilderness first responder, basic life support and cardiopulmonary resuscitation but shall not be required to obtain licensure under RSA 153-A.

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

SB 189-FN, relative to the licensure of fuel gas fitters and plumbers by a mechanical licensing board established within the department of safety and transferring regulation of plumbers to the mechanical licensing board.

Ought to Pass with Amendment, Vote 5-0.

Senator Carson for the committee.

This bill with amendment establishes a mechanical licensing board within the Division of Fire Safety for regulating fuel gas fitters, plumbers, and voluntary certification of heating equipment personnel and water treatment technicians. In addition, it repeals the state plumbing board, and standardizes education and experience requirements.

Senate Executive Departments and Administration

March 6, 2013

2013-0775s

10/03

Amendment to SB 189-FN

Amend the introductory paragraph of RSA 153:28, I(a) as inserted by section 7 of the bill by replacing it with the following:

(a) Standards regarding education or its equivalent, experience requirements which shall not exceed 2,000 hours for a fuel gas fitter as defined in RSA 153:27, III, and testing requirements for applicants for initial licensure for the following specialty licenses:

Amend RSA 153:36 as inserted by section 8 of the bill by inserting after paragraph VI the following new paragraph:

VII. The plumbing license requirements of this subdivision shall not apply to any person or business entity that performs plumbing in connection with the installation of any heating, cooling, air conditioning or domestic water heating systems, whether solar, oil, gas, or electric, or the installation and servicing of water treatment systems or swimming pools. Any person or business entity that is exempt under this paragraph shall perform plumbing in accordance with applicable technical standards, and comply with any code, application, and inspection requirements that apply to the plumbing performed.

FINANCE

SB 158-FN, relative to habitual truancy.

Inexpedient to Legislate, Vote 6-0.

Senator D'Allesandro for the committee.

The prime sponsor requested an inexpedient to legislate motion because the subject will be added to another piece of legislation.

HEALTH, EDUCATION AND HUMAN SERVICES

SB 45, relative to electronic prescriptions.

Ought to Pass with Amendment, Vote 5-0.

Senator Reagan for the committee.

Some prescriptions are subject to a 48 hour insurance coverage exception. This bill would require the prescriptions to be automatically approved if a decision has not been rendered by the insurance provider within 48 hours. The amendment clarifies that the 48 hours will begin when the prescribing physician has submitted the clinical rationale.

Health, Education and Human Services

March 5, 2013

2013-0734s

01/05

Amendment to SB 45

Amend the bill by replacing section 1 with the following:

1 Managed Care Law; Prescriptions. Amend RSA 420-J:7-b, II to read as follows:

II. Every health benefit plan that provides prescription drug benefits shall maintain an expeditious exception process, not to exceed 48 hours, by which covered persons may obtain coverage for a medically necessary nonformulary prescription drug. The exception process shall begin when the prescribing provider has provided the health benefit plan with the clinical rationale for the exception. ***The exception process shall begin when the prescribing provider has submitted a request with a clinical rationale for the exception to the health benefit plan. A prescription that requires an exception for coverage shall be considered approved if the exception process exceeds 48 hours.***

JUDICIARY

SB 144-FN, relative to forfeiture of bail.

Inexpedient to Legislate, Vote 5-0.

Senator Carson for the committee.

This legislation was submitted at the request of the Judicial Branch. Following concerns raised at the public hearing, they have asked that the bill not go forward.

SB 151-FN, relative to the payment of witness fees in criminal cases.

Re-refer to committee, Vote 5-0.

Senator Carson for the committee.

This bill was submitted at the request of the Judicial Branch. A number of questions arose at the public hearing regarding the security of information as well as the various processes being employed at the courts. The committee would like additional time to look more deeply into the situation.

PUBLIC AND MUNICIPAL AFFAIRS

SB 146-FN-L, relative to aid to the permanently and totally disabled and old age assistance.

Ought to Pass with Amendment, Vote 5-0.

Senator Pierce for the committee.

This bill, as amended, would enable municipalities to provide assistance to an individual who is also receiving old age assistance (OAA) or aid to the permanently and totally disabled (APTD). The bill originally sought to repeal the provision of RSA 167:27 that prohibits APTD and OAA recipients from any and all receipt of general assistance.

Public and Municipal Affairs

March 7, 2013

2013-0795s

05/03

Amendment to SB 146-FN-LOCAL

Amend the bill by replacing section 1 with the following:

1 Assistance; Confidentiality. Amend RSA 167:27 to read as follows:

167:27 ***Eligibility for State and Local*** Assistance, [~~Exclusive~~] ***Confidentiality***.

I. Except as provided in paragraph II, no person receiving old age assistance or aid to the permanently and totally disabled under this chapter or RSA 161 shall at the same time receive any other relief from the state, or from any political subdivision thereof, except for medical and surgical assistance[.].

II. Notwithstanding paragraph I, a municipality may provide assistance under RSA 165 to a person who is also receiving old age assistance or aid to the permanently and totally disabled if the guidelines adopted by the governing body under RSA 165:1 authorize assistance to such persons, and the acceptance of such relief shall ***not*** operate as a revocation of old age assistance or aid to the permanently and totally disabled.

III. The names of persons receiving old age assistance or aid to the permanently and totally disabled under the provisions of this chapter or RSA 161 shall not be printed in any report of the county commissioners or of the commissioner of health and human services nor published in any state, county, or town report.

2013-0795s

AMENDED ANALYSIS

This bill allows municipalities to provide local assistance to persons receiving old age assistance or aid to the permanently and totally disabled.

The question is on the adoption of the Consent Calendar. Adopted.

SUSPENSION OF RULES

Sen. Bradley moved to suspend all Rules necessary to allow the consideration of SB 199. Adopted by the necessary 2/3 vote.

SPECIAL ORDER

Without objection, SB 91, SB 138-FN, SB 182-FN, and SB 196-FN are Special-Ordered to 3/21/13. Adopted by the necessary 2/3 vote.

Without objection, SB 19 is Special-Ordered to the end of the day's Regular Calendar. Adopted by the necessary 2/3 vote.

Without objection, SB 152-FN-A-L is Special-Ordered to the front of the day's Regular Calendar. Adopted by the necessary 2/3 vote.

REGULAR CALENDAR REPORTS

WAYS AND MEANS

SB 152-FN-A-L, relative to video lottery and table gaming. Ought to Pass with Amendment, Vote 4-1. Senator D'Allesandro for the committee.

Senate Ways and Means
March 7, 2013
2013-0796s
08/09

Amendment to SB 152 FN-A-LOCAL

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

1 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 unique 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, small business development, tax relief, 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. New Hampshire has an interest in ensuring the financial stability and integrity of gaming operations in the state.

V. New Hampshire must limit the proliferation of gaming by controlling the number of gaming sites in New Hampshire and choosing gaming sites based on potential for job growth and revenue generation, access to appropriate transportation, suitability for tourism, local resources, and development opportunities.

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

2 New Chapter; Video Lottery Machines and Table Games. Amend RSA by inserting after chapter 284-A the following new chapter:

**CHAPTER 284-B
VIDEO LOTTERY MACHINES AND TABLE GAMES**

284-B:1 Definitions. In this chapter:

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 who applies to the lottery commission for a license, certification, registration or qualification under this chapter, and includes any such person.

III. "Associated equipment" means any equipment or mechanical, electromechanical, or electronic contrivance, component, or machine used in connection with video lottery machines and/or 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 computer system, and devices for weighing or counting money.

IV. "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.

V. "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 gaming 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 gaming licensee, all instruments that constitute a cash equivalent shall be made payable to the gaming licensee, to the bearer, or to cash. An instrument made payable to a third party shall not be considered a cash equivalent.

VI. "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.

VII. "Certificate holder" means a gaming licensee issued a table game operation certificate by the lottery commission to operate the table games at a gaming location.

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

IX. "Count room" means the room designated for counting, wrapping, and recording of table game results and storage of cash, coins, tokens, checks, plaques, gaming vouchers, coupons, and other devices or items of value used in wagering and approved by the division that are received in the conduct of gaming and for the inspection, counting and storage of dice, cards, chips and other representatives of value.

X. "Gaming" means the operation of video lottery machines and table games.

XI. "Gaming applicant" means the person applying for approval by the lottery commission as a gaming licensee.

XII. "Gaming employee" means a person employed in the operation of a gaming location whose employment duties and responsibilities involve the security, maintenance, servicing, repair, or operation of video lottery machines or table game devices. Such employees shall include, without limitation, dealers, floorpersons, video lottery machine personnel, video lottery machine technicians, count room and cage personnel, security and surveillance employees, data processing personnel, employees responsible for handling assets and proceeds associated with the operation of gaming activity, and employees that have input into data regarding complimentaries.

XIII. "Gaming license" means the license issued to a gaming licensee to operate table games and video lottery machines at a gaming location pursuant to this chapter.

XIV. "Gaming licensee" means the person or entity licensed by the lottery commission to possess, conduct, and operate video lottery machines and table games at a gaming location.

XV. "Gaming location" means the premises approved under a gaming license which includes the land, buildings, structures, and any portion thereof approved by the lottery commission as the gaming area and any nongaming structure related to the gaming area.

XVI.(a) "Gross table game revenue" means the total of cash or cash 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" shall not include travel expenses, food, refreshments, lodging, or other complimentary services. This term shall 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.

XVII. "Holding company" means any corporation, association, firm, partnership, trust, or other form of business organization not a natural person which, directly or indirectly, owns, has the power or right to control, or has the power to vote any significant part of the outstanding voting securities of a corporation or other form of business organization which holds or applies for a gaming license or technology provider license. For purpose of this section, in addition to any other reasonable meaning of the words used, a "holding company" indirectly has, holds, or owns any such power, right or security if it does so through any interest in a subsidiary or successive subsidiaries, however many such subsidiaries may intervene between the holding company and the gaming licensee or technology provider.

XVIII. "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 and/or table game operations, including the general manager and assistant manager of the gaming licensee or technology provider, director of operations, director of table games, director of cage or credit operations, director of surveillance, director of marketing, director of management information systems, director of security, comptroller, pit bosses, shift bosses, credit supervisors, cashier supervisors, table game facility managers and assistant managers, 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.

XIX. "Licensee" means any individual or entity required to be licensed pursuant to this chapter.

XX. "Lottery commission" or "commission" means the New Hampshire Lottery Commission created pursuant to RSA 284:21-a, including the administration and enforcement bureau of the commission created pursuant to RSA 284-B:2.

XXI. "Net machine income" means all cash or other consideration utilized to play a video lottery machine at a gaming location, less all cash or other consideration paid to players of video lottery machines as winnings. Noncashable promotional credits shall be excluded from the calculation.

XXII. "Non-key gaming employee" means an employee of a gaming licensee who is not a key employee and is directly connected to the operation or maintenance of a video lottery machine or table game taking place in a gaming location.

XXIII. "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.

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

XXV. "Request for application" means a request for applications to be submitted by applicants to the lottery commission pursuant to RSA 284-B:11.

XXVI. "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, 3-card poker, 2-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 paragraph, and any other games approved by the lottery commission. The term includes any variations or composites of approved games, provided that the lottery 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 lottery commission may deem appropriate, and any other game which the lottery commission determines to be suitable for use in a gaming location after an appropriate test or experimental period as the lottery 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 gaming location by the lottery 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-h 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.

XXVII. "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 in connection with a table game.

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

XXIX. "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 gaming location 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 gaming location.

XXX. "Technology provider" means any person or entity which designs, manufactures, builds or rebuilds, programs, installs, modifies, distributes, or supplies video lottery machines or table games for sale or lease to the gaming licensees, and which are for use by a gaming licensee for conducting video lottery games or table games in accordance with this chapter.

XXXI. "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 and/or table game devices for sale or lease to a gaming licensee.

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

XXXIII. "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 gaming location or paid to a player of a video lottery machine, which can be exchanged for cash at the gaming location.

XXIV. "Video lottery" means any lottery conducted with a video lottery machine or linked video lottery machines with a progressive jackpot or progressive system. Video lottery conducted pursuant to this chapter shall not be considered a state-run lottery.

XXXV. "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 shall not include any redemption slot machines and redemption poker machines as defined in RSA 647:2 or video poker machines or other similar machines used for amusement purposes only.

284-B:2 Gaming Oversight and Regulation; Lottery Commission; Bureau of Administration and Enforcement.

I. The lottery commission shall have general responsibility for the implementation of this chapter. The lottery commission shall have the exclusive authority to license and regulate the installation, operation, and conduct of video lottery machines and table games. The lottery commission shall only issue licenses to persons who operate video lottery machines and table games at a gaming location meeting the requirements of this chapter.

II. There shall be established within the lottery commission an administration and enforcement bureau, which shall be the primary enforcement agent for regulatory matters under this chapter. The bureau shall perform such functions as the commissioners may determine from time to time in relation to the administration and enforcement of this chapter, including the enforcement of violations of this chapter. The bureau shall be under the control of the director of administration and enforcement, who shall be appointed by the commissioners and shall report to the executive director of the lottery commission. The director shall be the executive and administrative head of the bureau and shall be responsible for administering the duties of the bureau and any administrative units created within the bureau. The bureau shall cooperate with the attorney general and the gaming enforcement unit of the division of state police in the enforcement of this chapter.

284-B:3 Rulemaking.

I. The lottery commission shall adopt rules, that include as a minimum guidance from the International Association of Gaming Regulators, under RSA 541-A, relative to:

(a) License renewals, and making 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 gaming licensees 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 a process for verifying the training and experience of non-key gaming employees.
- (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) Prescribing procedures for the fingerprinting of an applicant, key employee, or employee of a licensee, or other methods of identification which may be necessary in the judgment of the lottery commission to accomplish effective enforcement of restrictions to access to the gaming location.
- (i) Prescribing the manner and procedure of all hearings conducted by the lottery commission or any hearing examiner, including special rules of evidence applicable thereto and notices thereof.
- (j) Prescribing the method of collection of payments of taxes, fees, and penalties.
- (k) 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.
- (l) Prescribing grounds and procedures for the issuing of sanctions, including but not limited to, the revocation or suspension of licenses.
- (m) Governing the manufacture, distribution, sale, and servicing of video lottery machines and table game devices and associated equipment.
- (n) Prescribing minimum procedures for the exercise of effective control over the internal fiscal affairs of a gaming 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.
- (o) 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.
- (p) 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.
- (q) Governing the gaming-related advertising of gaming licensees and 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 lottery 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 gaming location.
- (r) Providing for the establishment and maintenance by the lottery commission of a list of persons who are to be excluded or ejected from any gaming location, because the person's criminal background or presence in a gaming location 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 gaming licensees, whereby persons who are problem gamblers can be excluded or ejected from a gaming location.
- (s) Establishing the licensing process and approval process for selecting the provider of the central computer system.

(t) Regulating the operation of table games consistent with RSA 284-B:19, including requiring proper accountability controls to ensure game integrity.

II. Notwithstanding any law to the contrary, the lottery commission shall initiate the licensing process within 60 days of the effective date of this chapter as provided in RSA 284-B:11 and subject to standards set forth in this chapter. The lottery commission shall adopt rules pursuant to paragraph I no later than June 1, 2014.

284-B:4 Duties and Authority of the Lottery Commission.

I. The lottery commission, with the assistance and cooperation of the attorney general and the division of state police gaming enforcement unit, shall administer and enforce the provisions of this chapter.

II. The lottery commission shall have the authority to request any and all records maintained by local, municipal, state, or federal agencies relative to gaming applicants or gaming licensees.

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. The lottery commission shall:

- (a) Collect all license fees imposed upon any applicant and all taxes imposed by RSA 284-B.
- (b) Certify net machine income and gross table game revenue by inspecting records, conducting audits, or having its agents on site, or by any other reasonable means.
- (c) Require gaming licensees to submit all contracts for services where the annual amount to be expended by the gaming 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.
- (d) Require all holders of gaming licenses issued by the lottery commission pursuant to RSA 284-B 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 and table games.
 - (2) Provide for reliable records, accounts, and reports of any financial event that occurs in the operation of a video lottery machine and table games.
 - (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.
- (e) 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.
- (f) Require all holders of licenses issued by the lottery commission pursuant to RSA 284-B to comply with any exclusion program established by the lottery commission and maintained pursuant to RSA 284-B:3, II(v) 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.

V.(a) The lottery commission shall establish a code of ethics for all commissioners and employees of the lottery commission. A copy of the code shall be filed with the attorney general's office. The code shall include provisions reasonably necessary to carry out the purposes of this chapter and any other laws subject to the jurisdiction of the commission including, but not limited to:

(1) Prohibiting the receipt of any discount, gift, gratuity, compensation, travel, lodging, or other thing of value, directly or indirectly, by commissioners and employees from any gaming licensee or gaming vendor licensee or applicant or other person subject to the jurisdiction of the commission;

(2) Prohibiting the participation by commissioners and employees in a particular matter that affects the financial interest of the commissioner or employee or of a relative of the commissioner or employee;

(3) Providing for recusal of a commissioner in a licensing decision due to a potential conflict of interest; and

(4) Prohibiting the solicitation of funds for any charitable, educational, religious, health, fraternal, civic, or other nonprofit entity from any gaming licensee or gaming vendor licensee or applicant or other person subject to the jurisdiction of the commission.

