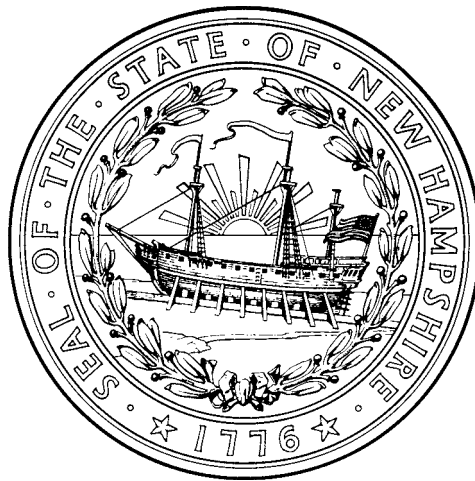


March 27, 2014
Nos. 7-8

STATE OF NEW HAMPSHIRE

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



**Second Year of the 163rd Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MARCH 13, 2014 SESSION
COMMENCEMENT – MARCH 27, 2014 SESSION**

SENATE JOURNAL 7 *(continued)*

March 13, 2014

HOUSE MESSAGE

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

SB 249, relative to judicial performance evaluations.

HOUSE MESSAGE

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

SB 413-FN-A, relative to access to health insurance coverage.

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 116-FN, relative to the licensure of liquefied propane installation and service technicians.

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 1102, relative to membership of the police standards and training council.

HB 1113, requiring school districts to distribute a concussion and head injury information sheet to student-athletes and establishing a definition for head injury.

HB 1128, establishing a committee to study issues related to students receiving special education services while attending a chartered public school.

HB 1138, relative to homestead food producers selling food products at farm stands, farmers markets, or at the homestead residence where they are produced.

HB 1141, requiring chartered public schools to share enrollment information with school districts.

HB 1151, establishing a committee to study the solid waste operator training program and financial assurance for corrective action at solid waste landfills.

HB 1152-FN, terminating the benefit program for call, substitute or volunteer firemen administered by the New Hampshire retirement system.

HB 1170-FN, repealing the death penalty in New Hampshire.

HB 1173, relative to the report submission date of the state retiree health plan commission.

HB 1176, relative to grounds for termination of parental rights.

HB 1190, relative to approval of budget transfers in Hillsborough county.

HB 1193, relative to flood coverage notification.

HB 1194, relative to student coverage.

HB 1195, establishing a committee to study the impacts of the property tax on New Hampshire's residents, businesses, municipalities, and the economy.

HB 1200, relative to student social media policies by educational institutions.

HB 1210, correcting certain references to divisions of the department of revenue administration.

HB 1236, relative to the use of metal detection devices at supervised visitation centers and establishing a commission to study supervised visitation centers.

HB 1238, relative to access to assessment materials.

HB 1260-FN-L, relative to communication of the cost of services provided under the children in need of services (CHINS) program to parents.

HB 1281-FN, relative to copayments for certain specialists.

HB 1282-FN, relative to prepaid contracts for home heating fuel.

HB 1295, relative to the definition of livestock.

HB 1300, creating an exemption from licensure for low volume seed sellers.

HB 1327, relative to the duties of the information technology council.

HB 1333, establishing a committee to study the feasibility of prorating the elderly property tax exemption in certain cases.

HB 1353, relative to recovery under uninsured motorist coverage.

HB 1367, relative to the sale of birds.

HB 1376, establishing a committee to study pipeline safety and development in the state of New Hampshire.

HB 1381-FN, relative to the auctioning of wine and liquor for charitable purposes.

HB 1392-FN-L, removing the restriction on the number of pupils eligible to transfer to a chartered public school.

HB 1398-FN, allowing the retirement system to make payments in lieu of payments to estates in certain instances.

HB 1403-FN, establishing a state minimum hourly wage.

HB 1444, recognizing the month of April as Genocide Awareness Month.

HB 1449, relative to the requirements for filing a charter school application.

HB 1460, relative to the date of appointment of inspectors of election.

HB 1567-FN, requiring a warrant to obtain electronic device location information.

HB 1572-FN, establishing a permanent subcommittee of the health and human services oversight committee relative to Alzheimer's disease and other related dementia and requiring certain training and education programs regarding Alzheimer's disease and other related dementia.

HB 1577-FN, relative to regulating alkaline hydrolysis for the disposal of human remains.

HB 1587-FN-L, relative to the collection and disclosure of pupil data.

HB 1617-FN, permitting the retirement system to access death, marriage, and divorce records of the division of vital records administration for the administration of RSA 100-A.

HB 1619-FN, prohibiting the acquisition, collection, or retention of certain information.

HB 1620-FN, relative to the use of drones.

HB 1625-FN, relative to penalties for possession of marijuana in the amount of one ounce or less and the cultivation of marijuana plants.

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 1143, relative to the New Hampshire Law Against Discrimination.

HB 1159, providing immunity from criminal prosecution for seeking medical assistance with an emergency drug or alcohol overdose event.

HB 1241, relative to the sale of consumer fireworks.

HB 1276, relative to alcoholic beverage advertising restrictions.

HB 1322, relative to the definition of "party" for election purposes.

HB 1336, relative to the landlord's agent requirement.

HB 1409, expanding the law against discrimination to prohibit housing discrimination against recipients of rental assistance and victims of domestic violence, sexual assault, or stalking.

HB 1451, establishing a canine veterans day.

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 1110, relative to the penalty for sales chasing by certified assessors.

HB 1121, repealing the duty of assessors to compile a list of dogs in the town.

HB 1130-FN-L, relative to the Northeastern Interstate Forest Fire Protection Compact.

HB 1196, relative to abatement of property taxes.

HB 1250, relative to security at state-owned park-and-ride facilities.

HB 1343, relative to guardian ad litem fees.

HB 1349, relative to the definition of employee for purposes of workers' compensation.

HB 1350, relative to prior public hearings for acceptance of unanticipated funds.

HB 1406-FN, relative to red list bridges.

HB 1410, including household and domesticated animals under the domestic violence protection statute.

HB 1411-FN-A, relative to restoring moneys to the department of health and human services and depositing the balance of the surplus into the revenue stabilization reserve account.

HB 1416, establishing an economic development plan and process for the division of economic development.

HB 1434, relative to surrogate health care decision making by a family member or friend.

HB 1439-FN, relative to the attorney general's authority in investigating combinations and monopolies.

HB 1466, relative to modification of a tax increment financing plan.

HB 1488-FN, establishing the New Hampshire program on educational support for military children.

HB 1532, relative to notification of radon and arsenic levels.

HB 1546, relative to insurance coverage for tractors.

HB 1549, relative to assessment of renewable generation facility property subject to a voluntary payment in lieu of taxes agreement.

HB 1571-FN-L, relative to breastfeeding.

HB 1590-L, relative to the valuation of the Granite Reliable Power project in Coos county.

HB 1618-FN, relative to review hearings in involuntary admission cases.

HB 1624-FN, modernizing the juvenile justice system to ensure rehabilitation of juveniles and preservation of juvenile rights.

HB 1631-FN, relative to debt collection and small claims.

HB 1636, relative to eligibility guidelines for participation in the reduced fee companion animal population control program.

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 263, relative to reporting a person as medically unfit to drive.

HB 1242-FN, relative to deductibles, coinsurance, and out-of-pocket maximums under health insurance policies.

HB 1484-FN, relative to newborn DNA sequencing.

HB 1503-FN, relative to the penalties for negligent homicide and manslaughter causing a miscarriage or stillbirth and relative to miscarriage or stillbirth in second degree murder cases.

HB 1568-FN, relative to service animals.

HB 1570-FN, establishing a paint stewardship program.

HB 1604, establishing a commission to study financial fraud laws and the rights of victims of financial fraud.

HB 1635-FN-A, relative to community mental health programs and making appropriations therefor.

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 366-FN, relative to showing a ballot.

HB 495-FN, relative to titles for motor vehicles.

HB 658-FN, relative to registration for medical technicians.

HB 1122-FN, relative to the filing with a registry of deeds of a fraudulent document purporting to create a lien or claim against real property.

HB 1129, requiring the development of an energy efficiency implementation plan.

HB 1135-FN, relative to penalties for driving without a license.

HB 1136, establishing a committee to study the laws relating to the New Hampshire veterans' home.

HB 1139, repealing authority for granting of property tax abatements for watering troughs and shade trees.

HB 1149-FN, relative to motor vehicle registrations.

HB 1157, relative to establishment of fees by certain regulatory boards.

HB 1167, relative to exemptions from boiler inspection requirements.

HB 1183, relative to display of antique motor vehicle plates.

HB 1220, relative to limitations on ethanol in gasoline.

HB 1224-FN, relative to pipeline operation safety.

HB 1229-FN, relative to the oil discharge and gasoline ether cleanup fund.

HB 1258, relative to fill and dredge permitting applications.

HB 1314, establishing a committee to study implementation of a public interest standard for a telecommunication utility merger, consolidation, reorganization, or sale by the public utilities commission.

HB 1317, relative to driver education.

HB 1329, prohibiting the use of facial recognition technology in connection with driver's license photographs.

HB 1359-FN, establishing a committee to study the feasibility of placing medal decals on special number plates for veterans.

HB 1372-FN-A, making an appropriation for the pediatric sexual assault nurse examiner training program.

HB 1385, relative to changes and additions to energy facilities.

HB 1415-FN, establishing a robotics education fund in the department of education.

HB 1487-FN, relative to the uniform fine schedule for the division of forests and lands.

HB 1494-FN, relative to administration of the New Hampshire retirement system and authority of the board of trustees.

HB 1499-FN, increasing the maximum weekly benefit amount of unemployment benefits; amending the definitions of "full-time" and "part-time" work; and establishing a commission study the effect on the unemployment compensation trust fund of the contribution rate reduction trigger levels in RSA 282-A:82 and RSA 282-A:82-a and the elimination of some or all of the waiting periods required to be served pursuant to RSA 282-A:31, I(h).

HB 1540, relative to least cost integrated resource plans filed by an electric utility.

HB 1555-FN, relative to the neglect of elderly, disabled, or impaired adults and relative to financial exploitation.

HB 1581-FN-A, relative to the bonding of project costs for certain department of transportation bridge capital projects.

HB 1600, relative to reporting of energy production for net metering.

HB 1602, relative to the divestiture of PSNH assets.

HB 1615, relative to emergency prescriptions.

HB 2014, relative to the state 10-year transportation improvement program.

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 292-FN-A, relative to registration fees for commercial, private, and pleasure vessels.

HB 456-FN, relative to liquor manufacturers and relative to samples of alcoholic beverages.

HB 650-FN-A, relative to instituting a bus service between Claremont, New Hampshire and Lebanon, New Hampshire.

HB 1142-FN-A, relative to the road toll for alternative fuels.

HB 1160-FN, relative to the sale of Lucky 7 tickets.

HB 1232-FN, relative to insurance filing fees.

HB 1383, relative to municipal monitoring of large groundwater withdrawals.

HB 1531, relative to establishing a joint committee on tax expenditure review and requiring tax expenditure and potential liability reports by the department of revenue administration.

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 legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees. Adopted

First and Second Reading and Referral

HB 263, relative to reporting a person as medically unfit to drive. (Transportation)

HB 461-FN, relative to long-term care services. (Health, Education and Human Services)

HB 1102, relative to membership of the police standards and training council. (Executive Departments and Administration)

HB 1104-FN, relative to railroad motorcars. (Transportation)

HB 1110, relative to the penalty for sales chasing by certified assessors. (Executive Departments and Administration)

HB 1111, clarifying the term "valid claim" for property insurance. (Commerce)

HB 1112, making technical corrections to the standard valuation law. (Commerce)

HB 1113, requiring school districts to distribute a concussion and head injury information sheet to student-athletes and establishing a definition for head injury. (Health, Education and Human Services)

HB 1116, relative to the membership of the advanced manufacturing education advisory council. (Health, Education and Human Services)

HB 1121, repealing the duty of assessors to compile a list of dogs in the town. (Public and Municipal Affairs)

HB 1128, establishing a committee to study issues related to students receiving special education services while attending a chartered public school. (Health, Education and Human Services)

HB 1130-FN-L, relative to the Northeastern Interstate Forest Fire Protection Compact. (Executive Departments and Administration)

HB 1132-FN, relative to school building security. (Health, Education and Human Services)

HB 1138, relative to homestead food producers selling food products at farm stands, farmers' markets, or at the homestead residence where they are produced. (Health, Education and Human Services)

HB 1141, requiring chartered public schools to share enrollment information with school districts. (Health, Education and Human Services)

HB 1143, relative to the New Hampshire Law Against Discrimination. (Judiciary)

HB 1146, establishing a committee to study the feasibility of funding a kindergarten to college/career ready program and a universal college savings account. (Finance)

HB 1150-FN, relative to motor vehicle dealer and inspection station licenses. (Transportation)

HB 1152-FN, terminating the benefit program for call, substitute or volunteer firemen administered by the New Hampshire retirement system. (Executive Departments and Administration)

HB 1159, providing immunity from criminal prosecution for seeking medical assistance with an emergency drug or alcohol overdose event. (Judiciary)

HB 1170-FN, repealing the death penalty in New Hampshire. (Judiciary)

HB 1173, relative to the report submission date of the state retiree health plan commission. (Executive Departments and Administration)

HB 1176, relative to grounds for termination of parental rights. (Judiciary)

HB 1177, relative to the anti-rebating law. (Commerce)

HB 1178, relative to the sale and transfer of animals from animal shelters. (Energy and Natural Resources)

HB 1186, relative to rulemaking authority of certain occupational boards concerning examinations. (Executive Departments and Administration)

HB 1188, relative to paycheck equity. (Commerce)

HB 1190, relative to approval of budget transfers in Hillsborough county. (Public and Municipal Affairs)

HB 1193, relative to flood coverage notification. (Commerce)

HB 1194, relative to student coverage. (Commerce)

HB 1195, establishing a committee to study the impacts of the property tax on New Hampshire's residents, businesses, municipalities, and the economy. (Ways and Means)

HB 1196, relative to abatement of property taxes. (Ways and Means)

HB 1197, permitting the construction of a dam at the natural outlet of Jenness Pond in the town of Northwood. (Energy and Natural Resources)

HB 1198, relative to the procedure for filing a child in need of services (CHINS) petition and relative to the definition of sexual abuse under the child protection act. (Judiciary)

HB 1209, relative to On-Board Diagnostics (OBD II) testing and the OBD II testing advisory committee. (Transportation)

HB 1210, correcting certain references to divisions of the department of revenue administration. (Executive Departments and Administration)

HB 1217, allowing wholesale distributors to purchase beverages from nano brewery licensees. (Commerce)

HB 1226, establishing a committee to study end-of-life decisions. (Judiciary)

HB 1227, making changes to parole and parole board procedures. (Judiciary)

HB 1237, prohibiting residency restrictions on registered sex offenders and offenders against children. (Judiciary)

HB 1238, relative to access to assessment materials. (Health, Education and Human Services)

HB 1241, relative to the sale of consumer fireworks. (Commerce)

HB 1242-FN, relative to deductibles, coinsurance, and out-of-pocket maximums under health insurance policies. (Commerce)

HB 1244, relative to the disclosure of the names of lottery winners. (Executive Departments and Administration)

HB 1246, relative to the composition of public agency boards concerning housing standards. (Public and Municipal Affairs)

HB 1248, relative to the acceptance of risk in outdoor recreational activities. (Judiciary)

HB 1249, relative to refunds of the road toll paid by an exempt governmental entity using a credit or fuel card. (Transportation)

HB 1250, relative to security at state-owned park-and-ride facilities. (Transportation)

HB 1251-FN-A, repealing a limitation on appropriations for New Hampshire Public Television. (Finance)

HB 1260-FN-LOCAL, relative to communication of the cost of services provided under the children in need of services (CHINS) program to parents. (Health, Education and Human Services)

HB 1261-FN-L, increasing the fee charged for delivery of notice of civil forfeiture of an unlicensed dog. (Public and Municipal Affairs)

HB 1274, relative to the payment of rent and security deposits. (Judiciary)

HB 1276, relative to alcoholic beverage advertising restrictions. (Commerce)

HB 1282-FN, relative to prepaid contracts for home heating fuel. (Commerce)

HB 1283, relative to revival of a charter by a voluntary corporation or association. (Commerce)

HB 1290-FN, allowing nonresident full-time students to purchase licenses for hunting and fishing. (Energy and Natural Resources)

HB 1295, relative to the definition of livestock. (Energy and Natural Resources)

HB 1296, relative to membership of the therapeutic use of cannabis advisory council. (Health, Education and Human Services)

HB 1301, relative to transportation of alcoholic beverages by a minor. (Transportation)

HB 1308-FN, adding a member to the advisory council on workers' compensation. (Commerce)

HB 1312, establishing a committee to study offshore wind energy and the development of other ocean power technology. (Energy and Natural Resources)

HB 1321, relative to reporting of Armed Services Vocational Aptitude Battery scores. (Health, Education and Human Services)

HB 1322, relative to the definition of "party" for election purposes. (Public and Municipal Affairs)

HB 1327, relative to the duties of the information technology council. (Executive Departments and Administration)

HB 1333, establishing a committee to study the feasibility of prorating the elderly property tax exemption in certain cases. (Ways and Means)

HB 1343, relative to guardian ad litem fees. (Judiciary)

HB 1347, establishing a house committee to study apportionment of state representative districts. (Public and Municipal Affairs)

HB 1349, relative to the definition of employee for purposes of workers' compensation. (Commerce)

HB 1350, relative to prior public hearings for acceptance of unanticipated funds. (Public and Municipal Affairs)

HB 1353, relative to recovery under uninsured motorist coverage. (Commerce)

HB 1360, relative to use of certain electronic devices while driving. (Transportation)

HB 1367, relative to the sale of birds. (Energy and Natural Resources)

HB 1368-FN, relative to consideration of criminal records for occupational and professional licensing. (Executive Departments and Administration)

HB 1376, establishing a committee to study pipeline safety and development in the state of New Hampshire. (Energy and Natural Resources)

HB 1384, relative to rehearings by the public utilities commission. (Energy and Natural Resources)

HB 1389, naming a bridge in Derry the Lance Corporal Michael E. Geary bridge. (Transportation)

HB 1392-FN-LOCAL, removing the restriction on the number of pupils eligible to transfer to a chartered public school. (Health, Education and Human Services)

HB 1398-FN, allowing the retirement system to make payments in lieu of payments to estates in certain instances. (Executive Departments and Administration)

HB 1400, establishing the New Hampshire "First-in-the-Nation" presidential primary centennial anniversary commission. (Rules, Enrolled Bills and Internal Affairs)

HB 1404, relative to payroll cards. (Commerce)

HB 1405, prohibiting an employer from using credit history in employment decisions. (Commerce)

HB 1406-FN, relative to red list bridges. (Transportation)

HB 1407, relative to privacy in the workplace. (Commerce)

HB 1410, including household and domesticated animals under the domestic violence protection statute. (Judiciary)

HB 1411-FN-A, relative to restoring moneys to the department of health and human services and depositing the balance of the surplus into the revenue stabilization reserve account. (Finance)

HB 1416, establishing an economic development plan and process for the division of economic development. (Executive Departments and Administration)

HB 1431, relative to the membership of the developmental services quality council. (Health, Education and Human Services)

HB 1434, relative to surrogate health care decision making by a family member or friend. (Health, Education and Human Services)

HB 1435, requiring law enforcement officials to disclose specific information relating to a police checkpoint. (Judiciary)

HB 1439-FN, relative to the attorney general's authority in investigating combinations and monopolies. (Finance)

HB 1442, relative to mental health courts. (Judiciary)

HB 1447, prohibiting discrimination in educational standards for certain students. (Health, Education and Human Services)

HB 1448, relative to vessel registration. (Transportation)

HB 1449, relative to the requirements for filing a charter school application. (Health, Education and Human Services)

HB 1453, relative to procedures of the board of podiatry. (Executive Departments and Administration)

HB 1459, relative to domicile for voting purposes during a temporary absence. (Public and Municipal Affairs)

HB 1460, relative to the date of appointment of inspectors of election. (Public and Municipal Affairs)

HB 1465-FN, authorizing one-day permits for transportation of trailers for disposal or destruction. (Transportation)

HB 1466, relative to modification of a tax increment financing plan. (Ways and Means)

HB 1478, relative to oversight of child day care agencies. (Executive Departments and Administration)

HB 1484-FN, relative to newborn DNA sequencing. (Health, Education and Human Services)

HB 1488-FN, establishing the New Hampshire program on educational support for military children. (Health, Education and Human Services)

HB 1489-FN-A-L, establishing a committee to study the establishment of a fund to reimburse costs associated with firefighters who have cancer. (Finance)

HB 1498-FN, relative to wages lost when an employee submits to a medical examination required under workers' compensation law. (Commerce)

HB 1503-FN, relative to the penalties for negligent homicide and manslaughter causing a miscarriage or stillbirth and relative to miscarriage or stillbirth in second degree murder cases. (Judiciary)

HB 1532, relative to notification of radon and arsenic levels. (Energy and Natural Resources)

HB 1534, establishing a commission to study fiscal disparities between public school districts. (Health, Education and Human Services)

HB 1542, relative to nomination of a political organization. (Public and Municipal Affairs)

HB 1543, relative to filing for state representative special elections and relative to processing absentee ballots. (Public and Municipal Affairs)

HB 1544, relative to special election ballots. (Public and Municipal Affairs)

HB 1545, relative to voting booths. (Public and Municipal Affairs)

HB 1546, relative to insurance coverage for tractors. (Transportation)

HB 1548-FN, eliminating separate penalties for crack cocaine. (Judiciary)

HB 1549, relative to assessment of renewable generation facility property subject to a voluntary payment in lieu of taxes agreement. (Ways and Means)

HB 1558-FN, relative to prevention of motor vehicle title fraud. (Transportation)

HB 1559-FN, establishing a New Hampshire state house bicentennial commission and fund. (Rules, Enrolled Bills and Internal Affairs)

HB 1567-FN, requiring a warrant to obtain electronic device location information. (Judiciary)

HB 1568-FN, relative to service animals. (Health, Education and Human Services)

HB 1571-FN-L, relative to breastfeeding. (Health, Education and Human Services)

HB 1572-FN, establishing a permanent subcommittee of the health and human services oversight committee relative to Alzheimer's disease and other related dementia and requiring certain training and education programs regarding Alzheimer's disease and other related dementia. (Health, Education and Human Services)

HB 1587-FN-L, relative to the collection and disclosure of student data. (Health, Education and Human Services)

HB 1590-L, relative to the valuation of the Granite Reliable Power project in Coos county. (Ways and Means)

HB 1604, establishing a commission to study financial fraud laws and the rights of victims of financial fraud. (Executive Departments and Administration)

HB 1617-FN, permitting the retirement system to access death, marriage, and divorce records of the division of vital records administration for the administration of RSA 100-A. (Executive Departments and Administration)

HB 1618-FN, relative to review hearings in involuntary admission cases. (Judiciary)

HB 1620-FN, relative to the use of drones. (Judiciary)

HB 1624-FN, modernizing the juvenile justice system to ensure rehabilitation of juveniles and preservation of juvenile rights. (Judiciary)

HB 1629, adding duties and extending the reporting date of the committee to study options for mitigating damages associated with highway noise and relative to the department of transportation policy and procedural guidelines for the assessment and abatement of traffic noise for type I highway projects. (Transportation)

HB 1630-FN-A, relative to gaming in New Hampshire. (Ways and Means)

HB 1631-FN, relative to debt collection and small claims. (Judiciary)

HB 1632, relative to child support orders for children with disabilities. (Health, Education and Human Services)

HB 1634-FN, relative to the salaries of certain unclassified positions. (Executive Departments and Administration)

HB 1635-FN-A, relative to community mental health programs and making appropriations therefor. (Finance)

HB 1636, relative to eligibility guidelines for participation in the reduced fee companion animal population control program. (Energy and Natural Resources)

March 21, 2014
2014-1134-EBA
08/10

Enrolled Bill Amendment to SB 249

The Committee on Enrolled Bills to which was referred SB 249

AN ACT relative to judicial performance evaluations.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 249

This enrolled bill amendment makes a technical correction in the amending language of section 1 of the bill.

Enrolled Bill Amendment to SB 249

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

1 Judicial Performance Evaluations; Report. Amend RSA 490:32, VI to read as:

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

March 25, 2014
2014-1167-EBA
04/09

Enrolled Bill Amendment to SB 413-FN-A

The Committee on Enrolled Bills to which was referred SB 413-FN-A

AN ACT relative to access to health insurance coverage.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 413-FN-A

This enrolled bill amendment makes technical and grammatical corrections.

Enrolled Bill Amendment to SB 413-FN-A

Amend RSA 126-A:5, XXIII(d) as inserted by section 2 of the bill by replacing line 4 with the following:
funds provided under 42 U.S.C. section 1396d(y).

Amend RSA 126-A:5, XXIV(d) as inserted by section 2 of the bill by replacing line 6 with the following:
shall be paid solely from federal funds as provided under 42 U.S.C. section 1396d(y).

Amend RSA 126-A:5, XXV(a) as inserted by section 2 of the bill by replacing line 12 with the following:
if one is available, unless such newly eligible adult subsequently chooses a different QHP during the

Amend RSA 126-A:5, XXV(c) as inserted by section 2 of the bill by replacing line 7 with the following:
from federal funds as provided under 42 U.S.C. section 1396d(y).

Amend section 12 of the bill by replacing paragraph VIII with the following:

VIII. 2013, 144:129 and 131, relative to the Medicaid expansion commission and the repeal of the commission.

Sen. Kelly moved adoption of the Enrolled Bill Amendment. Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

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

SB 413, relative to access to health insurance coverage.

Senator Kelly moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call the 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 8

March 27, 2014

The Senate reconvened at 10:00 a.m., a quorum being present.

Reverend Kate Atkinson, chaplain to the Senate, offered the following meditative thoughts and prayer:

Over the past week or so, in the Christian calendar, we celebrated the feast days of some significant people in our faith tradition. Two of those people bring to mind the Christmas story, even though we're right in the middle of the season of Lent. Just this past Tuesday we celebrated the Annunciation, when the young girl, Mary, was visited by an angel and was told that she was chosen to give birth to the Son of God. And last Wednesday, we remembered Joseph, who discovered that his bride-to-be was pregnant, but agreed to marry her anyhow. And both of these people said yes to God when everything inside them must have been clamoring to say no. And because of that, the Christian story was enabled to unfold.

Every single faith tradition is full of people who discern God's call and say yes, even when everything inside of them is clamoring to say no. And it isn't only significant historical people, it happens to us all, and it's remarkable how much richer our lives become when we have the courage to say yes.

This prayer is from the 19th century William Bright.

O God, you are both the light and the guide of those who put their trust in you. Grant us in our doubts and uncertainties to ask what you would have us do; that the Spirit of wisdom may save us from all false choices, and that in your light we may see light. *Amen.*

Sen. Sanborn led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

Sen. Cataldo introduced Alton Central School, visiting in the balcony today.

Sen. Larsen introduced Catherine A. Provencher, State Treasurer:

Thank you, Mister President. I'd like to take a moment to recognize our state treasurer, who joins us in the senate today. As you all know, Cathy Provencher is moving on from the position of state treasurer to take a job with the university, but we need to recognize her service to the state and her 7 years as treasurer. I want to thank her for that service. Through that time we have strengthened our bond rating, she has been serving in various boards and committees. I, personally, know her work with the state college tuition savings plan commission and her work with the nuclear decommissioning finance committee, the retirement system, business finance authority, and the New Hampshire school building authority. Many, many commissions has she served on to represent our state and make sure that our finances are both stable and respected throughout the nation. So, I want to take this moment to thank Cathy - she was with us here in the legislative budget office for 22 years before she went to be state treasurer. So, many, many years of service in this state house and now we know she's moving into the university, which is so closely related to all the work we do here. So, we aren't losing Cathy, but we are thanking her for her service to us as our state treasurer. Thank you, Cathy Provencher.

Senator Pierce introduced Jake Malenka and Kelsey Smith, both from Hanover High School, serving as Senate Pages for the day.

Sen. Morse introduced Walter F. Haigh School, visiting in the balcony today.

SPECIAL ORDER

Without objection, SB 222-FN, in Finance, is special ordered to the end of the day. Adopted by the necessary 2/3 vote.

CONSENT CALENDAR REPORTS

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 to Third Reading.

COMMERCE

SB 299, prohibiting insurance companies from discriminating regarding reimbursements based on forms of licensure issued by the board of medicine. Interim Study, Vote 5-0. Senator Pierce for the committee.

This bill would prohibit insurance companies from discriminating regarding reimbursements based on forms of licensure issued by the board of medicine. Stakeholders appear able to address this issue without legislation but the Committee will continue to monitor the situation to insure compliance with the intent of this bill.

SB 341, relative to eviction procedures on foreclosed properties. Interim Study, Vote 5-0. Senator Bradley for the committee.

This bill would establish a separate, abbreviated eviction process for foreclosed properties. The stakeholders have been working hard to find language that all parties can agree to but more time is needed to reach consensus.

SB 421, establishing a committee to study timely consumer access to prescription drugs under the managed care law. Ought to Pass, Vote 5-0. Senator Pierce for the committee.