(b) Immediately upon assuming office, each commissioner and employee of the commission, except for secretarial and clerical personnel, shall swear or affirm that the commissioner or employee possesses no interest in a person licensed under this chapter. No individual shall be employed by the commission if, during the period commencing 3 years prior to employment, that individual held any direct or indirect interest in, or was employed by, a licensee under this chapter. No commissioner shall hold a direct or indirect interest in, or be employed by, an applicant or by a person licensed by the commission for a period of 3 years after the termination of employment with the commission.

(c) No employee of the commission holding a major policymaking position shall acquire an interest in, or accept employment with, an applicant or licensee for a period of 2 years after the termination of employment with the commission.

(d) No employee of the commission in a non-major policymaking position shall acquire an interest in, or accept employment with, an applicant or licensee for a period of one year after the termination of employment with the commission.

(e) Notwithstanding the provisions of subparagraphs (a)-(d), if the employment of a commission employee holding a major policymaking position at any time during the 5 years preceding a termination, is terminated as a result of a reduction in the workforce of the commission, the employee may, after one year following the termination of employment with the commission, accept employment with any applicant or person licensed under this chapter upon application to and the approval of the commission, upon a finding that the employment will not create the appearance of a conflict of interest and does not evidence a conflict of interest in fact. The commission shall act upon an application within 30 days of receipt and the application may be submitted to the commission prior to or after commencement of the employment.

(f) No commissioner or employee, other than in the performance of the commissioner's or employee's official duties, shall place a wager in a gaming location. The commissioners and those employees holding major policymaking positions shall be sworn to the faithful performance of their official duties. The commissioners and those employees holding major policymaking positions shall:

(1) Conduct themselves in a manner so as to render decisions that are fair and impartial and in the public interest;

(2) Avoid impropriety and the appearance of impropriety in all matters under their jurisdiction;

(3) Avoid all prohibited communications;

(4) Require staff and personnel subject to their direction and control to observe the same standards of fidelity and diligence;

(5) Disqualify themselves from proceedings in which their impartiality might reasonably be questioned; and

(6) Refrain from financial or business dealings which would tend to reflect adversely on impartiality.

(g) The commissioners and employees shall not own, or be in the employ of, or own any stock in, a business which holds a license under this chapter, nor shall they have, directly or indirectly, a pecuniary interest in, or be connected with, any such business or be in the employ of or connected with any person financing any

such business; provided, however, that immediate family members of commissioners and employees holding major policymaking positions shall not own, or be in the employ of, or own stock in, any business which holds a license under this chapter. The commissioners and employees shall not personally, or through a partner or agent, render professional services or make or perform any business contract with or for any regulated entity, except contracts made with the commissioners for the furnishing of services, nor shall the commissioners or employees directly or indirectly receive any commission, bonus, discount, gift, or reward from a regulated entity.

284-B:5 Central Computer System.

I. The lottery commission shall provide and operate a central computer system into which all licensed video lottery machines shall be connected.

II. The central computer system shall be capable of:

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

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

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

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

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

III. The central computer 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 central computer system.

IV.(a) Except as provided in subparagraph (b), the lottery commission shall not allow a gaming licensee to have access to, or obtain information from, the central computer system.

(b) If the access does not in any way affect the integrity or security of the central computer system, the lottery commission may allow a gaming licensee to have access to the central computer system that allows the licensee to obtain information pertinent to the legitimate operation of its video lottery machines.

284-B:6 Records; Confidentiality.

I. 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 action taken with respect to such applicants. Except as provided in paragraph IV, a file, including the criminal records of each applicant, its officers, directors, partners, members, shareholders, and key employees, and record of the actions of the lottery commission shall be open to public inspection; provided, however, that information regarding any applicant whose license or registration has been denied, revoked, or not renewed shall be removed from the list after 5 years from the date of such action.

II. The lottery commission shall publish on the commission's Internet website a complete list of all persons or entities who applied for or held a license, certificate, or approval pursuant to this chapter, 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 whose 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.

III. The lottery commission shall maintain such other files and records as the commission determines are 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.

IV. All personal and financial proprietary information and data of an applicant, its officers, directors, partners, members, shareholders, or key employees, other than their criminal records, required by the lottery commission to be furnished to it, or which may otherwise be obtained, shall be considered confidential and shall not be disclosed 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. Notwithstanding this paragraph, the state police may share information with the lottery commission and the attorney general as is appropriate under this chapter.

V. All records, information, or data maintained or kept by the lottery commission may be maintained or kept at the office of the gaming enforcement unit.

VI. Notice of the contents of any information or data to be released consistent with paragraph IV, except to a duly authorized law enforcement agency, shall be given to any applicant or licensee in a manner prescribed by the rules adopted by the lottery commission so that the applicant or licensee has the opportunity to object to such release.

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

284-B:7 Employees and Contractors.

I. The lottery commission, the attorney general, or 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 it deems necessary for the discharge of its duties.

II. The lottery commission may employ certain assistants, and contract with certain individuals or entities experienced in the regulation of gaming to carry out the provisions of this section and RSA 284-B. Such assistants and employees shall receive compensation at rates to be established by the department of administrative services, division of personnel.

III. Compensation of assistants, employees, and contractors shall be funded by proceeds paid or received by the lottery commission pursuant to RSA 284-B.

IV. No employee or contractor of the lottery commission shall have any pecuniary or other interest whatsoever in any supplier or agent to the commission or in any gaming location or license licensed under RSA 284-B and shall be subject to the code of ethics established by the lottery commission pursuant to RSA 284-B:4, V.

284-B:8 Annual Report. 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 and table games by licensees.

284-B:9 Number of Gaming Licenses. The lottery commission shall review, select, and grant a license for one gaming location. The gaming licensee shall operate no more than 150 table games under RSA 284-B:12 and no more than 5,000 video lottery machines at its gaming location.

284-B:10 Procedures for Adoption by Local Community.

I. Any municipality in which a gaming location is or proposes to be situated may adopt the provisions of RSA 284-B to allow the operation of video lottery machines and table games at a specific location 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 gaming applicant to authorize the operation of video lottery machines and table games at a specific location within the municipality in accordance with the provisions of RSA 284-B, 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 gaming applicant to authorize the operation of video lottery machines and table games at a specific location 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-B shall apply in such town or city and the operation of video lottery machines and table games shall be permitted at a specific location within such town, city, or unincorporated place in accordance with RSA 284-B. 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 subparagraph (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-B allowing the operation of video lottery machines and table games at [insert the name of the proposed gaming location] located within the [insert name of town, city, or unincorporated place]”?

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

284-B:11 Schedule for License Applications; Requests for Application.

I. In order to facilitate the timely and orderly deployment of licensed gaming operations in New Hampshire, the lottery commission shall adopt a schedule by which applications for gaming licenses and technology provider licenses shall be accepted, reviewed, granted, or denied in accordance with the provisions of this section.

II. The lottery commission shall issue a request for applications for a gaming license pursuant to the process set forth in this section. The lottery commission shall approve, approve with conditions, or deny all applications submitted, in accordance with the provisions of this chapter. The request for applications shall be issued within 60 days of the effective date of this chapter pursuant to RSA 284-B:3, II. The requests for applications shall require all applications to be submitted within 90 days of the publication of the request. Applications received after the deadline shall not be reviewed by the lottery commission.

III. Requests for applications pursuant to paragraph II of this section shall be advertised in a newspaper of general circulation in the state and on the official internet website of the lottery commission.

284-B:12 Gaming License Applications; Requirements.

I. A gaming applicant shall obtain a gaming license from the lottery commission to possess, conduct, and operate video lottery machines and table games as follows:

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

(b) The applicant shall include in the application any and all information requested by the lottery commission, including but not limited to, 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 nontraffic offenses;

(2) Civil judgments against the applicant during the past 15 years;

(3) The applicant’s financial affairs, including evidence of financial stability as documented by bank references, business and personal income and disbursement schedules, tax returns and other reports filed by government agencies, business and personal accounting check records and ledgers and other relevant source documents. The lottery commission may require evidence of the financial affairs to be provided on a multi-jurisdictional personal history disclosure form;

(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 listed in subparagraphs (b)(1)-(4) shall be provided with respect to each partner, trustee, officer, and director, and any shareholder, limited liability company member, or other holder who owns more than 10 percent of the legal or beneficial interests of such entity, as well as the name of the state under the laws of which the corporation or business enterprise is formed or incorporated and the location of its principal place of business;

(6) The identity of the owners of the gaming location, if other than the applicant, along with information listed in subparagraphs (b)(1)-(4) shall be provided with respect to each owner, partner, principal, trustee, officer, and director, and any shareholder, limited liability company member, or other holder who owns more than 10 percent of the legal or beneficial interest of such gaming location. If the owner of the gaming 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 to operate between the owner of the gaming location and the applicant;

(7) Information and documentation demonstrating by clear and convincing evidence the applicant's financial stability including, but not limited to, bank references, business and personal income and disbursement schedules, tax returns and other reports filed by government agencies and business and personal accounting check records and ledgers. The applicant shall include with its application the disclosure of all contributions, donations, loans or any other financial transactions to or from the applicant and any affiliated gaming entity or operator in the past 5 years; and

(8) Information and documentation demonstrating by clear and convincing evidence that the applicant has sufficient business ability and experience to establish and maintain successful gaming operations, including, but not limited to, information demonstrating the experience of the applicant in developing, constructing, and managing a similar gaming enterprise. 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 shall produce either a letter of reference from the gaming or lottery enforcement or control agency in such jurisdiction 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 of licensure conducting gaming activities in good standing with the agency.

(c) The application shall be accompanied by a complete description of the proposed project and include the following:

(1) A complete description of the gaming location, including the designs for the proposed gaming establishment, the names and addresses of the architects, engineers, and designers, a timeline of construction that includes detailed stages of construction for the gaming establishment, non-gaming structures, and racecourse, where applicable, and a description of the ability of the applicant to comply with statutory, regulatory, and technical standards applicable to the design of the proposed gaming location;

(2) Identification of the type and number of video lottery machines, and type and number of table games, and the specific location of the games in the proposed gaming establishment consistent with this chapter;

(3) The availability of space in the facility and proposed details of the space for charitable gaming to take place under RSA 287-D;

(4) The names, and verified good character and integrity of proposed vendors of gaming equipment;

(5) A description of the supporting amenities and ancillary entertainment services to be provided at the proposed gaming establishment, including the number of hotels and rooms, if any, restaurants and other amenities located at the proposed gaming establishment and how they measure in quality to other area amenities;

(6) The number of employees to be employed at the proposed gaming establishment, including detailed information on the projected pay rate and benefits for employees;

(7) The site of the proposed gaming location, which shall include the address, maps, book and page numbers from the appropriate registry of deeds, assessed value of the land at the time of application, and identification of all interests, options and agreements in the gaming location; and

(8) Information regarding the minimum total capital investment required pursuant to RSA 284-B:12, II.

(d) The application shall include evidence in the form of completed studies and/or reports required by the commission to demonstrate 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, regional geography, work force demographics, rooms and meals, utilities, and law enforcement;

(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 and table games at the gaming location, the ability to achieve positive gross operating profit on an annual basis in a specific time frame, and the estimated municipal and state tax revenue to be generated by the gaming location, as supported by an expert experienced in the field of gaming;

(3) Economic benefits to the region and the state from the project, including the ability of the applicant's proposed gaming location to provide new and sustainable jobs for the community;

(4) The accessibility of the proposed gaming location to public access and public highway infrastructures;

(5) The suitability of the proposed gaming location and facility design for tourism and development, including evidence the development of the gaming location is compatible with historic uses, regional branding, local zoning ordinances, and an explanation of anticipated commercial development opportunities for the community; and

(6) The impact on the local and regional community, including:

(A) Impact on the local and regional economies, including but not limited to, cultural institutions and small businesses in the host community and surrounding communities; and

(B) Costs and benefits to the host and surrounding communities in the form of jobs, revenues, business development, and social issues associated with the gaming location.

(e) The applicant shall provide a licensing fee payment bond, letter of credit, or guaranty of private equity or other funds with demonstrated cash and reserve availability supporting the applicant's ability to pay the licensing fee.

(f) The applicant shall provide detailed information regarding its proposed system of internal security and accounting controls.

(g) The application shall be accompanied by a petition for a table game operation certificate consistent with RSA 284-B:19.

(h) The applicant shall obtain local approval of the municipality in which the project is proposed by local referendum consistent with RSA 284-B:10.

II.(a) The applicant shall agree to make a minimum capital investment in the project in an amount determined by the commission; provided that such capital investment shall be not less than \$425,000,000.

(b) For purposes of this paragraph, the required capital investment shall include the license fee required to be paid pursuant to RSA 284-B:13, all gaming areas and other amenities proposed in the application, the purchase or lease price of land where the gaming facility will be located and any infrastructure designed to support the site, including, but not limited to, drainage, utility support, roadways, interchanges, fill and soil or groundwater or surface water contamination issues; provided, however, that any infrastructure improvements necessary to increase visitor capacity and account for traffic mitigation shall not be considered part of the required capital investment and, as determined by the commission, shall be completed before the licensee shall be authorized to commence operations. The investment required under this paragraph shall be made within 5 years after receiving a gaming license.

III. Every application shall contain the information required pursuant to RSA 284-B:12 and such information the lottery commission requests or requires by rule.

284-B:13 Gaming License Application Fees; Initial License Fees; Renewal Fees.

I. The lottery commission shall impose a nonrefundable application fee of \$500,000 on all applicants submitting an application for a gaming license which shall be used to defray the cost of processing and reviewing the application. If the cost of processing and reviewing the application exceeds the \$500,000 application fee, the applicant shall pay the difference to the lottery commission within 15 days of receiving a detailed invoice.

II. The attorney general shall impose a nonrefundable investigation fee of \$100,000 on all applicants for a gaming license which shall be used to defray the cost of the background investigation. If the cost of the background investigation exceeds the \$100,000 applicable amount, the applicant shall pay the difference to the attorney general within 15 days of receiving a detailed invoice.

III. Upon approval of a gaming license, the lottery commission shall charge an initial license fee of \$80,000,000 which shall be deposited into the fund established by RSA 284:21-j. The amount deposited shall be available to the state in the fiscal year received. A gaming license shall expire after 10 years, subject to renewal

pursuant to RSA 284-B:18, I. The lottery commission shall charge a license renewal fee of \$1,500,000 to renew a gaming license; however, the person seeking renewal of a gaming license shall pay all costs incurred by the attorney general to conduct an investigation with regard to such application to renew the gaming license.

284-B:14 Gaming License Applications; Lottery Commission Completeness Review; Attorney General Background Review.

I. The lottery commission shall be available to provide technical assistance to any applicant submitting an application in response to a request for applications.

II.(a) The lottery commission shall examine every application for form and completeness, and the information required by RSA 284-B as well as any specifications and standards outlined in the request for application. All applications and accompanying submissions shall be maintained as confidential during completeness review.

(b) If an application is determined incomplete by the lottery commission, the lottery commission shall provide a first notification of incompleteness to the applicant by certified mail within 30 days of receipt of the application. Such first notification of incompleteness shall include a full explanation of the reasons for incompleteness. If no first notification of incompleteness is made by the lottery commission within such 30-day period, the application shall be considered complete and the applicant shall be notified by certified mail.

(c) The applicant shall provide any required additional information within 15 business days of receipt of the first notification of incompleteness. The applicant shall not provide more than the required additional information. The lottery commission shall review the additional information submitted by the applicant; and, if satisfactory, the application shall be considered complete and the applicant shall be notified by certified mail.

(d) If the application is still determined to be incomplete, the commission shall provide a second notification of incompleteness to the applicant by certified mail within 10 business days of receipt of the additional information.

(e) The applicant shall provide any required additional information within 10 business days of receipt of the second notification of incompleteness. The applicant shall not provide more than the required additional information. The lottery commission shall review the additional information submitted by the applicant, and, if satisfactory, the application shall be considered complete and the applicant shall be notified by certified mail.

(f) If the application is still found to be incomplete, the lottery commission shall provide a third and final notification of incompleteness to the applicant by certified mail within 5 business days of receipt of the additional information. The applicant shall provide the required additional information within 3 business days of receipt of the third and final notification of incompleteness. The applicant shall not provide more than the required additional information.

(g) Within 2 business days of the receipt of any information submitted pursuant to the third and final notification of incompleteness, the lottery commission shall review the additional information submitted by the applicant and notify the applicant whether the application is complete.

(h) An applicant whose application is incomplete and who fails to provide the additional required information within the applicable time period specified shall be deemed to have withdrawn its application and to have waived any right to have the application reviewed.

(i) An applicant may withdraw an application at any time thereby terminating the review process and waiving any right to have its application reviewed.

(j) The lottery commission shall require the applicant who has been notified of a complete application to proceed to a background review by the attorney general pursuant to paragraph III.

III.(a) Upon receipt of a complete application from a gaming applicant, the lottery commission shall request that the attorney general conduct a background review, and the attorney general shall conduct a background review of a gaming applicant and its principals, owners, and key employees. 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 gaming 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 RSA 284-B:12, I(b)(8).

(b) The attorney general shall report the results of the background review to the lottery commission within a reasonable time, not to exceed 120 days unless a request for additional time has been granted by the lottery commission for good cause. At a minimum, the attorney general's report shall state whether or not in his or her opinion each of the persons subjected to the background review is fit to be associated with the ownership or management of gaming in New Hampshire. Notwithstanding any other law to the contrary, the information provided to the attorney general and the results of the attorney general's background 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.

(c) The attorney general may on his or her motion conduct a background review into the background of the gaming applicant or gaming licensee, key employee, or any person or entity upon whom the gaming applicant or gaming licensee relies for financial support.

(d) In any background review conducted pursuant to subparagraph (a) or subparagraph (c), 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.

284-B:15 Gaming License Determinations.

I. If there is only one complete application pending for a gaming license, then upon receipt of the report of the attorney general on the gaming applicant's fitness for gaming, the lottery commission shall make a determination as to whether the gaming applicant demonstrates it meets the standards for licensure in RSA 284-B:17. The lottery commission shall make such determination within 60 days of receiving the report of the attorney general. Such a determination shall be made by majority vote of eligible commission members. Any commission member who has a personal or business conflict with any application shall not vote on such application. The decision shall be in the form of an approval, denial, or an approval with conditions.

II. If there is more than one complete application pending for a gaming license, the lottery commission shall consider competing applicants in relationship to each other. Within 30 days of receiving all of the attorney general's reports on the competing applicants pursuant to RSA 284-B:14, III, the lottery commission shall schedule and conduct a hearing pursuant to the process set forth in RSA 541-A regarding adjudicative proceedings. Competing applicants shall serve prehearing 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 shall be heard separately by the lottery commission at one hearing. There will be no right for an applicant 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 standards in RSA 284-B:17. Such a determination shall be made by majority vote of eligible commission members. Any commission member who has a personal or business conflict with any application shall not vote on any of the competing applications. With respect to the applicant determined to demonstrate superiority in meeting the standards in RSA 284-B:17, the decision shall be in the form of an approval or approval with conditions. With respect to the other competing applicants the decision shall be in the form of a denial.

III. No gaming applicant who withdraws an application or is denied approval by the lottery commission shall be prevented from responding to subsequent requests for applications.

IV. A decision of the lottery commission approving the application is a final, binding, non-appealable determination which is not subject to legal challenge except by a competing applicant whose application was denied consistent with RSA 284-B:15, III. Applicants may appeal the denial of a license to the New Hampshire supreme court, pursuant to RSA 541. Such appeal shall be filed with the clerk of the supreme court within 5 days after the lottery 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. The supreme court may hold a special session to consider such appeal if it considers such action necessary.

284-B:16 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 nontraffic 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 the applicant is 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 in such jurisdiction 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.(a) Upon receipt of a complete application from a technology provider applicant the lottery commission shall request that the attorney general conduct a background review, and 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 to the subject's fitness to be associated with the distribution of video lottery machines, table game devices, or associated equipment 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.

(b) The attorney general shall report the results of the review to the lottery commission within a reasonable time not to exceed 120 days unless a request for additional time has been granted by the lottery commission for good cause. 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. 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.

(c) The attorney general may conduct a background review on the attorney general's motion into the background of the technology provider applicant or licensee, or any person or entity upon whom the technology provider applicant or licensee 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. Licenses shall expire after 5 years. 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 technology provider's license.

284-B:17 Licensure Requirements for All Licenses.

I. No license shall be issued by the lottery commission unless the applicant demonstrates it meets the standards set forth in this section. The lottery commission shall consider the applicant's ability to meet the criteria set forth in this section based upon the application submitted pursuant to RSA 284-B:12 or RSA 284-B:16, as applicable, the evidence submitted during a hearing conducted pursuant to RSA 284-B:15, as applicable, the attorney general's report delivered pursuant to RSA 284-B:14 and any letter of reference or sworn statement of good standing from the gaming or lottery enforcement or control agency in any jurisdiction where the applicant has held or holds a gaming license.

II. The applicant shall demonstrate the following:

(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 that bears a relation to the application.

(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 likelihood that the applicant can establish and maintain a successful and efficient operation (including, without limitation, by demonstrating that the applicant meets the criteria specified in RSA 284-B:12, I(d).

III. The lottery commission shall not issue a license to any applicant unless the applicant proves that each owner, director, officer, and key employee of the applicant, its principals, subsidiaries, and affiliated entities is fit for gaming based upon the attorney general's review conducted pursuant to RSA 284-B:14 or RSA 284-B:16, as applicable. 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 affiliated entity, intermediary, subsidiary, or holding company for a gaming license or technology provider 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 gaming applicant or technology provider meets the standards set forth in RSA 284-B:17, II, 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.

IV. The lottery commission shall not issue a license 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 gaming location or an affiliated entity, is an elected official of the general court or executive branch of the state of New Hampshire or employee of the attorney general's office or the lottery commission on a full or part-time or contractual basis or has been 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 an employee of the attorney general's office or the lottery commission on a full or part-time or contractual basis, the applicant shall be subject to sanctions pursuant to RSA 284-B:25.

V. If 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 II, 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.

VI. No license shall be issued to a gaming applicant unless the applicant has obtained local approval as provided in RSA 284-B:10.

VII.(a) The lottery commission shall approve, approve with conditions, or deny each application according to the time frames set forth in RSA 284-B:15. Following approval of an application for a license and receiving notice from the lottery commission that the decision is final and not subject to an appeal pursuant to RSA 284-B:15, IV, the applicant shall pay any applicable licensing fee. The applicant shall provide formal notification to the commission as soon as it fulfills all required conditions for issuance of the license. Upon receipt of such formal notification, and upon conducting any necessary verification, and payment of the license fee, the lottery commission shall issue a license to the applicant.

(b) No gaming licensee may begin operations until the lottery commission has adopted final rules. Once final rules have been adopted, a gaming licensee may commence operations in a temporary gaming location while completing construction of the permanent gaming location. The gaming licensee shall commence construction of the permanent gaming location within 6 months of issuance of a license or adoption of final rules by the lottery commission, whichever occurs later.

(c) The lottery commission may impose reasonable requirements upon a gaming licensee with respect to the completion of construction of the permanent gaming location, provided that the lottery commission may amend, modify, or waive such conditions upon good cause shown by the gaming 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 consistent with RSA 284-B:14, II. An application shall be considered incomplete if it does not include all applicable application 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. The lottery commission shall not consider any application for a license to be complete 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 conduct gaming. 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 chapter.

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

XI. During the course of review of any application for a gaming license, the lottery commission shall take reasonable measures to prohibit and prevent all ex parte communication relating to the merits of such application.

XII. No licensee or any person owning an interest in a licensee or affiliated personnel shall be permitted to make a political contribution as defined by RSA 664:2, VIII.

284-B:18 Term of License; Limits on Transfer.

I. Any license issued to a gaming licensee pursuant to this chapter and any renewal thereof shall be valid for 10 years unless earlier suspended or revoked by the lottery commission. Any license issued to a technology provider 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; provided that such license may be renewed by the licensee so long as the licensee shall comply with the requirements of the law and continues to meet the standards for licensure pursuant to this chapter, and so long as the fee for renewal has been paid pursuant to RSA 284-B:13, III.

II. No license issued by the lottery commission may be transferred to a separate person or entity without the prior approval of the lottery commission consistent with this chapter. Any proposed transferee of a license issued pursuant to this chapter shall pay an application fee to the lottery commission and an investigation fee to the attorney general as specified in RSA 284-B:13 or RSA 284-B:16, as applicable. Any transfer of a license approved by the lottery commission shall be for the balance of the term of the license. The transferee approved by the lottery commission shall not pay any additional fee at the time of the approval. The transferee shall be subject to the provisions of this chapter with regard to renewal of the license.

III. For purposes of this section, a transfer includes the transfer of 50 percent or more of the ownership of the entity which holds the license issued by the lottery commission, whether such proposed transfer occurs in one transaction or a series of transactions over the course of 12 consecutive months. Any transfer without the approval of the lottery commission shall result in the immediate and automatic termination of the license. The lottery commission shall adopt rules and procedures to implement consideration of a proposed transfer of a license.

284-B:19 Table Game Operation Certificates.

I. The lottery commission shall have general and sole regulatory authority over the conduct of table games described in this chapter. The lottery 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.(a) The lottery commission shall:

(1) Issue, approve, renew, revoke, suspend, condition, or deny issuance or renewal of a table game operation certificate permitting a gaming licensee to operate table games at a gaming location consistent with this chapter.

(2) Determine at its discretion the suitability of any person, including technology vendors not licensed pursuant to this chapter, who furnishes or seeks to furnish to a certificate holder 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.

(b) The certificate shall only permit the operation of table games at a gaming location of a gaming licensee that operates or permits the operation of games of chance for or on behalf of charitable organizations pursuant to RSA 287-D. The space allocated for games of chance at the facility of a gaming licensee shall be at least 5,000 square feet within the principal gaming area of the gaming location, and the number of tables used for table games shall be limited to no more than 150 tables.

(c) The certificate shall not be transferable.

III. The lottery commission shall only permit the operation of table games and the system of wagering associated with table games at a gaming location. Authorization to conduct table games shall be contingent upon the gaming applicant's agreement to conduct table games in accordance with this section.

IV.(a) A gaming licensee may seek approval to operate table games by filing a petition with the lottery commission consistent with this chapter.

(b) A petition shall include the following:

(1) An itemized list of the number and type of table games for which authorization is being sought.

(2) The estimated number of full-time and part-time employment positions that will be created at the gaming location if table games are authorized.

(3) 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.

(4) The details of any financing that will be obtained or has been obtained to accommodate the operation of table games.

(5) Detailed site plans identifying the petitioner's proposed table game area within the gaming location including reference to the area reserved for charitable games of chance and affirmation that the petitioner agrees to permit the operation of charitable games of chance consistent with RSA 284-B:12, II(c)(3). The proposed table game area shall be reviewed by the lottery 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.

V. The applicant shall certify under oath that:

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

(b) 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.

(c) The proposed internal and external security and proposed surveillance measures within the petitioner's proposed table game area within the gaming location are adequate.

(d) The petitioner's proposed internal controls and audit protocols shall:

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

(2) 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.

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

(4) Establish procedures for all the following:

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

(B) Check cashing.

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

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

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

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

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

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

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

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

(11) Establish procedures and rules governing the conduct of particular games and the responsibility of non-key gaming employees.

(12) 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.

(13) 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 lottery commission.

(14) 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.

(15) 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.

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

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

VI.(a) Each gaming 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:

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

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

(3) The record retention policy of the applicant.

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

(b) Gaming licensees shall maintain a detailed narrative description of the administrative and accounting procedures which meet the requirements of this section.

(c) A gaming licensee with a table game operation certificate 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 gaming licensee.

(d) A gaming licensee with a table game operation certificate may make credit card advances and debit card withdrawals available to table game patrons at a gaming location. All fees charged for cash advances, check cashing, and debit card withdrawals shall be disclosed. Notwithstanding any other provision of law, a gaming licensee with 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.

VII. 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 lottery commission. All books, records, and documents related to table game operations shall:

(a) Be maintained separately and apart from all books, records, and documents of the video lottery machine operations;

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

(c) Be maintained for a period as the lottery commission, by rule, may require.

VIII. A gaming licensee shall distribute its daily gross table revenue as follows:

(a) Fourteen percent of daily gross table revenue to the state to be deposited into the education trust fund under RSA 198:39; and

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

IX. The distribution due to the state pursuant to subparagraph VIII(a) shall be due and payable to the state treasurer on a daily basis and shall be based upon gross table game revenue derived during the previous day. 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 lottery 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.

X. Any person seeking to supply table game devices for use at a gaming location 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 an approval.

XI.(a) 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:19, X and who has registered with the secretary of state in such manner and on such form as the secretary of state prescribes.

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

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

284-B:20 Exclusion of Minors.

I. No person under 21 years of age shall play a video lottery machine or table game 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 gaming 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 gaming licensee.

284-B:21 Operation of Video Lottery Machines.

I.(a) A gaming 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.

(6) All internal control systems as required by RSA 284-B:12, I(f).

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

II. No video lottery machine shall be possessed, maintained, exhibited, brought into, or removed from a gaming location 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 gaming licensee shall maintain secure facilities for the counting and storage of all moneys, tokens, or other items of value utilized in the conduct or operation of video lottery machines.

IV. The drop boxes and other devices shall not be brought into a gaming location or removed from a 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. 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.

VI. Video lottery machines in operation at a gaming location 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 85 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 gaming licensee.

VIII. A gaming 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 gaming locations.

X. No automatic teller machines shall be located within 50 feet of video lottery machines.

XI. All table games operated by a gaming licensee shall be approved in advance by the lottery commission consistent with RSA 284-B:19 and operated consistent with such approval.

284-B:22 Distribution of Net Machine Income.

I.(a) Notwithstanding any law to the contrary, the net machine income generated by video lottery machines operated by a gaming licensee shall be paid as follows:

(1) Twenty-five percent of the net machine income generated by video lottery machines shall be paid to the commission from which it shall pay for the costs of regulation, administration, enforcement of this chapter, and the operation of the central computer system, and the balance of which shall be paid to the state treasurer to be distributed through the operating budget as determined by the general court for the following purposes:

(A) Forty-five percent shall be appropriated to the department of transportation to be used to pay the debt service costs on bonds issued after December 31, 2012 for the widening of I-93. The remainder of this 45 percent shall be disbursed as follows:

(i) Notwithstanding the provisions of RSA 235:23 and RSA 235:23-a, the first 1/6 shall be deposited into the highway and bridge betterment account established under RSA 235:23-a and dedicated to local highway and bridge betterment projects; and

(ii) The next 5/6 shall be distributed pursuant to the apportionment formula in RSA 235:23, I.

(B) Forty-five percent shall be appropriated to the university system of New Hampshire and community college system of New Hampshire higher education fund to provide additional funding to public institutions of higher education in New Hampshire. There is established the university system of New Hampshire and community college system of New Hampshire higher education fund. This fund shall be nonlapsing and continually appropriated for the purposes of this subparagraph.

(C) To be deposited in the north country economic development fund established in RSA 284-B:29 for the purposes of north country economic development.

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

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

(4) 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.

(b) The balance of the funds from the net machine income from video lottery machines shall be retained by the gaming licensee that operates such video lottery machines, subject to any adjusted charitable benefit amount or gaming location charitable benefit amount due to the racing and charitable gaming commission from the gaming licensee pursuant to RSA 284:6-b, III.

II. The gaming 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 gaming licensee shall provide a written accounting of net machine income generated from the video lottery machines by the gaming licensee on an aggregate basis and the calculation of amounts due to the state separately for distribution pursuant to subparagraphs I(a)(1) and (5), the amount due the municipality pursuant to subparagraph I(a)(2), the amount due certain municipalities pursuant to subparagraph I(a)(3), and the balance of net machine income retained by the gaming licensee. The gaming licensee shall pay a penalty of \$1,000 for each day that payment or the accounting is not delivered on time to the state, and a penalty of \$1,000 for each day that payment or the accounting is not delivered to the municipality on time.

284-B:23 Inspection of Video Lottery Machines; Penalty for Tampering or Manipulating.

I. The lottery commission shall periodically test video lottery machines installed at any gaming 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-B:24 Presence of the Lottery Commission. The lottery commission and the division of state police gaming enforcement unit may be present at any gaming location at which video lottery machines and table games are operated at all times when the gaming location is open to the public. The gaming 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-B:25 Sanction Powers of the Lottery Commission.

I. The lottery 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 video lottery machine or 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:26 Declaration of Limited Exemption from Operation of Provisions of 15 U.S.C. sections 1171-1178. 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," designated as 15 U.S.C. sections 1171-1178, 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:27 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," designated as 15 U.S.C. sections 1171-1172, shall be deemed legal shipments into this state.

284-B:28 Gaming Study Commission Established.

I. There is established a gaming study commission consisting of members as follows::

- (a) Three members appointed by the governor.
- (b) One member appointed by the president of the senate.
- (c) One member appointed by the speaker of house of representatives.
- (d) The commissioner of the department of resources and economic development; or designee.
- (e) The executive director of the lottery commission, or designee.

II. The terms of the members shall commence upon their appointment and continue through the date on which the report of the commission is delivered as provided in paragraph IV. The commission shall elect a chairperson from its membership. The commission shall meet at the call of chairperson who may call a meeting as often as necessary. Five commissioner members shall constitute a quorum and action shall be taken by a majority of the members present when there is a quorum.