This bill will establish a committee to study the law requiring all prescription drug benefits under the managed care law to be processed within 48 hours. The Committee will determine whether the law is having the intended impact on timely consumer access to prescription drugs.

SB 422, relative to the definition of pharmacy benefit manager. Ought to Pass with Amendment, Vote 5-0. Senator Sanborn for the committee.

This bill is a result of the committee to study the regulation of pharmacy benefit managers and inserts a definition of pharmacy benefit manager into the statutes. The Committee amendment is a compromise that gives oversight responsibility to the Department of Insurance.

Commerce
March 18, 2014
2014-1069s
01/09

Amendment to SB 422

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

1 Managed Care Law; Definition Added. Amend RSA 420-J:3, XXVIII-a to read as follows:

XXVIII-a. "Pharmacy benefits manager" means a person who performs pharmacy benefits management services, including a person acting on behalf of a pharmacy benefits manager in a contractual or employment relationship in the performance of pharmacy benefits management services for a covered entity. "Pharmacy benefits manager" shall not include a health insurer licensed in this state if the health insurer or its subsidiary is providing pharmacy benefits management services exclusively to its own insureds, or a private single employer self-funded plan that provides such benefits or services directly to its beneficiaries. "Pharmacy benefits management" means the administration of prescription drug benefits provided by a covered entity under the terms and conditions of the contract between the pharmacy benefits manager and the covered entity and the provision of mail order pharmacy services.

XXVIII-aa. "Post-service claim" means any claim for a health benefit to which the terms of the plan do not condition receipt of the benefit, in whole or in part, on approval of the benefit in advance of obtaining the medical care or disability benefit. "Post-service claim" shall not include a request for reimbursement made by a provider pursuant to the terms of an agreement between the provider and the health carrier.

2 Pharmacists and Pharmacies; Definition Added. Amend RSA 318:1, XI-a to read as follows:

XI-a. “Pharmacy benefits manager” means any person or entity as defined in RSA 420-J:3, XXVIII-a.

XI-aa. “Pharmacy intern” means a person who is registered by the board pursuant to RSA 318:15-b and:

(a) Is enrolled in a professional degree program of a school or college of pharmacy that has been approved by the board and is satisfactorily progressing toward meeting the requirements for licensure as a pharmacist starting no earlier than 4 months prior to the third year of study; or

(b) Is a graduate of an approved professional degree program of a school or college of pharmacy or is a graduate who has established educational equivalency by obtaining a Foreign Pharmacy Graduate Examination Committee (FPGEC) Certificate, who is currently licensed by the board of pharmacy for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist; or

(c) Is a qualified applicant awaiting examination for licensure or meeting board requirements for re-licensure; or

(d) Is participating in a residency or fellowship program.

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

ENERGY AND NATURAL RESOURCES

SB 239, relative to the statewide emergency notification system. Ought to Pass with Amendment, Vote 5-0. Senator Odell for the committee.

This bill, as amended by the committee, authorizes the development and maintenance of a statewide emergency notification system (ENS) to alert members of the public about emergencies in a particular area and to deliver rapid emergency notification information.

Energy and Natural Resources

March 12, 2014

2014-0982s

05/09

Amendment to SB 239

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

1 Emergency Notification System. RSA 106-H:16 is repealed and reenacted to read as follows:

106-H:16 Emergency Notification System.

I. For the purpose of alerting members of the public about emergencies in a particular area and delivering rapid emergency notification and information, the bureau shall develop and maintain a statewide emergency notification system (ENS). The bureau shall work with technical members from the wireline, wireless, VoIP, and cable industries to design the ENS for the delivery of emergency messages for emergency state and local government purposes in a manner compatible with existing communications systems and networks.

II. The ENS shall use the fixed-location data in the bureau’s E-911 telephone database as well as E-911 data collected from wireline and VoIP providers who utilize dynamic location information databases compliant with the National Emergency Numbering Association’s (NENA) i2 protocol or successor protocols. All wireline telephone numbers in the E-911 telephone database shall automatically be included in the ENS, as well as telephone numbers collected semi-annually from wireline and VoIP providers utilizing dynamic location databases compliant with the NENA i2 or successor protocol. In addition, the bureau shall provide the ability for the public to register with the bureau a variety of devices and communication methods at fixed locations where they have personal interests, such as their homes, businesses, and other family residences. This data shall remain confidential and shall be used solely by the ENS for the purpose of emergency notification and message delivery. Members of the public may opt-out of the emergency notification and message delivery system pursuant to the provisions of paragraph IV.

III. The bureau shall, to the greatest extent possible, ensure that the ENS is fully geographic information system (GIS) capable and able to define an emergency zone by address or geographic area. Wireline phone, VoIP, and opt-in devices shall be linked to a GIS mapping database, capable of performing a query based on an address or a general geographic area.

IV. Unless otherwise contrary to law, the ENS shall include means by which persons may opt-out of the system and also make the capabilities of the system accessible to the extent that current or future technology allows for communications devices not otherwise included in the system, such as nomadic voice over Internet Protocol phones, internet protocol enabled services, and commercial mobile radio services.

V. To accommodate the use of the ENS during an emergency, the ENS shall be capable of providing a pre-recorded message and delivering that message to a large number of telephones and communications devices in a manner designed so as not to overwhelm or collapse the system.

VI. The bureau shall ensure that every state, county, and local emergency response agency has access to and training in the use of the ENS.

VII. The bureau shall establish policies, standards, and procedures for the ENS, with the assistance, review, and approval of the enhanced 911 commission and the commissioner of safety. The bureau shall conduct regular assessments and internal tests of the ENS to ensure that it is functioning properly in compliance with the requirements of this section and that it meets all federal and state requirements for incident management. To the extent that a question arises regarding whether a particular notification meets the definition of an emergency, the commissioner of safety or his or her designee shall be the final arbitrator.

VIII. The bureau, with the approval of the enhanced 911 commission and the commissioner of safety, may develop and modify the ENS to be compatible with the Federal Communications Commission (FCC) guidelines or requirements for broadcast messaging.

IX. The bureau may participate in and shall use the Wireless Emergency Alerts (WEA) component of the Federal Emergency Management Agency's Integrated Public Alert and Warning System (IPAWS) or succeeding federal alerting systems as the vehicle to communicate with commercial mobile radio service customers. Nothing in this section shall be deemed to alter or supersede any aspect of WEA operation pursuant to existing FCC rules.

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

SB 258, permitting the public utilities commission to authorize a telephone company to permanently discontinue its service. Inexpedient to Legislate, Vote 5-0. Senator Woodburn for the committee.

This bill would have allowed a company to permanently or temporarily discontinue its service to its customers so long as not to become an inconvenience to the public. Circumstances became such that this bill was no longer necessary and at the request of the sponsor was voted "inexpedient to legislate" by the committee.

SB 337, relative to the recovery of submerged vehicles by the department of environmental services. Ought to Pass with Amendment, Vote 5-0. Senator Woodburn for the committee.

This bill clarifies the responsibilities of the department of environmental services in situations involving abandoned vehicles. This bill was requested by the New Hampshire Department of Environmental Services to address certain challenges related to disposing of vehicles that end up in waterways due to accidents or operator negligence, when original owners cannot be found. The amendment further clarifies the bill language in order to ensure that contractors who work with the state to remove these vehicles are not harmed financially when taking temporary possession of a submerged vehicle.

Energy and Natural Resources
March 12, 2014
2014-0985s
06/04

Amendment to SB 337

Amend RSA 485-A:14, IV as inserted by section 1 of the bill by replacing it with the following:

IV. If the owner refuses or fails to remove a submerged vehicle or container as required by paragraph I, ***or if no owner can be identified***, the department of environmental services may contract for the removal of the vehicle or container in question. The owner of the submerged vehicle or container shall be strictly liable for the costs of removing the vehicle or container and the costs of the investigation, containment, cleanup, removal, and corrective measures associated with the discharge. The cost shall be recoverable by the state in an action of debt brought by the attorney general in the name of the state. ~~[The state]~~ ***If the owner of the vehicle or container has been identified, the contractor who removes the vehicle or container*** shall impound ~~[any submerged]~~ ***the recovered*** vehicle or container ~~[recovered]~~, at the expense

of the owner[;]. ***No contractor shall release the vehicle or container to the owner until informed by the department that all costs incurred by the state have been paid by the owner of the vehicle or container or that the impounded vehicle or container otherwise may be released. Upon receiving approval from the department to release the impounded vehicle or container, the contractor shall dispose of the impounded vehicle or container in accordance with RSA 262:36-a. If no owner can be identified after reasonable efforts, the contractor who removes the vehicle or container shall deliver the vehicle or container to an appropriate salvage yard. Neither the state nor the contractor shall be liable for such delivery of the vehicle or container to anyone subsequently claiming ownership of the vehicle or container.***

SB 354, relative to the definition of "agritourism." Interim Study, Vote 5-0. Senator Odell for the committee.

The intentions of the bill sponsor were to improve the definition of agritourism and allow for greater economic development for New Hampshire farms. Unfortunately, it became apparent that greater analysis was required for this topic, and the sponsor requested an "interim study" vote from the committee.

SB 388, establishing a committee to study the current status of land conservation in New Hampshire and the state's role in encouraging voluntary protection of land in the future. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

This bill establishes a committee to study the current status of land conservation in New Hampshire and the state's role in encouraging voluntary protection of land in the future. Conservation efforts in New Hampshire have undoubtedly improved the quality of life here. We currently do not have a comprehensive analysis that serves to answer the many questions relating to land conservation efforts in New Hampshire, but with the passage of this bill there will be greater clarity on this matter.

SB 417, relative to information required on electric utility bills. Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

This bill, as amended by the committee, requires the public utilities committee to work with the electric utilities to determine the most effective way to communicate to customers information about the service charges on their bill related to renewable energy and regional greenhouse gas programs. The public utilities commission will submit a report of its findings on or before November 1st 2014.

Energy and Natural Resources

March 19, 2014

2014-1097s

06/01

Amendment to SB 417

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

AN ACT relative to information provided to electric utility customers.

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

1 Public Utilities Commission; Meeting and Report.

I. The public utilities commission shall convene the electric utilities within 30 days of the effective date of this act to determine the most effective and appropriate means to provide customers with information explaining the system benefits charge, the renewable portfolio standard requirements, and the regional greenhouse gas initiative. The commission shall work with the utilities to determine the best way to help customers understand the administration of these programs.

II. The commission shall submit a report of its findings and recommendations to the speaker of the house of representatives, the president of the senate, the energy and natural resources committee, the science, technology and energy committee, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2014.

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

2014-1097s

AMENDED ANALYSIS

This bill requires the public utilities commission to convene the electric utilities to determine the most effective way to provide certain information to customers.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 399, relative to competitive bidding and procurement by state agencies. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This legislation has shifted to the creation of regulating ethics in public contracting and establishes a committee to study state procurement. There are several moving parts to the original legislation which need to be reviewed and studied with a report of findings and recommendations required November 1, 2014. This legislation is limited to the Executive Branch only.

Senate Executive Departments and Administration
March 20, 2014
2014-1120s
05/10

Amendment to SB 399

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

AN ACT relative to ethics in public contracting and establishing a committee to study state procurement.

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

1 New Chapter; Ethics in Public Contracting. Amend RSA by inserting after chapter 21-U the following new chapter:

CHAPTER 21-V

ETHICS IN PUBLIC CONTRACTING

21-V:1 Statement of Policy.

I. Public employment is a public trust. It is the policy of the state of New Hampshire to promote and balance the objective of protecting government integrity and the objective of facilitating the recruitment and retention of personnel needed by the purchasing agency. Such policy is implemented by prescribing essential standards of ethical conduct without creating unnecessary obstacles to entering public service.

II. Public employees must discharge their duties impartially so as to assure fair competitive access to governmental procurement by responsible contractors. Moreover, they should conduct themselves in such a manner as to foster public confidence in the integrity of the purchasing agency procurement organization.

III. To achieve the purpose of this chapter, it is essential that those doing business with the purchasing agency also observe the ethical standards prescribed in this chapter and in rules adopted under RSA 541-A by the executive branch ethics committee, established in RSA 21-G:29.

21-V:2 General Standards of Ethical Conduct.

I. Any attempt to realize personal gain through public employment by conduct inconsistent with the proper discharge of the employee's duties is a breach of a public trust. In order to fulfill this general prescribed standard, employees shall also meet the specific standards set forth in RSA 21-V:4 through RSA 21-V:10.

II. Any effort to influence any public employee to breach the standards of ethical conduct set forth in this section and in RSA 21-V:4 through RSA 21-V:10 is also a breach of ethical standards.

21-V:3 Criminal Sanctions. To the extent that violations of the ethical standards of conduct set forth in this chapter constitute violations of the state criminal code, they shall be punishable as provided therein. Such sanctions shall be in addition to the civil remedies provided in this chapter.

21-V:4 Employee Conflict of Interest.

I. It shall be a breach of ethical standards for any employee to participate directly or indirectly in a procurement when the employee knows that:

(a) The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;

(b) A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or

(c) Any other person, business, or organization with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

II. Where an employee or any member of the employee's immediate family holds a financial interest in a blind trust, the employee shall not be deemed to have a conflict of interest with regard to matters pertaining to that financial interest, provided that disclosure of the existence of the blind trust has been made to the executive branch ethics committee.

III. Upon discovery of an actual or potential conflict of interest, an employee shall promptly file a written statement of disqualification and shall withdraw from further participation in the transaction involved. The employee may, at the same time, apply to the executive branch ethics committee in accordance with RSA 21-V:13, II for an advisory opinion as to what further participation, if any, the employee may have in the transaction.

IV. Notice of this prohibition shall be provided in accordance with rules adopted under RSA 541-A by the executive branch ethics committee.

21-V:5 Employee Disclosure Requirements.

I. Any employee who has, or obtains any benefit from, any purchasing agency contract with a business in which the employee has a financial interest shall report such benefit to the executive branch ethics committee; provided, however, this section shall not apply to a contract with a business where the employee's interest in the business has been placed in a disclosed blind trust.

II. Any employee who knows or should have known of such benefit, and fails to report such benefit to the executive branch ethics committee, is in breach of the ethical standards of this section.

III. Notice of this requirement shall be provided in accordance with rules adopted under RSA 541-A by the executive branch ethics committee.

21-V:6 Gratuities and Kickbacks.

I. It shall be a breach of ethical standards for any person to offer, give, or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefor.

II. It shall be a breach of ethical standards for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.

III. The prohibition against gratuities and kickbacks prescribed in this section shall be conspicuously set forth in every contract and solicitation therefor.

21-V:7 Prohibition Against Contingent Fees.

I. It shall be a breach of ethical standards for a person to be retained, or to retain a person, to solicit or secure a purchasing agency contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

II. Every person, before being awarded a purchasing agency contract, shall represent, in writing, that such person has not retained anyone in violation of paragraph I. Failure to do so constitutes a breach of ethical standards.

III. The representation prescribed in paragraph II shall be conspicuously set forth in every contract and solicitation therefor.

21-V:8 Restrictions on Employment of Present and Former Employees.

I. Except as may be permitted by rules adopted by the executive branch ethics committee under RSA 541-A, it shall be a breach of ethical standards for any employee who is participating directly or indirectly in the procurement process to become or be, while such an employee, the employee of any person contracting with the governmental body by whom the employee is employed. Notice of this provision shall be provided in accordance with rules adopted under RSA 541-A by the executive branch ethics committee.

II.(a) Permanent disqualification of former employee personally involved in a particular matter. It shall be a breach of ethical standards for any former employee knowingly to act as a principal, or as an agent for anyone other than the purchasing agency, in connection with any:

- (1) Judicial or other proceeding, application, request other determination;
- (2) Contract;
- (3) Claim; or

(4) Charge or controversy, in which the employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise while an employee, where the purchasing agency is a party or has a direct and substantial interest.

(b) One year representation restriction regarding matters for which a former employee was officially responsible. It shall be a breach of ethical standards for any former employee, within one year after cessation of the former employee's official responsibility, knowingly to act as a principal, or as an agent for anyone other than the purchasing agency, in connection with any:

- (1) Judicial or other proceeding, application, request for a ruling, or other determination;
- (2) Contract;
- (3) Claim; or

(4) Charge or controversy, in matters which were within the former employee's official responsibility, where the purchasing agency is a party or has a direct or substantial interest.

III. It shall be a breach of ethical standards for a business in which an employee has a financial interest knowingly to act as a principal, or as an agent for anyone other than the purchasing agency, in connection with any:

- (a) Judicial or other proceeding, application, request for a ruling, or other determination;
- (b) Contract;
- (c) Claim; or

(d) Charge or controversy, in which the employee either participates personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which is the subject of the employee's official responsibility, where the purchasing agency is a party or has a direct and substantial interest.

IV. Selling to the purchasing agency after termination of employment is prohibited. It shall be a breach of ethical standards for any former employee, unless the former employee's last annual salary did not exceed the amount specified by the executive branch ethics committee to engage in selling or attempting to sell supplies, services, or construction to the purchasing agency for one year following the date employment ceased.

V. The term "sell" as used in this section means signing a bid, proposal, or contract; negotiating a contract; contacting any employee for the purpose of obtaining, negotiating, or discussing changes in specifications, price, cost allowances, or other terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefor is subsequently negotiated by another person; provided, however, that this section is not intended to preclude a former employee from accepting employment with private industry solely because the former employee's employer is a contractor with this purchasing agency, nor shall a former employee be precluded from serving as a consultant to this purchasing agency.

21-V:9 Use of Confidential Information. It shall be a breach of ethical standards for any employee or former employee knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

21-V:10 Civil and Administrative Remedies Against Employees Who Breach Ethical Standards.

I. Civil and administrative remedies against employees which are in existence on the effective date of this chapter shall not be impaired.

II. In addition to existing remedies for breach of the ethical standards of this chapter or rules adopted by the executive branch ethics committee under RSA 541-A, the committee may impose any one or more of the following:

- (a) Oral or written warnings or reprimands;
- (b) Recommend suspension with or without pay for specified periods of time; and
- (c) Recommend termination of employment.

III. The value of anything received by an employee in breach of the ethical standards of this chapter or rules adopted by the committee under RSA 541-A shall be recoverable by the purchasing agency as provided in RSA 21-V:12.

IV. All procedures under this section shall be in accordance with due process requirements and existing law. In addition, notice and an opportunity for a hearing shall be provided prior to imposition of any suspension or termination of employment.

21-V:11 Civil and Administrative Remedies Against Non-Employees Who Breach Ethical Standards.

I. Civil and administrative remedies against non-employees which are in existence on the effective date of this chapter shall not be impaired.

II. In addition to existing remedies for breach of the ethical standards of this chapter or rules adopted by the executive branch ethics committee under RSA 541-A, the executive branch ethics committee may impose any one or more of the following:

- (a) Written warnings or reprimands;
- (b) Termination of transactions; and
- (c) Debarment or suspension from being a contractor or subcontractor under purchasing agency contracts.

III. The value of anything transferred in breach of the ethical standards of this chapter or rules adopted by the committee under RSA 541-A by a non-employee shall be recoverable by the purchasing agency as provided in RSA 21-V:12.

IV. Debarment or suspension may be imposed by the executive branch ethics committee in accordance with due process procedures established by the committee, provided that such action may not be taken without the concurrence of the attorney general.

V. All procedures under this section shall be in accordance with due process requirements, including, but not limited to, a right to notice and an opportunity for a hearing prior to imposition of any termination, debarment, or suspension from being a contractor or subcontractor under a purchasing agency contract.

21-V:12 Recovery of Value Transferred or Received in Breach of Ethical Standards.

I. The value of anything transferred or received in breach of the ethical standards of this chapter or rules adopted by the executive branch ethics committee under RSA 541-A by an employee or a non-employee may be recovered from both the employee and non-employee.

II. Upon a showing that a subcontractor made a kickback to a prime contractor or a higher tier subcontractor in connection with the award of a subcontract or order thereunder, it shall be conclusively presumed that the amount thereof was included in the price of the subcontract or order and ultimately borne by the purchasing agency and will be recoverable hereunder from the recipient. In addition, said value may also be recovered from the subcontractor making such kickbacks. Recovery from one offending party shall not preclude recovery from other offending parties.

21-V:13 Oversight and Enforcement by the Executive Branch Ethics Committee.

I. The executive branch ethics committee, established in RSA 21-G:28, shall adopt rules under RSA 541-A relative to implementation of this chapter.

II. On written request of employees or contractors, the executive branch ethics committee may render written advisory opinions regarding the appropriateness of the course of conduct to be followed in proposed transactions. Such requests and advisory opinions shall be duly published in the manner in which interpretive rulings and advisory opinions of the committee are published. Compliance with requirements of a duly promulgated advisory opinion of the executive branch ethics committee shall be deemed to constitute compliance with the ethical standards of this chapter.

III. On written request of an employee, the executive branch ethics committee may grant an employee a written waiver from the application of RSA 21-V:4 and grant permission to proceed with the transaction

to such extent and upon such terms and conditions as may be specified. Such waiver and permission may be granted when the interests of the purchasing agency so require or when the ethical conflict is insubstantial or remote.

21-V:14 Appeal of Decisions of the Executive Branch Ethics Committee. A decision of the executive branch ethics committee under RSA 21-V:10 or RSA 21-V:11 shall be subject to rehearing and appeal in accordance with the RSA 541.

2 Executive Branch Ethics Committee. Amend RSA 21-G:29, II to read as follows:

II. The jurisdiction of the committee shall consist of matters arising under the executive branch code of ethics, RSA 21-G:21-27, RSA 15-A, RSA 15-B, and rules or guidelines adopted thereunder, as applied to executive branch officials who are not classified employees. ***The committee also shall have jurisdiction over matters arising under RSA 21-V, relative to ethics in public contracting.***

3 New Paragraph; Duties of the Executive Branch Ethics Committee. Amend RSA 21-G:30 by inserting after paragraph I the following new paragraph:

I-a. The committee shall adopt rules under RSA 541-A relative to administration and enforcement of RSA 21-V, regarding ethics in public contracting.

4 Committee to Study State Procurement Established. There is established a committee to study state procurement.

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

(a) Two members of the senate, appointed by the president of the senate, one of whom shall be a member of the senate executive departments and administration committee and one of whom shall be a member of the senate finance committee.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives, 2 of whom shall be members of the house executive departments and administration committee and one of whom shall be a member of the house finance committee.

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

III. The committee shall study and develop standards and methods for a centralized system of state procurement. The study shall include examination of procurement procedures of other states; identification of potential conflicts within New Hampshire state procurement laws; and consideration of the State of New Hampshire Service Contracting Performance Audit Report, dated March 2009.

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

V. 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, 2014.

5 Effective Date.

I. Section 4 of the act shall take effect upon its passage.

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

2014-1120s

AMENDED ANALYSIS

This bill regulates ethics in public contracting and establishes a committee to study state procurement.

FINANCE

SB 328, authorizing the commissioner of the department of health and human services to transfer funds within and among accounting units. Inexpedient to Legislate, Vote 6-0. Senator Bragdon for the committee.

This bill is no longer needed because the provisions in this bill were already addressed by SB 413 which has already passed the Senate.

HEALTH, EDUCATION AND HUMAN SERVICES

SB 234, relative to procedural changes in the law governing therapeutic use of cannabis. Ought to Pass with Amendment, Vote 5-0. Senator Reagan for the committee.

This bill inserts deadlines for submitting a criminal history records check to the division of state police and for rendering a decision on a designated caregiver's application, and repeals a provision requiring information submitted to an alternative treatment center regarding the locations where cannabis is proposed to be grown, cultivated, or harvested to be confidential. The Committee's amendment makes technical corrections to the process of criminal records checks and confidentiality provisions of the locations of the ATCs.

Health, Education and Human Services

March 18, 2014

2014-1061s

04/01

Amendment to SB 234

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Use of Cannabis for Therapeutic Purposes; Criminal Records Check. Amend RSA 126-X:4 by inserting after paragraph II the following new paragraph:

II-a. In addition to the information required pursuant to paragraph II, the department shall also receive results of a criminal history records check from the division of state police. A person applying to be a designated caregiver shall submit directly to the department of safety a notarized criminal history records release form, as provided by the New Hampshire division of state police, authorizing the release of his or her criminal history record, if any, to the department. The applicant shall submit with the release form a complete set of electronic fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid for whatever reason, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years. The division of state police shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall submit a copy of the criminal history records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this section. The applicant shall bear the cost of a criminal history records check.

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

3 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend the introductory paragraph in RSA 126-X:8, IV(a) to read as follows:

(a) An alternative treatment center shall conduct a state and federal criminal records check for every person seeking to become a principal officer, board member, agent, volunteer, or employee before the person begins working at the alternative treatment center pursuant to ~~[RSA 126-X:4, II(g)]~~ **RSA 126-X:4, II-a**. An alternative treatment center shall not allow any person to be an alternative treatment center agent who:

4 Repeal. The following are repealed:

I. RSA 126-X:7, VI, relative to departmental administration of alternative treatment centers.

II. RSA 126-X:4, II(g), relative to criminal history records checks for designated caregivers.

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

JUDICIARY

SB 419, establishing a medical malpractice panel and insurance oversight committee. Ought to Pass with Amendment, Vote 5-0. Senator Cataldo for the committee.

This bill reestablishes the medical malpractice oversight panel in order to provide legislative oversight to this process. The Committee amendment merely removes two unnecessary paragraphs from the bill.

Senate Judiciary
 March 11, 2014
 2014-0971s
 06/01

Amendment to SB 419

Amend paragraph I as inserted by section 1 of the bill by replacing it with the following:

I. The medical malpractice panel and insurance oversight committee established by 2011, 241:

(a) Recommends further study of costs and remedies to include a possible enhanced role of mediation, further analysis of the panel process, and a pre- and post-suit resolution process.

(b) Recommends continued oversight of the panel process and the collection and evaluation of data from the judicial branch and the insurance department and recommends that the committee be extended.

PUBLIC AND MUNICIPAL AFFAIRS

SB 387, relative to exemptions from the land sales full disclosure act. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

This bill establishes a procedure for exemption from the requirements of RSA 356-A, the land sales full disclosure act, for certain subdivided lands.

Public and Municipal Affairs
 March 13, 2014
 2014-0992s
 05/09

Amendment to SB 387

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

AN ACT relative to exemptions from the land sales full disclosure act and relative to local land use citations.

Amend RSA 356-A:3, I-a(a) as inserted by section 1 of the bill by replacing it with the following:

(a) A subdivider of subdivided lands of no more than 50 lots, parcels, units or interests may apply to the attorney general for an exemption from the registration and annual reporting requirements of RSA 356-A:4, I and RSA 356-A:5 through RSA 356-A:9. Within 60 days of receipt of an application for exemption, the attorney general shall issue a written notice to the subdivider stating that the exemption has either been granted or denied, or the attorney general may identify deficiencies in the application. The subdivider shall have 15 days to correct the deficiencies, or a longer period mutually agreed to by the subdivider and the attorney general. If the attorney general fails to respond to the application within 60 days, the subdivider shall be deemed to have been granted an exemption. The governing body of the municipality in which the subdivision is located shall be provided notice and an opportunity to submit comments to the attorney general on any application for exemption under this paragraph.

Amend the introductory paragraph of RSA 356-A:3, I-a(b) and RSA 356-A:3, I-a(b)(1) as inserted by section 1 of the bill by replacing them with the following:

(b) A subdivider shall be entitled to an exemption from the registration and annual reporting requirements of RSA 356-A:4, I and RSA 356-A:5 through RSA 356-A:9 if the following conditions are met:

(1) The subdivision shall have no more than 50 lots, parcels, units, or interests, including any that might be added at any future time.

Amend RSA 356-A:3, I-a(b)(7) as inserted by section 1 of the bill by replacing it with the following:

(7) The purchaser or purchaser's agent shall make a personal, on-site inspection of the lot purchased prior to signing a contract or agreement to purchase.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Local Land Use Citations; Pleas by Mail. Amend RSA 676:17-b, II(h) to read as follows:

(h) The amount of the civil penalty as set forth in RSA 676:17, I[(b)], which is payable by the offender for each day the violation continued subsequent to such written notice, up to a maximum of 5 days' violation charged in one citation.

2014-0992s

AMENDED ANALYSIS

This bill exempts certain subdivided land from the registration and reporting requirements of the land sales full disclosure act. The bill also corrects an obsolete reference in the statute governing local land use citations.

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

REGULAR CALENDAR REPORTS

COMMERCE

SB 237, relative to local land use board hearing notice to condominium owners. Ought to Pass with Amendment, Vote 5-0. Senator Hosmer for the committee.

Commerce

March 12, 2014

2014-0973s

03/05

Amendment to SB 237

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

AN ACT relative to the definition of “abutter” for notice of land use board hearings.

Amend the bill by replacing section 1 with the following:

1 Abutter. Amend RSA 672:3 to read as follows:

672:3 Abutter. “Abutter” means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his *or her* land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII; ***provided, however, that if the abutting property consists of 100 or fewer units, as defined in RSA 356-B:3, XXIX, the term “abutter” shall include each unit owner, and not the officers of the collective or association. If any such unit is owned in the form of time sharing interests or other multiple-property interests, only the first-named owner listed in the municipality’s records shall be deemed the abutter.*** For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term “abutter” includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

2014-0973s

AMENDED ANALYSIS

This bill changes the definition of “abutter” for notice of land use board hearings to include condominium or collective unit owners rather than the officers of the collective or association if there are 100 or fewer units.