III. The commission shall review the operation of the gaming location by the gaming licensee authorized pursuant to this chapter and shall evaluate the economic and regulatory impact of such operations and the competitive conditions in the gaming industry then existing. Based upon such review, the commission may make such findings and recommendations as it determines appropriate, including with respect to whether additional licenses should be issued for gaming locations under this chapter and under what conditions.

IV. The commission shall make a report, together with its findings and recommendations, to the governor, the president of the senate, and the speaker of the house of representatives within 2 years of the date on which the gaming location authorized under this chapter becomes operational.

284-B:29 Fund Established.

I. There is hereby established a special fund to be known as the north country economic development fund. The fund shall consist of moneys from the net machine income generated by video lottery machines as prescribed in RSA 284-B:22. The fund shall be managed by the state treasurer and the committee in paragraph II, shall be nonlapsing, and shall be continually appropriated for the purposes of this chapter.

II.(a) Use of the fund shall be solely for supporting job creation, economic stability and other activities which improve the standard of living of residents of the north country. The fund distribution will be managed by a committee consisting of 3 public members from the north country appointed by the governor:

- (b) The members appointed under subparagraph (a) shall serve 2-year terms.

III. For the purposes of this section the north country shall consist of the upper one-third of the state of New Hampshire.

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

284:21-w Administration of Video Lottery and Table Games. The lottery commission shall administer and enforce the provisions of RSA 284:B.

4 New Sections; Department of Safety; Gaming Enforcement Unit Established. Amend RSA 21-P by inserting after section 7-c the following new sections:

21-P:7-d Division of State Police; Gaming Enforcement Unit.

I. There is established within the 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-B and the rules adopted under the provisions of 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-B that occur at a gaming 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:7-e Enforcement Expenditures. The governor and council, upon request from the commissioner of the department of safety, may authorize the transfer of general funds as necessary to the department of safety to implement and enforce RSA 21-P:7-d and RSA 284-B.

5 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 gaming location relevant to the lottery commission's approval process under RSA 284-B 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:B-16.

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 adopted by the racing and charitable gaming commission.

III. Any charity that held charitable games in New Hampshire in accordance with RSA 287-D or RSA 287-E during the fiscal year ending June 30, 2012, ("FY 12") shall be eligible to receive an adjusted charitable benefit as follows:

(a) The racing and charitable gaming commission shall determine the total net revenue awarded to each charity from charitable gaming events held in accordance with RSA 287-D and RSA 287-E during FY 12. This amount shall be called the "base charitable benefit."

(b) Within 60 days of the close of a fiscal year in which a gaming licensee has operated video lottery machines and table gaming pursuant to RSA 284-B, the racing and charitable gaming commission shall determine the total net revenue awarded to each charity from charitable gaming events held in accordance with RSA 287-D and RSA 287-E for that fiscal year. This amount shall be called the "annual charitable benefit."

(c) For each charity eligible under this paragraph, the racing and charitable gaming commission shall determine if the base charitable benefit exceeds the annual charitable benefit for the previous fiscal year. If the base charitable benefit exceeds the annual charitable benefit, the difference shall be called the "adjustable annual charitable benefit" and the racing and charitable gaming commission shall notify the lottery commission and the gaming licensee of the amount of the adjusted annual charitable benefit.

(d) Within 20 days of receipt of such notice, the gaming licensee shall pay the adjusted annual charitable benefit of each eligible charity to the racing and charitable gaming commission

(e) Within 10 days of receipt of the adjusted annual charitable benefit, the racing and charitable gaming commission shall pay the adjusted annual charitable benefit to each eligible charity.

(f) The payment due under this section shall not be subject to offsets or credits.

(g) To the extent the gaming licensee has operated video lottery machines and table games for only a portion of a fiscal year, the adjusted annual charitable benefit amount for that year shall be proportionally pro-rated.

(h) If a charity eligible under this paragraph stops engaging in charitable games under RSA 287-D and RSA 287-E for over a year any time after the opening of the gaming licensee, such charity shall no longer be eligible to receive an annual charitable benefit.

IV. The racing and charitable gaming commission shall adopt rules, under RSA 541-A, relative to the calculation, collection, and distribution of the adjusted annual charitable benefit consistent with this section.

6 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, 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.

7 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 gaming license under the provisions of RSA 284-B, provided the gaming location has an existing liquor license. Such special license shall allow the sale of liquor and beverage within the gaming 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-B.

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

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

9 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.

10 Rehabilitation of Problem Gaming. Amend RSA 172:8 to read as follows:

172:8 Duties of Commissioner. The commissioner shall:

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.]

11 Problem Gaming Added. 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.

12 Problem Gaming Added. Amend RSA 172:8-b 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 **such** 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.

13 Acceptance of Funds; Treatment of Problem Gamblers. 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.

14 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-B:7.

15 Education Trust Fund; Proceeds. Amend RSA 6:12, I(b)(65) to read as follows:

(65) Money received under RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B, RSA 83-F, **RSA 284-B:19, VIII** and from the sweepstakes fund, which shall be credited to the education trust fund under RSA 198:39.

16 New Subparagraph; Special Fund. Amend RSA 6:12, I(b) by inserting after subparagraph 310 the following new subparagraph:

(311) Moneys received for the university system of New Hampshire and community college system of New Hampshire higher education fund established under RSA 284-B:22, I(a)(1)(B).

17 License Proceeds to Lottery Commission. Amend RSA 284:21-j, I to read as follows:

I. The state treasurer shall credit all moneys received from the lottery commission and all moneys received from the racing and charitable gaming commission under RSA 284, ***RSA 284-B:13, I***, RSA 287-D, and RSA 287-E, and interest received on such moneys, to a special fund from which the treasurer shall pay all expenses of the commission incident to the administration of this subdivision and all administration and enforcement expenses of the racing and charitable gaming commission under RSA 284, RSA 287-D, and RSA 287-E. Any balance left in such fund after such expenses are paid shall be deposited in the education trust fund established under RSA 198:39.

18 New Subparagraph; North Country Economic Development Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (310) the following new subparagraph:

(311) Moneys deposited in the north country economic development fund established in RSA 284-B:29.

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

2013-0796s

AMENDED ANALYSIS

This bill:

I. Allows video lottery machines and table games at one gaming location in the state pursuant to a competitive application process.

II. Distributes proceeds of video lottery machines and table games to the municipalities where the facility is located and abutting communities, to support programs to treat problem gambling, and to the education trust fund. Proceeds will also be distributed for highway and bridge projects, higher education, and north country economic development.

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

IV. Requires the lottery commission to regulate, license, and enforce the provisions for video lottery and table games operated at a gaming location.

V. Creates a commission to study the operation of the licensed gaming location and its effects on the community, and to make recommendations that may include whether to issue additional licenses.

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

Recess. Out of recess.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. D'Allesandro, seconded by Sen. Bradley.

The following Senators voted Yes: Woodburn, Watters, Cataldo, Hosmer, Kelly, Gilmour, Lasky, Carson, Larsen, Boutin, Soucy, Rausch, D'Allesandro, Morse, Stiles, Bragdon.

The following Senators voted No: Forrester, Bradley, Pierce, Odell, Sanborn, Reagan, Fuller Clark, Prescott.

Yeas: 16 - Nays: 8

Adopted, bill ordered to Third Reading.

INTRODUCTION OF SENATE BILL 199

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, Senate legislation numbered Senate Bill 199 shall be by this Resolution read a first and second time by the therein listed title. Adopted.

First and Second Reading

13-1024

SB 199, authorizing the attorney general to join the settlement of accrued claims relating to the non-participating tobacco manufacturers adjustment disputes for 2003 to 2011 and the 2012 non-participating tobacco manufacturers adjustment. (Bradley, Dist 3; Larsen, Dist 15; Shurtleff, Merr 11; Chandler, Carr 1)

Sen. Bradley moved Ought to Pass.

The question is on the adoption of the motion of Ought to Pass. Adopted.

Recess. Out of recess.

Adopted. Without objection, the bill is ordered to Third Reading, Read a Third Time, and Final Passage in the Early Session.

Third Reading and Final Passage

SB 199, authorizing the attorney general to join the settlement of accrued claims relating to the non-participating tobacco manufacturers adjustment disputes for 2003 to 2011 and the 2012 non-participating tobacco manufacturers adjustment.

COMMERCE

SB 100, authorizing electronic payment of payroll. Ought to Pass with Amendment, Vote 5-0. Senator Hosmer for the committee.

Commerce

March 6, 2013

2013-0765s

06/01

Amendment to SB 100

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

1 Payment of Wages; Weekly. Amend RSA 275:43, I(e) to read as follows:

(e) With checks on a financial institution convenient to the place of employment where suitable arrangements are made for the cashing of such checks by employees for the full amount of the wages due; ~~provided, however, that if an employer elects to pay employees as specified in subparagraphs (b), (c), or (d), the employer shall offer employees the option of being paid as specified in subparagraph (e), and further,~~ provided that all wages in the nature of health and welfare fund or pension fund contributions required pursuant to a health and welfare fund trust agreement, pension fund trust agreement, collective bargaining agreement, or other agreement adopted for the benefit of employees and agreed to by the employer shall be paid by every such employer within 30 days of the date of demand for such payment, the payment to be made to the administrator or other designated official of the applicable health and welfare or pension trust fund.

2 Payment of Wages; Weekly. RSA 275:43, II(b) is repealed and reenacted to read as follows:

(b) Provide its employees the option of being paid by direct deposit under subparagraph I(c). If, after the employer has offered an employee direct deposit and provided the employee with the written disclosures required by subparagraph (a), the employee does not designate an account at a financial institution for direct deposit, the employer may arrange to pay the employee using a payroll card.

3 Payment of Wages; Weekly. Amend RSA 275:43, II(c) and (d) to read as follows:

(c) Provide written notice of any change to any of the terms and conditions of the payroll card or payroll card account, including but not limited to an itemized list of all fees that may have changed~~[-and obtain written assent from the employee that the employee voluntarily consents to receive wages to a payroll card or payroll card account subject to the changes]~~. The employer shall be responsible for any increase in fees charged to the employee before the employer provides written notice of such changes to the employee.

(d) Provide the employee the option to discontinue receipt of wages by a payroll card or payroll card account at any time, without penalty to the employee ***and to instead receive wages by direct deposit or another method offered by the employer, if any.***

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

2013-0765s

AMENDED ANALYSIS

This bill:

I. Deletes the requirement that an employer who pays wages by electronic fund transfer offer employees the option of being paid by check.

II. Permits an employer to pay wages with a payroll card after offering employees the option of being paid by direct deposit.

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

Without objection, the Senate is in recess. Out of recess.

Recess. Out of recess.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

Sen. Bradley moved to Lay on the Table SB 100. Adopted.

SB 149-FN, relative to liquor samples. Re-refer to committee, Vote 5-0. Senator Sanborn for the committee.

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

ENERGY AND NATURAL RESOURCES

SB 59-FN, prohibiting the cruel confinement of certain farm animals. Inexpedient to Legislate, Vote 5-0. Senator Prescott for the committee.

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

SB 65-FN, relative to energy efficiency plans of gas and electric distribution companies.

Re-refer to committee, Vote 4-0. Senator Fuller Clark for the committee.

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

SB 66-FN, relative to the regional greenhouse gas initiative cap and trade program. Re-refer to committee, Vote 4-0. Senator Fuller Clark for the committee.

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

SB 89, relative to the definition of lead fishing sinkers and jigs. Ought to Pass with Amendment, Vote 5-0. Senator Odell for the committee.

Energy and Natural Resources

March 6, 2013

2013-0781s

10/04

Amendment to SB 89

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

AN ACT relative to the definition of lead fishing sinkers and jigs and the penalties for prohibited sales of lead fishing sinkers and jigs.

Amend the bill by replacing sections 2 and 3 with the following:

2 Sale Prohibited; Lead Fishing Sinkers and Jigs. Amend RSA 339:77 to read as follows:

339:77 Lead Fishing Sinkers and Jigs; Sale Prohibited.

*I. No person shall sell **at retail** or offer for **retail** sale within the state of New Hampshire a lead sinker or lead jig. [The definition of lead sinker and lead jig in RSA 211:13-b, IV shall apply to this section.]*

II. For purposes of this section, “sell at retail” or “retail sale” means the sale to any person in the state of New Hampshire for any purpose other than for resale, “lead sinker” means any sinker made from lead that weighs one ounce or less, and “lead jig” means a lead weighted hook that weighs one ounce or less. Prohibited fishing tackle shall include lead sinkers with a total weight of one ounce or less and lead jigs with a total weight of one ounce or less, regardless of whether

they are painted, coated, or covered by some other substance or by attached skirts. Lead sinkers and lead jigs shall not include lead fishing related items, including but not limited to lead core line, spinnerbaits, buzzbaits, spoons, poppers, plugs, or flies.

III. Any person who violates this section shall be guilty of a *separate* violation *for each day of sale or offering of sale, provided that the penalty for each violation of this section shall not exceed \$250.*

3 Effective Date. This act shall take effect June 1, 2015.

2013-0781s

AMENDED ANALYSIS

This bill clarifies the definition of lead fishing sinkers and jigs which are subject to the prohibition on sale and use in the state. The bill also provides that the penalty for a retail sale of a prohibited lead fishing sinker and jig is a separate violation for each day of sale.

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.

SB 123-FN-L, relative to the use of proceeds from the regional greenhouse gas initiative program. Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

Energy and Natural Resources

March 7, 2013

2013-0804s

09/04

Amendment to SB 123-FN-LOCAL

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

1 Energy Efficiency Fund and Use of Auction Proceeds. Amend RSA 125-O:23, II-III to read as follows:

II. All amounts in excess of the threshold price of \$1 for any allowance sale shall be rebated to all [default service] electric ratepayers in the state on a per-kilowatt-hour basis, in a timely manner to be determined by the commission.

III. All remaining proceeds received by the state from the sale of allowances shall be allocated by the commission as an additional source of funding to electric distribution companies for core energy efficiency programs that are funded by SBC funds. ***For each biennium beginning July 1, 2013, up to \$2,000,000 of these remaining RGGI proceeds shall be dedicated annually to program awards for municipal and local government energy efficiency projects, including local governments that have their own municipal utilities. Program awards shall be made on a competitive application basis under the authority of the core energy efficiency program.***

2 Program Evaluation. The public utilities commission shall not evaluate and approve core energy efficiency programs under RSA 125-O:23 solely on the basis of a total resource cost (TRC) ratio of one or greater, but shall evaluate such programs in the same manner as core educational and/or Smart Start programs are evaluated.

3 Effective Date. This act shall take effect July 1, 2013.

2013-0804s

AMENDED ANALYSIS

This bill dedicates certain proceeds from the regional greenhouse gas initiative (RGGI) program to municipal and local government energy efficiency projects. This bill also requires rebates of allowance sale proceeds to be made to all electric ratepayers.

The Chair ruled Committee Amendment 0804s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 0804s to SB 123-FN-L. Adopted by the necessary 2/3 vote.

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 Committee on Finance (Rule 4-5).

SB 124-FN, establishing an integrated land development permit. Ought to Pass, Vote 4-0. Senator Odell for the committee.

Sen. Odell offered a floor amendment.

Sen. Odell, Dist. 8

March 12, 2013

2013-0875s

08/10

Floor Amendment to SB 124-FN

Amend RSA 489:3, VI as inserted by section 1 of the bill by replacing it with the following:

VI. Submission of materials for the pre-application technical review under RSA 489:6, II or for final application under RSA 489:7 shall constitute express authorization by the property owner and the applicant, if other than the property owner, for the department and other participating regulatory agencies, through their respective agents or employees, to enter upon the subject property for purposes of evaluating site conditions and the application made under this chapter at reasonable times and with reasonable notice except under exigent circumstances.

Amend RSA 489:7, VIII as inserted by section 1 of the bill by replacing it with the following:

VIII. Undertaking any activity authorized by a permit issued pursuant to VI(a), VII(a), or VII(c) shall constitute express authorization by the property owner and the permittee, if other than the property owner, for the department and other participating regulatory agencies, through their respective agents or employees, to enter upon the subject property for purposes of determining compliance with the permit and other applicable requirements at reasonable times and with reasonable notice except under exigent circumstances.

Amend RSA 489:10, II as inserted by section 1 of the bill by replacing it with the following:

II. Upon receipt of a notice of appeal filed pursuant to paragraph I, the appeals clerk shall notify the chairperson of the water council established under RSA 21-O:7 and the chairperson of the wetlands council established under RSA 21-O:5-a. The chairperson shall each designate 4 members of their respective councils to sit with a hearing officer appointed under RSA 21-M:3, VIII as a joint council for purposes of the appeal. The interests represented by members of the joint council shall be as diverse as possible based on the council members available to be designated after any recusals are considered.