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

Sen. Fuller Clark offered a floor amendment.

Sen. Fuller Clark, Dist. 21

March 26, 2014

2014-1174s

03/06

Floor Amendment to SB 237

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

1 Abutter. Amend RSA 672:3 to read as follows:

672:3 Abutter. “Abutter” means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term “abutter” shall include

any person who is able to demonstrate that his *or her* land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the [officers] **unit owners** of the collective or association, as defined in RSA 356-B:3, ~~XXXX~~ **XXX, provided that notice to the unit owners shall be made by first class mail and notice to the collective or association shall be made by certified mail to the address on file with the municipality for the collective or association. If any such unit is owned in the form of time sharing interests or other multiple-property interests, only the first-named owner listed in the municipality's records shall be deemed the abutter.** For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

2 Repeal. RSA 356-B:40, IV, relative to condominium association notice of planning board hearings, is repealed.

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

2014-1174s

AMENDED ANALYSIS

This bill changes the definition of "abutter" for notice of land use board hearings to include condominium or collective unit owners rather than the officers of the collective or association and allows notice to the owners by first class mail.

The question is on the adoption of Floor Amendment 1174s. Failed.

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

ENERGY AND NATURAL RESOURCES

SB 267, extending the effective date for integrated land development permits. Ought to Pass, Vote 5-0. Senator Odell for the committee.

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

SB 268, relative to allocations from the energy efficiency fund. Ought to Pass with Amendment, Vote 4-1. Senator Fuller Clark for the committee.

Energy and Natural Resources

March 19, 2014

2014-1095s

06/01

Amendment to SB 268

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

AN ACT relative to funding for certain energy efficiency programs.

Amend the bill by replacing section 1 with the following:

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

III. Entities managing statewide, all-fuels, comprehensive energy efficiency programs, which have been previously approved by the commission, may apply to the commission for additional funding necessary to complete energy efficiency projects enrolled in their program on January 1, 2014.

2014-1095s

AMENDED ANALYSIS

This bill permits entities managing certain comprehensive energy efficiency programs to apply to the public utilities commission for additional funding to complete projects enrolled in their program on January 1, 2014.

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

Sen. Fuller Clark offered a floor amendment.

Sen. Fuller Clark, Dist. 21
Sen. Prescott, Dist. 23
March 26, 2014
2014-1177s
06/01

Floor Amendment to SB 268

Amend the bill by replacing section 1 with the following:

1 Energy Efficiency Fund and Use of Auction Proceeds. Amend RSA 125-O:23 by inserting after paragraph II the following new paragraph:

II-a. Entities managing statewide, all-fuels, comprehensive energy efficiency programs, which have been previously approved by the commission, may apply to the commission for additional funding necessary to complete energy efficiency projects enrolled in their program on January 1, 2014.

The question is on the adoption of Floor Amendment 1177s. Adopted.

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

SB 324, relative to the assessment of public utilities and other entities to fund the expenses of the public utilities commission. Ought to Pass with Amendment, Vote 5-0. Senator Odell for the committee.

Energy and Natural Resources
March 19, 2014
2014-1096s
06/03

Amendment to SB 324

Amend RSA 363-A:1 as inserted by section 1 of the bill by replacing it with the following:

363-A:1 Ascertainment of Expenses. The public utilities commission shall annually, after the close of the fiscal year, ascertain the total of its expenses during such year incurred in the performance of its duties relating to public utilities as defined in RSA [362:2] **362 and other entities subject to its regulatory and enforcement authority** and relating to the office of the consumer advocate [~~and the allowable expenses for the council on energy~~]. In the determination of such expenses there shall be excluded the expenses which have been or may be charged and recovered under the provisions of RSA 365:37 [~~and~~], RSA 365:38, **and RSA 374-F:7, I.**

Amend the bill by replacing section 2 with the following:

2 Assessment. RSA 363-A:2 is repealed and reenacted to read as follows:

363-A:2 Assessment.

I. The expenses thus ascertained shall be assessed against the public utilities and other entities described in this section in the manner provided in this chapter. The assessment shall be calculated by using the following revenue percentages:

(a) 100 percent of the gross utility revenue of all public utilities, except as otherwise provided in this section;

(b) 33 percent of the gross utility revenue of rural electric cooperatives for which a certificate of de-regulation is on file with the commission;

(c) 33 percent of the gross utility revenue of all excepted local exchange carriers as defined in RSA 362:7, I(c), and 33 percent of the revenue of any affiliate of such a carrier received from New Hampshire retail customers for a VoIP service as defined in RSA 362:7, I(d) or an IP-enabled service as defined in RSA 362:7, I(e) that provides the voice capabilities described in RSA 362:7, I(d)(I) and (3), other than a cellular mobile radio communications service provider;

(d) 33 percent of the telephone service revenue received from New Hampshire retail customers of a provider offering a VoIP service as defined in RSA 362:7, I(d) or an IP-enabled service as defined in RSA 362:7, I(e) that provides the voice capabilities described in RSA 362:7, I(d)(1) and (3), other than a cellular mobile radio communications service provider or any entity to which subparagraph (c) applies; and

(e) 100 percent of the gross revenue of all competitive electric power suppliers and all competitive natural gas suppliers received from New Hampshire retail customers, except for any such revenue received from the members of an electric cooperative for which a certificate of deregulation is on file with the commission, with respect to which the applicable revenue percentage shall be 33 percent.

II. To facilitate the revenue calculations required under this chapter, entities described in subparagraph I(d) or their registered telecommunications carrier affiliates shall file with the commission confidential annual reports of the retail telephone service revenue of such entities, and entities described in subparagraph I(e) shall file with the commission confidential annual reports of sales volume and revenues, by customer class, and separately identifying the total revenues received from the distribution customers of each electric or natural gas distribution utility or the members of each rural electric cooperative for which a certificate of deregulation is on file with the commission. All other utilities and other assessed entities shall file information in accordance with applicable commission rules.

III. Each entity described in subparagraph I(e) shall be assessed the sum of \$15,000 on an annual basis and shall pay said assessed sum to the commission. Each electric load aggregator, each aggregator of natural gas customers, and any telecommunications carrier voluntarily registered with the commission, shall be assessed the sum of \$1,000 on an annual basis and shall pay said assessed sum to the commission.

IV. The expenses of the commission, less the total of the assessed sums paid to the commission pursuant to paragraph III, shall be allocated to each utility and other assessed entity in direct proportion as the revenue calculation for such utility or other assessed entity relates to the total of all such revenue calculations as a whole, except as otherwise provided in paragraph V.

Each such expense allocation shall be assessed against each public utility and other assessed entity in an amount equal to its proportionate share as determined under this section, except that the expense allocation attributed to each entity described in subparagraph I(e) shall be imputed to and included in the expense allocation to each electric or natural gas distribution utility or rural electric cooperative for which a certificate of deregulation is on file with the commission, in correspondence to the revenue portion reported pursuant to paragraph II as having been received from the distribution customers of such distribution utility or the members of such rural electric cooperative for which a certificate of deregulation is on file with the commission.

V. The expenses relating to the office of the consumer advocate shall be allocated to each utility or other assessed entity in direct proportion as its revenue calculation described in paragraph I bears to the total of all such revenue calculations as a whole. Each such expense allocation shall be assessed against each public utility and other assessed entity in an amount equal to its proportionate share as determined under this section, except that the expense allocation attributed to each entity described in subparagraph I(e) shall be imputed to and included in the expense allocation to each electric or natural gas distribution utility or rural electric cooperative for which a certificate of deregulation is on file with the commission, in correspondence to the revenue portion reported pursuant to paragraph II as having been received from the distribution customers of such distribution utility or the members of such rural electric cooperative for which a certificate of deregulation is on file with the commission. This paragraph shall not apply to any entity to which subparagraph I(c) or (d) applies or to any revenue of that entity.

VI. A minimum amount shall be assessed to utilities and other assessed entities described in paragraph I having minimal revenues in such proportion as the public utilities commission shall determine to be fair and equitable, provided that the minimum amount assessed to any entity to which subparagraphs I(c) or (d) applies shall not be less than \$1,000.

VII. Nothing in this chapter shall be construed to apply to any cellular mobile radio communications service or to any "information service" as defined in 47 U.S.C. section 153.

Amend RSA 363-A:5 as inserted by section 5 of the bill by replacing it with the following:

363-A:5 Exemption From Assessment. Any *public utility or other assessed entity that is not an entity to which RSA 363-A:2, I(c) or (d) applies, and that* earned less than \$10,000 in gross revenue during the preceding fiscal year shall not be liable for any assessment *pursuant to this chapter*.

Amend the bill by replacing section 6 with the following:

6 New Section; Public Utility Recovery of Assessment Costs. Amend RSA 363-A by inserting after section 5 the following new section:

363-A:6 Public Utility Recovery of Assessment Costs.

I. Assessment amounts determined with reference to the revenues of competitive electric power suppliers and all assessments against regulated electric distribution utilities and electric cooperatives for which a certificate of deregulation is on file with the commission shall be collected from electric customers through the distribution rates of the respective electric distribution utility or rural electric cooperative for which a certificate of deregulation is on file with the commission.

II. Assessment amounts determined with reference to the revenues of competitive natural gas suppliers and all assessments against regulated natural gas distribution utilities shall be collected from natural gas customers through the distribution rates of the respective natural gas distribution utility.

III. The commission shall by order establish rate recovery mechanisms for any public utility that is not either an excepted local exchange carrier, as defined in RSA 362:7, I(c), or a rural electric cooperative for which a certificate of deregulation is on file with the commission. Such rate recovery mechanisms shall adjust annually to recover any change in a utility's annual assessment.

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 325-FN-L, relative to oil spill preparedness and response. Ought to Pass with Amendment, Vote 3-2. Senator Woodburn for the committee.

Energy and Natural Resources

March 19, 2014

2014-1099s

06/03

Amendment to SB 325-FN-LOCAL

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

1 New Paragraph; Oil Discharge or Spillage in Surface Water or Groundwater; Definitions; Oil Pipeline Facility. Amend RSA 146-A:2 by inserting after paragraph III the following new paragraph:

III-a. "Oil pipeline facility" means any intrastate pipeline structure, or section of any interstate pipeline structure, of any kind and its related appurtenances located within the boundaries of this state that is used or capable of being used for pumping, handling, transferring, transporting, processing, refining, or storing oil;

2 Oil Pollution Control Fund. Amend RSA 146-A:11-a, I to read as follows:

I. There is hereby established the New Hampshire oil pollution control fund. This nonlapsing, revolving fund shall, at a minimum, pay the salaries and expenses of the persons specified in RSA 146-A:11, except as the legislature may otherwise determine, as well as the costs to implement the provisions of RSA 146-A which include, but are not limited to, the salaries and expenses of additional personnel to the extent that such salaries and expenses are incurred in implementing the provisions of this chapter, and the other costs of containment or removal or corrective measures deemed necessary by the department of environmental services as a result of an actual or potential oil discharge into or onto the surface water or groundwater of the state. Moneys from the fund shall be used to mitigate the adverse effects of oil discharges including, but not limited to, provision of emergency water supplies to persons affected by such pollution, and, where necessary as determined by the department of environmental services, the establishment of an acceptable source of potable water to injured third parties. Not more than 10 percent of the moneys in the fund shall be allocated annually for research programs dedicated to the development and improvement of preventive and cleanup measures concerning such oil discharges. ~~[In addition, up to \$100,000 of such 10 percent shall be allocated annually to the Piscataqua River Cooperative to train and equip personnel in oil spill response.]~~ In the event of an oil discharge, the department of environmental services may expend, with the approval of governor and council, such additional sums as are necessary to clean up the discharge except that the total amount expended may not exceed the balance in the New Hampshire oil pollution control fund. Income derived from the oil pollution control fund shall only be used for those administrative costs needed to implement RSA 146-A and any other costs cited in this section.

3 License Required. Amend RSA 146-A:11-b, III to read as follows:

III. Any person who imports or causes to be imported oil into the state and who is licensed under this chapter ~~[shall be entitled to a credit against his annual license fee assessed under this section equal to the amount of any hazardous material transporter's license fee which he has paid to the department of safety~~

~~pursuant to the provisions of RSA 21-P:20 upon presenting satisfactory evidence of payment of the hazardous material transporter's fee for any vehicles involved in the importation, transfer or transport of oil into this state. Any person licensed under this section]~~ may seek, and shall receive for valid claims, an import credit for oil which the person transfers out of state during any reporting period.

4 New Section; Oil Pipeline Facility; Spill Response Plan. Amend RSA 146-A by inserting after section 3-e the following new section:

146-A:3-f Spill Response Plan.

I. Oil pipeline facility owners shall submit a spill response plan to the department of safety that provides spill protection equivalent to or greater than a facility response plan under 49 C.F.R. section 194.101. A person who has contracted with an oil pipeline facility to provide containment and cleanup services may submit the spill response plan, on behalf of the owner, for any oil pipeline facility for which the person is contractually obligated to provide services.

II. Response plans shall, at a minimum, include the following:

(a) The number, training preparedness, and fitness of all dedicated personnel assigned to direct and implement the plan;

(b) Arrangements for the positioning of oil spill containment, cleanup equipment, and trained personnel at strategic locations from which they can be deployed to the spill site to promptly and properly remove the spilled oil; and

(c) The amount and type of equipment available to respond to a spill, where the equipment is located, and the extent to which other contingency plans rely on the same equipment.

III. Spill response plans for oil pipeline facilities shall be submitted to the department within 6 months after the department has adopted rules under this section.

IV. The department shall approve a spill response plan for an oil pipeline facility only if it determines that the plan meets the requirements set forth in this section and rules adopted by the department.

V. Upon approval of a spill response plan for an oil pipeline facility, the department shall provide to the person submitting the plan a statement indicating that the plan has been approved, the oil pipeline facilities covered by the plan, and any other information the department determines should be included.

VI. An owner or operator of an oil pipeline facility shall notify the department in writing immediately of any significant change of which it is aware affecting its spill response plan, including changes in any factor set forth in this section or in rules adopted by the department. The department may require the owner or operator to update a spill response plan as a result of such changes.

VII. The department by rule shall require spill response plans to be reviewed, updated, if necessary, and resubmitted to the department at least once every 5 years.

VIII. Approval of a spill response plan by the department shall not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under this chapter or any other state law.

5 New Paragraph; Rulemaking. Amend RSA 146-A:11-c by inserting after paragraph I-a the following new paragraph:

I-b. Requirements for oil pipeline facility spill response plans under RSA 146-A:3-f.

6 New Section; Severability. Amend RSA 146-A by inserting after section 17 the following new section:

146-A:18 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

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

2014-1099s

AMENDED ANALYSIS

This bill:

I. Deletes a certain allocation to equip and train personnel in oil spill response.

II. Deletes the credit for payment of the hazardous material transporter's fee.

III. Requires the owner of an oil pipeline facility to submit a spill response plan to the department of safety.

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.

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

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Odell, Kelly, Gilmour, Lasky, Larsen, Reagan, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Sanborn, Bragdon, Carson, Boutin, Rausch, Prescott, Stiles, Morse.

Yeas: 13 - Nays: 11

Adopted, bill ordered to Third Reading.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 391, relative to the juvenile justice advisory board and relative to the policies and procedures of the youth development center. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Executive Departments and Administration

March 20, 2014

2014-1121s

05/09

Amendment to SB 391

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

AN ACT relative to the juvenile justice advisory board; the policies and procedures of the youth development center; and a reduction in appropriation to the Sununu Youth Services Center.

Amend RSA 621-A:9, II(i) as inserted by section 1 of the bill by replacing it with the following:

(i) One justice from the judicial branch family division, specializing in juvenile justice, appointed by the administrative judge of the circuit court.

Amend RSA 621-A:9, II(m) as inserted by section 1 of the bill by replacing it with the following:

(m) A nonsupervisory employee of the youth development center, who has daily contact with children assigned to the center, appointed by the State Employees' Association of New Hampshire, Chapter 21 President.

Amend RSA 621-A:11, I-a as inserted by section 2 of the bill by replacing it with the following:

I-a. The board ***shall define the mission of the youth development center and*** shall seek information from the director of the division of juvenile justice services in the department of health and human services concerning the successes and challenges relative to the state's juvenile justice programs and services.

Amend RSA 621-A:4-a, II as inserted by section 4 of the bill by replacing it with the following:

II. The director of the youth development center shall be qualified to hold the position by reason of education and experience, which shall include: a master's degree in public administration, or criminal/juvenile justice or mental health and 5 or more years of experience in a management level position involving administrative or supervisory duties, program planning, and evaluation.

Amend the bill by replacing all after section 4 with the following:

5 Department of Health and Human Services, Sununu Youth Services Center; Reduction in Appropriation. Amend 2013, 143:14 to read as follows:

143:14 Department of Health and Human Services, Sununu Youth Services Center; Reduction in Appropriation. The department of health and human services is hereby directed to reduce state general fund appropriations to the Sununu Youth Services Center by [\$500,000] **\$231,926** for the fiscal year ending June 30, 2014 and by [\$750,000] **\$1,018,074** for the fiscal year ending June 30, 2015. ~~[The department shall develop a reduction plan for the reductions required under this section and present the plan to the fiscal committee of the general court no later than September 30, 2013.]~~

6 Effective Date.

I. Sections 3 and 5 of this act shall take effect upon its passage.

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

2014-1121s

AMENDED ANALYSIS

This bill:

I. Revises the membership and duties of the juvenile justice advisory board.

II. Establishes a committee of superintendents of county jail facilities to study the youth development center.

III. Establishes education and appointment criteria for the director of the youth development center.

IV. Revises the amount the department of health and human services is directed to reduce state general fund appropriations to the Sununu Youth Services Center for the biennium ending June 30, 2015.

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.

FINANCE

SB 204-FN, relative to a fund for certain medical conditions covered by workers' compensation and establishing a commission to study soft tissue injuries under workers' compensation. Ought to Pass with Amendment, Vote 5-0. Senator D'Allesandro for the committee.

Senate Finance

March 20, 2014

2014-1117s

01/04

Amendment to SB 204-FN

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

AN ACT relative to a benefit for certain medical conditions covered by workers' compensation and establishing a commission to study soft tissue injuries under workers' compensation and to study the feasibility of developing a first responder's critical injury fund.

Amend RSA 281-A:32-a as inserted by section 1 of the bill by replacing it with the following:

281-A:32-a First Responder's Critical Injury Benefit.

I. In addition to other payments made under RSA 281-A, a group II retirement system member may request additional compensation under this section. If the impairment to a group II retirement system member resulting from an injury is partial, with a determination by the department of labor that the employee has reached maximum medical improvement and that such maximum medical improvement is less than 100 percent, the governor may draw a warrant, with approval by the executive council, from funds not otherwise appropriated for payments in addition to benefits payable under this chapter for an award to be paid to such employees in amounts provided by RSA 281-A:28 for the number of weeks set forth in this section for permanent bodily loss or impairment:

(a) Permanent loss or impairment of heart, lung, or brain	208
(b) Permanent loss or impairment of other internal organs	104
(c) Permanent loss or impairment of speech, touch, taste, or smell	104

II. Payments awarded under this section shall be subject to all other provisions of RSA 281-A. Total compensation payments for all additional compensation claims paid under this section shall not exceed \$125,000.

Amend the introductory paragraph of RSA 281-A:32-b, I as inserted by section 1 of the bill by replacing it with the following:

I. There is established a commission to study soft tissue injuries for purposes of workers' compensation and to study the feasibility of developing a first responder's critical injury fund.

Amend RSA 281-A:32-b, II (a) as inserted by section 1 of the bill by replacing it with the following:

II.(a) The commission shall study soft tissue injuries for purposes of workers' compensation. The commission shall also study the feasibility of developing a first responder's critical injury fund.

Amend RSA 281-A:32-b, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2014.

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

2 Repeals.

I. RSA 281-A:32-a, relative to a first responder's critical injury benefit.

II. RSA 281-A:32-b, relative to a commission to study soft tissue injuries under workers' compensation and to study the feasibility of developing a first responder's critical injury fund.

3 Effective Date.

I. Paragraph I of section 2 of this act shall take effect June 30, 2016.

II. Paragraph II of section 2 of this act shall take effect November 1, 2014.

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

2014-1117s

AMENDED ANALYSIS

This bill establishes the first responders critical injury benefit to make awards of additional workers' compensation upon warrant by the governor with approval by the executive council for group II retirement system members who suffer certain medical conditions. This bill also establishes a commission to study soft tissue injuries for purposes of workers' compensation and to study the feasibility of developing a first responder's critical injury fund.

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

Sen. Bragdon asserts Rule 6-25 on SB 204-FN.

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

Sen. Bragdon asserts Rule 6-25 on SB 204-FN.

SB 213-FN, establishing a registry for physician orders for life-sustaining treatment. Ought to Pass with Amendment, Vote 6-0. Senator Odell for the committee.

Senate Finance
March 19, 2014
2014-1076s
01/04

Amendment to SB 213-FN

Amend RSA 137-L:3 as inserted by section 1 of the bill by replacing it with the following:

137-L:3 POLST Registry Established; Rulemaking; Fund.

I. Subject to sufficient funding, the department shall establish and operate a statewide registry for the collection and dissemination of physician orders for life-sustaining treatment to help ensure that medical treatment preferences for an individual nearing the end of his or her life are honored.

II. The commissioner shall adopt rules within 6 months of the effective date of this chapter, pursuant to RSA 541-A relative to:

(a) Requiring submission of the following documents to the registry, unless the patient has requested to opt out of the registry:

(1) A copy of each POLST;

- (2) A copy of a revised POLST; and
- (3) Notice of any known revocation of a POLST;
- (b) Prescribing the manner for submitting the information described in subparagraph (a);
- (c) Requiring the release of registry information to authorized users for treatment purposes;
- (d) Authorizing notification by the registry to specified persons of the receipt, revision, or revocation of a POLST; and
- (e) Establishing procedures to protect the accuracy and confidentiality of information submitted to the registry.

III. The department may permit qualified researchers to access registry data. If the department permits qualified researchers to have access to registry data, the department shall adopt rules, pursuant to RSA 541-A, governing the access to data that shall include but not be limited to:

- (a) The definition of a qualified researcher.
- (b) The process for a qualified researcher to request access to registry data;
- (c) The types of data that a qualified researcher may be provided from the registry; and
- (d) The manner by which a researcher shall protect registry data obtained under this provision.

IV. The department may contract with a private or public entity to establish or maintain the registry.

V. There is established the New Hampshire POLST registry fund, which shall be nonlapsing and continually appropriated to the department and administered by the commissioner. This fund shall be used for costs incurred by the department in the course of carrying out the requirements of this chapter. All monetary grants, gifts, donations, or interest generated by these funds shall be deposited with the state treasurer in the fund.

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

2 New Subparagraph; Moneys to be Credited to the New Hampshire POLST Registry Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (316) the following new subparagraph:

(317) Moneys received for the purposes of RSA 137-L, which shall be credited to the New Hampshire POLST registry fund established in RSA 137-L:3, V.

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

2014-1076s

AMENDED ANALYSIS

This bill establishes the New Hampshire POLST Registry Act. Under this bill, a patient may execute a form to be signed by the patient and his or her physician relative to life-sustaining treatment to ensure that the patient's preferences are known in the event of an emergency. This bill also establishes a special fund to accept donations, gifts, and grants received for the purposes of the bill.

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 235, relative to the patients' trust fund. Ought to Pass with Amendment, Vote 4-1. Senator Bragdon for the committee.

Senate Finance
March 19, 2014
2014-1077s
01/04

Amendment to SB 235

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

AN ACT relative to the patients' trust fund and relative to a 10-bed psychiatric crisis unit.

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

2 Department of Health and Human Services; New Hampshire Hospital 10-Bed Psychiatric Crisis Unit. The department shall open the 10-bed psychiatric crisis unit established by 2013, 195:1, VII, H no later than July 1, 2015. The department shall use existing appropriations to support any necessary operating costs for the fiscal year ending June 30, 2015.

3 Department of Health and Human Services; Positions Reclassified. The department shall in accordance with administrative rule He-M 303, RSA 126-A:3, or RSA 21-I:56 reclassify existing authorized, funded, and vacant positions to provide the following positions necessary to staff the 10-bed psychiatric crisis unit established in section 2 of this act:

Classification	No. of Positions	Labor Grade
Ward Clerk	2	10
Nurse Specialist	2	25
Registered Nurse III	9	23
Mental Health Worker II	16	11
Psychiatric Social Worker	1	23
Health Facility Cleaner II	2	08

2014-1077s

AMENDED ANALYSIS

This bill clarifies the person to whom the facility is to give the quarterly reports of funds and possessions in the patients' trust fund. This bill also requires the department of health and human services to open the 10-bed psychiatric crisis unit established in 2013, 195:1, VII, H.

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 240-FN, relative to authorizing temporary registrations of off-highway recreational vehicles for nonresidents. Ought to Pass with Amendment, Vote 6-0. Senator Larsen for the committee.

Senate Finance
February 20, 2014
2014-0673s
10/03

Amendment to SB 240-FN

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

1 Temporary Registrations; Nonresident Registration. Amend RSA 215-A:21, V to read as follows:

V. All OHRVs except conventional motor vehicles registered for highway use shall be registered at the fee provided in RSA 215-A:23, and shall be furnished a registration plate or decals of a design and color as chosen by the executive director. Said registration plate or decals shall be attached securely on the front and rear of the vehicle, in an unobstructed manner, as high as possible or at a location designed by the manufacturer. ***A nonresident registering an OHRV for a temporary 10 consecutive day period during the months of May to October shall be issued a temporary registration by the executive director. Such registration shall be valid only for 10 consecutive days from the start date and time specified on the registration. The executive director shall determine the procedure for issuance design, color, and placement of temporary registration decals. Temporary registrations may not be transferred.***

2 OHRV Registrations. Amend RSA 215-A:21, II to read as follows:

II. Except as otherwise provided, no OHRV shall be operated in this state unless registered as provided in this chapter. No registration shall be required for an OHRV operated solely on land owned or leased by the owner of the OHRV. ***Except for temporary registrations under paragraph V***, all OHRV registrations shall expire on July 1 in each year. The executive director shall collect a fee for each registration as provided in RSA 215-A:23.

3 New Paragraph; Fees; Temporary Registration. Amend RSA 215-A:23 by inserting after paragraph V-a the following new paragraph:

V-b. Temporary Registration for Nonresidents. \$34 for each non-transferable, 10-day registration upon presentation of a valid out-of-state driver's license issued to a person 18 years of age or older. From each fee collected pursuant to this paragraph:

(a) The first \$14 shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$10 shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$10 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

4 2018 Version; Temporary Registrations; Nonresident Registration. Amend RSA 215-A:21, V to read as follows:

V. All OHRVs except conventional motor vehicles registered for highway use shall be registered at the fee provided in RSA 215-A:23, and shall be furnished a registration plate or decals of a design and color as chosen by the executive director. Said registration plate or decals shall be attached securely on the front and rear of the vehicle, in an unobstructed manner, as high as possible or at a location designed by the manufacturer. ~~[A nonresident registering an OHRV for a temporary 10 consecutive day period during the months of May to October shall be issued a temporary registration by the executive director. Such registration shall be valid only for 10 consecutive days from the start date and time specified on the registration. The executive director shall determine the procedure for issuance design, color, and placement of temporary registration decals. Temporary registrations may not be transferred.]~~

5 2018 Version; OHRV Registrations. Amend RSA 215-A:21, II to read as follows:

II. Except as otherwise provided, no OHRV shall be operated in this state unless registered as provided in this chapter. No registration shall be required for an OHRV operated solely on land owned or leased by the owner of the OHRV. ~~[Except for temporary registrations under paragraph V,]~~ All OHRV registrations shall expire on July 1 in each year. The executive director shall collect a fee for each registration as provided in RSA 215-A:23.

6 Repeal; 2018. RSA 215-A:23, V-b, relative to temporary OHRV registrations for nonresidents, is repealed.

7 Effective Date.

I. Sections 4-6 of this act shall take effect January 1, 2018.

II. The remainder of this act shall take effect January 1, 2015.

2014-0673s

AMENDED ANALYSIS

This bill allows nonresidents to be issued temporary registrations for OHRVs for 10 consecutive day periods during the period of May through October. The temporary OHRV registration authority is repealed January 1, 2018.

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 245-FN, relative to the siting of energy facilities. Ought to Pass with Amendment, Vote 4-1. Senator Forrester for the committee.

Senate Finance

March 20, 2014

2014-1125s

06/01

Amendment to SB 245-FN

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

1 Energy Evaluation and Siting. RSA 162-H:1 is repealed and reenacted to read as follows:

162-H:1 Declaration of Purpose. The legislature recognizes that the selection of sites for energy facilities, including the routing of high voltage transmission lines and energy transmission pipelines, may have significant impacts and benefits on the following: the welfare of the population, private property, the location and growth of industry, the overall economic growth of the state, the environment of the state, historic sites, aesthetics, air and water quality, the use of natural resources, and public health and safety. Accordingly, the legislature finds that it is in the public interest to maintain a balance among those potential significant impacts and benefits in the siting, construction and operation of new energy facilities in New Hampshire; that undue delay in the construction of new energy facilities be avoided and that full and timely consideration of environmental consequences be provided; that all entities planning to construct facilities in the state be required to provide full and complete disclosure to the public of such plans; and that the state ensure that the construction and operation of energy facilities is treated as a significant aspect of land-use planning in which all environmental, economic, and technical issues are resolved in an integrated fashion, all to assure that new energy facilities are sited, constructed, and operated in conformance with sound environmental principles. The legislature, therefore, hereby establishes a procedure for the review, approval, monitoring, and enforcement of compliance in the planning, siting, construction, and operation of energy facilities.

2 New Paragraph; Energy Facility Evaluation and Siting, Construction and Operation; Definitions; Administrator. Amend RSA 162-H:2 by inserting after paragraph I the following new paragraph:

I-a. "Administrator" means the administrator of the committee established by this chapter.

3 Site Evaluation Committee. RSA 162-H:3 is repealed and reenacted to read as follows:

I. There is hereby established a committee to be known as the New Hampshire site evaluation committee to evaluate applications for certificates of site and facility and petitions for exemption from jurisdiction and declaratory rulings; to oversee the operations of certificated facilities to ensure they are meeting the conditions of their certificates; to assist the public in understanding the requirements of this chapter; and to engage in rulemaking as needed. The committee shall consist of 9 members, as follows:

(a) The commissioners of the public utilities commission, the chairman of which shall be the chairman of the committee;

(b) The commissioner of the department of environmental services, who shall be the vice-chairman of the committee;

(c) The commissioner of the department of resources and economic development;

(d) The commissioner of the department of transportation;

(e) The director of the division of historic resources; and

(f) Two members of the public, appointed by the governor, with the consent of the council, at least of one of whom shall be an attorney licensed to practice in New Hampshire, and both of whom shall be residents of the state of New Hampshire with expertise or experience in one or more of the following areas: public deliberative or adjudicative proceedings; business management; environmental protection; natural resource protection; energy facility design, construction, operation, or management; or community and regional planning or economic development.

II. The public members shall serve 4 year terms and until their successors are appointed and qualified. Any public member chosen to fill a vacancy occurring other than by expiration of term shall be appointed for the unexpired term of the member who is to be succeeded.

III. No public member nor any member of his or her family shall receive income from energy facilities within the jurisdiction of the committee. The public members shall comply with RSA 15-A and RSA 15-B.

IV. All members shall refrain from ex parte communications regarding any matter pending before the committee.

V. Seven members of the committee shall constitute a quorum for the purpose of conducting the committee's business, with the exception of administrative actions that may be taken by the chairman or designee as presiding officer, or procedural rulings that may be made by a hearing officer.

VI. Any public member of the committee may be removed by the governor and council for inefficiency, neglect of duty, or misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard.

VII. The committee shall be administratively attached to the public utilities commission pursuant to RSA 21-G:10.

VIII. Public members of the committee shall be compensated at on a pro rata basis, based upon a rate equal to the daily salary rate for a commissioner of the public utilities commission at the initial step.

IX. The chairman may:

- (a) Serve as the chief executive of the committee.
- (b) Delegate to other members the duties of presiding officer, as appropriate.
- (c) Establish, with the consent of the committee, the budgetary requirements of the committee.
- (d) Engage personnel in accordance with this chapter.

X. The committee may exercise its powers through subcommittees of no fewer than 7 members established at any time by the chairperson. The 2 public members shall serve on each subcommittee so established. The remaining 5 or more members shall be selected from among the members of the committee, or their designees, including the senior administrator positions of the department of environmental services, the public utilities commission, the department of resources and economic development, division of historic resources, and the department of transportation. At least one member of a subcommittee shall be an attorney licensed to practice in New Hampshire. For purposes of statutory interpretation and executing the regulatory functions of this chapter, the subcommittee shall assume the role and be considered the committee, with all of its associated powers and duties. Five members of the subcommittee shall constitute a quorum for the purpose of conducting the committee's business, with the exception of administrative actions that may be taken by the chairperson of the subcommittee or designee as presiding officer, or procedural rulings that may be made by a hearing officer.

4 New Section; Site Evaluation Committee; Administrator. Amend RSA 162-H by inserting after section 3 the following new section:

162-H:3-a Administrator. The site evaluation committee may establish the position of administrator. The administrator shall be a classified state employee at labor grade 34, or an independent consultant, hired at the discretion of the chairperson through a competitive bid process. The salary of the administrator shall be paid from the site evaluation committee fund established in RSA 162-H:21. The administrator, with committee approval, may engage additional technical, legal, or administrative support to fulfill the functions of the committee as necessary.

5 Powers of the Committee. Amend RSA 162-H:4, III and III-a to read as follows:

III. The committee may delegate the authority to monitor the construction or operation of any energy facility granted a certificate under this chapter to ***the administrator or*** such state agency or official ~~[represented on the committee]~~ as it deems appropriate, but, subject to RSA 162-H:10, it may not delegate authority to ~~[hold hearings,]~~ issue certificates, determine the terms and conditions of a certificate, or enforce a certificate. Any authorized representative or delegate of the committee shall have a right of entry onto the premises of any part of the energy facility to ascertain if the facility is being constructed or operated in continuing compliance with the terms and conditions of the certificate. During normal hours of business administration and on the premises of the facility, such a representative or delegate shall also have a right to inspect such records of the certificate-holder as are relevant to the terms or conditions of the certificate.

III-a. The committee may delegate to ~~[an]~~ ***the administrator or such state*** agency or official ~~[represented on the committee]~~ ***as it deems appropriate*** the authority to specify the use of any technique, methodology, practice, or procedure approved by the committee within a certificate issued under this chapter, or the authority to specify minor changes in the route alignment to the extent that such changes are authorized by the certificate for those portions of a proposed electric transmission line or energy transmission pipeline for which information was unavailable due to conditions which could not have been reasonably anticipated prior to the issuance of the certificate.

6 Powers of Committee. RSA 162-H:4, V is repealed and reenacted to read as follows:

V. Once an energy facility application has been accepted, the administrator may designate a hearing officer to hear and decide procedural matters that are before the committee, including procedural schedules, petitions for intervention, consolidation of parties with substantially similar interests, discovery schedules and motions, and identification of significant disputed issues for hearing and decision by the committee.

7 Application for Certificate. Amend RSA 162-H:7, IV and V to read as follows:

IV. Each application shall contain sufficient information to satisfy the application requirements of each state agency having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility, and shall include each agency's completed application forms. Upon the filing of an application, the committee shall expeditiously forward a copy to the state agencies having jurisdiction **and to other state agencies identified in committee rules**. Upon receipt of a copy, each agency shall conduct a preliminary review to ascertain if the application contains sufficient information for its purposes. If the application does not contain sufficient information for the purposes of any of the state agencies having jurisdiction, that agency shall, in writing, notify the committee of that fact and specify what information the applicant must supply; thereupon the committee shall provide the applicant with a copy of such notification and specification. Notwithstanding any other provision of law, for purposes of the time limitations imposed by this section, any application made under this section shall be deemed not accepted either by the committee or by any of the state agencies having jurisdiction if the applicant is ~~[seasonably]~~ **reasonably** notified that it has not supplied sufficient information for any of the state agencies having jurisdiction in accordance with this paragraph.

V. Each application shall also:

(a) Describe in reasonable detail the type and size of each major part of the proposed facility.

(b) Identify both the **applicant's** preferred choice and ~~[any other choices]~~ **other alternatives it considers available** for the site **and configuration** of each major part of the proposed facility, **and the reasons supporting the applicant's preferred choice**.

(c) Describe in reasonable detail the impact of each major part of the proposed facility on the environment for each site proposed.

(d) Describe in reasonable detail the applicant's proposals for studying and solving environmental problems.

(e) Describe in reasonable detail the applicant's financial, technical, and managerial capability for construction and operation of the proposed facility.

(f) Document that written notification of the proposed project, including appropriate copies of the application, has been given to the appropriate governing body of each community in which the facility is proposed to be located.

(g) Provide such additional information as the committee may require to carry out the purposes of this chapter.

8 Application for Certificate. Amend RSA 162-H:7, VI-a through VI-d to read as follows:

VI-a. ~~[Within 30 days after acceptance of the application, the committee shall hold at least one public hearing in each county in which the proposed facility is to be located,]~~ **Public information sessions shall be held** in accordance with RSA 162-H:10.

VI-b. All ~~[participating]~~ state agencies **having jurisdiction** shall report their progress to the committee within ~~[5 months]~~ **150 days** of the acceptance of the application, outlining draft permit conditions and specifying additional data requirements necessary to make a final decision **on the parts of the application that relate to its jurisdiction**.

VI-c. All ~~[participating]~~ state agencies **having jurisdiction** shall make and submit to the committee a final decision on the parts of the application that relate to its jurisdiction, no later than ~~[8 months]~~ **240 days** after the application has been accepted.

VI-d. Within ~~[9 months]~~ **365 days** of the acceptance of an application, the committee shall issue or deny a certificate for an energy facility.

9 New Section; Role of State Agencies. Amend RSA 162-H by inserting after section 7 the following new section:

162-H:7-a Role of State Agencies.

I. State agencies having jurisdiction may participate in committee proceedings as follows:

(a) Receive proposals or permit requests within the agency's jurisdiction, expertise, or both; determine completeness of elements required for such agency's permitting or other programs; and report on such issues to the committee;

(b) Review proposals or permit requests and submit recommended draft permit terms and conditions to the committee;

(c) Identify issues of concern on the proposal or permit request or notify the committee that the application raises no issues of concern;

(d) When issues of concern are identified, appear before the committee at a hearing to provide input and answer questions of parties and committee members; and

(e) Review and comment on proposed certificate conditions or rulings to confirm that such conditions or rulings are in conformity with the laws and regulations applicable to the project and state whether the conditions or rulings are appropriate in light of the agency's statutory responsibilities.

II. When initiating a proceeding for a committee matter, the committee shall expeditiously notify state agencies having jurisdiction or that are identified in committee rules.

III. Within 30 days of receipt of a notification of proceeding, a state agency not having jurisdiction but wishing to participate in the proceeding shall advise the chairperson of the committee.

IV. The commissioner or director of each state agency that intends to participate in a committee proceeding shall advise the chairperson of the name of the individual on the agency's staff designated to be the agency liaison for the proceeding. The committee chairman may request the attendance of an agency's designated liaison or designee at a session of the committee if that person's availability could materially assist the committee in its examination or consideration of a matter.

V. All communications between the committee and participating agencies regarding a pending committee matter shall be included in the official record and be publicly available.

VI. A state agency may intervene as a party in any committee proceeding in the same manner as other persons under RSA 541-A. An intervening agency shall have the right to rehearing and appeal of a certificate or other decision of the committee.

10 Public Hearing; Information Sessions; Studies; Rules. Amend RSA 162-H:10 to read as follows:

162-H:10 Public Hearing; Studies; Rules.

I. At least 30 days prior to filing an application for a certificate of site and facility, an applicant shall hold at least one public information session open to the public in each county where the proposed facility is to be located and shall publish a public notice not less than 14 days before such session in one or more newspapers having a regular circulation in the county in which the session is to be held, describing the nature and location of the proposed facilities. At such session, the applicant shall present information regarding the project and receive comments from the public. Not less than 10 days before said session, the applicant shall provide a copy of the public notice to the chairman of the committee. The applicant shall arrange for a transcript of said session to be prepared and shall include the transcript in its application for a certificate.

I-a. Within [30] 45 days after acceptance of an application for a certificate of site and facility, pursuant to RSA 162-H:7, the site evaluation committee shall hold at least one [joint] public [hearing] **information session** in each county in which the proposed facility is to be located and shall publish a public notice not less than 14 days before said [hearing] **session** in one or more newspapers having a regular circulation in the county in which the [hearing] **session** is to be held, describing the nature and location of the proposed facilities. ***Not less than 10 days before said session, the applicant shall provide a copy of the public notice to the chairman of the committee. The session shall be for public information on the proposed facilities with the applicant presenting the information to the public.***

I-b. Upon request of the governing body of a municipality or unincorporated place in which the proposed facility is to be located, or on the committee's own motion, the committee may order the applicant to provide such informational meetings as are reasonable to inform the public of the proposed project in addition to the required public information sessions required by RSA 162-H:10.

I-c. Within 90 days after acceptance of an application for a certificate of site and facility, pursuant to RSA 162-H:7, the site evaluation committee shall hold at least one joint public hearing in each county in which the proposed facility is to be located and shall publish a public notice not less than 14 days before such session in one or more newspapers having a regular circulation in the county in which the hearing is to be held, describing the nature and location of the proposed

facilities. The public hearings shall be joint hearings, with representatives of the other agencies that have jurisdiction over the subject matter and shall be deemed to satisfy all initial requirements for public hearings under statutes requiring permits relative to environmental impact. ~~[The hearings shall be for public information on the proposed facilities with the applicant presenting the information to the site evaluation committee and to the public.]~~ Notwithstanding any other provision of law, the hearing shall be a joint hearing with the other state agencies and shall be in lieu of all hearings otherwise required by any of the other state agencies; provided, however, if any of such other state agencies does not otherwise have authority to conduct hearings, it may not join in the hearing under this chapter; provided further, however, the ability or inability of any of the other state agencies to join shall not affect the composition of the committee under RSA 162-H:3 nor the ability of any member of the committee to act in accordance with this chapter.

II. Except for informational ~~[hearings]~~ **meetings**, subsequent hearings shall be in the nature of adjudicative proceedings under RSA 541-A and may be held in the county or one of the counties in which the proposed facility is to be located or in Concord, New Hampshire, as determined by the site evaluation committee. The committee shall give adequate public notice of the time and place of each subsequent session. ***In lieu of the full committee or subcommittee, a hearing officer designated by the administrator may preside at hearings concerning procedural matters before the committee pursuant to RSA 162-H:4, V. The full committee or subcommittee shall preside at all hearings regarding the significant disputed issues identified by the hearing officer.***

III. The site evaluation committee shall consider and weigh all evidence presented at public hearings and shall consider and weigh written information and reports submitted to it by members of the public before, during, and subsequent to public hearings ***but prior to the closing of the record of a proceeding.*** The committee shall grant free access to records and reports in its files to members of the public during normal working hours ~~[and]~~, shall permit copies of such records and reports to be made by interested members of the public at their expense ***and shall post all such records and reports regarding pending applications for a certificate on a website.***

IV. The site evaluation committee shall require from the applicant whatever information it deems necessary to assist in the conduct of the hearings, and any investigation or studies it may undertake, and in the determination of the terms and conditions of any certificate under consideration.

V. The site evaluation committee and counsel for the public shall jointly conduct such reasonable studies and investigations as they deem necessary or appropriate to carry out the purposes of this chapter and may employ a consultant or consultants, legal counsel and other staff in furtherance of the duties imposed by this chapter, the cost of which shall be borne by the applicant in such amount as may be approved by the committee. The site evaluation committee and counsel for the public are further authorized to assess the applicant for all travel and related expenses associated with the processing of an application under this chapter.

VI. The site evaluation committee shall issue such rules to administer this chapter, pursuant to RSA 541-A, after public notice and hearing, as may from time to time be required.

VII. No later than January 1, 2015, the committee shall adopt rules, pursuant to RSA 541-A, relative to ***the reorganizing of the committee and to*** criteria for the siting of energy facilities, including specific criteria to be applied in determining if the requirements of RSA 162-H:16, IV(b) and (c) have been met by the applicant for a certificate of site and facility. Prior to the adoption of such rules, the office of energy and planning shall hire and manage one or more consultants to conduct a public stakeholder process to develop recommended regulatory criteria, which may include consideration of issues identified in attachment C of the 2008 final report of the state energy policy commission, as well as others that may be identified during the stakeholder process. The office of energy and planning shall submit a report based on the findings of the public stakeholder process to the committee by January 1, 2014.

11 Enforcement. Amend RSA 162-H:12, I to read as follows:

I. Whenever the committee, ***or the administrator as designee***, determines that any term or condition of any certificate issued under this chapter is being violated, it shall, in writing, notify the person holding the certificate of the specific violation and order the person to immediately terminate the violation. If, 15 days after receipt of the order, the person has failed or neglected to terminate the violation, the committee may suspend the person's certificate. Except for emergencies, prior to any suspension, the committee shall give written notice of its consideration of suspension and of its reasons therefor and shall provide opportunity for a prompt hearing.

12 Findings and Certificate Issuance. Amend the introductory paragraph of RSA 162-H:16, IV to read as follows:

IV. The site evaluation committee, after having considered available alternatives and fully reviewed the environmental impact of the site or route, and other relevant factors bearing on whether the ~~[objectives of this chapter]~~ **public interest** would be best served by the issuance of the certificate, must find that the site and facility:

13 New Subparagraph; Findings and Certificate Issuance. Amend RSA 162-H:16, IV by inserting after subparagraph (d) the following new subparagraph:

(e) Will serve the public interest.

14 New Sections; Fund Established; Funding Plan; Applicability; Transitional Responsibilities. Amend RSA 162-H by inserting after section 20 the following new sections:

162-H:21 Fund Established; Funding Plan.

I. There is hereby established in the office of the state treasurer a nonlapsing fund to be known as the site evaluation committee fund. All moneys in such fund shall be continually appropriated to the site evaluation committee for the purposes of the committee. The fund shall be established with an advance from the renewable energy fund established in RSA 362-F:10 in an amount not to exceed \$1,000,000. Repayment of the initial renewable energy fund advance shall be made over a period of not more than 10 years.

II. By December 1, 2014, the committee shall submit a permanent funding plan, including recommendations for legislation, to the governor and to the chairpersons of the house and senate finance committees. The committee shall consider potential funding sources, including but not limited to the imposition of reasonable application fees and other funding sources. The plan shall describe the costs of the ongoing administration of the committee's duties, including state agency expenses associated with processing an application under this chapter. The plan shall include recommendations for the ongoing funding of the committee's operations, including reimbursement for the hearing and review time of members of the committee and state agency staff. The plan shall make recommendations for funding sources to meet those needs, except that such funding sources shall not include annual operating fees imposed on energy facilities. The plan shall provide an estimate of revenues from application fees and additional funding sources.

162-H:22 Applicability.

I. The provisions of this chapter shall apply to any application or petitions received on or after July 1, 2014.

II. Pending matters for which a public hearing was held prior to July 1, 2014 shall be governed by the standards in place prior to the enactment of this section and shall be addressed by the committee in effect at the time the matters were filed.

III. The committee in existence prior to July 1, 2014 shall cease to exist when all matters for which a public hearing was held prior to July 1, 2014 have been resolved, through ruling on requests for rehearing or reconsideration.

162-H:23 Transitional Responsibilities.

I. Any pending matter for which a public hearing was not held prior to July 1, 2014, and all matters filed after July 1, 2014 shall be reviewed by the committee as re-organized under this chapter. The parties in any pending matter for which a public hearing was not held prior to July 1, 2014 shall have a reasonable opportunity to supplement filings under the provisions of this chapter as effective July 1, 2014.

II. The re-organization of the committee, including the appointment of a administrator and public members, shall occur no later than November 1, 2014.

III. All time frames under this chapter shall be tolled until the date that committee is re-organized.

IV. Notwithstanding any other provision of this chapter, the committee in existence prior to July 1, 2014 shall continue the process of adopting rules pursuant to RSA 162-H:10, VII, until such time as the re-organized committee is established. Notwithstanding any other provision of law, the actions of the committee in existence prior to July 1, 2014 shall be deemed the actions of the committee for the purposes of appointing an administrator and of adopting rules pursuant to RSA 162-H:10, VII.

V. Any application for approval of a transfer pursuant to RSA 162-H:5, I shall be reviewed and decided by the committee in existence prior to July 1, 2014 provided such application is filed no later than December 31, 2014.

15 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (316) the following new subparagraph:

(317) Moneys deposited in the site evaluation committee fund established in RSA 162-H:21, I.

16 Repeal. The following are repealed:

- I. RSA 4-C:6, II(e), relative to energy facility evaluation committee.
- II. RSA 162-H:6-a, relative to time frames for review of renewable energy facilities.
- III. RSA 162-H:7, VI-e, relative to time frames for applications for certificates.
- IV. RSA 162-H:15, relative to informational meetings.

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

2014-1125s

AMENDED ANALYSIS

This bill:

- I. Modifies the membership and duties of the site evaluation committee.
- II. Modifies requirements for energy facility certificates.

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 287-FN, transferring a sum from the prepaid fish and game license account. Interim Study, Vote 4-1. Senator Odell for the committee.

The question is on the adoption of committee recommendation of Refer to Interim Study. Adopted.

SB 308-FN, relative to innovation in the delivery of health care. Ought to Pass with Amendment, Vote 5-0. Senator Odell for the committee.

Senate Finance
March 20, 2014
2014-1122s
01/04

Amendment to SB 308-FN

Amend the bill by replacing section 2 with the following:

2 New Chapter; Health Care Delivery Innovation Through Cooperation Act. Amend RSA by inserting after chapter 151-H the following new chapter:

CHAPTER 151-I

HEALTH CARE DELIVERY INNOVATION THROUGH COOPERATION ACT

151-I:1 Definitions. In this chapter:

I. "Certificate of public advantage" or "certificate" means an approval of a cooperative agreement issued by the attorney general.

II. "Cooperative agreement" means an agreement between a health care provider and one or more persons or entities, including other health care providers, governing the sharing, allocation, or referral of patients or the sharing or allocation of personnel, instructional programs, support services and facilities, medical diagnostic or laboratory facilities, procedures, equipment, or other health care services traditionally offered by health care facilities or other health care providers, or the acquisition or merger of assets among or by 2 or more health care providers.

III. "Health care provider" means a health care professional licensed, certified, or registered under the laws of this state, or a facility licensed under RSA 151.

151-I:2 Application for Certificate.

I. Parties to a cooperative agreement, or a prospective cooperative agreement, may apply to the attorney general for a certificate of public advantage governing the cooperative agreement.

II. The application shall include the following:

(a) An executed written copy of the cooperative agreement or, in the case of a prospective cooperative agreement, an executed letter of intent;

(b) A detailed narrative description of how the cooperative agreement conforms to the standards established in this chapter, including specific examples of how the proposed agreement will provide the benefits set out in RSA 151-I:4, I(a), and will minimize those effects identified in RSA 151-I:4, I(b);

(c) Certified financial statements of the parties for the 2 calendar years prior to the execution of the cooperative agreement. The statements shall include an income statement, a balance sheet and a cash flow statement. These statements shall be prepared in accordance with generally accepted accounting principles, and shall be certified by an independent licensed public accountant that they have been so prepared, and that all adjustments necessary for a fair statement of the results for the periods shown have been included;

(d) Copies of the parties' community benefits plans prepared pursuant to RSA 7:32-e for the year prior to the execution of the cooperative agreement, and a proposed plan for the entity created by the cooperative agreement, if applicable;

(e) A detailed analysis of the competitive market for the services to be provided by the combined, affiliated, or cooperating health care providers which predicts the positive and negative impacts the cooperative agreement may have on the competitive market;

(f) A copy of the public notice as required under this chapter;

(g) Any other information the attorney general by rules adopted pursuant to this chapter reasonably requires for the protection of the public; and

(h) An application fee of \$5,000.

III. Materials submitted pursuant to this section shall be deemed material submitted pursuant to an official investigation of the attorney general pursuant to RSA 356, and shall be kept confidential by the attorney general pursuant to the provisions of RSA 356:10, V.

151-I:3 Public Comment.

I. There shall be a public comment period of 60 days beginning 60 days from the date of application.

II. Upon submission of the application for certificate, the parties to a cooperative agreement shall publish in one or more newspapers of general circulation a notice of the application for a certificate of public advantage. The notice shall include a detailed description of the application and the means by which to submit written comment.

III. The attorney general shall receive written comments on the application and may, after public notice, hold one or more hearings for receipt of public comment.

151-I:4 Standards for Approval.

I. The attorney general shall review applications submitted under this chapter. In reviewing applications, the attorney general shall consider, but not be limited to, the following standards and as further developed under rules adopted pursuant to RSA 151-I:10:

(a) Whether one or more of the following benefits are likely to result from the cooperative agreement:

(1) Enhancement of the quality of health care provided by the parties to the cooperative agreement;

(2) Lowered costs to consumers of health care services and improved efficiency of delivering health care services resulting from reduced operating costs and reductions in administrative and capital costs;

(3) Improved utilization of health care provider resources;

(4) Expansion of access to care for consumers of health care services;

(5) Preservation of critical health care services within the relevant geographic area that would be at risk of elimination in the absence of a cooperative agreement;

(b) Whether one or more of the following disadvantages are likely to result from the cooperative agreement:

- (1) Diminished quality of health care;
- (2) Increased costs over time resulting from any decreased competition the cooperative agreement may cause;
- (3) Decreased utilization of health care provider resources;
- (4) Decreased access to care;
- (5) Reduced competition among health care providers and the potential for adverse system quality, accessibility and cost consequences;
- (c) The financial condition of the parties to the agreement, including whether either party to the cooperative agreement is experiencing financial distress and may be forced to cease operations or eliminate services in the absence of the cooperative agreement;
- (d) The availability of alternative arrangements that are less restrictive to competition and that are likely to achieve the same or substantially similar benefits attributable to the proposed cooperative agreement;
- (e) Other benefits or disadvantages identified in the course of review, including, but not limited to, the economic and other impacts due to the restructuring or reallocation of resources and providers in the communities in which the affiliating parties are located; and
- (f) The extent to which active review as provided in this chapter is likely to mitigate any disadvantages.

II. The attorney general may consider all other relevant information, including but not limited to the state health plan established under RSA 151-C:4-a. During the application review process and the annual report review described in RSA 151-I:6, the attorney general may consult with the commissioners of the department of health and human services and the insurance department as necessary relative to matters affecting the jurisdiction of those departments. The attorney general may provide the application and other information necessary to facilitate such consultation.

151-I:5 Issuance of Certificate.

I. The attorney general shall grant or deny an application within 90 days of the date of the filing. The attorney general's decision shall be in writing, and shall set forth the basis for the decision.

II. The certificate shall be issued for a period of not less than 5 years, unless a period of shorter duration is specified by the parties to the agreement. The certificate may be renewed as provided in RSA 151-I:7.

III. Issuance of the certificate shall be conditioned on the reporting and review requirements under RSA 151-I:6. The attorney general may impose such additional conditions as the attorney general may reasonably determine to be necessary to protect the public from the potential adverse consequences the cooperative agreement may cause.

151-I:6 Reporting and Review.

I. On the first anniversary of the issuance of a certificate under this chapter and every year thereafter, the parties to a cooperative agreement shall file a report of activities with the attorney general. Such report shall include the following:

- (a) A statement of activities conducted under the cooperative agreement.
- (b) A statement of activities to be conducted under the cooperative agreement over the next 2 years.
- (c) A statement detailing the benefits achieved or the benefits expected to be achieved under the cooperative agreement, including data regarding utilization of services, costs, quality of care, and population health. If the benefits outlined in the application have not been achieved, the report shall include the reasons why the benefits have not been met and a remedial plan to achieve such benefits.
- (d) A statement addressing measures taken to comply with any conditions imposed on the issuance of the certificate.
- (e) Any additional information requested by the attorney general.

II. If, upon review of the annual report, the attorney general determines that the parties to the cooperative agreement have failed to comply with any condition imposed on the issuance of the certificate or that the benefits of the cooperative agreement no longer outweigh the disadvantages, the attorney general shall

notify the parties and request any additional information deemed necessary. The attorney general may, after notification to the parties, alter or amend any conditions imposed on the certificate. If the attorney general determines that the cooperating entity reporting pursuant to this paragraph is in violation of this chapter or any condition established in the certificate of public advantage, the attorney general shall provide written notice of the violation to the entity or entities detailing the nature and scope of the violation. The parties shall have 30 days to submit a comprehensive plan to cure any identified violation within a period not to exceed 6 months from the notice of violation. If the identified violation is not timely cured, the attorney general may impose appropriate monetary penalties for each day the violation persists or impose such other remedies as may be reasonably required to protect the public including, without limitation, divestment by the cooperating entity or entities as may be required to restore competition to the marketplace.

151-I:7 Renewal.

I. The parties to a cooperative agreement covered by a certificate of public advantage issued for a definite term shall, no later than 120 days prior to the expiration of the certificate, submit to the attorney general an application to renew the certificate.

II. Unless waived by the attorney general, the application for renewal shall be in the same form as the application for certificate. The application for renewal shall be accompanied by a fee of \$5,000.

III. The attorney general shall make a determination on the application for renewal under the standards for issuance of a certificate as provided in this chapter.

151-I:8 Revocation.

I. In addition to the remedies under RSA 151-I:6, the attorney general may revoke a certificate issued under this chapter upon a finding that the benefits resulting from such a certificate no longer outweigh the disadvantages.

II. Upon a decision to revoke a certificate issued under this chapter, the attorney general shall notify the parties to the cooperative agreement in writing, and the parties shall have 90 days to respond. After review of the responses, the attorney general shall make a final decision regarding revocation.