Amend RSA 676:4, I(b) as inserted by section 3 of the bill by replacing it with the following:

(b) The planning board shall specify by regulation what constitutes a completed application sufficient to invoke jurisdiction to obtain approval. A completed application means that sufficient information is included or submitted to allow the board to proceed with consideration and to make an informed decision. A completed application sufficient to invoke jurisdiction of the board shall be submitted to and accepted by the board only at a public meeting of the board, with notice as provided in subparagraph (d). An application shall not be considered incomplete solely because it is dependent upon the *submission of an application to or the* issuance of permits or approvals from other *state or federal* governmental bodies; however, the planning board may condition approval upon the receipt of such permits or approvals in accordance with subparagraph (i). The applicant shall file the application with the board or its agent at least 15 days prior to the meeting at which the application will be accepted. The application shall include the names and addresses of the applicant, all holders of conservation, preservation, or agricultural preservation restrictions as defined in RSA 477:45, and all abutters as indicated in the town records for incorporated towns or county records for unincorporated towns or unorganized places not more than 5 days before the day of filing. Abutters shall also be identified on any plat submitted to the board. The application shall also include the name and business address of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the board.

Amend RSA 674:33, VI as inserted by section 4 of the bill by replacing it with the following:

VI. The zoning board of adjustment shall not require submission of an application for or receipt of a permit or permits from other *state or federal* governmental bodies prior to accepting a submission for its review or rendering its decision.

Amend RSA 36-A:4, V as inserted by section 5 of the bill by replacing it with the following:

V. The conservation commission, in reviewing an application to provide input to any other municipal board, shall not require submission of an application for or receipt of a permit or permits from other *state or federal* governmental bodies prior to accepting a submission for its review or providing such input.

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.

SB 131-FN-L, relative to a permitting process for the removal of submerged logs from certain great ponds. Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

Energy and Natural Resources

March 6, 2013

2013-0780s

01/09

Amendment to SB 131-FN-LOCAL

Amend the section heading, paragraph I and the introductory paragraph of paragraph II of RSA 482-A:22-a as inserted by section 1 of the bill by replacing them with the following:

1 New Section; Grant in Right for Submerged Logs. Amend RSA 482-A by inserting after section 22 the following new section:

482-A:22-a Grant in Right for Submerged Logs; Exemption.

I. The governor and council, upon petition and upon the recommendation of the department, may grant to the governing body of a municipality the right to remove submerged logs from the portion of the bed of any great pond that is located within the municipality's boundaries as delineated in the NH Granit database, Complex Systems Research Center, University of New Hampshire.

II. Every petition to remove such submerged logs shall be filed by the governing body of the municipality with the department as an application under RSA 482-A:3, I, and shall demonstrate that:

Amend RSA 482-A:22-a as inserted by section 1 of the bill by inserting after paragraph VII the following new paragraph:

VIII. Notwithstanding the provisions of this section, if a submerged log presents a safety hazard, the state police may remove the submerged log or logs.

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.

SB 191-FN-A, establishing a state energy strategy plan. Ought to Pass with Amendment, Vote 4-0. Senator Odell for the committee.

Energy and Natural Resources

March 7, 2013

2013-0805s

06/10

Amendment to SB 191-FN-A

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

AN ACT establishing a state energy strategy.

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

1 State Energy Strategy; Purpose. Development of a state energy strategy is necessary to ensure that the state's energy policies and programs support the state's economic, environmental, public health, and other important goals.

2 State Energy Strategy; Findings. The general court finds that a comprehensive energy strategy will provide useful information about important issues including the supply of and demand for electricity, natural gas, and thermal energy sources; the state's role in regional energy markets; siting policies; fuel diversity and renewable and local energy resources; and the role of energy efficiency and demand-side policies and programs in meeting the state's energy needs. The general court further finds that use of the energy efficiency portion of the system benefits charge and other available funding sources under the jurisdiction of the public utilities commission to fund the development of a state energy strategy is in the public interest.

3 New Chapter; State Energy Strategy. Amend RSA by inserting after chapter 4-D the following new chapter:

CHAPTER 4-E STATE ENERGY STRATEGY

4-E:1 State Energy Strategy.

I. The office of energy planning, in consultation with the state energy council established in RSA 4-E:2, with input from the public and interested parties, shall prepare a 10-year energy strategy for the state. The office shall revise and update the plan in consultation with the council, after opportunity for public comment, at least every 2 years. The state energy strategy shall include, but not be limited to, sections on the following:

- (a) The projected demand for consumption of electricity, natural gas, and other fuels for heating and other related uses.
- (b) Existing and proposed electricity and natural gas facilities, the effects of future retirements and new resources, and consideration of possible alternatives.
- (c) Renewable energy and fuel diversity.
- (d) Small-scale and distributed energy resources and their potential in the state.
- (e) The role of energy efficiency, demand response, and other demand-side resources in meeting the state's energy needs.
- (f) The processes for siting energy facilities in the state and in the region.
- (g) The relationship between land use and transportation policies and programs on electricity and thermal energy needs in the state.
- (h) New Hampshire's role in the regional electric markets, how the regional market affects the state's energy policy goals, and how the state can most effectively participate at the regional level.

II. The strategy shall include a review of state policies related to the issues in paragraph I, and recommendations for policy changes necessary to ensure the reliability, safety, fuel diversity, and affordability of New Hampshire's energy sources. The strategy shall also include consideration of the extent to which demand-side measures including efficiency, conservation, demand response, and load management can cost-effectively meet the state's energy needs, and proposals to increase the use of such demand resources to reduce energy costs and increase economic benefits to the state.

III. The strategy development process shall include review and consideration of relevant studies and plans, including but not limited to those developed by the independent system operator of New England (ISO-NE), the public utilities commission, the energy efficiency and sustainable energy board, legislative study committees and commissions, and other state and regional organizations as appropriate. The strategy shall also include consideration of new technologies and their potential impact on the state's energy future.

4-E:2 New Hampshire State Energy Council.

I. There is established the New Hampshire state energy council.

- (a) Members of the council shall be the following, or his or her designee:
 - (1) The director of the office of energy and planning, who shall serve as the chairperson;
 - (2) The chairperson of the public utilities commission;
 - (3) The consumer advocate;
 - (4) The commissioner of the department of resources and economic development;
 - (5) The commissioner of the department of environmental services;
 - (6) The state energy manager;
 - (7) The chairperson of the energy efficiency and sustainable energy board;
 - (8) The president of the business and industry association;
 - (9) The chairperson of the board of the New Hampshire Municipal Association;

(10) The chairperson of the board of New Hampshire Legal Assistance;

(11) A representative of small business interests appointed by the governor; and

(12) Two representatives from not-for-profit groups representing energy or environmental interests, appointed by the governor.

(b) Legislative members of the council shall be:

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

(2) One member of the house of representatives, appointed by the speaker of the house of representatives.

(3) The chairperson of the science, technology and energy committee.

(4) The chairperson of the energy and natural resources committee.

II. Legislative members may receive mileage for attendance at meetings and hearings of the council.

4-E:3 Hearings. At least 4 public hearings shall be held around the state to seek public input during the development of the energy strategy, and public comment shall be sought for the biennial strategy updates.

4-E:4 Costs. The office of energy and planning is authorized to expend up to \$200,000 in the development of the strategy, funded by the energy efficiency portion of the system benefits charge or other funding sources under the jurisdiction of the public utilities commission, or any other sources available to the office. The office of energy and planning is encouraged to seek other funding to support the updating of the strategy as needed.

4-E:5 Reports. A draft state energy strategy shall be completed no later than May 1, 2014, and a final state energy strategy shall be completed no later than October 1, 2014. The final strategy shall be provided to the governor, the senate president, the speaker of the house of representatives, the chairperson of the energy and natural resources committee, the chairperson of the science, technology and energy committee, and the state library.

5 Repeal. RSA 4-E:2 through RSA 4-E:5, relative to New Hampshire state energy council, is repealed.

6 Effective Date.

I. Section 5 of this act shall take effect October 1, 2014.

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

2013-0805s

AMENDED ANALYSIS

This bill establishes a state energy council to develop a strategy plan.

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 Committee on Finance (Rule 4-5).

FINANCE

SB 14, relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development. Ought to Pass, Vote 6-0. Senator Morse for the committee.

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

SB 119-FN-A, establishing a state house flag restoration commission and making an appropriation therefor. Ought to Pass with Amendment, Vote 6-0. Senator D'Allesandro for the committee.

Senate Finance

March 6, 2013

2013-0755s

05/03

Amendment to SB 119-FN-A

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

AN ACT directing the joint legislative historical committee to conduct a study of state house flag restoration and preservation.

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

1 Flag Restoration and Preservation; Study by the Joint Legislative Historical Committee. The joint legislative historical committee, established in RSA 17-I:1, shall conduct a study relative to the restoration and preservation of the flags displayed in the hall of flags of the state house and issue a report of its findings and recommendations to the senate president, the speaker of the house of representatives, and the governor on or before November 1, 2014. The report shall include an evaluation of different restoration and conservation options, a professional evaluation of restorability and/or a condition report of individual items in the collection, and recommendations regarding display and storage of the collection. The report shall also include estimates of the cost and timeframe for any recommendation.

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

2013-0755s

AMENDED ANALYSIS

This bill directs the joint legislative historical committee to conduct a study relative to the restoration and preservation of the flags displayed in the hall of flags of the state house.

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.

Without objection, the Senate is in recess. Out of recess.

SB 125-FN-A, restoring funding for the university system of New Hampshire and the community college system of New Hampshire. Re-refer to committee, Vote 6-0. Senator Morse for the committee.

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

Recess. Out of recess.

SB 133-FN, adopting the interstate wildlife violators compact. Ought to Pass, Vote 6-0. Senator Larsen for the committee.

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

SB 157-FN, establishing a New Hampshire disaster relief fund. Ought to Pass with Amendment, Vote 6-0. Senator Larsen for the committee.

Senate Finance

March 6, 2013

2013-0773s

09/04

Amendment to SB 157-FN

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

1 Findings. The general court finds that:

I. New Hampshire has been severely impacted by several storms over the past few years resulting in the declaration of states of emergency throughout the state;

II. Homes, businesses, and personal property were damaged or destroyed in many areas across the state; and

III. It is in the interest of the citizens of the state to provide a means to distribute private donations to help people in need recover from the storms, particularly those persons whose disaster-related needs may not be adequately met by federal assistance.

2 New Subparagraph; Special Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (310) the following new subparagraph:

(311) Moneys designated for the New Hampshire disaster relief fund, established in RSA 21-P:46-a.

3 New Section; New Hampshire Disaster Relief Fund. Amend RSA 21-P by inserting after section 46 the following new section:

21-P:46-a New Hampshire Disaster Relief Fund.

I. There shall be established a fund that is to be accounted for separately from all other funds and which shall be designated as the New Hampshire disaster relief fund, which shall be credited and continually appropriated to the director for disaster relief. The moneys in 2 existing funds, one in the legislative branch known as the disaster fund, and one in the office of the state treasurer, known as the New Hampshire disaster relief fund 2011, shall lapse into the New Hampshire disaster relief fund on the effective date of this section.

II. Funds in the New Hampshire disaster relief fund shall be made available to individuals who suffer damage and loss as a result of a declared disaster. All disbursements from the fund shall be approved by the director of homeland security and emergency management, in consultation with the individual assistance committee appointed under paragraph III.

III. The director shall appoint an individual assistance committee to review, evaluate, and make recommendations on requests for individual assistance. The committee shall be comprised of representatives from the nonprofit community, human service organizations, disaster response organizations, the Community Action Programs, and volunteer organizations, who shall serve at the pleasure of the director. The director shall designate a committee chair.

IV. The director shall maintain complete records of all funds disbursed from the New Hampshire disaster relief fund and shall report all such disbursements to the individual assistance committee every 6 months following the effective date of this section.

4 Repeal. The following are repealed:

I. RSA 6:12, I(b)(311), relative to the New Hampshire disaster relief fund.

II. RSA 21-P:46-a, relative to the New Hampshire disaster relief fund.

5 Contingency. Section 4 of this act shall take effect on the date when all moneys in the New Hampshire disaster fund have been disbursed, as certified to the secretary of state and the director of legislative services by the director of homeland security and emergency management.

6 Effective Date.

I. Section 4 of this act shall take effect as provided in section 5 of this act.

II. The remainder of 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.

SB 190-FN, relative to admission fees for certain persons at state parks and historical sites. Ought to Pass with Amendment, Vote 6-0. Senator Forrester for the committee.

Senate Finance
March 6, 2013
2013-0759s
01/09

Amendment to SB 190-FN

Amend the bill by replacing sections 2-4 with the following:

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

218:5-c ~~[Admission Without Charge]~~ **Granite Parks Pass**. Any person who is a resident of this state and who has attained the age of 65 ~~[shall]~~ **may**, upon proper identification, ~~[be admitted]~~ **purchase a Granite Parks Pass at one third of the cost of an individual season's pass for admission** to any state recreation area, including but not limited to parks, historical sites, beaches, and state-operated ski areas~~[-without charge]~~. Persons qualifying under this section shall be allowed to use **the pass for** any state owned facility within the recreation area without charge for the use of the facility, except persons qualifying under this section shall be charged the usual fee for the use of so-called "uphill devices" on Saturdays and Sundays.

Provided further that other special charges at state owned recreation areas, such as fees charged for parking at parking meters, shall be charged persons qualifying under this section at the usual rates. The provisions of this section shall not apply to state owned campsites or camping areas or state-owned ski areas operated by a lessee.

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

218:5-d Admission to State Parks for Members of the General Court, General Court Staff, and Governor and Council. Current members of the general court, general court staff, and members of governor and council shall not receive any discounts for admission to state recreation areas, including but not limited to, parks, historical sites, beaches, and state-operated ski areas.

4 Parking Privileges for Persons With Walking Disability. Amend RSA 265:74 to read as follows:

265:74 Parking Privileges for Persons With Walking Disability. Any motor vehicle carrying the special plates or hanging windshield placard issued to a person with a walking disability under RSA 261:88, or a similar license plate displaying the international accessibility symbol shall be allowed free parking in any city or town, including any state or municipal parking facility where a fee is charged, ***except for state parks where parking shall be provided at one-half the daily parking rate where daily fees are charged.*** Each city or town shall have the discretion to set the time periods using guidelines which shall be provided by the governor's commission on disability. The free parking shall only be allowed if the person who qualifies for the special plates or hanging placard is being transported in the vehicle to or from the parking place. Parking places designated for persons with walking disabilities shall be utilized only if a person with a walking disability is being transported in the vehicle to or from the parking place. Notwithstanding the provisions of any local ordinance which has been adopted to regulate parking in places designated for persons with walking disabilities, any person who is convicted under this section shall be guilty of a violation and fined not less than \$250.

2013-0759s

AMENDED ANALYSIS

This bill changes the fee for admission to state parks and historical sites for certain New Hampshire national guard members who are retired to one-half the admission charge. This bill also changes the fees for admission to state parks and historical sites for persons 65 years of age or older by allowing them to purchase a Granite Parks Pass at one third of the cost of an individual season's pass. Current law allows such persons to gain admission to such parks and historical sites for free. This bill eliminates the discount coupon fee books issued by the director of the division of parks and recreation. The bill also prohibits any discounts in such fees for members of the general court, general court staff, and governor and council.

Sen. Soucy moved to divide the question: Sections 2 and 4; Section 3.

The Chair ruled the question divisible.

Without objection, the Senate is in recess. Out of recess.

Sen. Bradley moved to Lay on the Table SB 190-FN. Adopted.

SB 192-FN-L, establishing a state infrastructure bank. Ought to Pass with Amendment, Vote 6-0. Senator Morse for the committee.

Senate Finance

March 6, 2013

2013-0764s

06/01

Amendment to SB 192-FN-LOCAL

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

AN ACT establishing a committee to study the establishment of a state infrastructure bank.

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

1 Committee Established. There is established a committee to study the establishment of a state infrastructure bank.

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) 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 financial vehicles that would encourage private and local participation in surface transportation projects.

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. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the 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, 2013.

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

2013-0764s

AMENDED ANALYSIS

This bill establishes a committee to study the establishment of a state infrastructure bank.

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.

HEALTH, EDUCATION AND HUMAN SERVICES

SB 27, relative to monitoring by the department of education of programs for children with disabilities. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

Health, Education and Human Services

March 5, 2013

2013-0736s

04/05

Amendment to SB 27

Amend the bill by replacing section 1 with the following:

1 Special Education; Program Monitoring. Amend RSA 186-C:5, IX to read as follows:

IX. The department, with input from the advisory committee on the education of children/students with disabilities, shall select and contract with an independent, nationally recognized organization in program evaluation and quality assurance to evaluate in 2010, **2015**, and decennially thereafter, the effectiveness of the program approval and monitoring system, including whether it is carrying out activities in RSA 186-C:5 in an efficient manner. Such organization shall submit recommendations for any improvements to the commissioner, the state board of education, the governor, and the general court within 90 days of completing the program evaluation. ***On or before September 1, 2013, the department shall submit a written response to the report submitted by the organization that conducted the 2012 independent evaluation. The written response shall include a detailed plan for how the department will address the areas identified as needing improvement and the recommendations made in the initial evaluation required under this section. The written response shall include specific steps the department plans to take, along with a timeline for each step. The written response shall also provide an explanation for any actions the department will not implement or complete during the plan's timeframe. On or before December 30, 2013 and June 30, 2014, the department shall submit a report of its progress toward completing its plan. The plan and reports shall be submitted to the governor, to the chairpersons of the senate and house committees with jurisdiction over education policy, to the state advisory committee for the education of children with disabilities established in RSA 186-C:3-b, and to the***

state board of education. For the 2015 evaluation, the department shall invite the same organization that conducted the 2012 evaluation to respond to a request for proposals. The 2015 evaluation shall include feedback on the steps the department has taken in response to the recommendations in the 2012 report. The department shall provide unimpeded access to all documents requested by the organization, except as otherwise required by law.