151-I:9 No Requirement to Seek Approval; Effect of Approval.

I. Nothing in this chapter shall obligate health care providers to enter into cooperative agreements or to submit a request for approval of a cooperative agreement as set forth under the provisions of this chapter.

II. Any person who implements a cooperative agreement without securing the approval of the attorney general under the provisions of this section is subject to any enforcement action that otherwise might apply.

III. It is the intent of this chapter that cooperative agreements that are approved and subject to the review and supervision of the attorney general shall provide state action immunity under federal antitrust laws to health care providers who participate in discussions or negotiations leading to a cooperative agreement and to parties to cooperative agreements approved by the attorney general.

151-I:10 Rules. The attorney general shall adopt rules, pursuant to RSA 541-A, relative to:

I. Application procedures for the issuance of a certificate under this chapter.

II. Renewal of certificate procedures and requirements.

III. Content and format of all forms required under this chapter.

IV. Conduct of public comment period and hearings under RSA 151-I:3.

V. Other matters the attorney general deems necessary for the proper administration of this chapter.

151-I:11 Assessed Expenses.

I. The attorney general may employ independent experts, including consultants, financial advisors, and counsel, that the attorney general deems reasonably necessary to review the application, application for renewal, and periodic monitoring required under this chapter. These expenses shall be assessed and promptly paid by the parties to the cooperative agreement and shall be in addition to any other fees required under this chapter.

II. For the purposes of developing the rules required under RSA 151-I:10, the attorney general shall assess each acute care hospital licensed under RSA 151 an administrative fee. The total amount collected

shall be equal to the amount actually expended for the development of the administrative rules or \$300,000, whichever is less. The amount to be collected shall be prorated as of the fiscal year ending on June 30, 2014, among all acute care hospitals licensed under RSA 151. Funds collected under this section shall be deposited in the general fund.

151-I:12 Application of Other Laws. The requirements of this chapter shall be in addition to the requirements in RSA 7:19-b and RSA 151-C, if otherwise applicable.

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 321, relative to motorist service signs. Interim Study, Vote 5-1. Senator Larsen for the committee.

The question is on the adoption of committee recommendation of Refer to Interim Study.

A roll call was requested by Sen. Bradley.

Sen. Bradley withdrew his request for a roll call.

A division vote was requested.

Yeas: 8 - Nays: 16

Failed.

Sen. Gilmour moved Ought to Pass.

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

SB 323-FN, relative to imprisonment in a county correctional facility. Interim Study, Vote 5-0. Senator Forrester for the committee.

The question is on the adoption of committee recommendation of Refer to Interim Study. Adopted.

SB 327-FN, relative to economic revitalization zone tax credits. Ought to Pass with Amendment, Vote 4-1. Senator Odell for the committee.

Senate Finance
March 19, 2014
2014-1074s
10/09

Amendment to SB 327-FN

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

2 Limit on Total Economic Revitalization Zone Credits; Unclaimed Credit Amounts. Amend RSA 162-N:5 to read as follows:

162-N:5 Limit on Total Economic Revitalization Zone Credits. The aggregate of tax credits issued by the commissioner of resources and economic development to all taxpayers claiming the credit shall not exceed \$825,000 for any calendar year, ***except that any amount of the credit less than \$825,000 that is not claimed in the calendar year may be issued in the next calendar year and in following years.*** Amounts carried forward pursuant to RSA 162-N:7 shall not be counted against this limit in any year in which they are applied. Notwithstanding RSA 162-N:6, the maximum credit which may be utilized by a taxpayer in any calendar year shall not exceed \$40,000. In the case in which the aggregate credits requested during the calendar year exceed [~~\$825,000~~] ***the amount available***, each taxpayer shall receive a credit for the proportional share of the maximum aggregate credit amount.

2014-1074s

AMENDED ANALYSIS

This bill extends the availability of economic revitalization zone tax credits under RSA 162-N until 2020, and allows for continuation of unclaimed credit amounts.

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.

A roll call was requested by Sen. Soucy, seconded by Sen. Fuller Clark.

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

The following Senators voted No: (None)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

SB 329-FN, relative to advertising alcoholic beverages on billboards. Inexpedient to Legislate, Vote 3-3. Senator Forrester for the committee.

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

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

The following Senators voted Yes: Forrester, Bradley, Watters, Cataldo, Odell, Kelly, Lasky, Carson, Fuller Clark, Prescott, Stiles, Morse.

The following Senators voted No: Woodburn, Pierce, Hosmer, Sanborn, Bragdon, Gilmour, Larsen, Boutin, Reagan, Soucy, Rausch, D'Allesandro.

Yeas: 12 - Nays: 12

Failed.

Sen. Bradley moved to Lay on the Table SB 329-FN.

A division vote was requested.

Yeas: 12 - Nays: 12

Failed.

Sen. Sanborn moved Ought to Pass.

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

The following Senators voted Yes: Woodburn, Pierce, Hosmer, Sanborn, Bragdon, Gilmour, Larsen, Boutin, Reagan, Soucy, Rausch, D'Allesandro.

The following Senators voted No: Forrester, Bradley, Watters, Cataldo, Odell, Kelly, Lasky, Carson, Fuller Clark, Prescott, Stiles, Morse.

Yeas: 12 - Nays: 12

Failed.

Recess. Out of recess.

SPECIAL ORDER

Without objection, SB 329-FN is special ordered to the first bill after lunch. Adopted by the necessary 2/3 vote.

SB 367-FN-A, requiring adjustment of the road toll according to changes in the Consumer Price Index. Ought to Pass with Amendment, Vote 4-2. Senator Odell for the committee.

Senate Finance
March 20, 2014
2014-1123s
10/09

Amendment to SB 367-FN-A

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

AN ACT requiring adjustment of the road toll according to changes in the Consumer Price Index, eliminating certain ramp tolls on the Everett turnpike in the town of Merrimack, and establishing a committee to study the effectiveness and efficiency of the department of transportation.

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

1 Road Toll; Adjustment. Amend the introductory paragraph of RSA 260:32 to read as follows:

260:32 Levy of Tolls and Exemptions. There is hereby imposed a road toll of \$.18 per gallon upon the sale of each gallon of motor fuel sold by distributors thereof, ***as adjusted according to RSA 260:32-a***. The road toll shall be collected by the distributor from the purchaser and remitted to the state in the manner hereinafter set forth. ***All revenues collected from adjustments under RSA 260:32-a for rates that exceed \$.18 per gallon shall be exclusively appropriated to, and expended by, the department of transportation in accordance with RSA 260:32-b.*** Provided, that the road toll shall not apply to:

2 Road Toll; Prospective Amendment. The introductory paragraph of RSA 260:32 is repealed and reenacted to read as follows:

260:32 Levy of Tolls and Exemptions. There is hereby imposed a road toll of \$.18 per gallon upon the sale of each gallon of motor fuel sold by distributors thereof. The road toll shall be collected by the distributor from the purchaser and remitted to the state in the manner hereinafter set forth. Provided, that the road toll shall not apply to:

3 New Sections; Motor Vehicle Laws; Adjustment of Road Toll; Expenditure of Certain Road Toll Revenue. Amend RSA 260 by inserting after section 32 the following new sections:

260:32-a Adjustment of Road Toll; Publication. The rate for the levy of the road toll under RSA 260:32 shall be adjusted as follows:

I. The rate for the levy of the road toll under RSA 260:30 shall be adjusted, effective July 1, 2014, by multiplying the effective rate during the prior 12-month period by a fraction, the numerator being the annual average CPI for the year 2013 and the denominator being the annual average CPI for the year 2003.

II. The road toll adjustment required in paragraph I shall be calculated by the state treasurer and forwarded to the governor, president of the senate, speaker of the house of representatives, and the commissioner of the department of safety at least 30 days before the effective date of any road toll adjustment. The commissioner of the department of safety shall publish statewide the adjusted road toll rate. The state treasurer shall make the CPI and adjusted road toll calculations to 3 decimal places.

III. In this section, "CPI" means the United States Bureau of Labor Statistics Consumer Price Index for All Urban Consumers, all items, not seasonally adjusted, for the Boston, Brockton, Nashua; MA-NH-ME-CT area.

260:32-b Expenditure of Certain Road Toll Revenue.

I. For the fiscal year ending June 30, 2015, expenditure of revenues collected from adjustments under RSA 260:32-a for rates that exceed \$.18 per gallon, less required "Apportionment A" distributions under RSA 235:23, I on said revenues, shall be made for the following purposes in the following order of priority:

(a) \$12,000,000 shall be expended for the district rehabilitation program with said funds to be distributed equally among the 6 state highway districts.

(b) \$13,200,000 shall be expended for the district resurfacing program with said funds to be distributed equally among the 6 state highway districts.

(c) All remaining funds shall be for the purpose of state bridge aid for municipal bridges under RSA 234.

II. For the fiscal year ending June 30, 2016, expenditure of revenues collected from adjustments under RSA 260:32-a for rates that exceed \$.18 per gallon, less required "Apportionment A" distributions under RSA 235:23, I on said revenues, shall be made for the following purposes in the following order of priority:

(a) Debt service payments for bonds issued pursuant to RSA 6:13-d;

(b) \$8,100,000 shall be expended for the district rehabilitation program with said funds to be distributed equally among the 6 state highway districts.

(c) \$13,200,000 shall be expended for the district resurfacing program with said funds to be distributed equally among the 6 state highway districts.

(d) In addition to sums otherwise appropriated, \$6,800,000 for state bridge aid for municipal bridges under RSA 234;

(e) All remaining funds deposited into the highway and bridge betterment account under RSA 235:23-a.

III. For the fiscal year ending June 30, 2017 and each fiscal year thereafter, expenditure of revenues collected from adjustments under RSA 260:32-a for rates that exceed \$.18 per gallon, less required "Apportionment A" distributions under RSA 235:23, I on said revenues, shall be made for the following purposes in the following order of priority:

- (a) Debt service payments for bonds issued pursuant to RSA 6:13-d;
- (b) In addition to sums otherwise appropriated, \$6,800,000 for state bridge aid for municipal bridges under RSA 234;
- (c) All remaining funds deposited into the highway and bridge betterment account under RSA 235:23-a.

4 New Section; Authority to Issue Bonds; Highway Fund. Amend RSA 6 by inserting after section 13-c the following new section:

6:13-d Authority to Borrow; Certain Transportation Projects.

I. The state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$200,000,000 and shall issue general obligation bonds in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A, to provide funds for the widening of Interstate 93 from Salem, New Hampshire to Manchester, New Hampshire.

II. Payment of principal and interest on the bonds issued under paragraph I shall be paid when due from the highway funds collected and appropriated in accordance with RSA 260:32-a for rates that exceed \$.18 per gallon and expended in accordance with RSA 260:32-b.

5 Prospective Repeals. The following are repealed:

- I. RSA 260:32-a, relative to the adjustment of road toll.
- II. RSA 260:32-b, relative to expenditure of certain road toll revenue.
- III. RSA 6:13-d, relative to authority to borrow for certain transportation projects.

6 Contingency. Sections 2 and 5 of this act shall take effect on the date the state treasurer certifies to the governor, the senate president, the speaker of the house of representatives, the commissioner of the department of safety, the director of the office of legislative services, and the secretary of state that the bonds authorized in RSA 6:13-d are paid in full, or 20 years after the initial issuance of such bonds, whichever is earlier.

7 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.

8 Committee Established.

I. There is established a committee to study the effectiveness and efficiency of the department of transportation.

II.(a) The members of the committee shall be as follows:

(1) Three members of the house finance committee, at least one of whom shall be a member of the minority party, appointed by the speaker of the house of representatives.

(2) Three members of the senate finance committee, at least one of whom shall be a member of the minority party, appointed by the president of the senate.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall:

- (a) Review the department of transportation's statutory duties and responsibilities.
- (b) Review whether the department is effectively and efficiently fulfilling its statutory obligations.
- (c) Review whether the department's current sources of funding are adequate to enable the department to fulfill its statutory obligations.
- (d) Study successful practices and administrative models of other state's departments of transportation and identify best practices or models that may increase effectiveness and efficiency in New Hampshire.

(e) Review whether the department is maximizing its resources by working cooperatively with other state agencies and private entities, where appropriate.

IV. 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 30 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2014.

9 Effective Date.

I. Sections 1 and 3 of this act shall take effect on July 1, 2014.

II. Sections 2 and 5 of this act shall take effect as provided in section 6 of this act.

III. Section 4 of this act shall take effect July 1, 2015.

IV. Section 7 of this act shall take effect 60 after its passage.

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

2014-1123s

AMENDED ANALYSIS

This bill requires the adjustment in 2014 of the road toll imposed on sales of motor fuels according to changes in the Consumer Price Index and appropriates revenues for certain transportation projects. The provisions for the road toll adjustment are repealed upon completion of the bonding for the widening of Interstate 93 project. The bill eliminates certain ramp tolls on the Everett turnpike in the town of Merrimack. The bill also establishes a committee to study the effectiveness and efficiency of the department of transportation.

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

Sen. Rausch offered a floor amendment.

Sen. Rausch, Dist. 19

March 25, 2014

2014-1159s

10/04

Floor Amendment to SB 367-FN-A

Amend the introductory paragraph of RSA 260:32 as inserted by section 1 of the bill by replacing it with the following:

260:32 Levy of Tolls and Exemptions. There is hereby imposed a road toll of \$.18 per gallon upon the sale of each gallon of motor fuel sold by distributors thereof, ***as adjusted according to RSA 260:32-a***. The road toll shall be collected by the distributor from the purchaser and remitted to the state in the manner hereinafter set forth. ***All revenues collected from adjustments under RSA 260:32-a for rates that exceed \$.18 per gallon shall be nonlapsing and continually appropriated to, and expended exclusively by, the department of transportation in accordance with RSA 260:32-b.*** Provided, that the road toll shall not apply to:

Amend RSA 6:13-d, I as inserted by section 4 of the bill by replacing it with the following:

I. The state treasurer, as may be requested from time to time by the commissioner of the department of transportation, is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$200,000,000 and shall issue general obligation bonds in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A, to provide funds for the widening of Interstate 93 from Salem, New Hampshire to Manchester, New Hampshire.

The question is on the adoption of Floor Amendment 1159s. Adopted.

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

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

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Odell, Kelly, Bragdon, Gilmour, Lasky, Larsen, Boutin, Rausch, D'Allesandro, Fuller Clark, Stiles.

The following Senators voted No: Forrester, Bradley, Cataldo, Sanborn, Carson, Reagan, Soucy, Prescott, Morse.

Yeas: 15 - Nays: 9

Adopted, bill ordered to Third Reading.

Recess. Out of recess.

SB 329-FN, relative to advertising alcoholic beverages on billboards. Inexpedient to Legislate, Vote 3-3. Senator Forrester for the committee.

Sen. Bradley moved to Lay on the Table SB 329-FN.

The question is on the motion to Lay on the Table SB 329-FN.

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

The following Senators voted Yes: Forrester, Bradley, Watters, Cataldo, Odell, Kelly, Carson, Reagan, Fuller Clark, Prescott, Stiles, Morse.

The following Senators voted No: Woodburn, Pierce, Hosmer, Sanborn, Bragdon, Gilmour, Lasky, Larsen, Boutin, Soucy, Rausch, D'Allesandro.

Yeas: 12 - Nays: 12

Failed.

Recess. Out of recess.

Sen. Bragdon moved Ought to Pass.

The question is on the motion of Ought to Pass.

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

The following Senators voted Yes: Woodburn, Pierce, Cataldo, Hosmer, Sanborn, Bragdon, Gilmour, Larsen, Boutin, Reagan, Soucy, Rausch, D'Allesandro.

The following Senators voted No: Forrester, Bradley, Watters, Odell, Kelly, Lasky, Carson, Fuller Clark, Prescott, Stiles, Morse.

Yeas: 13 - Nays: 11

Adopted, bill ordered to Third Reading.

SB 368-FN, increasing the maximum fine for lead remediation. Ought to Pass, Vote 4-1. Senator Bragdon for the committee.

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

SB 369-FN-A, relative to the Medicaid enhancement tax. Ought to Pass with Amendment, Vote 5-0. Senator Larsen for the committee.

Senate Finance

March 19, 2014

2014-1075s

10/09

Amendment to SB 369-FN-A

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 9:

8 Confidentiality of Records; Exception. Amend RSA 84-A:10 to read as follows:

84-A:10 Confidentiality of Records.

I. Notwithstanding the provisions of RSA 21-J:14, the commissioner shall not be prohibited from providing tax information to the commissioner of health and human services with respect to the tax imposed by

this chapter, provided that the commissioner of health and human services and his agents and employees shall be subject to the provisions of RSA 21-J:14 with respect to any tax information provided by the commissioner.

II. Notwithstanding paragraph I and the provisions of RSA 21-J:14, the commissioner of health and human services shall not be prohibited from providing tax information in accordance with department of revenue administration compacts for the exchange of information between the department of health and human services and the United States Department of Health and Human Services' Centers for Medicare and Medicaid Services, but only for the purpose of, and to the extent necessary for, the calculations of the federal waiver process under 42 C.F.R. section 433.68.

2014-1075s

AMENDED ANALYSIS

This bill removes the application of the Medicaid enhancement tax to special hospitals for rehabilitation contingent on approval of a waiver and provides an exception for the waiver process. The bill also changes payment of the tax to 4 times per year.

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 370-FN-L, relative to state reimbursement of cities and towns for funds received under river management compacts. Ought to Pass with Amendment, Vote 6-0. Senator Larsen for the committee.

Senate Finance

March 20, 2014

2014-1115s

09/05

Amendment to SB 370-FN-LOCAL

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

AN ACT relative to reimbursement of towns affected by the Merrimack River flood control compact and making an appropriation therefor.

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

1 Findings. The general court finds that:

I. On January 17, 2014 the state of New Hampshire and the Commonwealth of Massachusetts reached a settlement agreement relative to moneys owed to the state of New Hampshire under the Merrimack River flood control compact under RSA 484:7. The settlement agreement resulted in a payment of \$1,112,377.74 to the state of New Hampshire to resolve all outstanding debt under the compact up to and including state fiscal year 2012.

II. The state received a check for this amount on January 31, 2014.

2 Department of Revenue Administration; Appropriation.

I. The sum of \$1,085,344 from the \$1,112,377.74 settlement agreement dated January 17, 2014 under the Merrimack River flood control compact is hereby appropriated to the department of revenue administration. The governor is authorized to draw a warrant for the purpose of reimbursing the towns affected by the compact for state fiscal years 2012 and 2013. The department shall distribute the moneys in the manner prescribed in RSA 122:4, I. This appropriation is in addition to any other appropriations to the department. The remainder of the settlement moneys shall lapse to the general fund.

II. The department of revenue administration shall fund, under RSA 122:4, I, any shortfall in fiscal year 2015 flood control payments.

3 Repeal. 2013, 144:126, relative to flood control payments, is repealed.

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

2014-1115s

AMENDED ANALYSIS

This bill appropriates settlement agreement moneys to towns affected by the Merrimack River flood control compact.

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 408-FN-L, relative to aid for regional agreements of watershed municipalities. Interim Study, Vote 4-2. Senator Bragdon for the committee.

The question is on the adoption of committee recommendation of Refer to Interim Study. Adopted.

SB 409-FN-A-L, making a supplemental appropriation to the department of safety for municipal disaster assistance. Ought to Pass with Amendment, Vote 4-1. Senator Odell for the committee.

Senate Finance

March 19, 2014

2014-1090s

05/04

Amendment to SB 409-FN-A-LOCAL

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

AN ACT making an appropriation to the department of safety for disaster assistance grants.

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

1 Appropriation; State Matching Funds for Disaster Assistance Grants. In response to the severe winter storm and wind damage sustained by communities in February of 2010 (DR 1892), severe storm and flooding damage sustained by communities in March of 2010 (DR 1913), severe storm and flooding damage sustained by communities in May of 2011 (DR 4006), tropical storm Irene damage sustained by communities in September of 2011 (EM 3333 and DR 4026), severe storm and snowstorm damage sustained by communities in October of 2011 (DR 4049), severe storm and flooding damage sustained by communities in October of 2012 (DR 4095), hurricane Sandy damage sustained by communities in October of 2012 (EM 3360), severe winter storm damage sustained by communities in February of 2013 (DR 4105), and flooding and landslide damage sustained by communities in July of 2013 (DR 4139), the amount of \$4,976,845 is hereby appropriated to the department of safety, division of homeland security and emergency management, for the fiscal year ending June 30, 2016, as the state match for federal disaster assistance funds from the federal emergency management agency (FEMA). Funds appropriated in this section are for non-state agencies, including but not limited to municipalities and school districts. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any unexpended funds appropriated in this section shall not lapse to the general fund until June 30, 2016.

2 Effective Date. This act shall take effect July 1, 2015.

2014-1090s

AMENDED ANALYSIS

This bill makes an appropriation to the department of safety for disaster assistance grants to certain non-state agencies that sustained severe storm damage between 2010 and 2013.

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 415-FN, transferring surplus revenues to the revenue stabilization reserve account. Ought to Pass, Vote 4-2. Senator Odell for the committee.

Sen. Larsen offered a floor amendment.

Sen. Larsen, Dist. 15
 March 26, 2014
 2014-1183s
 01/09

Floor Amendment to SB 415-FN-A

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

AN ACT transferring certain surplus revenues to the revenue stabilization reserve account and relative to community mental health programs and making appropriations therefor.

1 Department of Health and Human Services; Appropriation for Mental Health Services.

I. In addition to any other sums appropriated for fiscal years 2014 and 2015, the sum of \$517,458 for the fiscal year ending June 30, 2014, and the sum of \$8,549,419 for the fiscal year ending June 30, 2015 are hereby appropriated to the department of health and human services. These appropriations shall be a charge against funds specified as follows:

05 Health and Social Services

95 Department of Health and Human Services

9200 Division of Behavioral Health

5945 CMH Program Support

	Fiscal Year 2014	Fiscal Year 2015
010 Personal Services-Prem. Classified	\$122,967	\$254,297
060 Benefits	\$56,991	\$120,116
103 Contracts for Operational Services	<u>\$337,500</u>	<u>\$8,175,007</u>
TOTAL:	\$517,458	\$8,549,419
Estimated Source of Funds		
Federal Funds	\$187,985	\$2,852,822
General Funds	<u>\$329,473</u>	<u>\$5,696,597</u>
Total Source of Funds	\$517,458	\$8,549,419

II. The appropriations in paragraph I shall be made available for the sole purpose of expanding and enhancing mental health service capacity in integrated community settings pursuant to the comprehensive settlement agreement with the United States Department of Justice concerning *Amanda D., et al. v. Hassan, et al.; United States v. New Hampshire, No.1:12-CV-53 (SM)* and in accordance with RSA 14:35-b. The governor is hereby authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated. Sums appropriated in this section shall not be expended for any other purpose and shall not lapse.

2 Department of Justice; Appropriation. In addition to any other sums appropriated for fiscal years 2014 and 2015, the sums of \$1,113,400 for the fiscal year ending June 30, 2014, and \$1,113,400 for the fiscal year ending June 30, 2015 are hereby appropriated to the department of justice for the purpose of paying plaintiffs attorney's fees costs and monitoring pursuant to the *Amanda D., et al. v. Hassan, et al.; United States v. New Hampshire, No.1:12-CV-53 (SM)* settlement. The governor is hereby authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated. Sums appropriated in this section shall not be expended for any other purpose and shall not lapse.

3 Transfer of Surplus to Revenue Stabilization Reserve Account. The state treasurer shall transfer to the revenue stabilization reserve account, established in RSA 9:13-e, an amount equal to any surplus greater than \$65,200,000 for the fiscal year ending June 30, 2013 as determined by the official audit performed pursuant to RSA 21-I:8, II(a).

4 Effective Date.

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

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

2014-1183s

AMENDED ANALYSIS

This bill makes appropriations to the department of health and human services and the department of justice to pay costs related to mental health services in integrated community settings pursuant to a

comprehensive settlement agreement with the United States Department of Justice. This bill requires the state treasurer to transfer budget surplus moneys minus certain funds to the revenue stabilization reserve account.

The question is on the adoption of Floor Amendment 1183s.

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

The following Senators voted Yes: Woodburn, Watters, Pierce, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Hosmer, Odell, Sanborn, Bragdon, Carson, Boutin, Reagan, Rausch, Prescott, Stiles, Morse.

Yeas: 10 - Nays: 14

Failed.

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

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, Kelly, Bragdon, Gilmour, Lasky, Carson, Boutin, Reagan, Soucy, Rausch, D'Allesandro, Prescott, Stiles, Morse.

The following Senators voted No: Larsen, Fuller Clark.

Yeas: 22 - Nays: 2

Adopted, bill ordered to Third Reading.

SB 416-FN-A, relative to highway fund appropriations. Ought to Pass with Amendment, Vote 4-1. Senator Forrester for the committee.

Senate Finance
March 19, 2014
2014-1078s
09/01

Amendment to SB 416-FN-A

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

AN ACT relative to highway fund appropriations and establishing a committee to study the effectiveness and efficiency of the department of transportation.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Committee Established.

I. There is established a committee to study the effectiveness and efficiency of the department of transportation.

II.(a) The members of the committee shall be as follows:

(1) Three members of the house finance committee, at least one of whom shall be a member of the minority party, appointed by the speaker of the house of representatives.

(2) Three members of the senate finance committee, at least one of whom shall be a member of the minority party, appointed by the president of the senate.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall:

(a) Review the department of transportation's statutory duties and responsibilities.

(b) Review whether the department is effectively and efficiently fulfilling its statutory obligations.

(c) Review whether the department's current sources of funding are adequate to enable the department to fulfill its statutory obligations.

(d) Study successful practices and administrative models of other state's departments of transportation and identify best practices or models that may increase effectiveness and efficiency in New Hampshire.

(e) Review whether the department is maximizing its resources by working cooperatively with other state agencies and private entities, where appropriate.

IV. 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 30 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2014.

2014-1078s

AMENDED ANALYSIS

This bill prohibits certain allocations of highway funds to the judicial branch, the department of justice, and the office of the commissioner and division of administration within the department of safety. The bill also establishes a committee to study methods of maintaining highway fund integrity, and a committee to study the effectiveness and efficiency of the department of transportation.

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

Sen. Larsen offered a floor amendment.

Sen. Larsen, Dist. 15

March 26, 2014

2014-1184s

09/04

Floor Amendment to SB 416-FN-A

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

1 Findings and Purpose. The New Hampshire general court finds that:

I. Part 2, Article 6-a of the New Hampshire constitution limits the use of "registration fees, operators' licenses, gasoline road tolls or any other special charges or taxes with respect to the operation of motor vehicles or the sale or consumption of motor vehicle fuels" exclusively for "the construction, reconstruction and maintenance of public highways within this state, including the supervision of traffic thereon."

II. RSA 9:9-b requires that at least 73 percent of highway fund appropriations be allocated to the department of transportation, and no more than 26 percent be allocated to the department of safety.

III. Although the legislature has waived its own diversion caps, diverting an additional \$36.6 million over the caps required by RSA 9:9-b over the last 4 years, the department of safety is currently operating within the cap.

IV. This act ensures the constitutional and statutory protections for the highway fund by prohibiting unrelated appropriations in the next state budget, and by establishing a legislative study committee to monitor the purpose and use of the fund.

2 New Sections; Prohibitions on Highway Fund Allocations; Study Committee. Amend RSA 9 by inserting after section 9-c the following new sections:

9:9-d Method of Highway Fund Allocations. Highway funds shall be allocated during the budget process in a manner that adheres to the requirements of the state constitution and state statutes and ensures a proper nexus between each highway fund expenditure and the construction, reconstruction, and maintenance of the highways and the supervision of traffic, including the revenue collection function, and makes no change in the purpose or use of the fund that would violate the constitution or statutes.

9:9-e Committee Established.

I. There is established a committee to study methods of maintaining highway fund integrity.

II.(a) The members of the committee shall be as follows:

(1) Three members of the senate, at least one of whom shall be from the majority party and at least one of whom shall be from the minority party, appointed by the president of the senate.

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

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall study methods of maintaining highway fund integrity. The committee shall study:

(a) The current allocation of highway fund revenues to determine the extent to which it may or may not reflect purposes or uses not authorized by the New Hampshire constitution and state law.

(b) Methods of providing constant review to ensure that highway fund revenues remain dedicated to "the construction, reconstruction and maintenance of public highways within this state, including the supervision of traffic thereon."

(c) Current and projected future pressures and challenges affecting highway fund revenues and alternative methods to ensure that the fund is maintained at a level adequate to support the constitutional mandate.

IV. The first-named senate member shall be the chairperson of the committee. 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.

V. The committee shall report its interim findings and any recommendations for proposed legislation on or before November 1, 2015, and make its final report of findings and recommendations for legislation on or before November 1, 2016 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.

3 Repeal. RSA 9:9-e, relative to the committee to study methods of maintaining highway fund integrity, is repealed.

4 Effective Date.

I. RSA 9:9-d as inserted by section 2 of this act shall take effect July 1, 2015.

II. Section 3 of this act shall take effect November 1, 2016.

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

2014-1184s

AMENDED ANALYSIS

This bill establishes a method for highway fund allocations. The bill also establishes a committee to study methods of maintaining highway fund integrity.

The question is on the adoption of Floor Amendment 1184s.

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

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark, Prescott.

The following Senators voted No: Forrester, Bradley, Cataldo, Odell, Sanborn, Bragdon, Carson, Boutin, Reagan, Rausch, Stiles, Morse.

Yeas: 12 - Nays: 12

Failed.

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 250, relative to ambulatory surgical facilities. Interim Study, Vote 5-0. Senator Sanborn for the committee.

The question is on the adoption of committee recommendation of Refer to Interim Study. Adopted.

SB 326-L, relative to procedural requirements for certain residents of nursing and assisted living facilities. Ought to Pass with Amendment, Vote 3-1. Senator Gilmour for the committee.

Health, Education and Human Services

March 18, 2014

2014-1059s

01/06

Amendment to SB 326-LOCAL

Amend RSA 151-E:19, II(c) as inserted by section 2 of the bill by replacing it with the following:

(c) At least 45 days before filing an action pursuant to this paragraph, the facility shall send a written notice of its intent to file the action to any person whom it intends to name as a defendant in the action.

Amend RSA 151-E:19, III(b) as inserted by section 3 of the bill by replacing it with the following:

(b) Within 10 days of admission of the resident to the facility, such facility shall provide written notice to the resident, and to any fiduciary of the resident whose identity and mailing address are disclosed to the facility at the time of admission. The notice shall be deemed to have been completed when delivered in hand or when placed in first class United States mail to the disclosed mailing address. The notice shall contain the following information:

(1) A summary of the fiduciary's potential responsibility to apply for Medicaid under this paragraph.

(2) An explicit reference to this section of the statute.

(3) Address and telephone number of the local Medicaid office.

(4) Name, address, and telephone number of any contact person at the facility who is responsible for assisting the resident in applying for Medicaid, if the facility has such a contact person.

(c) Any action under this paragraph shall be subject to the following affirmative defenses:

(1) The facility failed to provide notice to the fiduciary as described in subparagraph (b).

(2) The fiduciary was unable to fulfill his or her duties under this paragraph due to infirmity of body or mind.

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 360, relative to the issuance of itemized bills for medical services. Interim Study, Vote 3-2. Senator Reagan for the committee.

The question is on the adoption of committee recommendation of Refer to Interim Study. Failed.

Sen. Sanborn moved Ought to Pass.

Sen. Sanborn offered a floor amendment.

Sen. Sanborn, Dist. 9

Sen. Stiles, Dist. 24

March 27, 2014

2014-1188s

01/06

Floor Amendment to SB 360

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

AN ACT relative to the issuance of itemized bills for medical services and relative to the comprehensive health care information system.

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

1 Itemized Bills for Medical Services Required. RSA 151:12-a, I is repealed and reenacted to read as follows:

I.(a) A hospital licensed under this chapter which is to receive payment from a third party shall provide the person receiving such services and the third party with an itemized statement within 30 days of such services, unless the hospital obtains an “opt out” from the person receiving the services. The statement shall contain a list of services rendered including a textual description, dates on which such services were rendered, and the amount billed for those services. If the hospital receives an “opt out” from the person receiving the services, a nonitemized bill may be rendered. “Opt-out” provisions obtained under this subparagraph shall be maintained on file by the hospital.

(b) Except as provided under subparagraph (a), any provider of medical services, including physicians, facilities licensed under this chapter and nursing homes as defined in RSA 151-A:1, IV, who is to receive payment from a third party shall provide the person receiving such services and the third party with an itemized statement within 30 days of such service. The statement shall contain a list of services rendered including a textual description, the dates on which such services were rendered, and the amount billed for those services; provided, however, that a nonitemized bill may be rendered if it includes in large, easily readable print the following: “An itemized bill will be gladly submitted free of charge on request.”

2 Comprehensive Health Care Information System. Amend RSA 420-G:11-a, I to read as follows:

I. The department and the department of health and human services shall enter into a memorandum of understanding for collaboration in the development of a comprehensive health care information system. The memorandum of understanding shall include a description of the data sets that will be included in the comprehensive health care information system, the criteria and procedures for the development of limited use data sets, the criteria and procedures to ensure that Health Insurance Portability and Accountability Act of 1996 (HIPAA) compliant limited use data sets are accessible, and a proposed time frame for the creation of a comprehensive health care information system. To the extent allowed by HIPAA, the data shall be available as a resource for insurers, employers, providers, purchasers of health care, and state agencies to continuously review health care utilization, expenditures, and performance in New Hampshire and to enhance the ability of New Hampshire consumers and employers to make informed and cost-effective health care choices. In presenting data for public access, comparative considerations shall be made regarding geography, demographics, general economic factors, and institutional size. Notwithstanding HIPAA or any other provision of law, the comprehensive health care information system shall not include or disclose any data that contains *patient* direct personal identifiers. For the purposes of this section, “*patient* direct personal identifiers” include information relating to an individual *patient* that contains primary or obvious identifiers, such as the individual’s name, street address, e-mail address, telephone number, and social security number ***and shall not be interpreted as information relating to individual physicians. Physician’s, hospital’s, and other health care provider’s name***, zipcode, and other identifiers available in the New Hampshire comprehensive health care system (CHIS) ***shall be provided as part of the public use data set***.

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

2014-1188s

AMENDED ANALYSIS

This bill clarifies the law requiring health care providers to provide patients with itemized bills for medical services. This bill also clarifies the data collected pursuant to the comprehensive health care information system.

Recess. Out of recess.

The question is on the adoption of Floor Amendment 1188s.

A division vote was requested.

Yeas: 10 - Nays: 13

Failed.

Sen. Fuller Clark offered a floor amendment.

Sen. Fuller Clark, Dist. 21
March 27, 2014
2014-1186s
01/08

Floor Amendment to SB 360

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

AN ACT relative to the comprehensive health care system.

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

1 Comprehensive Health Care Information System. Amend RSA 420-G:11-a, I to read as follows:

I. The department and the department of health and human services shall enter into a memorandum of understanding for collaboration in the development of a comprehensive health care information system. The memorandum of understanding shall include a description of the data sets that will be included in the comprehensive health care information system, the criteria and procedures for the development of limited use data sets, the criteria and procedures to ensure that Health Insurance Portability and Accountability Act of 1996 (HIPAA) compliant limited use data sets are accessible, and a proposed time frame for the creation of a comprehensive health care information system. To the extent allowed by HIPAA, the data shall be available as a resource for insurers, employers, providers, purchasers of health care, and state agencies to continuously review health care utilization, expenditures, and performance in New Hampshire and to enhance the ability of New Hampshire consumers and employers to make informed and cost-effective health care choices. In presenting data for public access, comparative considerations shall be made regarding geography, demographics, general economic factors, and institutional size. Notwithstanding HIPAA or any other provision of law, the comprehensive health care information system shall not include or disclose any data that contains *patient* direct personal identifiers. For the purposes of this section, “*patient* direct personal identifiers” include information relating to an individual *patient* that contains primary or obvious identifiers, such as the individual’s name, street address, e-mail address, telephone number, and social security number *and shall not be interpreted as information relating to individual physicians. Physician’s, hospital’s, and other health care provider’s name*, zipcode, and other identifiers available in the New Hampshire comprehensive health care system (CHIS) *shall be provided as part of the public use data set to the extent allowed by HIPAA.*

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

2014-1186s

AMENDED ANALYSIS

This bill clarifies the data collected pursuant to the comprehensive health care information system.

The question is on the adoption of Floor Amendment 1186s. Adopted.

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

SB 380, requiring an insurer participating in the health exchange to include access to a hospital in each county of the state. Inexpedient to Legislate, Vote 5-0. Senator Gilmour for the committee.

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

SB 382, prohibiting smoking in buildings owned or operated by social, fraternal, or religious organizations. Interim Study, Vote 5-0. Senator Gilmour for the committee.

The question is on the adoption of committee recommendation of Refer to Interim Study. Adopted.

SB 384, relative to the definition of a controlled drug analog. Ought to Pass with Amendment, Vote 5-0. Senator Kelly for the committee.

Health, Education and Human Services
March 18, 2014
2014-1065s
05/04

Amendment to SB 384

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

AN ACT establishing a committee to study how to regulate and control synthetic drugs in New Hampshire and relative to the limitations on filling prescriptions for certain controlled drugs.

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

1 Committee Established. There is established a committee to study how to regulate and control synthetic drugs in New Hampshire.

2 Membership and Compensation.

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

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

(b) Three members of the house of representatives, one of whom shall be from the criminal justice and public safety committee, and 2 of whom shall be from the health, human services and elderly affairs committee, 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.

I. The committee shall study:

(a) What substances are within the definition of synthetic drugs.

(b) The scope of the problem of synthetic drugs in New Hampshire.

(c) Federal regulation of synthetic drugs.

(d) Current efforts in New Hampshire to regulate and control synthetic drugs, including local ordinances.

(e) Ongoing efforts in other jurisdictions to regulate and control synthetic drugs.

(f) Any model legislation related to the regulation and control of synthetic drugs, including proposals from the National Alliance of State Model Drug Laws.

(g) Legislation to address the problem of synthetic drugs in New Hampshire, including appropriate sanctions for the manufacture, sale, distribution, and use of synthetic drugs.

(h) Any other issue that the committee deems relevant to the purpose of this study.

II. The committee may solicit testimony from any person or organization with information or expertise which the committee deems relevant to the object of this study.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Two 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, 2014.

6 Controlled Drug Act; Sale by Pharmacists. Amend RSA 318-B:9, IV to read as follows:

IV. No prescription shall be filled for more than a 34-day supply **or 100 dosage units, whichever is less**, upon any single filling for controlled drugs of schedules II or III; provided, however, that for controlled drugs, in schedules II or III, that are commercially packaged for dispensing directly to the patient, such as metered sprays and inhalers, liquids packaged in bottles with calibrated droppers, and certain topical preparations packaged with metered dispensing pumps may be filled for greater than a 34-day supply, but not more than 60 days, utilizing the smallest available product size, in order to maintain the dosing integrity of the commercially packaged containers; and, provided that with regard to amphetamines and methylphenidate hydrochloride, a prescription may be filled for up to a 60-day supply if either such prescription specifies it is being used for the treatment of attention deficit disorder, attention deficit disorder with hyperactivity, or narcolepsy.

7 Effective Date.

I. Section 6 of this act shall take effect 60 days after its passage.

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

2014-1065s

AMENDED ANALYSIS

This bill establishes a committee to study how to regulate and control synthetic drugs in New Hampshire. The bill also establishes an alternative limitation of 100 dosage units for filling a prescription for certain controlled drugs.

The question is on the adoption of the Committee Amendment.

Sen. Pierce moved to divide the question: Sec. 1-5, Sec. 7-II; Sec. 6, Sec. 7-I.

The Chair ruled the question divisible: Sec. 1-5, Sec. 7-II; Sec. 6, Sec. 7-I.

Recess. Out of recess.

The question is on the adoption of Committee Amendment 1065s, Sec. 1-5, Sec. 7-II. Adopted.

The question is on the adoption of Committee Amendment. 1065s, Sec. 6, Sec. 7-I.

A division vote was requested.

Yeas: 10 - Nays: 12

Failed.

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

SB 396, relative to child restraint practices. Ought to Pass with Amendment, Vote 5-0. Senator Kelly for the committee.

Health, Education and Human Services

March 18, 2014

2014-1064s

05/04

Amendment to SB 396

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

1 Definition of Child. Amend RSA 126-U:1, I to read as follows:

I. "Child" means a person who has not reached the age of 18 years and who is not under adult criminal prosecution or sentence of actual incarceration resulting therefrom, either due to having reached the age of 17 years or due to the completion of proceedings for transfer to the adult criminal justice system under RSA 169-B:24, RSA 169-B:25, or RSA 169-B:26. ***"Child" also includes a person in actual attendance at a school who is less than 22 years of age and who has not received a high school diploma.***

2 Definition of Restraint. Amend RSA 126-U:1, IV to read as follows:

IV. "Restraint" means bodily physical restriction, mechanical devices, or any device that [~~unreasonably limits~~] ***immobilizes a person or restricts the freedom of movement of the torso, head, arms, or legs.*** It includes mechanical restraint, physical restraint, and medication restraint used to control behavior in an emergency or any involuntary medication. ***It is limited to actions taken by persons who are school or facility staff members, contractors, or otherwise under the control or direction of a school or facility.***

(a) "Medication restraint" occurs when a child is given medication involuntarily for the purpose of immediate control of the child's behavior.

(b) "Mechanical restraint" occurs when a physical device or devices are used to restrict the movement of a child or the movement or normal function of a portion of his or her body.

(c) "Physical restraint" occurs when a manual method is used to restrict a child's freedom of movement or normal access to his or her body.

(d) Restraint shall not include:

(1) ~~[Holding a child to calm or comfort the child, holding a child's hand or arm to escort the child safely from one area to another, or intervening in an ongoing assault or fight]~~ ***Brief touching or holding to calm, comfort, encourage, or guide a child, so long as limitation of freedom of movement of the child does not occur and the child voluntarily accepts the contact.***

(2) ~~[Brief periods of physical restriction by person-to-person contact, without the aid of medication or mechanical restraints, accomplished with minimal force and designed either to prevent a child from completing an act that potentially would result in physical harm to himself or herself or to another person, or to remove a disruptive child who is unwilling to leave an area voluntarily.]~~ ***The temporary holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a child to stand, if necessary, and then walk to a safe location, so long as the child is in an upright position and moving toward a safe location.***

(3) Physical devices, such as orthopedically prescribed appliances, surgical dressings and bandages, and supportive body bands, or other physical holding when necessary for routine physical examinations and tests or for orthopedic, surgical, and other similar medical treatment purposes, or when used to provide support for the achievement of functional body position or proper balance or to protect a person from falling out of bed, or to permit a child to participate in activities without the risk of physical harm.

(4) The use of seat belts, safety belts, or similar passenger restraints during the transportation of a child in a motor vehicle.

(5) The use of force by a person to defend himself or herself or a third person from what the actor reasonably believes to be the imminent use of unlawful force by a child, when the actor uses a degree of such force which he or she reasonably believes to be necessary for such purpose ***and the actor does not immobilize a child or restrict the freedom of movement of the torso, head, arms, or legs of any child.***

3 New Paragraph; Definition of Seclusion. Amend RSA 126-U:1 by inserting after paragraph V the following new paragraph:

V-a. "Seclusion" means the involuntary placement of a child alone in a place where no other person is present and from which the particular child is unable to exit, either due to physical manipulation by a person, a lock, or other mechanical device or barrier. The term shall not include the voluntary separation of a child from a stressful environment for the purpose of allowing the child to regain self-control, when such separation is to an area which a child is able to leave. Seclusion does not include circumstances in which there is no physical barrier between the child and any other person or the child is physically able to leave the place. A circumstance may be considered seclusion even if a window or other device for visual observation is present, if the other elements of this definition are satisfied.

4 New Paragraph; Definition of Use of Force. Amend RSA 126-U:1 by inserting after paragraph VI the following new paragraph:

VII. "Use of force" and "force" means the intentional touching, holding, or striking of a person by another, either directly or with the use of an implement. For purposes of the notice and reporting requirements of RSA 126-U:7, it shall not include:

(a) Brief holding or touching to calm, comfort, encourage, or guide a child, so long as limitation of freedom of movement of the child does not occur and the child voluntarily accepts the contact;

(b) Any use of medical devices, therapeutic interventions, or passenger restraints described in RSA 126-U:1, IV(d)(2) and (3).

(c) The temporary holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a child to stand, if necessary, and then walk to a safe location, so long as the child is in an upright position and moving toward a safe location, and the child is not actively combative, assaultive, or self-injurious.

5 Written Policies. Amend RSA 126-U:2 and 126-U:3 to read as follows:

126-U:2 Written Policies Required. Each facility and school shall have a written policy and procedures for managing the behavior of children. Such policy shall describe how and under what circumstances ***seclusion or*** restraint is used and shall be provided to the parent, guardian, or legal representative of each child at such facility or school.

126-U:3 Post Admission Planning in Facilities.

I. As soon as possible after admission to a facility, the treatment staff of the facility, the child, and the child's parent or guardian shall develop a plan to:

(a) Identify the child's history of physical, sexual, or emotional trauma, if any.

(b) Identify effective responses to potential behavior or situations which will avoid the use of **seclusion and** restraint.

(c) Identify health conditions which may make the child vulnerable to injury while at the facility.

II. The plan described in this section is not required if the child is expected to be at the facility for fewer than 72 hours and, after conducting a reasonable inquiry, the staff of the facility is not informed of any history of the use of **seclusion or** restraint of the child.

6 Limitation on the Use of Restraint. Amend RSA 126-U:5 to read as follows:

126-U:5 Limitation of the Use of Restraint to Emergencies Only.

I. Restraint shall only be used in a school or facility to ensure the immediate physical safety of persons when there is a substantial and imminent risk of serious bodily harm to the child or others. ***The determination of whether the use of restraint is justified under this section may be made with consideration of all relevant circumstances, including whether continued acts of violence by a child to inflict damage to property will create a substantial risk of serious bodily harm to the child or others.*** Restraint [H] shall be used only by trained personnel using extreme caution when all other interventions have failed or have been deemed inappropriate.

II. Restraint shall never be used explicitly or implicitly as punishment for the behavior of a child.

7 New Sections; Limitation on the Use of Seclusion. Amend RSA 126-U by inserting after section 5 the following new sections:

126-U:5-a Limitation on the Use of Seclusion.

I. Seclusion may not be used as a form of punishment or discipline. It may only be used when a child's behavior poses a substantial and imminent risk of physical harm to the child or to others, and may only continue until that danger has dissipated.

II. Seclusion shall only be used by trained personnel after other approaches to the control of behavior have been attempted and been unsuccessful, or are reasonably concluded to be unlikely to succeed based on the history of actual attempts to control the behavior of a particular child.

III. Seclusion shall not be used in a manner that that unnecessarily subjects the child to the risk of ridicule, humiliation, or emotional or physical harm.

126-U:5-b Conditions of Seclusion.

I. When permitted by this chapter, seclusion may only be imposed in rooms which:

(a) Are of a size which is appropriate for the chronological and developmental age, size, and behavior of the children placed in them.

(b) Have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which they are located.

(c) Are equipped with heating, cooling, ventilation, and lighting systems that are comparable to the systems that are in use in the other rooms of the building in which they are located.

(d) Are free of any object that poses a danger to the children being placed in the rooms.

(e) Have doors which are either not equipped with locks, or are equipped with devices that automatically disengage the lock in case of an emergency. For the purposes of this subparagraph, an "emergency" includes, but is not limited to:

(1) The need to provide direct and immediate medical attention to a child;

(2) Fire;

(3) The need to remove a child to a safe location during a building lockdown; or

(4) Other critical situations that may require immediate removal of a child from seclusion to a safe location.

(f) Are equipped with unbreakable observation windows or equivalent devices to allow the safe, direct, and uninterrupted observation of every part of the room.

II. Each use of seclusion shall be directly and continuously visually and auditorially monitored by a person trained in the safe use of seclusion.

126-U:5-c Room Confinement at the Youth Development Center. Notwithstanding any other provision of this chapter, the youth development center may confine children in their rooms when such confinement is part of a routine practice applicable to substantial portions of the population at the center and not imposed as a consequence in response to the behavior of one or more children. Such confinement is not subject to the notice and reporting requirements of RSA 126-U:7.

8 New Section; Notice and Record-Keeping Requirements for Foster Family Homes. Amend RSA 126-U by inserting after section 7 the following new section:

126-U:7-a Notice and Record-Keeping Requirements for Foster Family Homes. Notwithstanding RSA 126-U:7, foster family homes, as defined in RSA 170-E:25, shall keep records and provide notice of incidents involving seclusion or the use of force, including restraint, according to rules adopted pursuant to RSA 541-A by the commissioner of the department of human services. The rules shall provide for timely notice to parents or guardians, which may be provided through the department. In cases involving serious injury or death to a child subject to seclusion or the use of force, including restraint, in a foster home, the rules shall provide for timely notification to the commissioner of the department of health and human services, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities.

9 Notice and Record-Keeping Requirements; Investigations and Review. Amend RSA 126-U:7 through 126-U:10 to read as follows:

126-U:7 Notice and Record-Keeping Requirements.

I. Unless prohibited by court order, the facility or school shall, ~~within 24 hours,~~ make reasonable efforts to verbally notify the child's parent or guardian and guardian ad litem whenever **seclusion or any use of force, including** restraint has been used on the child. ***Such notification shall be made as soon as practicable and in no event later than the time of the return of the child to the parent or guardian or the end of the business day, whichever is earlier. Notification shall be made in a manner calculated to give the parent or guardian actual notice of the incident at the earliest practicable time.***

II. A facility employee or school employee who uses **seclusion, force, or** restraint, or if the facility employee or school employee is unavailable, a supervisor of such employee, shall, within 5 business days after the occurrence, submit a written notification containing the following information to the director or his or her designee:

- (a) The date, time, and duration of the use of **seclusion, force, or** restraint.
- (b) A description of the actions of the child before, during, and after the occurrence.
- (c) A description of any other relevant events preceding the use of **seclusion, force, or** restraint, including the justification for initiating the use of restraint.
- (d) The names of the persons involved in the occurrence.
- (e) A description of the actions of the facility or school employees involved before, during, and after the occurrence.
- (f) A description of any interventions used prior to the use of the **seclusion, force, or** restraint.
- (g) A description of the **seclusion, force, or** restraint used, including any hold used and the reason the hold was necessary.
- (h) A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the use of **seclusion, force, or** restraint.
- (i) A description of any property damage associated with the occurrence.
- (j) A description of actions taken to address the emotional needs of the child during and following the ~~[restraint]~~ incident.

- (k) A description of future actions to be taken to control the child's problem behaviors.
- (l) The name and position of the employee completing the notification.
- (m) The anticipated date of the final report.

III. Unless prohibited by court order, the director or his or her designee shall, within 2 business days of receipt of the notification required in paragraph II, send or transmit by first class mail or electronic transmission to the child's parent or guardian and the guardian ad litem the information contained in the notification. Each notification prepared under this section shall be retained by the school or facility for review in accordance with rules adopted under RSA 541-A by the state board of education and the department of health and human services.

126-U:8 Review of Restraint Records by Department of Education.

I. The state board of education shall adopt rules, pursuant to RSA 541-A, *relative to:*

(a) ~~[Establishing a process for]~~ Periodic, regular review *by the department of education* of records ~~[of restraint usage kept by schools and]~~ ***maintained by schools relative to the use of seclusion, force, and restraint.***

(b) ~~[Providing a process for complaints and investigations of reports]~~ ***A process for the department of education's receipt of complaints and its conduct of investigations*** of improper use of ***seclusion, force, and restraint*** in schools. ***The process shall provide for:***

(1) ***Investigation of complaints regarding any violation of this chapter, regardless of whether injury results.***

(2) ***Investigation by persons not affiliated with the school district which is the subject of the complaint.***

(3) ***Resolution of complaints and completion of investigations within 30 days, with provision for limited extensions for good cause.***

(4) ***Protection of children before and after completion of the investigation.***

(5) ***Appropriate remedial measures to address physical and other injuries, protect against retaliation, and reduce the incidence of violations of this chapter.***

II. Beginning November 1, 2010, and each November 1 thereafter, the state board of education shall provide an annual report to the ~~[chairperson of the children and family law committee of the]~~ ***chairpersons of the education committees of the senate and*** house of representatives regarding the use of ***seclusion, force, and restraint*** in schools. The annual report shall be prepared from the periodic, regular review of such records, and shall include the number and location of reported incidents and the status of any outstanding investigations.

126-U:9 Review of Restraint Records by Department of Health and Human Services.

I. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, *relative to:*

(a) ~~[Establishing a process for]~~ Periodic, regular review ~~[of]~~ ***by the department of health and human services*** of records ~~[of restraint usage kept]~~ ***maintained*** by facilities ***regarding the use of seclusion, force, and restraint.*** ~~[and providing a process for complaints and investigations of reports]~~

(b) ***A process for the department's receipt of complaints and its conduct of investigations of reports*** of improper use of ***seclusion, force, and restraint*** in facilities, which may be through the department of health and human services, office of the ombudsman, or otherwise. ***The process shall provide for:***

(1) ***Investigation of complaints regarding any violation of this chapter, regardless of whether injury results.***

(2) ***Investigation by persons not affiliated with the facility which is the subject of the complaint.***

(3) ***Resolution of complaints and completion of investigations within 30 days, with provision for limited extensions for good cause.***

(4) ***Protection of children before and after completion of the investigation.***

(5) Appropriate remedial measures to address physical and other injuries, protect against retaliation, and reduce the incidence of violations of this chapter.

II. Beginning November 1, 2010, and each November 1 thereafter, the commissioner of the department of health and human services shall provide an annual report to the ~~[chairperson of the children and family law committee of the house of representatives]~~ **committees of the house of representatives and the senate with jurisdiction over health and human services and over children and family law**, regarding the use of **seclusion and force, including** restraint in facilities. The annual report shall be based on the periodic, regular review of such records and shall include the number and location of reported incidents and the status of any outstanding investigations.

126-U:10 Injury or Death During Incidents of ~~[Restraint]~~ **Seclusion or Use of Force.**

I. In cases involving serious injury or death to a child subject to ~~[restraint]~~ **seclusion or the use of force** in a facility, the facility shall, in addition to the provisions of RSA 126-U:7, notify the commissioner of the department of health and human services, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities. Such notice shall include the notification required in RSA 126-U:7, II. **The department of health and human services shall annually notify facilities of their responsibilities under this section and provide contact information for the persons to be notified.**

II. In cases involving serious injury or death to a child subject to ~~[restraint]~~ **seclusion or the use of force** in a school, the school shall, in addition to the provisions of RSA 126-U:7, notify the commissioner of the department of education, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities. Such notice shall include the written notification required in RSA 126-U:7, II. **The department of education shall annually notify schools of their responsibilities under this section and provide contact information for the persons to be notified.**

10 New Section; School Review of Restraint and Seclusion Incidents. Amend RSA 126-U by inserting after section 13 the following new section:

126-U:14 School Review Following the Use of Restraint or Seclusion. Upon information that restraint or seclusion has been used for the first time upon a child with a disability as defined in RSA 186-C:2, I or a child who is receiving services under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 701, and its implementing regulations, the school shall review the individual educational program and/or Section 504 plan and make such adjustments as are indicated to eliminate or reduce the future use of restraint or seclusion. A parent or guardian of a child with a disability may request such a review at any time following an instance of restraint or seclusion and such request shall be granted if there have been multiple instances of restraint or seclusion since the last review.

11 Rulemaking. The state board of education and department of health and human services shall commence rulemaking under RSA 541-A, as required by RSA 126-U:7-a, RSA 126-U:8, and RSA 126-U:9, no later than 60 days after the effective date of this act. Such rulemaking shall include the modification of existing rules to achieve compliance with this act.

12 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.

Recess. Out of recess.

JUDICIARY

SB 244, requiring the names of certain persons to be reported to the National Instant Criminal Background Check System Index. Ought to Pass with Amendment, Vote 3-2. Senator Carson for the committee.

Senate Judiciary

March 20, 2014

2014-1114s

04/10

Amendment to SB 244

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

AN ACT establishing a procedure for the annulment of a mental health record and establishing a commission to study mental health and firearms.

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

1 New Subdivision; Annulment of Mental Health Records in the National Instant Criminal Background Check System. Amend RSA 159-D by inserting after section 3 the following new subdivision:

Annulment of Mental Health Records
in the National Instant Criminal Background Check System (NICS)

159-D:4 Petition for Removal from the NICS Index and Annulment of Mental Health Record.

I. A person may file a petition to have his or her name and mental health information removed from the NICS Index, and/or have his or her mental health record annulled after the following:

- (a) Termination of the appointment of guardianship;
- (b) Expiration of the involuntary treatment order; or
- (c) Expiration of the involuntary commitment order.

II. The petition shall be filed in the court that ordered the guardianship, involuntary treatment, or commitment. The petition shall include a copy of the petitioner's criminal record from the department of safety and shall be served upon the parties that filed the original petition.

III. The petitioner shall serve notice of the petition on the local law enforcement agency in the municipality in which the petitioner lives, the municipality in which he or she was living at the time of the commitment order, and the municipality in which the acts that were the subject of the order occurred. Within 30 days, those notified may file an appearance and notice of assent to the relief sought or an objection stating the grounds upon which the objection is based that would justify an extension or renewal of the original order.

IV. The court shall grant the relief requested unless it finds that the respondent has established by clear and convincing evidence that the petitioner is in such a mental condition as a result of mental illness as to create a potentially serious likelihood of danger to himself or others and that the granting of the relief requested would be contrary to the public interest.

V. The evaluation reports, recommendations, medical and mental health records, and all other court documents and records related to any petition filed pursuant to this section shall be kept separately from the public court file and shall be confidential. The hearing shall be in closed court, unless the petitioner requests otherwise, and shall be recorded.

VI. Any party who is aggrieved by any ruling of the court may appeal de novo to the superior court and thereafter to the supreme court on issues of law.