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 Committee on Finance (Rule 4-5).

SB 162-FN, relative to licensing of postsecondary career schools. Ought to Pass with Amendment, Vote 5-0. Senator Kelly for the committee.

Health, Education and Human Services

March 5, 2013

2013-0737s

04/05

Amendment to SB 162-FN

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

AN ACT repealing the student tuition guaranty fund and making provisions for the disbursement of remaining funds, and relative to the membership of the higher education commission.

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

1 Repeal. The following are repealed:

I. RSA 188-G:4, relative to student tuition guaranty fund.

II. RSA 6:12, I(b)(233), relative to the student tuition guaranty fund.

2 Private Postsecondary Career Schools; Licenses and Fees. Amend RSA 188-G:2, V to read as follows:

V. A private postsecondary career school which the commission has determined requires a license shall, prior to the issuance of a license, comply with this section[; **and** RSA 188-G:3[~~and RSA 188-G:4~~].

3 Private Postsecondary Career Schools; Surety Indemnification. Amend the introductory paragraph in RSA 188-G:3 to read as follows:

188-G:3 Surety Indemnification. Before a license is issued or renewed, a school shall ~~[meet the requirements of this section or RSA 188-G:4, by providing acceptable surety indemnification as determined]~~ **furnish surety indemnification as required** in this section.

4 Student Tuition Guaranty Fund; Disbursement of Funds. The higher education commission established in RSA 21-N:8-a shall refund the balance of funds, less interest, in the student tuition guaranty fund established in RSA 188-G:4 as of the effective date of this act to the schools which were responsible for contributing such funds. The commission shall deposit any interest on such funds into the general fund.

5 Division of Higher Education; Higher Education Commission; Membership. Amend RSA 21-N:8-a, II(a) (9) to read as follows:

(9) ~~[One member]~~ **Two members** to be appointed by the governor and council, on recommendation by the New Hampshire Council for Professional Education, who shall be ~~[a resident]~~ **residents** of the state and ~~[a representative of a]~~ **shall represent** private postsecondary career ~~[school]~~ **schools**.

6 Effective Date. This act shall take effect June 30, 2013.

2013-0737s

AMENDED ANALYSIS

This bill:

I. Repeals the student tuition guaranty fund and requires the higher education commission to disburse all remaining funds to the private postsecondary career school responsible for contributing the funds.

II. Adds an additional member to the higher education commission who represents the interests of private postsecondary career schools.

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 Committee on Finance (Rule 4-5).

SB 171, relative to the council for children and adolescents with chronic health conditions. Ought to Pass with Amendment, Vote 5-0. Senator Kelly for the committee.

Health, Education and Human Services

March 5, 2013

2013-0731s

05/01

Amendment to SB 171

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

1 Council for Youths with Chronic Conditions. Amend the title of RSA 126-J to read as follows:

CHAPTER 126-J
COUNCIL FOR ~~[CHILDREN AND ADOLESCENTS]~~ **YOUTHS**
WITH CHRONIC ~~[HEALTH]~~ CONDITIONS

2 Council for Youths with Chronic Conditions. Amend the introductory paragraph of RSA 126-J:1, I to read as follows:

I. There is established the council for ~~[children and adolescents]~~ **youths** with chronic ~~[health]~~ conditions and their families which shall consist of the following members:

3 Council for Youths with Chronic Conditions; Members. Amend RSA 126-J:1, I(f)-(i) to read as follows:

(f) A director from a community-based agency which has been charged by the council with providing support and services to ~~[children and adolescents]~~ **youths** with chronic ~~[health]~~ conditions and their families.

(g) Up to 6 representatives of professional and community organizations, which shall represent a cross-section of disciplines and constituencies such as, but not limited to, physicians, nurses, and educators, appointed by the council in accordance with its bylaws.

(h) Up to 13 members who are the parent or guardian of a ~~[child or adolescent]~~ **youth** with a chronic ~~[health]~~ condition, appointed by the council in accordance with its bylaws.

(i) One parent or guardian of a ~~[child or adolescent]~~ **youth** with a chronic ~~[health]~~ condition, appointed by the governor.

(j) One member, who is less than 30 years of age and who has a chronic condition, appointed by the chairperson of the council.

4 Duties. Amend RSA 126-J:3 to read as follows:

126-J:3 Duties. The council shall:

I. Promote the organized assessment of the needs of ~~[children and adolescents]~~ **youths** with chronic ~~[health]~~ conditions and their families.

II. Serve in an advisory capacity to the department of health and human services, department of education, and insurance department for policy and program development.

III. Collaborate with the department of health and human services, the department of education, and other public and private organizations statewide to enhance community-based family supports that meet the unique needs of ~~[children and adolescents]~~ **youths** with chronic ~~[health]~~ conditions and their families.

IV. Increase awareness in the public and private sector of the medical, social, and educational issues which impact ~~[children and adolescents]~~ **youths** with chronic ~~[health]~~ conditions and their families.

5 Report. Amend RSA 126-J:5 to read as follows:

126-J:5 Report. The council shall report annually on or before ~~[November]~~ **December** 1 to the governor and the general court regarding the progress being made to provide services and support to ~~[children and adolescents]~~ **youths** with chronic ~~[health]~~ conditions and their families in regular educational and medical environments allowing them to remain in or near their own homes and communities.

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

2013-0731s

AMENDED ANALYSIS

This bill changes the name of the council to the council for youths with chronic conditions, adds a youth member to the council, and changes the annual reporting date from November to December.

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.

SB 194-FN, requiring the department of health and human services to implement the Medicaid family planning expansion. Ought to Pass, Vote 5-0. Senator Gilmour for the committee.

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

JUDICIARY

SB 129-FN, relative to court-ordered placements in shelter care facilities and at the Sununu Youth Services Center. Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

Senate Judiciary

March 5, 2013

2013-0743s

05/10

Amendment to SB 129-FN

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

AN ACT relative to court-ordered placements in shelter care facilities and at the Sununu Youth Services Center, relative to the children in need of services (CHINS) program, and establishing a committee to study programs for children in need.

Amend the bill by replacing sections 2 and 3 with the following:

2 New Paragraph; Delinquent Children; Definition of Shelter Care Facility. Amend RSA 169-B:2 by inserting after paragraph XIII the following new paragraph:

XIV. "Shelter care facility" means a non-secure or staff-secure facility for the temporary care of children no less than 11 nor more than 17 years of age. Shelter care facilities may be utilized for children prior to or following adjudication or disposition. A shelter care facility may not be operated in the same building as a facility for architecturally secure confinement of children or adults.

3 New Paragraph; Children in Need of Services; Definition of Shelter Care Facility. Amend RSA 169-D:2 by inserting after paragraph XIII by following new paragraph:

XIV. "Shelter care facility" means a non-secure or staff-secure facility for the temporary care of children no less than 11 nor more than 17 years of age. Shelter care facilities may be utilized for children prior to or following adjudication or disposition. A shelter care facility may not be operated in the same building as a facility for architecturally secure confinement of children or adults.

Amend the bill by replacing section 5 with the following:

5 New Paragraph; Release and Discharge from Youth Development Center. Amend RSA 621:19 by inserting after paragraph I the following new paragraph:

I-a. The board shall release, pursuant to paragraph I, any child committed to its care for a delinquency adjudication based on an offense other than a violent crime as defined in RSA 169-B:35-a no later than 6 months following the child's commitment pursuant to RSA 169:19, I(j). Release is not required under this paragraph during the period that a child is the subject of a delinquency petition which is awaiting adjudication or disposition. The department may seek a waiver of this provision from the court which ordered the commitment of the child, which may be granted by the court following written findings of fact supported by clear and convincing evidence that continued commitment is necessary to protect the safety of the minor or of the community. Such a waiver may be granted for up to 90 days. The number of waivers which may be granted in a particular case is not limited.

Amend RSA 170-H:10-a as inserted by section 6 of the bill by deleting RSA 170-H:10-a, III.

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

8 Rules Adopted by the Juvenile Parole Board. Amend RSA 170-H:4, III(d) and (e) to read as follows:

(d) Procedures for revocation of parole[; ~~and~~]

(e) Conditions under which the department may return a parolee to a secure facility pending action by the board[-] ; **and**

(f) Procedures for providing effective notice to children subject to parole revocation proceedings of the right to counsel, for determining if a waiver of the right to counsel by a child is knowing, voluntary, and intelligent, and for the accurate determination of the existence of a disability which would interfere with a child's ability to understand the proceedings, make decisions, or otherwise handle the proceedings without the assistance of counsel.

9 Definition of Child in Need of Services. RSA 169-D:2, II is repealed and reenacted to read as follows:

II. "Child in need of services" means a child under the age of 18:

(a) Who is subject to compulsory school attendance, and who is habitually, willfully and without good and sufficient cause truant from school;

(b) Who habitually runs away from home, or who repeatedly disregards the reasonable and lawful commands of his or her parents, guardian or custodian and places himself or herself or others in unsafe circumstances;

(c) Who has exhibited willful repeated or habitual conduct constituting offenses which would be violations under the criminal code of this state if committed by an adult or, if committed by a person 16 years of age or older, would be violations under the motor vehicle code of this state; or

(d) With a diagnosis of severe emotional, cognitive, or other mental health issues who engages in aggressive, fire setting, or sexualized behaviors that pose a danger to the child or others and who is otherwise unable or ineligible to receive services under RSA 169-B or RSA 169-C.

10 Definition of Out-of-Home Placement. Amend RSA 169-D:2, XI to read as follows:

XI. "Out-of-home placement" means when a minor, as the result of a [delinquent] ***child in need of services*** petition, is removed from a biological parent, adoptive parent, or legal guardian of the minor and placed in substitute care with someone other than a biological parent, adoptive parent, or legal guardian. Such substitute care may include placement with a custodian, guardian, relative, friend, group home, crisis home, shelter care, or a foster home.

11 Children in Need of Services; Petition. Amend RSA 169-D:5, I to read as follows:

I.(a) A petition alleging that a child is in need of services under RSA 169-D:2, II(a) may be filed by a truant officer or school official from the school district where the child is attending school with a judge or clerk of the court in the judicial district where the child is found or resides. In accordance with RSA 189:36, II, a truant officer or school official shall not file a petition alleging that a child is in need of services under RSA 169-D:2, II(a) until all steps in the school district's intervention process under RSA 189:34, II have been followed.

(b) A petition alleging that a child is in need of services under RSA 169-D:2, II(b) or RSA 169-D:2, II(c) may be filed by a parent, legal guardian or custodian, school official, or law enforcement officer with a judge or clerk of the court in the judicial district in which the child is found or resides.

(c) A petition alleging that a child is in need of services under RSA 169-D:2, II(d) may, with the consent of the department, be filed by a parent, legal guardian or custodian, school official, or law enforcement officer with a judge or clerk of the court in the judicial district in which the child is found or resides.

I-a. The petition shall be in writing and verified under oath. The following notice shall be printed on the front of the petition in bold in no smaller than 14 point font size: "See back for important information and financial obligations." The back of the petition shall include a notice of liability for parents and other individuals chargeable by law for the child's support and necessities.

12 Children in Need of Services; Release Prior to Initial Appearance. Amend RSA 169-D:10, II and III to read as follows:

II. Pending the initial appearance, the court shall release the child to one of the following, which in the court's opinion is the least restrictive and most appropriate:

- (a) A parent or guardian;
- (b) A relative or suitable adult;

(c) ***Where there are reasonable grounds to believe that the child is a runaway under RSA 169-D:2, II(b) or that the child is a child in need of services under RSA 169-D:2, II(d)***, the custody of department of health and human services for placement in a foster home, as defined in RSA 169-C:3, XIII, a group home, a crisis home, or a shelter care facility with expenses chargeable as provided in RSA 169-D:29; or

(d) [Repealed.]

(e) An alcohol crisis center certified to accept juveniles.

III. ***Where there are reasonable grounds to believe that the child is a runaway under RSA 169-D:2, II(b) or that the child is a child in need of services under RSA 169-D:2, II(d) and*** [Should] there [be] ***is*** no shelter care/detention bed available, nor an appropriate parent, guardian, or custodian as defined in paragraph II of this section available, the court or the officer taking the child into temporary custody shall notify the department. If the child cannot be referred to an alternative to secure detention, the court shall make an order authorizing the department to place the child. The department shall then promptly arrange for placement of the child.

13 Children in Need of Services; Release Pending Adjudicatory Hearing. Amend RSA 169-D:13, I to read as follows:

169-D:13 Release Pending Adjudicatory Hearing.

I. Following the initial appearance, a child alleged to be in need of services may be ordered by the court subject to such conditions as the court may order, to be:

- (a) Retained in the custody of a parent, guardian, or custodian; or
- (b) Released in the supervision and care of a relative; or

(c) ***Where the petition alleges that the child is a habitual runaway under RSA 169-D:2, II(b) or that the child is a child in need of services under RSA 169-D:2, II(d)***, released to the custody of the department of health and human services for placement in a foster home, as defined in RSA 169-C:3, XIII, a group home, a crisis home, or a shelter care facility with expenses chargeable as provided in RSA 169-D:29.

(d) [Repealed.]

I-a. Where the petition alleges that the child is a habitual truant under RSA 169-D:2, II(a), that the child repeatedly disregards the reasonable and lawful commands of his or her parents guardian or custodian under RSA 169-D:2, II(b), or that the child repeatedly or habitually engages in conduct that constitutes violation level offenses under RSA 169-D:2, II(c), the court shall not order the out of home placement of the child.

14 Children in Need of Services; Dispositional Hearing. Amend RSA 169-D:17, I to read as follows:

I. If the court finds the child is in need of services, it shall order the least restrictive and most appropriate disposition considering the facts in the case, the investigation report, and the dispositional recommendations of the parties and counsel. The dispositional recommendation of the department of health and human services shall include the costs of the recommended services, placements, and programs. Such disposition may include:

(a) Permitting the child to remain with a parent, guardian, relative or custodian, subject to such limitations and conditions as the court may prescribe, including:

(1) Ordering the child or parent, guardian, relative or custodian, or both, to accept individual or family counseling;

(2) Placing the child on conditional release for a term of 2 years or less.

(b)(1) Releasing the child in the supervision and care of a relative or suitable adult; or

(2) ***(A) Where the petition alleges that the child is a habitual runaway under RSA 169-D:2, II(b) or that the child is a child in need of services under RSA 169-D:2, II(d)***, releasing the child to the

custody of the department of health and human services for placement in a foster home, as defined in RSA 169-C:3, XIII, a group home, a crisis home, or a shelter care facility with expenses charged in accordance with RSA 169-D:29.

(B) Notwithstanding subparagraph (A), where the petition alleges that the child is a habitual truant under RSA 169-D:2, II(a), that the child repeatedly disregards the reasonable and lawful commands of his or her parents, guardian, or custodian under RSA 169-D:2, II(b), or that the child repeatedly or habitually engages in conduct that constitutes violation level offenses under RSA 169-D:2, II(c), the court shall not order the out of home placement of the child.

(c) Imposing a fine or restitution, or both, on a child who has committed an offense which, if committed by an adult, would be a violation under the criminal code of this state; or has committed an offense which, if committed by a person 16 years of age or older, would be a violation under the motor vehicle code of this state; or has violated an ordinance or bylaw of a city or town. Such fine shall not exceed the fine which may be imposed against an adult for the same offense.

(d) Ordering the minor to perform up to 50 hours of uncompensated public service subject to the approval of the elected or appointed official authorized to give approval of the city or town in which the offense occurred. The court's order for uncompensated public service shall include the name of the official who will provide supervision to the minor. However, no person who performs such public service under this subparagraph shall receive any benefits that such employer gives to its other employees, including, but not limited to, workers' compensation and unemployment benefits and no such employer shall be liable for any damages sustained by a person while performing such public service or any damages caused by that person unless the employer is guilty of gross negligence.

(e) Requiring any child to attend structured after-school or evening programs which address some of the child's compliance issues, as well as supervise the child during the time of the day in which the child most values his or her freedom and the time which is most often used to perform unruly acts. The cost of said programs shall be paid by private insurance, if available, or otherwise by the child, parent, guardian, or person having custody of the child, or may be available to the child free of charge based on the limited means of the family or based on the program's receipt of other funding. Payment shall be made pursuant to RSA 169-D:29 only for those programs that have been certified pursuant to RSA 170-G:4, XVIII.