VII. After an order granting an annulment pursuant to this section has become final, the court shall, as soon as is practicable, but in no case later than 10 business days thereafter, forward a copy of the order to the department of safety and seal any files or records created as a result of this section. Such files or records shall not be reopened unless the petitioner becomes subject to this chapter again within 3 years. The department of safety shall seek removal of all the information stored with the NICS Index about the petitioner, as soon as practicable, but in no case later than 15 business days after receipt of the order. The department of safety shall dispose of all confidential information pursuant to RSA 159-D:2.

VIII. Upon entry of an order of annulment of a mental health record:

(a) The person whose record is annulled shall be treated in all respects as if he or she had never been involuntarily treated, committed, or found not competent, or had a guardian appointed on his or her behalf.

(b) The court records, medical records, and mental health records relating to annulment shall be sealed and available only to the person whose record was annulled, to his or her attorney, and to a subsequent court presiding over a subsequent petition under this section, or as otherwise required by law.

(c) In any application for employment, license, or other civil right or privilege, or in any appearance as a witness in any proceeding or hearing, a person may be questioned about a previous mental health record only in terms such as "Have you ever been involuntarily treated, committed, or found not competent, or had a guardian appointed on your behalf for any reason that has not been annulled by a court?"

2 New Subdivision; Commission to Study Mental Health and Firearms. Amend RSA 159 by inserting after section 26 the following new subdivision:

Commission to Study Mental Health and Firearms

159:27 Commission to Study Mental Health and Firearms.

I. There is established a commission to study mental health and firearms. The commission shall consist of the following members:

- (a) The commissioner of the department of safety, or designee.
- (b) The commissioner of the department of health and human services, or designee.
- (c) One member from the judicial branch, appointed by the chief justice of the New Hampshire supreme court.
- (d) One member from the Disability Rights Center, appointed by the president of that organization.
- (e) One member from the New Hampshire Psychiatric Society, appointed by the president of that organization.
- (f) One member from the National Alliance on Mental Illness (NAMI)-New Hampshire, appointed by the president of that organization.
- (g) One member from the New Hampshire Civil Liberties Union, appointed by the president of that organization.
- (h) One member from the National Rifle Association, appointed by the president of that organization.
- (i) One member from the New Hampshire Firearms Coalition, appointed by the president of that organization.
- (j) Two members from Gun Owners of New Hampshire, appointed by the president of that organization.
- (k) One member from Pro Gun New Hampshire, appointed by the president of that organization.
- (l) One member of the Second Amendment Sisters-New Hampshire Chapter, appointed by that organization.
- (m) One member of the National Shooting Sports Foundation, appointed by that organization.
- (n) One member from the New Hampshire Association of Chiefs of Police, appointed by the president of that organization.
- (o) One member of the New Hampshire Wildlife Federation, appointed by that organization.
- (p) Two members appointed by the governor.

II. The commission shall study any issue relating to the National Instant Criminal Background Check System (NICS) and the federal statutes and rules governing NICS, including, but not limited to, providing access to an attorney prior to the inclusion of a person's information in NICS and the liability of New Hampshire's firearms businesses under the state's existing background check reporting requirements.

III. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the commissioner of the department of safety or designee. The first meeting of the commission shall be held within 45 days of the effective date of this section. Ten members of the commission shall constitute a quorum.

IV. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 31, 2014.

3 Repeal. RSA 159:27, relative to the commission to study mental health and firearms, is repealed.

4 Effective Date.

I. Sections 1 and 3 of this act shall take effect January 1, 2015.

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

2014-1114s

AMENDED ANALYSIS

This bill establishes a procedure to annul a mental health record and to have such record removed from the National Instant Criminal Background Check System, and establishes a commission to study firearms and mental health.

Sen. Pierce moved to Lay on the Table SB 244.

A division vote was requested.

Yeas: 11 - Nays: 13

Failed.

The question is on the adoption of the Committee Amendment.

Sen. Bragdon moved to divide the question: Sections 2, 3, 4-I; Sections 1, 4.

The Chair ruled the question divisible: Sections 2, 3, 4-I; Sections 1, 4

The question is on the adoption of Committee Amendment 1114s, Sections 2, 3, 4-I. Failed.

Recess. Out of recess.

Sen. Larsen moved to Lay on the Table SB 244.

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

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Odell, Sanborn, Bragdon, Carson, Boutin, Reagan, Rausch, Prescott, Stiles, Morse.

Yeas: 11 - Nays: 13

Failed.

The question is on the adoption of Committee Amendment 1114s, Sections 1, 4.

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

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

The following Senators voted No: Pierce, Kelly, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 17 - Nays: 7

Adopted.

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

SB 293, relative to an open adoption agreement in a pending termination of parental rights case. Interim Study, Vote 5-0. Senator Carson for the committee.

The question is on the adoption of committee recommendation of Refer to Interim Study. Failed.

Sen. Carson moved Ought to Pass.

Sen. Carson offered a floor amendment.

Sen. Carson, Dist. 14

March 25, 2014

2014-1170s

05/10

Floor Amendment to SB 293

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

AN ACT establishing a committee to study open adoption agreements.

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

1 Committee Established. There is established a committee to study open adoption agreements.

2 Membership and Compensation.

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

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

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

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 open adoption agreements. The committee may solicit testimony from any individual or organization with information or expertise relevant to the study.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2014.

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

2014-1170s

AMENDED ANALYSIS

This bill establishes a committee to study open adoption agreements.

The question is on the adoption of Floor Amendment 1170s. Adopted.

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

Recess. Out of recess.

SB 394, relative to the recognition of out of state marriages, uniform marriage recognition law, civil union recognition, and gender neutral references. Ought to Pass, Vote 5-0. Senator Lasky for the committee.

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

A roll call was requested by Sen. Lasky, seconded by Sen. Bragdon.

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

The following Senators voted No: (None)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

PUBLIC AND MUNICIPAL AFFAIRS

SB 228, relative to notice of changes to zoning and historic districts. Ought to Pass with Amendment, Vote 4-0. Senator Stiles for the committee.

Public and Municipal Affairs

March 19, 2014

2014-1094s

03/01

Amendment to SB 228

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

AN ACT relative to notice of changes to zoning districts.

Amend the bill by replacing section 1 with the following:

1 Notice Requirements for Public Hearing. Amend RSA 675:7, I to read as follows:

I. Notice shall be given for the time and place of each public hearing held under RSA 675:2-4 and RSA 675:6 at least 10 calendar days before the hearing. The notice required under this section shall not include the day notice is posted or the day of the public hearing. Notice of each public hearing shall be published in a paper of general circulation in the municipality and shall be posted in at least 2 public places. ***If a proposed amendment to a zoning ordinance would change a boundary of a zoning district or the uses, setbacks, or lot sizes in a district and the change would affect 500 or fewer properties, notice of a public hearing on the amendment shall be sent by first class mail to the owners of each affected property. Notice by mail shall be sent to the address used for mailing local property tax bills.***

2014-1094s

AMENDED ANALYSIS

This bill requires notice by first class mail to owners of properties affected by certain changes to zoning district boundaries and uses, setbacks, or lot sizes permitted in a district.

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 378, relative to identification information contained in political advertising. Ought to Pass, Vote 5-0. Senator Pierce for the committee.

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

RULES, ENROLLED BILLS AND INTERNAL AFFAIRS

SB 307, establishing a committee to review Citizens United amendments to the United States Constitution. Ought to Pass with Amendment, Vote 4-0. Senator Fuller Clark for the committee.

Recess. Out of recess.

SB 307, establishing a committee to review Citizens United amendments to the United States Constitution. Ought to Pass with Amendment, Vote 4-0. Senator Fuller Clark for the committee.

Rules, Enrolled Bills and Internal Affairs

March 7, 2014

2014-0934s

06/04

Amendment to SB 307

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

1 Committee Established. There is established a committee to review all proposed language and amendments to the Citizens United ruling and related cases by the United States Supreme Court.

2 Membership and Compensation.

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

(a) Two members of the senate, one appointed by the president of the senate and one appointed by the senate minority leader.

(b) Two members of the house of representatives, one of whom shall be appointed by the speaker of the house of representatives, and one of whom shall be appointed by the house minority leader.

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

3 Duties. Recognizing the need to study the Citizens United ruling and related cases, and ensure protection of the First Amendment, the committee shall:

I. Examine the impact of the Citizens United ruling.

II. Examine the different approaches and language being proposed for a constitutional amendment.

III. Examine short term solutions to issues raised by the ruling.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation or resolution to the New Hampshire congressional delegation, 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 28, 2014.

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

2014-0934s

AMENDED ANALYSIS

This bill establishes a committee to review constitutional amendments regarding the Citizens United decision and related cases that have been introduced in the United States Supreme Court.

The question is on the adoption of the Committee Amendment.

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

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

The following Senators voted No: (None)

Yeas: 24 - Nays: 0

Adopted.

Sen. Fuller Clark offered a floor amendment.

Sen. Fuller Clark, Dist. 21

March 27, 2014

2014-1189s

06/04

Floor Amendment to SB 307

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to review all proposed language and amendments to overturn the Citizens United ruling and related cases by the United States Supreme Court.

Amend the bill by replacing section 3 with the following:

3 Duties. Recognizing the need for a constitutional amendment to overturn the Citizens United ruling and related cases, the committee shall:

I. Examine the impact of the Citizens United ruling.

II. Examine the different approaches and language being proposed for a constitutional amendment.

III. Examine short term solutions to issues raised by the ruling, such as requiring disclosure of donors and shareholder approval of corporate election contributions.

IV. Make recommendations to the New Hampshire legislature as to which approaches, if any, the New Hampshire congressional delegation should support.

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation or resolution to the New Hampshire congressional delegation, the president of the senate, the speaker of the house of representatives, the chairperson of the public and municipal affairs committee, the chairperson of the election law committee, the senate clerk, the house clerk, the governor, and the state library on or before November 28, 2014.

2014-1189s

AMENDED ANALYSIS

This bill establishes a committee to review constitutional amendments regarding the Citizens United decision and related cases that have been introduced in the United States Congress and make recommendations to the New Hampshire legislature.

The question is on the adoption of Floor Amendment 1189s.

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

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark, Prescott.

The following Senators voted No: Forrester, Bradley, Cataldo, Odell, Sanborn, Bragdon, Carson, Boutin, Reagan, Rausch, Stiles, Morse.

Yeas: 12 - Nays: 12

Failed.

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

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

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

The following Senators voted No: Sanborn.

Yeas: 23 - Nays: 1

Adopted, bill ordered to Third Reading.

FINANCE

SB 222-FN, restructuring the department of administrative services, division of plant and property management and establishing the position of deputy commissioner in the department of information technology. Ought to Pass, Vote 4-2. Senator D'Allesandro for the committee.

Sen. Larsen offered a floor amendment.

Sen. Larsen, Dist. 15

Sen. Boutin, Dist. 16

March 27, 2014

2014-1197s

05/10

Floor Amendment to SB 222

Amend the bill by inserting after section 75 the following and renumbering the original section 76 to read as 77:

76 Renovation of Littleton Readiness Center. Notwithstanding the provisions of RSA 21-I:85 or any provision of law to the contrary, in the event federal funds available to the adjutant general for project number 80731R for the renovation of the Littleton Readiness Center for project design and oversight are not sufficient to reimburse the department of administrative services, division of public works design and construction, the adjutant general may enter into the federal procurement process for the design and construction of said project.

2014-1197s

AMENDED ANALYSIS

This bill:

I. Reorganizes the department of administrative services, division of plant and property management into 3 divisions: the division of procurement and support services, the division of plant and property, and the division of public works design and construction.

II. Establishes the position of deputy commissioner of the department of information technology.

III. Permits the adjutant general to enter into the federal procurement process for the renovation of the Littleton Readiness Center if federal funds available to the adjutant general are insufficient to reimburse the department of administrative services.

The question is on the adoption of Floor Amendment 1197s. Adopted.

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

Sen. Bradley moved to remove SB 257 from the table. Adopted.

Sen. Sanborn asserts Rule 6-25 on SB 257.

COMMERCE

SB 257, relative to retail beer sales.

Commerce

March 5, 2014

2014-0872s

03/05

Amendment to SB 257

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

2 Removal of Beer. Amend the section heading of RSA 179:27-a to read as follows:

179:27-a Removal of Opened Table Wine Bottle; ***Removal of Beer in Refillable Container.***

3 New Paragraph; Removal of Beer. Amend RSA 179:27-a by inserting after paragraph II the following new paragraph:

III. Any business holding an on-premises license may sell beer for consumption off the premises in a refillable container sealed by the licensee that contains beer dispensed from a keg by the licensee.

4 New Section; Commission to Study the Sale of Beer in Refillable Containers. Amend RSA 176 by inserting after section 18 the following new section:

176:19 Commission to Study the Sale of Beer in Refillable Containers.

I. There is established a commission to study the sale of beer in refillable containers.

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

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

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

(c) The liquor commissioner, or designee.

(d) The commissioner of the department of health and human services, or designee.

(e) A wholesale distributor licensee, appointed by Beer Distributors of New Hampshire.

(f) A beverage manufacturer licensee, appointed by the Granite State Brewers Association.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall study health and safety issues arising from authorizing liquor licensees to sell beer in refillable containers.

V. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four members of the commission shall constitute a quorum.

VI. The commission shall report its findings and any recommendations for proposed rules to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, the commissioner of the department of health and human services, and the state library on or before December 1, 2014.

5 Repeal. RSA 176:19, relative to commission to study the sale of beer in refillable containers, is repealed.

6 Effective Date.

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

II. Section 5 of this act shall take effect December 1, 2014.

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

2014-0872s

AMENDED ANALYSIS

This bill authorizes off-premises and on-premises licensees to sell beer in sealed refillable containers. This bill also establishes a commission to study the sale of beer in refillable containers.

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

Sen. Sanborn asserts Rule 6-25 on SB 257.

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

March 27, 2014

2014-1196s

03/04

Floor Amendment to SB 257

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

AN ACT establishing a commission to study the sale of beer in refillable containers.

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

1 New Section; Commission to Study the Sale of Beer in Refillable Containers. Amend RSA 176 by inserting after section 18 the following new section:

176:19 Commission to Study the Sale of Beer in Refillable Containers.

I. There is established a commission to study the sale of beer in refillable containers.

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

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

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

(c) The director of the division of enforcement and licensing of the liquor commission, or designee.

(d) A wholesale distributor licensee, appointed by Beer Distributors of New Hampshire.

(e) One on-premises licensee and one brew pub licensee, appointed by the New Hampshire Lodging & Restaurant Association.

(f) An off-premises licensee, appointed by the New Hampshire Grocers Association.

(g) One beverage manufacturer licensee who manufactures over 2,500 barrels of beer annually, and one licensee who holds either a brew pub or nano brewery license, appointed by the Granite State Brewers Association.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall study packaging definitions and standards, retail logistics, consumer procedures, and general health and safety issues arising from authorizing liquor licensees to sell draft beer in refillable containers. It shall report its findings on the protocols and systems that should be in place in order to allow on-premises and off-premises licensees to sell beer in refillable containers.

V. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Five members of the commission shall constitute a quorum.

VI. The commission shall report its findings and any recommendations to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2014.

2 Repeal. RSA 176:19, relative to commission to study the sale of beer in refillable containers, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect December 1, 2014.

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

2014-1196s

AMENDED ANALYSIS

This bill establishes a commission to study the sale of beer in refillable containers.

The question is on the adoption of Floor Amendment 1196s. Adopted.

Sen. Sanborn asserts Rule 6-25 on SB 257.

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

Sen. Sanborn asserts Rule 6-25 on SB 257.

Sen. D'Allesandro moved to remove SB 366-FN-A-L from the table. Adopted.

WAYS AND MEANS

SB 366-FN-A-L, relative to video lottery and table gaming

Senate Ways and Means

January 28, 2014

2014-0279s

08/09

Amendment to SB 366-FN-A-LOCAL

Amend RSA 284-C:12, I(c)(5) as inserted by section 2 of the bill by replacing it with the following:

(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. Such proposed entertainment space shall not have a seating capacity in excess of 1,500 seats; provided that this restriction on seating capacity shall not be applied to limit the attendance at any outdoor event hosted by the facility.

Amend RSA 284-C:22, I(a)(1)(A)-(C) as inserted by section 2 of the bill by replacing it with the following:

(A) Forty-five percent shall be distributed to the department of transportation to be used to pay for projects on the state of New Hampshire 10-Year Transportation Improvement Plan.

(B) Forty-five percent shall be distributed to the New Hampshire public higher education fund established in RSA 284-C:29 to provide additional funding to public institutions of higher education in New Hampshire. Of this amount, \$5,000,000 shall be used for science, technology, engineering, and mathematics scholarships.

(C) \$5,000,000 shall be distributed to the New Hampshire excellence in higher education endowment trust fund established in RSA 6:38 to be used for science, technology, engineering and mathematics scholarships at non-profit privately funded institutions of higher education. The New Hampshire college tuition savings plan advisory commission shall determine the scholarship application process and award the scholarships.

(D) Five percent to be deposited in the north country economic development fund established in RSA 284-C:28 for the purposes of north country economic development.

(E) Five percent to be distributed to the county economic development fund established in RSA 284-C:29 for the purposes of economic development programs in all 10 New Hampshire counties.

Amend RSA 284-C as inserted by section 2 of the bill by inserting after RSA 284-C:28 the following new sections:

284-C:29 New Hampshire Public Higher Education Fund Established. There is established in the office of the state treasurer a nonlapsing fund to be known as the New Hampshire public higher education fund to be administered by the board of trustees of the state university system, which shall be kept distinct and separate from all other funds. All moneys in the New Hampshire public higher education fund shall be continually appropriated to the commissioner of the board of trustees for the purpose of providing additional funding to public institutions of higher education in New Hampshire, including scholarships for science, technology, mathematics, and engineering students and programs.

284-C:30 County Economic Development Fund Established. There is established in the office of the state treasurer a nonlapsing fund to be known as the county economic development fund to be administered by the commissioner of the department of resources and economic development, which shall be kept distinct and separate from all other funds. All moneys in the county economic development fund shall be continually appropriated to the commissioner of the department of resources and economic development for the purpose of funding economic development programs in all 10 New Hampshire counties.

Amend the bill by replacing section 18 with the following:

18 New Subparagraphs; North Country Economic Development Fund; New Hampshire Higher Education Fund; County Economic Development Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (316) the following new subparagraphs:

(317) Moneys deposited in the north country economic development fund established in RSA 284-C:28.

(318) Moneys deposited in the New Hampshire public higher education fund established in RSA 284-C:29.

(319) Moneys deposited in the county economic development fund established in RSA 284-C:30.

2014-0279s

AMENDED ANALYSIS

This bill:

I. Establishes a gaming commission and places the current racing and charitable gaming commission and lottery commission under its jurisdiction.

II. Creates a competitive process for licensing 2 casinos that may offer video lottery machine play and table games.

III. Creates a division of casino gaming within the gaming commission for regulation and oversight of such casinos.

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

V. Distributes proceeds from video lottery machines to the 10-year transportation plan, higher education, the North Country, the department of resources and economic development, and municipalities abutting the licensee.

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

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

Sen. Rausch, Dist. 19

Sen. Morse, Dist. 22

Sen. Hosmer, Dist. 7

March 26, 2014

2014-1179s

08/09

Floor Amendment to SB 366-FN-A-LOCAL

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

1 New Chapter: Gaming Regulation. Amend RSA by inserting after chapter 284-A the following new chapter

CHAPTER 284-B
GAMING REGULATION

284-B:1 Statement of Purpose. The general court finds and declares to be the public policy of this state that:

I. The integrity of gaming in New Hampshire, the efficient and effective regulation of all forms of gaming in New Hampshire, and public confidence in gaming in New Hampshire are vitally important to the economy of the state and the general welfare of New Hampshire citizens.

II. The integrity of gaming in New Hampshire is impaired by deficiencies in the current regulation of charitable gaming exacerbated by limited agency resources, by the perception that there is widespread illegal gambling in New Hampshire, by insufficient information regarding the scope and nature in New Hampshire of problem gambling, and by the absence of any provision in New Hampshire for the identification and mitigation of problem gambling.

III. 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 to the strength of its communities and can be supported and enhanced by an appropriately regulated gaming sector.

IV. New Hampshire has a current and continuing interest in promoting economic recovery, small business development, tax relief, and job creation and construction and operation of gaming locations in New Hampshire, regulated by the state in accordance with best practices, can assist in the promotion of those interests.

V. New Hampshire has an interest in ensuring the financial stability and operational integrity of gaming operations in the state.

VI. New Hampshire has an interest in limiting the proliferation of commercial gaming by controlling the number of gaming sites in New Hampshire and choosing gaming location sites based on potential for job growth and revenue generation, access to appropriate transportation, suitability for tourism, local resources, and development opportunities.

VII. An integral and essential element of the success of a large-scale commercial gaming operation is public confidence and trust in the credibility and integrity of the regulatory process applicable to casino operations. To further such public confidence and trust, the regulatory provisions of this chapter are designed to extend strict regulation to all persons, locations, practices and associations related to the operation of a licensed gaming location and all providers of goods and services to a gaming licensee. In addition, comprehensive regulatory and law enforcement supervision attendant thereto is further designed to contribute to the public confidence and trust in the efficacy and integrity of the regulatory process. To the same end, upgraded regulation of existing gaming, appropriate to the scale of such gaming, will be necessary.

VIII. Legalized commercial gaming in New Hampshire can attain, maintain and retain integrity, public confidence and trust, and remain compatible with the general public interest, only under a system of control and regulation that, so far as practicable, ensures the exclusion from participation therein of a person with a known criminal record, habits or associations and the exclusion or removal from any positions of authority or responsibility within the gaming operation of a person known to be so deficient in business probity, ability, or experience, either generally or with specific reference to gaming, as to create or enhance the dangers of unsound, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of business and financial arrangements incident thereto.

IX. Since the public has a vital interest in any commercial gaming operation in New Hampshire sanctioned by passage of this chapter, participation in gaming operations as a gaming licensee, principal licensee, key employee licensee, gaming employee registrant, non-gaming employee permittee, gaming vendor licensee, non-gaming vendor registrant or any other authorization under this chapter shall be deemed a revocable privilege conditioned upon the proper and continued qualification of the licensee, registrant or permittee and on the proper and continuing discharge of the affirmative responsibility of each to provide regulatory and investigatory authorities established by this chapter with any assistance and information necessary to assure that the policies declared by this chapter are achieved. Consistent with this policy, it is the intent of this chapter to preclude the creation of any property or vested right in any license, registration, permit, or other authorization issued pursuant to this chapter.

X. The authorization of expanded gaming in New Hampshire, and the continued authorization of charitable and other gaming in New Hampshire, requires the state to take steps to increase awareness of compulsive and problem gambling and to develop and implement effective strategies for prevention, assessment, and treatment of these behaviors.

XI. Research indicates that for some individuals compulsive and problem gambling and drug and alcohol addiction are related. Therefore, the general court intends to establish an approach to compulsive and problem gambling prevention, assessment, and treatment that will ensure the provision of adequate resources to identify, assess, and treat both compulsive and problem gambling and drug and alcohol addiction.

284-B:2 Definitions. In this chapter:

I. "Affiliate" 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 a person who has applied for a license, registration, permit, or other form of authorization to engage in activity that is regulated under this chapter.

III. "Associated equipment" means equipment, a system, software, or mechanical, electromechanical, or electronic contrivance or component used in connection with the operation of a slot machine or table game or the reporting and calculation of slot machine or table game revenue including, but not limited to, a central computer system, a slot machine data system, a casino management system, a gaming ticket system, promotional play system, player tracking system, ticket redemption unit, automated jackpot payout machine, external bonusing system, cashless wagering system, a progressive controller, systems and devices for weighing and counting money, replacement parts, or any other equipment, system, or software designated by the commission.

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:

(a) Certified check, cashiers check, treasurer's check, recognized travelers check, or recognized money order that:

(1) Is made payable to a gaming licensee where presented, a holding company of a gaming licensee, "bearer," or "cash";

(2) Is dated, but not postdated; and

(3) Does not contain any endorsement.

(b) Certified check, cashiers check, treasurer's check, or recognized money order that:

(1) Is made payable to the presenting player;

(2) Is endorsed in blank by the presenting player;

(3) Is dated but not postdated; and

(4) Does not contain any endorsement other than that of the presenting player.

(c) Recognized credit card or debit card presented by a player in accordance with the rules of the commission.

(d) Any other instrument that the commission deems to be a cash equivalent, provided, however, that an instrument payable to a third party shall not be considered a cash equivalent.

VI. "Cashable promotional credit" means a credit or other electronic thing of value on a slot machine or electronic table game that activates play and is convertible to cash at the conclusion of play.

VII. "Cashless wagering system" means the collective hardware, software, communications technology, and other ancillary equipment used to facilitate a method of wagering and accounting in which the validity and value of a wager, not including a ticket, are determined, monitored, and retained for an individual by an electronic system operated and maintained by a gaming licensee that records each transaction involving each wager in a wagering account, separate from the slot machine or table game or device on which the wager is made, including electronic systems which facilitate electronic transfers of money directly to or from a slot machine or table game.

VIII. "Casino management system" means the collective hardware, software, communications technology, and other ancillary equipment used to collect, monitor, interpret, analyze, report, and audit data with regard to activity at a slot machine including slot machine level accounting transactions, player tracking, and productivity analysis.

IX. "Central computer system" means a central monitor and control system acquired and operated by the commission and connected to, and communicating with, a slot machine for purposes of information retrieval, retrieval of slot machine win and loss determinations, and programs to activate and disable slot machines.

X. "Chair" means the chair of the New Hampshire gaming commission.

XI. "Commission" or "gaming commission" or "New Hampshire gaming commission" means the New Hampshire gaming commission established in RSA 284-B:3.

XII. "Complimentary services" means any lodging, service, or item which:

(a) Is offered by a gaming licensee directly or indirectly to a player at no cost or at a reduced cost and is not generally available to the public.

(b) "Complimentary services" shall not include noncashable credits issued to a player as part of a player incentive or reward program or lodging available to the public through convention or government rates.

XIII. "Count room" means an area within a gaming location approved by the commission specifically designated, designed, and used for counting the contents of table game drop boxes, slot machine cash storage boxes, and such other activities as the commission shall deem appropriate.

XIV. "Credit" means the direct or indirect extension by a gaming licensee of unsecured funds to a player to facilitate play at a slot machine or table game in accordance with this chapter.

XV. "External bonusing system" means the collective hardware, software, communications technology, and other ancillary equipment used in conjunction with a slot machine to deliver randomly selected player incentives in the form of credits to an active slot machine player and to effect the accurate metering of a bonus award event on a slot machine.

XVI. "Game" means a slot machine or table game determined by the commission to be compatible with the public interest and to be suitable for use by players.

XVII. "Gaming" means dealing, operating, carrying on, conducting, maintaining, or exposing a game for compensation.

XVIII. "Gaming applicant" means a person who has applied to the commission for a gaming license pursuant to this chapter.

XIX. "Gaming employee" means an individual, not otherwise included in the definition of a key employee, who is employed by a gaming applicant or gaming licensee, and whose employment duties and responsibilities involve the operation of, accounting and auditing related to, security and surveillance over, or the maintenance, servicing, or repair of, slot machines or table games. Such employees shall include, but not be limited to, dealers, floorpersons, boxmen, slot machine personnel, slot machine technicians, count room and cashiers' cage personnel, security and surveillance personnel, information technology department personnel, employees responsible for handling assets and proceeds associated with the operation of a gaming location, a host or other individual authorized to extend complimentary services or promotional play and an individual who, in the judgment of the commission, so regularly is required to work in a restricted area that registration as a gaming employee is appropriate. The term may include an employee of a person holding a gaming vendor license whose duties regularly involve the installation, maintenance, or repair of slot machines, associated equipment or table game devices where the commission determines a gaming employee license for such an individual to be consistent with the policies of this chapter. The term shall not include an employee that provides security services in a gaming location other than on the gaming floor or in a restricted area, bartenders, cocktail servers, or other persons engaged solely in preparing or serving food or beverages, clerical or secretarial personnel, parking attendants, janitorial, stage, sound, and light technicians and other non-gaming employees so designated by the commission.

XX. "Gaming equipment" means a collective reference to slot machines, associated equipment and table game devices.

XXI. "Gaming floor" means the area within a gaming location authorized by the commission for the operation of slot machines and table games.

XXII. "Gaming license" means a license issued by the commission authorizing a gaming licensee to operate slot machines and table games at a gaming location pursuant to this chapter.

XXIII. "Gaming licensee" means a person that has been awarded and issued a license by the commission to possess, conduct, and operate slot machines and table games at a gaming location pursuant to this chapter.

XXIV. "Gaming location" means the collective land, buildings, and structures at which a gaming licensee is authorized by the commission to place and operate slot machines and table games under this chapter and includes the gaming floor, restricted areas and all non-gaming structures and amenities including a hotel, catering or room service operations serving a hotel, convention, meeting and multipurpose facilities, retail facilities, food and beverage outlets, parking structures and lots, and other amenities and activities not located on or adjacent to the gaming floor or related to gaming operations.