15 School Board Truancy Policy. Amend RSA 189:34, II(b) to read as follows:

(b) A process for intervention designed to address individual cases of truancy as quickly as possible and to reduce the number of habitual truants in the school district. ***The process shall consider and document the effect, if any, on the child's attendance of the following: inconsistent and ineffective school attendance policies; poor record keeping; notification provided to parents or guardians of the child's absences; unsafe school environment; poor school climate; poor relations with teachers; and the adequacy of the identification of the child's special education needs.*** The board shall provide for the participation of parents in the development of the policy. The policy shall include early parental involvement in the intervention process. The policy shall also designate an employee in each school as the person responsible for truancy issues.

16 Committee Established. There is established a committee to study and develop a program to address children in need.

17 Membership and Compensation.

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

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

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

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

18 Duties. The committee shall study and develop a program to address children in need. The committee shall:

I. Consult with the National Conference of State Legislatures on best practices for serving children in need, examine similar programs from other states, and review the CHINS (children in need of services) program under RSA 169-D as previously implemented.

II. Identify a program model or structure appropriate for New Hampshire and draft recommendations for a program to address children in need.

III. Solicit information and testimony from any individual or entity with experience or expertise relevant to the study.

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

20 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, the chief justice of the supreme court, and the state library on or before November 1, 2013.

21 Effective Date.

I. Sections 16-20 of this act shall take effect upon its passage.

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

2013-0743s

AMENDED ANALYSIS

This bill:

I. Limits the commitment of children to the youth development center to cases where a court is presented with evidence that a juvenile is dangerous.

II. Provides a definition for shelter care facility in cases involving juvenile delinquency and children in need of services.

III. Requires that the department make treatment available in both non-secure and secure settings.

IV. Creates a presumption of parole after 6 months for children at the youth development center for non-violent offenses.

V. Provides for a right to counsel for children facing revocation of their parole from the youth development center, which cannot be waived if the child has a disability.

VI. Provides for periodic court review of cases where a juvenile is held at the youth development center for more than 6 months.

VII. Expands the definition of a child in need of services under RSA 169-D and revises the procedure for filing a CHINS petition and the circumstances under which the court may order various services or placements.

VIII. Adds requirements to truancy policies adopted by school boards.

IX. Establishes a committee to develop a program to address children in need.

The Chair ruled Committee Amendment 0743s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 0743s to SB 129-FN. Adopted by the necessary 2/3 vote.

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 Committee on Finance (Rule 4-5).

SB 136, relative to the rights of the immediate family of crime victims. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Judiciary

March 5, 2013

2013-0733s

04/01

Amendment to SB 136

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

1 Name of Act. This act shall be known as Tony's Law.

2 Rights of Crime Victims. Amend RSA 21-M:8-k, I-II to read as follows:

I. As used in this section:

(a) "Victim" means a person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or the attempted commission of a crime. "Victim" also includes the immediate family of any victim who is a minor or who is incompetent, or the immediate family of a homicide victim, or the surviving partner in a civil union.

(b) "Crime" means a violation of a penal law of this state for which the offender, upon conviction, may be punished by imprisonment for more than one year or an offense expressly designated by law to be a felony.

II. To the extent that they can be reasonably guaranteed by the courts and by law enforcement and correctional authorities, and are not inconsistent with the constitutional or statutory rights of the accused, crime victims are entitled to the following rights:

(a) The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.

(b) The right to be informed about the criminal justice process and how it progresses, ***including the right to be informed by the investigating law enforcement agency within 24 hours of the occurrence of the offense of the following:***

(1) A list of local emergency and crisis services available.

(2) The name and phone number of the law enforcement officer in charge of the investigation and the law enforcement agency in charge of making the report.

(c) The right to be free from intimidation and to be reasonably protected from the accused throughout the criminal justice process, ***and to refuse any communication with the accused.***

(d) The right to be notified of all court proceedings.

(e) The right to attend trial and all other court proceedings the accused has the right to attend.

(f) The right to confer with the prosecution and to be consulted about the disposition of the case, including plea bargaining.

(g) The right to have inconveniences associated with participation in the criminal justice process minimized.

(h) The right to be notified if presence in court is not required.

(i) The right to be informed about available resources, financial assistance, and social services.

(j) The right to restitution, as granted under RSA 651:62-67 or any other applicable state law, or victim's compensation, under RSA 21-M:8-h or any other applicable state law, for their losses.

(k) The right to be provided a secure[, ~~but not necessarily~~] ***and*** separate[;] waiting area during court proceedings.

(l) The right to be advised of case progress and final disposition.

(m) The right of confidentiality of the victim's address, place of employment, and other personal information.

(n) The right to the prompt return of property when no longer needed as evidence.

(o) The right to have input in the probation presentence report impact statement.

(p) The right to appear [and], make a written or oral victim impact statement, ***and display a photograph of the victim taken prior to the offense,*** at the sentencing of the defendant or, in the case of a plea bargain, prior to any plea bargain agreement. No victim shall be subject to questioning by counsel when giving an impact statement.

(q) The right to be notified of an appeal, an explanation of the appeal process, ***and*** the time, place, and result of the appeal, and the right to attend the appeal hearing.

(r) The right to be notified of, to attend, and to make a written or oral victim impact statement at the sentence review hearings and sentence reduction hearings. No victim shall be subject to questioning by counsel when giving an impact statement.

(s) The right to be notified of any change of status such as prison release, permanent interstate transfer, or escape, and the date of the parole board hearing, when requested by the victim through the victim advocate.

(t) The right to address or submit a written statement for consideration by the parole board on the defendant's release and to be notified of the decision of the board, when requested by the victim through the victim advocate.

(u) The right to all federal and state constitutional rights guaranteed to all victims of crime on an equal basis, and notwithstanding the provisions of any laws on capital punishment, the right not to be discriminated against or have their rights as ~~[a-victim]~~ **victims** denied, diminished, expanded, or enhanced on the basis of the ~~[victim's]~~ **victims'** support for, opposition to, or neutrality on the death penalty.

(v) The right to access to restorative justice programs, including victim-initiated victim-offender dialogue programs offered through the department of corrections.

(w) The right to be informed of the filing of a petition for post-conviction DNA testing under RSA 651-D.

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

PUBLIC AND MUNICIPAL AFFAIRS

SB 142-FN-A, relative to campaign contributions and expenditures. Inexpedient to Legislate, Vote 3-2. Senator Stiles for the committee.

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

A roll call was requested by Sen. Bradley, seconded by Sen. Sanborn.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Odell, Sanborn, Gilmour, Lasky, Carson, Boutin, Reagan, Soucy, Rausch, D'Allesandro, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Kelly, Larsen, Fuller Clark.

Yeas: 21 - Nays: 3

Adopted.

SB 187, posthumously emancipating 20 African-American New Hampshire slaves. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

Public and Municipal Affairs

March 7, 2013

2013-0801s

08/03

Amendment to SB 187

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

AN ACT posthumously emancipating enslaved Africans in New Hampshire.

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

1 Purpose.

I. In the midst of the Revolutionary War, 20 enslaved Africans from Portsmouth presented a petition to the general court asking it to abolish slavery so "that the name of slave may not more be heard in a land gloriously contending for the sweets of freedom." The general court denied the petition, stating "...[A]t this time, the House is not ripe for a Determination in this matter: Therefore ordered that the further consideration and determination of the matter be postponed till a more convenient opportunity." Fourteen of the men died as slaves.

II. The 20 men quoted the ideals of the Revolution in their petition, rightly stating that “Freedom is an inherent right of the human species, not to be surrendered but by consent, for the sake of social life [and] that private or public tyranny and slavery are alike detestable to minds conscious of the equal dignity of human nature.”

III. According to historian Valerie Cunningham, by 1800, “six petitioners became free and independent family heads: Peter Warner, Pharaoh Shores, Jack Odiorne, Prince Whipple, Cesar Gerrish, and Romeo Rindge.”

IV. This act would answer that petition by posthumously declaring those who died in slavery free men 234 years after their first request.

2 Emancipation. The following men are hereby declared emancipated freed men in gratitude for their service to the colonial foundations of New Hampshire:

Samuel Wentworth	Winsor Moffatt
Caro Warner	Garrett Colton
Kittindge Tuckermen	Peter Frost
Seneca Hall	Nero Brewster
Pharoah Rogers	Quam Sherburne
Caro Newmarch	Will Clarkson
Zebulon Gardner	Cipio Hubbard

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

2013-0801s

AMENDED ANALYSIS

This bill posthumously emancipates certain enslaved Africans.

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.

Recess. Out of recess.

Sen. Odell presiding.

WAYS AND MEANS

SB 3-FN, eliminating the ramp tolls on the Everett turnpike in the town of Merrimack. Ought to Pass with Amendment, Vote 3-2. Senator Morse for the committee.

Senate Ways and Means

March 6, 2013

2013-0766s

06/01

Amendment to SB 3-FN

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

AN ACT eliminating certain ramp tolls on the Everett turnpike in the town of Merrimack.

Amend the bill by replacing section 1 with the following:

1 Department of Transportation; Everett Tolls Eliminated. Notwithstanding any law to the contrary, the commissioner of the department of transportation shall eliminate the northbound and southbound ramp tolls for exit 12 on the Everett turnpike in the town of Merrimack.

2013-0766s

AMENDED ANALYSIS

This bill eliminates certain ramp tolls on the Everett turnpike in the town of Merrimack.

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.

Recess. Out of recess.

SB 61-FN, relative to table stakes poker. Re-refer to committee, Vote 5-0. Senator D'Allesandro for the committee.

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

SB 75, relative to games of chance. Ought to Pass with Amendment, Vote 5-0. Senator Odell for the committee.

Senate Ways and Means

March 7, 2013

2013-0793s

08/09

Amendment to SB 75

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

1 Compensation Paid to Game Operators. Amend RSA 287-D:2-b, II to read as follows:

II. No compensation shall be paid to ~~[operators]~~ **an operator** of a game of chance **under RSA 287-D:2-b, I(b)**, unless agreed to in advance in writing by the charity. Compensation shall include, but is not necessarily limited to, money or any other thing of value. If the paid game operator's compensation is contingent upon the amount of revenue received from a game of chance, the compensation shall be a fixed percentage of the gross revenue from the game of chance excluding the paid game operator's expenses. ~~[If the compensation of a paid game operator is not contingent upon the amount of revenue received, the compensation shall be a reasonable estimate, expressed as a percentage of the gross revenue. The contract shall clearly disclose the assumptions upon which the estimate is based. The stated assumptions shall be based upon all of the relevant facts known to the paid game operator regarding the services to be provided and the past performance of games of chance operated by the paid game operator.]~~

2 Number of Games of Chance on a Licensed Game Date. Amend RSA 287-D:2-d, V to read as follows:

V. No more than [2] **one** licensed charitable organizations may conduct games of chance at any one location on any specified **licensed game** date.

3 License Issued. Amend RSA 287-D:2-d, II to read as follows:

II. An applicant for a game of chance facility license under RSA 287-D:2-a, VI shall apply to the racing and charitable gaming commission, and upon payment of a fee of \$250 per year and if the applicant meets all other requirements of this chapter, a license shall be issued. Only one license shall be issued to each applicant per year. A license issued under RSA 287-D:2-a, VI shall expire on June 30. **The license issued shall include all square footage and contiguous areas within the licensed premises.**

4 Pari-Mutuel Commission; Reference Changed. Amend RSA 287-D:3, II to read as follows:

II. All devices and equipment used to conduct said games of chance shall be subject to inspection by duly authorized law enforcement or ~~[pari-mutuel]~~ **racing and charitable gaming** officials.

5 Fees. Amend RSA 287-D:3, VI-VIII to read as follows:

VI. Any contract for the rental of a **licensed** facility for a game of chance shall be independent of any contract for the rental of equipment. **If a charitable organization hires a game operator employer or primary game operator to conduct games of chance on its behalf then the charitable organization shall not pay any fees, including but not limited to fees for the rental, lease, use or otherwise to the facility license holder or facility owner. Any fees, including but not limited to fees for the rental, lease, use or otherwise shall be paid by the game operator employer or the primary game operator retained by the charitable organization to conduct games of chance.** Those contracts shall not be contingent upon the charitable organization's agreement that it will contract with a particular business for a particular facility or equipment **and any contracts between a charitable organization and the facility license holder or facility owner shall specifically state that the rental, lease or, use fee is "zero dollars".**

VII. ~~[Unless a charitable organization rents a facility from a 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, **leases, or uses** a **licensed** 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, **lease, or use** 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. All contracts between a game operator employer and a charitable organization to conduct games of chance, **and any contracts between a charitable organization and a licensed facility holder or licensed facility owner** under this chapter shall contain the following language: "This agreement represents the entire agreement between the parties hereto. No charge or fee of any kind that is not contained in this agreement shall be paid by the charity."

VIII. The charitable organization shall retain no less than 35 percent of the gross revenues from any game of chance minus any prizes paid on any game date in which game operators licensed under RSA 287-D:2-c are involved in any capacity. Such revenues shall be used by the organization to advance its charitable purpose. No fee for any service which is required by or provided by the game operator employer or primary game operator shall be allowed unless such fee is agreed to in writing and ~~[disclosed to]~~ **approved by** the commission as part of the agreement between the game operator employer or primary game operator and the charity. **A game operator employer or primary game operator, hired by a charitable organization to conduct games of chance on its behalf, shall not charge or assess any fees, to the charitable organization for the providing of any services or the collection of any reimbursements including but not limited to any accounting fees, any administrative fees, any advertising fees, any financial paperwork fees, any marketing fees, or any law enforcement or security fees.**

6 Financial Report and Audit. Amend RSA 287-D:5, VI to read as follows:

VI. All financial records pertaining to the games of chance shall be maintained by the treasurer of the charitable organization or other duly authorized director, officer, or official of the charitable organization and shall be made available to the racing and charitable gaming commission, the attorney general or the chief of police of any city or town where games of chance are held upon request. The racing and charitable gaming commission may audit ~~[such financial records]~~ **review or inspect any and all financial records, books, documentation, and bank accounts in the name of the charitable organization, whether or not such accounts pertain to games of chance.**

7 New Paragraph; Criminal Records Check. Amend RSA 287-D:8 by inserting after paragraph VI the following new paragraph:

VII. For purposes of a games of chance facility license, under RSA 287-D:2-d, each owner, partner, trustee or otherwise of the underlying property, or in the case of a corporation, each officer, director, or shareholder, or in the case of a limited liability company, each manager or member, shall submit to and comply with all of the requirements of RSA 287-D:8. This section shall not apply to publicly traded companies registered with the stock exchange.

8 License Fees and Specifications. Amend RSA 287-D:2-d, II to read as follows:

II. An applicant for a game of chance facility license under RSA 287-D:2-a, VI shall apply to the racing and charitable gaming commission, and upon payment of a fee of \$250 per year and if the applicant meets all other requirements of this chapter, a license shall be issued. Only one license shall be issued to each applicant per year. A license issued under RSA 287-D:2-a, VI shall expire on June 30. **Any owner or entity of the underlying property encompassing the facility license, as well as any facility license holder or licensee, shall not lease, rent, enter into any agreements or allow any use of any unauthorized device in any manner.**

9 Transfer to Special Fund. Amend RSA 287-D:3, IX-X to read as follows:

IX. In games where chips have no monetary value, 3 percent of all funds collected from players, less moneys used by the racing and charitable gaming commission to fund authorized personnel expenses and related costs, shall be paid to the state treasurer to be deposited into the ~~[general]~~ **special fund established in RSA 284:21-j**. Such payments shall be made within 5 business days of the game date on which the funds were collected.

X. In games where chips have monetary value, 10 percent of the rake or house winnings and other moneys collected by the game operator that are not paid out as prizes to players, less moneys used by the racing

and charitable gaming commission to fund authorized personnel expenses and related costs, shall be paid to the state treasurer for deposit into the ~~[general]~~ **special fund established in RSA 284:21-j**. Such payments shall be made within 5 business days of the game date on which the funds were collected.

10 Transfer to Special Fund. Amend RSA 284:12-a, II to read as follows:

II. Investigation fees shall be collected by the commission and shall be continually appropriated to the commission and used by the commission to offset the costs of conducting background checks and monitoring of license applicants and licensees as required under this section, RSA 284:16, RSA 284:16-a, RSA 284:18-a, RSA 284:19, RSA 284:20, RSA 284:20-b, RSA 284:22, and RSA 284:22-a. Funds received hereunder and not expended for such investigations shall lapse to the ~~[general]~~ **special fund established in RSA 284:21-j** 2 years after receipt of such funds.

11 Transfer to Special Fund. 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]~~ **special fund established in RSA 284:21-j**. 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.

12 Transfer to Special Fund. Amend RSA 284:32-b, I to read as follows:

I. Every person, association or corporation required to submit an annual statement pursuant to RSA 284:15-b or an annual financial report pursuant to RSA 284:32-a who fails to submit such statement or report within the required time period shall be subject to a civil forfeiture of up to \$500 for each day of a continuing violation. Civil forfeitures shall be levied under this section by the state racing and charitable gaming commission, shall be collected by the attorney general, and shall be deposited in the ~~[general fund as unrestricted revenue]~~ **special fund established in RSA 284:21-j**. Such civil penalty shall be in addition to and not a substitute for any other civil or criminal penalty provided by law, including RSA 284:21.

13 Repeal. RSA 287-D:2-b, II-a, relative to reimbursement of game operator's out-of-pocket expenses, is repealed.

14 Effective Date. This act shall take effect January 1, 2014.

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 Committee on Finance (Rule 4-5).

SB 118-FN-A, increasing the annual limit on the new investment tax credit. Re-refer to committee, Vote 5-0. Senator Rausch for the committee.

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

SB 121-FN-L, relative to the distribution formula for meals and rooms tax revenue. Inexpedient to Legislate, Vote 5-0. Senator Hosmer for the committee.

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

SB 128-FN-L, relative to fees for vital records. Ought to Pass, Vote 5-0. Senator Morse for the committee.

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

SB 130-FN-A-L, exempting special hospitals for rehabilitation from the Medicaid enhancement tax. Ought to Pass, Vote 5-0. Senator Morse for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Adopted.

Sen. Morse moved to Lay on the Table SB 130-FN-A-L. Adopted.

FINANCE

SB 19, repealing provisions relative to the sale of the former Laconia state school property. Ought to Pass with Amendment, Vote 4-2. Senator Morse for the committee.

Senate Finance

March 6, 2013

2013-0767s

06/01

Amendment to SB 19

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

AN ACT repealing provisions relative to the sale of the former Laconia state school property and eliminating a ramp toll on the Everett turnpike in the town of Merrimack.

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

2 Department of Transportation; Everett Tolls Eliminated. Notwithstanding any law to the contrary, the commissioner of the department of transportation shall eliminate the northbound and southbound ramp toll for exit 12 on the Everett turnpike in the town of Merrimack.

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

2013-0767s

AMENDED ANALYSIS

This bill repeals certain procedural exemptions related to the sale of the former Laconia state school property.

This bill also eliminates a ramp toll on the Everett turnpike in the town of Merrimack.

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

SB 180-FN-A, establishing a restitution fund for victims of financial fraud and continually appropriating a special fund. Ought to Pass with Amendment, Vote 5-0. Senator Reagan for the committee.

This legislation with amendment establishes a recovery fund for victims of the Financial Resources Mortgage (FRM) fraud, which will continually appropriate and make appropriations to the FRM fraud victims. Additionally, this bill establishes a FRM recovery fund committee and a process for restitution assistance.

Senate Executive Departments and Administration

March 6, 2013

2013-0772s

01/04

Amendment to SB 180-FN-A

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

AN ACT establishing a recovery fund for victims of the Financial Resources Mortgage (FRM) fraud, continually appropriating a special fund and making an appropriation therefor.

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

1 New Chapter; FRM Recovery Fund. Amend RSA by inserting after chapter 359-L the following new chapter:

**CHAPTER 359-M
FRM RECOVERY FUND**

359-M:1 Definitions. In this chapter:

I. "Claimant" means a person who is a victim of the Financial Resources Mortgage fraud and who has filed a complete application for recovery assistance under this chapter.

II. "Committee" means the FRM recovery fund committee established in RSA 359-M:4.

III. "Financial Resources Mortgage" means Financial Resources Mortgage, Inc., C L and M, Inc., and any predecessor, successor, or affiliated entities, and any entities established by, through or with Scott Farah or Donald Dodge, through which moneys of Financial Resources Mortgage, Inc., C L and M, Inc., and any predecessor, successor, or affiliated entities passed.

IV. "Financial Resources Mortgage fraud" means fraudulent acts committed by Financial Resources Mortgage or its principals where loans brokered by or serviced by Financial Resources Mortgage were used for purposes other than the funding of commercial loans.

V. "Fund" means the FRM recovery fund established in RSA 359-M:2.

VI. "Person" means an individual, corporation, partnership, association, joint stock company, unincorporated organization, or any other entity.

VII. "Qualifying claimant" means a person who suffered financial losses as a result of the Financial Resources Mortgage fraud and is a claimant eligible for recovery assistance under this chapter.

VIII. "Recovery assistance" means payments from the fund to persons who suffered financial losses as a result of the Financial Resources Mortgage fraud.

IX. "Victim" means a person who suffered monetary injury as a result of the Financial Resources Mortgage fraud.

359-M:2 FRM Recovery Fund Established.

I. There is hereby established the FRM recovery fund. The fund shall be nonlapsing and continually appropriated to the committee. The fund shall consist of moneys appropriated by the general court.

II. After deducting administrative costs, the fund shall be used for awarding recovery assistance pursuant to this chapter.

III. The total amount in the fund less costs of administration shall be distributed on a pro rata basis to qualifying claimants annually on December 31 until all such claims are satisfied.

359-M:3 Eligibility for Recovery Assistance.

I. Except as otherwise provided in this chapter, a claimant shall be eligible for recovery assistance under this chapter if the claimant:

- (a) Submits all supplemental documents as requested by the committee.
- (b) Can demonstrate loss, to the committee's satisfaction, due to the Financial Resources Mortgage fraud.
- (c) Meets all other requirements of this chapter, as determined by the committee.

II. In addition to a qualifying claimant and except as otherwise provided in this chapter, a surviving spouse or surviving child of a qualifying claimant shall be eligible for recovery assistance under this chapter.

359-M:4 Committee Established.

I. There is established the FRM recovery fund committee. The committee shall consist of the following members:

- (a) The commissioner of the banking department, or designee.
- (b) The commissioner of the insurance department, or designee.
- (c) The attorney general, or designee.
- (d) The secretary of state, or designee.

II. The first meeting of the committee shall be held within 45 days of the effective date of this section and shall be called by the secretary of state or designee. The committee chairperson shall be chosen from among the members.

III. The committee shall review applications for assistance submitted pursuant to this chapter and make awards of assistance in accordance with the procedures of this chapter.

IV. In the event of a tie vote on any matter, the chairperson's vote shall break the tie.

V. The committee shall make an annual report, beginning on November 1, 2013, relative to its work to the governor, the president of the senate, and the speaker of the house of representatives.

359-M:5 Recovery Assistance.

I. A victim eligible for recovery assistance under RSA 359-M:3 may file an application for recovery assistance with the committee on the following form:

Financial Resources Mortgage, Inc and CL&M, Inc. Victims Indemnification Application

Name _____

Address _____

Phone _____

E-mail _____

Social Security No. _____

I.) Proof of Claim Federal Bankruptcy Court Case 09-14565-JMD and 09-14566-JMD date filed _____

Loans or Mortgages claimed (copy attached)

- | | |
|-----------|-----------------|
| 1. _____ | Amount \$ _____ |
| 2. _____ | Amount \$ _____ |
| 3. _____ | Amount \$ _____ |
| 4. _____ | Amount \$ _____ |
| 5. _____ | Amount \$ _____ |
| 6. _____ | Amount \$ _____ |
| 7. _____ | Amount \$ _____ |
| 8. _____ | Amount \$ _____ |
| 9. _____ | Amount \$ _____ |
| 10. _____ | Amount \$ _____ |

Total Proof of Claim Amount \$ _____

II.) Were you a defendant in case no. 09-1184-JMD? Yes No

Were you dismissed from the case? Yes No

III.) Did you settle with the Trustee? Yes No

Did you make a payment to the Trustee for the benefit of the bankruptcy estates to settle with the Trustee?
Yes No Amount \$ _____

IV.) List any additional payments to the trustee as a result of any mortgage foreclosed, sold, or repaid as a condition of your settlement. Example: Agreed to split proceed 80/20 with Trustee.

- | | |
|----------|-----------------|
| 1. _____ | Amount \$ _____ |
| 2. _____ | Amount \$ _____ |
| 3. _____ | Amount \$ _____ |
| 4. _____ | Amount \$ _____ |
| 5. _____ | Amount \$ _____ |

Post settlement payments to Trustee Amount \$ _____

V.) Did you retain 100% ownership of any mortgages as a result of settlement? Yes (list below) No

1. _____ Amount \$ _____
2. _____ Amount \$ _____
3. _____ Amount \$ _____
4. _____ Amount \$ _____
5. _____ Amount \$ _____

Total Retained 100% ownership \$ _____

VI.) List any payment from the Trustee on any mortgage he or she foreclosed on, sold, or received repayment of principle and from which proceeds were agreed to be split with you as a result of settlement.

1. _____ Amount \$ _____
2. _____ Amount \$ _____
3. _____ Amount \$ _____
4. _____ Amount \$ _____
5. _____ Amount \$ _____

Total Split Proceeds received from Trustee post settlement \$ _____

VII.) Final Distribution of Bankruptcy Estate by Trustee received by you \$ _____

VIII.) Total Interest received from FRM or CL&M January 2006

through November 2009 \$ _____

(attach form 1040 and Schedule B, Interest and Dividends, for 2006-2009)

Calculate Loss:

- A. Total Section I. Proof of Claim \$ _____
- Total Section III Settlement Payment \$ _____
- Total Section IV. Proceed split payment to Trustee \$ _____
- Total A. \$ _____

- B. Total Section V. 100% Retained Mortgages \$ _____
- Total Section VI. Proceed Split receipt from Trustee \$ _____
- Total Section VII. Final Distribution from Trustee \$ _____
- Total Section VIII. Interest Received \$ _____
- Total of any other awards not otherwise accounted for \$ _____
- Total B. \$ _____

- C. Total A minus Total B.

Allowable Loss \$ _____

Signature _____

Date _____

Signed under penalty of perjury

For administration purposes only

Grand Total All Losses submitted \$ _____

(name) _____ allowable loss submitted \$ _____

Percent of Grand Total submitted _____ %

II. The complete application shall be received not more than 180 days after the effective date of this section. An extension of time may be granted for good cause shown by the claimant. However, an application that is received more than 270 days after the effective date of this section shall not be accepted. The committee shall send a notice regarding the process for recovery under this chapter to the last known address of potential claimants.

III. All applications filed in compliance with this chapter shall be accepted. Processing of an application shall begin upon receipt of a complete application. All applications shall be reviewed by the committee to ensure that the applications are complete. If an application is not complete, it shall be returned to the claimant with a brief statement of the additional information required. The application shall be denied if the applicant does not furnish additional information or additional time is not granted for good cause.

IV. The committee shall determine the amount of loss of original investments, if any, of each claimant and the pro rata share to be distributed to a claim demonstrating loss.

V. Recovery assistance shall be limited to the amount of the claimant's original investment.

VI. The committee may consider individual claims filed by persons owning a joint interest that was subject to loss due to the Financial Resources Mortgage fraud, but any recovery awarded shall only be to the extent of each individual claimant's original investment.

359-M:6 Awards Under This Chapter Set Off Against Any Other Recovery.

I. The amount of any award made under this chapter shall be set off against any other recovery sources, including, but not limited to awards from private suits, arbitration, bankruptcy court awards or settlements, or other sources of recovery.

II. In the event a qualifying claimant receives an award from a recovery source listed in paragraph I subsequent to the filing of a claim under this chapter, the claimant shall immediately notify the committee of the award. The committee shall then modify the claimant's award and pro rata share by offsetting such award against the claimant's award under this chapter.

359-M:7 Recovery Assistance Prohibited. Recovery assistance shall not be awarded if the committee determines the claimant:

I. Sustained the monetary injury as a result of participating or assisting in or attempting to commit or committing financial fraud with Financial Resources Mortgage; or

II. Profited or would have profited from the financial fraud of Financial Resources Mortgage.

359-M:8 Award Not Subject to Other Processes. An award made under this chapter shall not be subject to execution, attachment, garnishment, or other process. A claimant convicted of forgery, fraud, or deception in connection with a claim under this chapter shall forfeit an award paid to the claimant under this chapter. The attorney general may file a civil action to recover funds against such a claimant.

359-M:9 Liability of State. The state shall not be liable for any written determination made under this chapter except to the extent that money is available in the fund on the date the award is computed.

359-M:10 Claims Prior to January 1, 2006. Claims for restitution assistance shall not be accepted for any losses that occurred prior to January 1, 2006 due to financial fraud.

2 New Subparagraph; FRM Recovery Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (310) the following new subparagraph:

(311) Moneys deposited under the FRM recovery fund, established in RSA 359-M:2.

3 Repeal. The following are repealed:

I. RSA 359-M, relative to a recovery fund for victims of the Financial Resources Mortgage (FRM) fraud.

II. RSA 6:12, I(b)(311), relative to the FRM recovery fund.

4 Contingent Repeal. Section 3 of this act shall take effect on the date the FRM recovery fund committee certifies to the secretary of state that the last payment was made in accordance with RSA 359-M as inserted by section 1 of this act. Any moneys in the FRM recovery fund established in RSA 359-M:2 as inserted by section 1 of this act shall be returned to the general fund.

5 Appropriation. The sum of \$3,000,000 is hereby appropriated for each fiscal year to the committee established in RSA 359-M:4 to be deposited in the fund established in RSA 359-M:2 for the purposes of recovery assistance under RSA 359-M as inserted by section 1 of this act until all claims have been satisfied. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

6 Effective Date.

I. Section 3 of this act shall take effect as provided in section 4 of this act.

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

2013-0772s

AMENDED ANALYSIS

This bill establishes a process for restitution assistance for victims of the Financial Resources Mortgage (FRM) fraud. Under this bill, the FRM recovery fund committee shall award assistance from the FRM recovery fund for such victims.

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 Committee on Finance (Rule 4-5).

JUDICIARY

SB 105, relative to disclosure of expert testimony in civil cases.

Ought to Pass with Amendment, Vote 5-0.

Senator Soucy for the committee.

This bill amends the standards for disclosure for expert testimony in civil cases. The amendment clarifies that if a party wishes to video record a deposition, they may do so at their own expense and upon notification to the opposing party.

Senate Judiciary

March 5, 2013

2013-0744s

05/10

Amendment to SB 105

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

AN ACT relative to disclosure of expert testimony in civil cases and relative to the recording of depositions.

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

2 Depositions in Civil Cases; Notice. Amend RSA 517:4 to read as follows:

517:4 Notice. The party proposing to take a deposition shall cause a notice in writing, signed by a justice or notary, stating the day, hour and place of taking the same, to be delivered to the adverse party, or one of them, or to be left at his abode, if either of such parties resides in this state, and within [twenty] **20** miles of the place of taking, or of the party taking the same, a reasonable time before the taking thereof. ***A party may, at such party's expense, record a video deposition taken under this chapter, provided the party indicates the intent to record the video deposition in the notice.***

2013-0744s

AMENDED ANALYSIS

This bill amends the requirements for disclosure for expert testimony in civil cases. This bill also allows a party to record a video deposition, provided the party indicates the intent to record the video deposition in the notice provided to the adverse party.

This bill is a request of the New Hampshire supreme court.

The Chair ruled Committee Amendment 0744s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 0744s to SB 105. Adopted by the necessary 2/3 vote.

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.

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-1-FN-A, increasing the research and development tax credit against the business profits tax.

Sen. Odell moves concurrence. Adopted.

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

SB 3-FN, eliminating certain ramp tolls on the Everett turnpike in the town of Merrimack.

SB 14, relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development.

SB 19, repealing provisions relative to the sale of the former Laconia state school property and eliminating a ramp toll on the Everett turnpike in the town of Merrimack.

SB 24, relative to Medicaid rates.

SB 45, relative to electronic prescriptions.

SB 89, relative to the definition of lead fishing sinkers and jigs and the penalties for prohibited sales of lead fishing sinkers and jigs.

SB 94, relative to portable electronics insurance.

SB 105, relative to disclosure of expert testimony in civil cases and relative to the recording of depositions.

SB 119-FN-A, directing the joint legislative historical committee to conduct a study of state house flag restoration and preservation.

SB 124-FN, establishing an integrated land development permit.

SB 128-FN-L, relative to fees for vital records.

SB 131-FN-L, relative to a permitting process for the removal of submerged logs from certain great ponds.

SB 132-FN, establishing a committee to study police special details.

SB 133-FN, adopting the interstate wildlife violators compact.

SB 136, relative to the rights of the immediate family of crime victims.

SB 146-FN-L, relative to aid to the permanently and totally disabled and old age assistance.

SB 152-FN-A-L, relative to video lottery and table gaming.

SB 157-FN, establishing a New Hampshire disaster relief fund.

SB 161, relative to electronic funds transfers.

SB 171, relative to the council for children and adolescents with chronic health conditions.

SB 187, posthumously emancipating enslaved Africans in New Hampshire.

SB 188-FN, relative to municipally-owned utilities.

SB 189-FN, relative to the licensure of fuel gas fitters and plumbers by a mechanical licensing board established within the department of safety and transferring regulation of plumbers to the mechanical licensing board.

SB 192-FN-L, establishing a committee to study the establishment of a state infrastructure bank.

SB 194-FN, requiring the department of health and human services to implement the Medicaid family planning expansion.

LIST OF RULE 6-25'S FOR THE DAY
ANNOUNCEMENTS

Without objection all Rule 2-16's shall be entered into the permanent *Journal of the Senate*. Adopted.

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.