XXV. "Gaming ticket system" means the collective hardware, software, communications technology, and other ancillary equipment used in conjunction with a slot machine to facilitate the issuance or redemption of a ticket.

XXVI. "Gaming vendor" means, subject to a classification system to be prescribed in accordance with RSA 284-B:25:

(a) A management company as defined in this chapter.

(b) A person providing goods and services directly related to gaming including, but not limited to, a person that designs, manufactures, builds or rebuilds, programs, distributes, installs, or modifies a slot machine, associated equipment or gaming table device for sale or lease to a gaming licensee for use in operating slot machines or table games in accordance with this chapter or such other person as the commission shall designate.

(c) A person providing goods and services ancillary to gaming including, but not limited to, a junket enterprise, junket representative, a person employed by a junket enterprise or junket representative in a managerial or supervisory position, a person with an ownership or financial interest in a gaming location not required to qualify for licensure in accordance with RSA 284-B:17, VII, a licensor of an authorized game or such other person as the commission shall designate.

XXVII. "Gross slot machine revenue" means the total of:

(a) Cash or cash equivalent wagers received by a slot machine minus the total of:

(1) Cash or cash equivalents paid out to players as a result of playing a slot machine, whether paid manually or paid out by the slot machine;

(2) Cash or cash equivalents paid to purchase an annuity to fund a prize payable to player over a period of time as a result of playing a slot machine; and

(3) The actual cost paid by a gaming licensee for any merchandise or other non-cash prize distributed to a player as a result of playing a slot machine. This does not include travel expenses, food, refreshments, lodging, or services conferred as part of a promotion or as a complimentary service.

(b) Contest or tournament fees or payments, including entry fees and administrative fees, imposed by a gaming licensee to participate in a slot machine contest or tournament, less cash paid or actual costs paid by a gaming licensee for prizes awarded to contest or tournament winners.

(c) Gross slot machine revenue shall not include;

(1) Counterfeit currency;

(2) Currency of other countries received in the playing of a slot machine except to the extent that the currency is readily convertible to cash; and

(3) Cash taken in a fraudulent act perpetrated against a gaming licensee for which the gaming licensee is not reimbursed.

(d) A noncashable promotional credit shall be excluded from the calculation of gross slot machine revenue.

XXVIII. "Gross table game revenue" means the total of:

(a) Cash or cash equivalent wagers received in the playing of a table game minus the total of:

(1) Cash or cash equivalents paid to players as a result of playing a table game;

(2) Cash or cash equivalents paid to purchase an annuity to fund a prize payable to a player over a period of time as a result of playing a table game; and

(3) The actual cost paid by a gaming licensee for any merchandise or other non-cash prize distributed to a player as a result of playing a table game. This shall not include travel expenses, food, refreshments, lodging, or services conferred as part of a promotion or as a complimentary service.

(b) Contest or tournament fees or payments, including entry fees, buy-ins, re-buys, and administrative fees, imposed by a gaming licensee to participate in a table game contest or tournament, less cash paid or actual costs paid by a gaming licensee for prizes awarded to contest or tournament winners.

(c) The total amount of rake collected by a gaming licensee.

(d) Gross table game revenue shall not include;

(1) Counterfeit cash or chips;

(2) Currency of other countries received in the playing of a table game, except to the extent that the coin or currency are readily convertible to cash; and

(3) Cash taken in a fraudulent act perpetrated against a gaming licensee for which the gaming licensee is not reimbursed.

(e) A noncashable promotional credit shall be excluded from the calculation of gross table game revenue.

XXIX. "Holding company" means a corporation, limited liability company, association, firm, partnership, trust, or other form of business organization, other than an individual, which directly or indirectly owns, has the power or right to control, or has the power to vote a significant part of the outstanding voting securities of a corporation or any other form of business organization which is a gaming applicant or gaming license pursuant to this chapter provided, however, that a "holding company", in addition to any other reasonable use of the term, shall be construed as indirectly holding or owning any such power, right, or security if it does so through an interest in a subsidiary or any successive subsidiaries, notwithstanding how many such subsidiaries may intervene between the holding company and a gaming applicant or gaming licensee.

XXX. "Host community" means a municipality in which a gaming location is located or in which a gaming applicant has proposed locating a gaming location.

XXXI. "Impacted live entertainment venue" means a not-for-profit or municipally-owned performance venue located in New Hampshire and operating at the time this chapter takes effect that is designed in whole or in part for the presentation of live concerts, comedy or theatrical performances, which the commission determines experiences, or is likely to experience, a negative impact from the development or operation of a licensee live entertainment venue at a gaming location.

XXXII. "Immediate family" means an individual's spouse, domestic partner, partner in a civil union, child, parent, or sibling, whether by the whole or half blood, by marriage, adoption, or natural relationship, residing in the same household.

XXXIII. "Independent testing laboratory" means a person engaged in the testing and certification of slot machines and the equipment, systems, and software utilized to collect, monitor, interpret, analyze, authorize, issue, redeem, report, and audit data with regard to activity at slot machines and electronic table games.

XXXIV. "Institutional investor" means any of the following entities having an ownership interest in a gaming applicant, gaming licensee, or gaming location: a corporation, bank, insurance company, pension fund or pension fund trust, retirement fund, including funds administered by a public agency, employees' profit-sharing fund or employees' profit-sharing trust, an association engaged, as a substantial part of its business or operation, in purchasing or holding securities, or any trust in respect of which a bank is a trustee or co-trustee, investment company registered under the federal Investment Company Act of 1940, collective investment trust organized by banks under part 9 of the Rules of the Comptroller of Currency, closed end investment trust, chartered or licensed life insurance company or property and casualty insurance company, investment advisor registered under the federal Investment Advisers Act of 1940, and such other persons as the commission may reasonably determine to qualify as an institutional investor for the purposes of this chapter.

XXXV. "Intermediary company" means a corporation, association, firm, partnership, trust, or other form of business organization, other than an individual, which is a holding company with respect to a corporation or other form of business organization which is a gaming applicant or gaming licensee and is a subsidiary with respect to a holding company.

XXXVI. "Jackpot" means any cash, cash equivalent, ticket, annuity, or merchandise to be paid to a player as a result of a specific combination of characters on a slot machine.

XXXVII. "Junket" means an arrangement intended to induce a person to come to a gaming location to gamble, where the person is selected or approved for participation on the basis of the person's ability to satisfy a financial qualification obligation related to the person's ability or willingness to gamble or on any other basis related to the person's propensity to gamble and pursuant to which and as consideration for which, any of the cost of transportation, food, lodging, and entertainment for the person is directly or indirectly paid by a gaming licensee or an affiliate of the gaming licensee.

XXXVIII. "Junket enterprise" means a person, other than a gaming applicant or gaming licensee, who employs or otherwise engages the services of a junket representative in connection with a junket to a licensed gaming location, regardless of whether or not those activities occur within the state.

XXXIX. "Junket representative" means a person who negotiates the terms of, or engages in the referral, procurement or selection of persons who may participate in, a junket to a gaming location, regardless of whether or not those activities occur within the state.

XL. "Key employee" means any individual employed by a gaming applicant, gaming licensee, or holding, intermediary, or subsidiary company required to qualify in accordance with 284-B:17, VII in a director or department head capacity and who is authorized to make discretionary decisions that regulate or affect slot machine and/or table game operations, including, but not limited to, a general manager, assistant manager, shift managers, director of slot machine operations, director of table game operations, pit boss, director of finance, comptroller, cashiers' cage manager and shift supervisor, director of internal audit, director of surveillance, director of security, director of marketing, director of information technology, director of food and beverage 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 commission shall designate for reasons consistent with the policies of this chapter.

XLI. "Licensee live entertainment venue" means any indoor space at a gaming location designed principally for the purpose of the presentation of live concerts, comedy or theatrical performances; provided that this definition shall not include any space the principal purpose of which is the sale of food or beverage, including any restaurant or bar holding an on-premises liquor license pursuant to RSA 178.

XLII. "Management company" means a person, subject to a commission approved management contract with a gaming licensee, that is responsible for the management of all or part of the operation of a gaming floor.

XLIII. "Management contract" means a contract, subcontract, or collateral agreement between a management company and a gaming licensee providing for the management of all or part of a gaming floor.

XLIV. "Major policymaking position" means the executive director of the gaming control division, any individual who reports directly to the executive director of the gaming control division, the director of problem gambling and research, and any other individual so designated by the commission.

XLV. "Minimum theoretical payout percentage" means the total value of jackpots expected to be paid by a slot machine divided by the total value of slot machine wagers expected to be made on that slot machine during a game cycle calculated in accordance with rules adopted by the commission consistent with this chapter.

XLVI. "Money" means cash or instruments that are convertible to cash in any negotiable currency.

XLVII. "Multi-casino progressive system" means a system approved by the commission pursuant to which a common progressive jackpot is offered on slot machines that are interconnected in more than one casino within or outside the state.

XLVIII. "Noncashable promotional credit" means a credit or other electronic thing of value utilized to play a slot machine or electronic table game that activates play but is not convertible to cash at the conclusion of play.

XLIX. "Non-gaming employee" means an individual, not otherwise included in the definition of a key employee or gaming employee, who is employed by a gaming applicant or gaming licensee to include an employee providing security services in a gaming location other than on the gaming floor or in a restricted area, a bartender, cocktail server or other person engaged solely in preparing or serving food or beverages, clerical or secretarial personnel, a parking attendant, a janitorial, stage, sound and light technician, or other employee so designated by the commission.

L. “Non-gaming vendor” means a person providing goods and services not included in the definition of a gaming vendor including, but not limited to, construction companies, vending machine providers, linen suppliers, garbage handlers, maintenance companies, limousine services, food purveyors or suppliers of alcoholic beverages.

LI. “Officer” means the chief executive officer, chief financial officer, chief operating officer, chief information officer, chief compliance officer, and chief legal officer of a corporation, or their equivalents in any unincorporated entity.

LII. “Person” means an individual, limited liability company, proprietorship, firm, partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, committee, government entity, or other legal entity.

LIII. “Player” means an individual who plays a slot machine or a table game at a gaming location licensed by the commission.

LIV. “Player tracking system” means the collective hardware, software, communications technology, and other ancillary equipment used to collect, monitor, interpret, analyze, authorize, report and audit data with regard to player activity generally or on an individual basis at a slot machine.

LV. “Principal” means a person associated with a gaming applicant or gaming licensee required to be qualified for licensure in accordance with RSA 284-B:17, VII in conjunction with a gaming license application and includes the following persons:

- (a) An officer or director of a gaming applicant or gaming licensee.
- (b) A person, including a shareholder, general partner, limited partner, or member or manager of a limited liability company who directly or indirectly holds more than 5 percent of a legal or beneficial interest in, or ownership of the securities of, a gaming applicant or gaming licensee.
- (c) A person who has a controlling interest in a gaming applicant or gaming licensee.
- (d) A person who has the ability to elect one or more members of the board of directors of a gaming applicant or gaming licensee or to otherwise manage, control, influence, or affect a gaming applicant or gaming licensee.
- (e) A person who is a lender or other licensed financial institution of a gaming applicant or gaming licensee, other than a bank or lending institution which makes a loan or holds a mortgage or other lien acquired in the ordinary course of business.
- (f) An institutional investor who directly or indirectly holds more than 5 percent of a legal or beneficial interest in, or ownership of the securities of, a gaming applicant or gaming licensee.
- (g) An underwriter of a gaming applicant or gaming licensee.
- (h) A person with an ownership or financial interest in a gaming location required to be qualified for licensure in accordance with this chapter in conjunction with a gaming license application.
- (i) Any other person associated with a gaming applicant or gaming licensee required to be qualified for licensure in accordance with this chapter in conjunction with a gaming license application.

LVI. “Progressive controller” means a device independent of the operating system of a slot machine that calculates and transmits to a slot machine the amount of an available progressive jackpot based on a pre-established rate of progression and denomination of a slot machine.

LVII. “Promotional play” means an award by a gaming licensee of cashable and noncashable credits on a slot machine or table game:

- (a) Directly or indirectly to a player.
- (b) With or without regard to the:
 - (1) Identity of the player; or
 - (2) Player’s level of gaming activity.

LVIII. “Promotional play system” means the collective hardware, software, communications technology, and other ancillary equipment used to facilitate the award of promotional play at a slot machine or table game by means of either a:

- (a) Promotional play instrument.
- (b) Download from the system to a slot machine.

LVIX. “Rake” means a set fee or percentage assessed by a gaming licensee for providing the services of a dealer, gaming table or location, to allow the play or operation of a table game at which a player competes against another player.

LX. “Restricted area” means that part of a gaming location directly related to the operation of the gaming floor where access is specifically designated by the commission as restricted, including, but not limited to:

- (a) Cashier’s cage, including a satellite cashiers’ cage and ancillary offices.
- (b) A room or location in which any central computer system resides.
- (c) Count room and trolley storage areas.
- (d) Areas designated for the storage, repair or destruction of slot machines, associated equipment and table game devices.
- (e) Information technology department operations centers.
- (f) Progressive controller locations.
- (g) Surveillance monitoring rooms.
- (h) Vault and armored car bay locations.
- (i) Any other area that a gaming licensee, with the authorization of the commission, designates as restricted in its system of accounting and internal control or that the commission designates as restricted at the gaming location.

LXI. “Slot data system” means the collective hardware, software, communications technology, and other ancillary equipment used to collect, monitor, interpret, analyze, authorize, report, and audit data with regard to activity at a slot machine, including slot machine meter readings, error conditions, security, accounting, player tracking, and productivity analysis.

LXII. “Slot machine” means a mechanical, electrical, or other device, contrivance, or machine which, upon insertion of a coin, ticket, or similar object therein, or upon payment of any consideration whatsoever, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash or tickets to be exchanged for cash, or to receive merchandise or any thing of value, whether the payoff is made automatically from the machine or in any other manner, except that the cash equivalent value of any merchandise or other thing of value shall not be included in determining the payout percentage of a slot machine. Slot machine shall not include a redemption slot machine or redemption poker machine available in a family entertainment center pursuant to RSA 647:2, II(f).

LXIII. “Subsidiary” means a corporation, a significant part of whose outstanding equity securities are owned, subject to a power or right of control, or held with power to vote, by a holding company or an intermediary company, or a significant interest in a firm, association, partnership, trust, or other form of business organization, other than an individual, which is owned, subject to a power or right of control, or held with power to vote, by a holding company or an intermediary company.

LXIV. “Table game” means:

(a) A game in the form of baccarat, big six wheel, blackjack, craps, double attack blackjack, mini-baccarat, mini-craps, mini-dice, pai gow, red dog, roulette, sic bo, casino war, poker including Asia poker, Boston 5 stud poker, Caribbean stud poker, Colorado hold ‘em poker, double cross poker, double down stud poker, fast action hold ‘em, flop poker, four card poker, let it ride poker, pai gow poker, pokette, Spanish 21, Texas hold ‘em bonus poker, 3-card poker, 2-card joker poker, ultimate Texas hold ‘em, or winner’s pot poker.

(b) Any variations or composites of such games, provided that such variations or composites are found by the commission to be suitable for use after an appropriate test or experimental period under such terms and conditions as the commission shall deem appropriate.

(c) Any other banking or percentage game played with cards, dice, tiles, dominoes, or other equipment or an electronic, electrical or mechanical device played for money or other representation of value which is determined by the commission to be compatible with the public interest and to be suitable for casino use after such appropriate test or experimental period as the commission shall deem appropriate.

(d) The term table game shall not include games of chance pursuant to RSA 287-D, bingo and lucky 7 under RSA 287-E, pari-mutuel racing pursuant to RSA 284, raffles pursuant to RSA 287-A, or lottery pursuant to RSA 284:21-h and RSA 287-F.

LXV. "Table game device" includes, but is not limited to, a gaming table, cards, dice, chips, shufflers, tiles, dominoes, wheels, a drop box, or any other equipment used or consumed in connection with the operation of a table game.

LXVI. "Ticket" means an instrument that upon insertion into a slot machine bill validator entitles the player inserting the ticket to credits on a slot machine corresponding to the amount printed on the ticket.

LXVII. "Wager" means a sum of money or representative of value that is risked on an occurrence for which the outcome is uncertain.

284-B:3 Gaming Commission.

I. There shall be a New Hampshire gaming commission. The gaming commission shall be an executive branch agency entitled to defense and indemnity under RSA 99-D. It shall consist of 5 members who shall be appointed and may be removed for cause by the governor with the advice and consent of the council.

(a) One member of the commission shall be appointed for one year, one for 2 years, one for 3 years, and one for 4 years, and upon the expiration of their terms of office their successors shall be appointed for a term of 4 years. The fifth member of the commission, who shall be appointed as chair of the commission by the governor with the advice and consent of the council, shall be appointed for 4 years and may be reappointed thereafter.

(b) At least one member of the commission shall have a background in accounting or finance.

(c) At least one member of the commission shall have a background in law enforcement or criminal or regulatory prosecution.

(d) Any vacancy on the commission shall be filled by appointment for the unexpired term. The chair shall serve in that capacity throughout the term of appointment and until a successor shall be appointed. Prior to appointment to the commission, an individual shall be subject to a background investigation with his or her suitability determined in accordance with the same standards for good character, honesty, integrity and financial stability applied to a key employee of a gaming licensee under this chapter.

II. The gaming commission shall have responsibility for the administration and enforcement of the New Hampshire state lottery in accordance with the provisions of RSA 284:21-a through RSA 284:21-v, for racing and charitable gaming in accordance with the provisions of RSA 284, RSA 287-D and RSA 287-E, for redemption slot machines and redemption poker machines in a family entertainment center under RSA 647:2 and for the administration and enforcement of gaming in New Hampshire in accordance with the provisions of this chapter.

(a) The gaming commission shall assume the powers, rights, duties, and responsibilities granted to the state lottery commission under RSA 284 and any rules issued pursuant thereto, and any reference to the state lottery commission in RSA 284 or any other statutory cites, and any rules issued pursuant thereto, including without limitation the reference in RSA 287-F:5, except for the references in the provisions of RSA 284:21-a through RSA 284:21-d regarding the creation and membership of the state lottery commission and except as the context may otherwise require and shall be deemed to refer to the gaming commission, provided that the gaming commission may delegate to the state lottery commission such powers, rights, duties, and responsibilities as it deems in the best interest of the state lottery, and provided further that the gaming commission shall not delegate its power to issue rules, nor its power to appoint the lottery executive director, and provided further that the gaming commission may discontinue or adjust the terms of such delegation at any time.

(b) The gaming commission shall assume the powers, rights, duties, and responsibilities granted to the state racing and charitable gaming commission under RSA 284, RSA 287-D and RSA 287-E, and any rules issued pursuant thereto, and any reference to the state racing and charitable gaming commission in RSA 284, RSA 287-D and RSA 287-E or any other statutory cites, and any rules issued pursuant thereto, except for the references in the provisions of RSA 284:6-a, I regarding the creation and membership of the racing and charitable gaming commission and except as the context may otherwise require shall be deemed

to refer to the gaming commission, provided that the gaming commission may delegate to the state racing and charitable gaming commission such powers, rights, duties, and responsibilities as it deems in the best interest of racing and charitable gaming, and provided further that the gaming commission shall not delegate its power to issue rules, nor its power to appoint the racing and charitable gaming executive director, nor its power to license a primary game operator or game operator employer, and provided further that the gaming commission may discontinue or adjust the terms of such delegation at any time.

(c) The gaming commission shall be granted all powers, rights, duties and responsibilities necessary to authorize, limit, and regulate the operation of redemption slot machines and redemption poker machines in family entertainment centers under RSA 647:2 provided that the commission may delegate such powers, rights, duties, and responsibilities as it deems in the best interest of the state, provided that the gaming commission shall not delegate its power to issue rules, and provided further that the gaming commission may discontinue or adjust the terms of such delegation at any time.

(d) The gaming commission shall be advised in the exercise of its powers and rights and in the performance of its duties and responsibilities under this chapter by the gaming regulatory oversight authority in accordance with the provisions of RSA 284-A.

III. Three of the members of the gaming commission shall constitute a quorum to do business. It shall be the duty of a secretary to the gaming commission appointed by the chair to keep a record of all proceedings of the commission and to preserve all books, documents, and records addressed to its care. Commission members shall be part-time except that the commission chair shall be full-time and shall be the chief administrative and enforcement officer of the commission. The office of the chair and the commission shall be staffed with such legal, financial and technical experts as are required to fulfill the purposes of this chapter.

IV. Members of the gaming commission shall give bond to the state in such amount as shall be determined under the provisions of RSA 93-B.

V. Each member of the gaming commission shall receive a salary in accordance with RSA 94:1-a, II and shall be allowed reasonable expenses, including transportation, incurred in the performance of the member's duties.

VI. The gaming commission shall have an office in Concord or in a municipality that borders Concord.

VII. The compensation of the commissioners, expenses of the commissioners, compensation of assistants and other necessary expenses of the gaming commission, including suitable furniture, equipment, supplies, and office expenses shall be charged to and paid out of the funds received under the provisions of this chapter and of RSA 284, RSA 287-D, RSA 287-E, RSA 287-F and RSA 647:2, provided that the commission shall allocate such expenses for payment from each such source of funds in approximate proportion to the commission's costs of administering and regulating respectively the lottery and gaming activities administered by the commission pursuant to those provisions. The commission shall submit an operating budget based on accounting units or other budgetary units required by the general court. The commission shall submit its budget in the same format and at the same time as other state agencies. However, the commission may transfer funds between line items within and among any budgetary unit. The commission shall submit reports annually 60 days after the close of each fiscal year to the fiscal committee of the general court detailing all transfers made during the last fiscal year and the reasons for such transfers.

(a) Notwithstanding any provision of law to the contrary all expenses incurred by the gaming commission prior to the issuance of an operation certificate to a gaming licensee pursuant to 284-B:32 of this chapter shall be charged to and paid from the funds received under the provisions of RSA 284, RSA 284-B, RSA 287-D, RSA 287-E, RSA 287-F and RSA 647:2.

(b) Such funds shall be available as of the effective date of this chapter for expenses incurred by the gaming commission and shall be reimbursed in accordance with the provisions of 284-B:18, IV.

VIII. The gaming commission shall establish a code of ethics for all commissioners and employees of the 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:

(a) Prohibiting the receipt by a commissioner or employee or his or her immediate family of any commission, bonus, discount, gift, tip, gratuity, compensation, travel, lodging, or other thing of value, except for items valued at \$25 or less, directly or indirectly, from a gaming licensee, principal licensee, key employee licensee, gaming vendor licensee or applicant, or other person subject to the jurisdiction of the commission.

(b) Prohibiting the participation by commissioners and employees in a particular matter that affects the financial interest of a commissioner or employee or a family member of a commissioner or employee.

(c) Providing for recusal of a commissioner due to a potential conflict of interest.

(d) Prohibiting the solicitation of funds by a commissioner or employee for any charitable, educational, religious, health, fraternal, civic, or other nonprofit entity from a gaming applicant, gaming licensee, or person that is an applicant for or holder of a license, registration, or permit under this chapter.

IX. No commissioner or employee shall own, or be in the employ of, or own any stock in, a person that holds a license or registration under this chapter nor shall they have, directly or indirectly, a pecuniary interest in, or be connected with, any such person or be in the employ of, or connected with, a person financing any such person, provided, however, that an immediate family member of a commissioner or employee holding a major policymaking positions shall not own, or be in the employ of, or own stock in, a person that holds a license or registration under this chapter. A commissioner or employee shall not personally, or through a partner or agent, render professional services to, or make or perform any business contract with or for a person that holds a license or registration under this chapter, provided that a partner or other person related to a commissioner or employee may render professional services or make or perform any business contract with the prior approval of the commission upon a finding by the commission that the professional relationship or contract will not create the appearance of a conflict of interest and does not evidence a conflict of interest in fact. Immediately upon assuming office, each commissioner and employee of the commission shall swear or affirm that the commissioner or employee complies with these prohibitions.

X. No commissioner or employee of the commission shall during the period commencing 3 years prior to employment, have held any direct or indirect interest in, or have been employed by a person that holds a license or registration under this chapter.

XI. No commissioner shall hold a direct or indirect interest in, or be employed by, a gaming applicant or person that holds a license or registration under this chapter for a period of 3 years after the termination of employment with the commission.

XII. No employee of the gaming commission holding a major policymaking position as defined in this chapter shall acquire an interest in, or accept employment with, a gaming applicant or person that holds a license or registration under this chapter for a period of 2 years after the termination of employment with the commission, provided, however, that if the employment of an 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 a gaming applicant or person that holds a license or registration under this chapter upon application to and with the prior 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.

XIII. No employee of the commission in a non-major policymaking position shall acquire an interest in, or accept employment with, a gaming applicant or person that holds a license or registration under this chapter for a period of one year after the termination of employment with the commission, provided, however, that if the employment of an employee holding a non-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 immediately accept employment with a gaming applicant or person that holds a license or registration under this chapter upon application to and with the prior 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.

XIV. No commissioner or employee of the commission or division of state police gaming enforcement unit shall place a wager in a gaming location, provided, however, that an employee may place a wager in the performance of the employee's official duties.

XV. Commissioners and employees holding major policymaking positions as determined by the commission, shall be sworn to the faithful performance of their official duties. Commissioners and employees holding major policymaking positions shall:

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

(b) Avoid impropriety and the appearance of impropriety in all matters under their jurisdiction.

(c) Avoid all prohibited ex parte communications and the disclosure of confidential information.

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

(e) Disqualify themselves from proceedings in which their impartiality might reasonably be questioned.

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

284-B:4 Divisions of State Lottery, Racing and Charitable Gaming, and Gaming Control.

I. There shall be established within the gaming commission a lottery division, a racing and charitable gaming division, and a gaming control division.

II.(a) The executive director of the lottery division shall be the executive and administrative head of the division and shall be responsible for supervision and management of the division and the administrative units created within it. The executive director of the lottery division shall be appointed by the commission and shall report to the chair of the commission for administrative matters, daily supervision, policy, purpose, responsibility, and authority. Upon the effective date of this chapter, the person who was executive director for the state lottery commission immediately prior to the effective date shall become the executive director of the lottery division. Any subsequently appointed executive director shall be subject to a background investigation with his or her suitability determined in accordance with the same standards for good character, honesty, integrity and financial stability applied to a key employee of a gaming licensee under this chapter.

(b) The lottery division by and through its executive director shall administer the procedures associated with the operation of the state lottery under RSA 284:21-a through RSA 284:21-v, RSA 287-F, all other provisions of law relating to the operation of the state lottery, and the rules adopted pursuant thereto, shall have primary responsibility for the audit, compliance, and regulatory enforcement functions required to effect the purposes of RSA 284:21-a through RSA 284:21-v, RSA 287-F, all other provisions of law relating to the operation of the state lottery, and the rules adopted pursuant thereto, and shall support the work of the lottery commission in its performance of such powers, rights, duties and responsibilities as may be delegated to it by the gaming commission. The lottery division shall cooperate with the attorney general and the division of state police gaming enforcement unit in the enforcement of this chapter.

III.(a) The executive director of the racing and charitable gaming division shall be the executive and administrative head of the division and shall be responsible for supervision and management of the division and the administrative units created within it. The executive director of the racing and charitable gaming division shall be appointed by the commission and shall report to the chair of the commission for administrative matters, daily supervision, policy, purpose, responsibility and authority. Upon the effective date of this chapter, the person who was executive director for the state racing and charitable gaming commission immediately prior to the effective date of this chapter shall become the executive director of the racing and charitable gaming division. Any subsequently appointed executive director shall be subject to a background investigation with his or her suitability determined in accordance with the same standards for good character, honesty, integrity, and financial stability applied to a key employee of a gaming licensee under this chapter.

(b) The division of racing and charitable gaming by and through its executive director shall administer the procedures associated with the conduct of racing and charitable gaming under RSA 284, RSA 287-D, RSA 287-E, all other provisions of law related to racing and charitable gaming, and the rules adopted pursuant thereto, shall have primary responsibility for the audit, compliance and regulatory enforcement functions required to effect the purposes of RSA 284, RSA 287-D, RSA 287-E, all other provisions of law related to racing and charitable gaming, and the rules adopted pursuant thereto, and shall support the work of the racing and charitable gaming commission in its performance of such powers, rights, duties, and responsibilities as may be delegated to it by the gaming commission. The division of racing and charitable gaming shall cooperate with the attorney general and the division of state police gaming enforcement unit in the enforcement of this chapter.

IV.(a) The executive director of the gaming control division shall be the executive and administrative head of the division and shall be responsible for supervision and management of the division and the administrative units created within it. The executive director of gaming control shall be appointed by the commission and shall report to the chair of the commission for administrative matters, daily supervision, policy, purpose, responsibility and authority. Prior to appointment as executive director, an individual shall be subject to a

background investigation with his or her suitability determined in accordance with the same standards for good character, honesty, integrity, and financial stability applied to a key employee of a gaming licensee under this chapter.

(b) The division of gaming control by and through its executive director shall administer the procedures associated with the licensing, registration, and permitting of persons under this chapter and the rules adopted pursuant thereto and shall have primary responsibility for the audit, compliance, and regulatory enforcement functions required to effect the purposes of this chapter and its rules. The division of gaming control shall cooperate with the attorney general and the division of state police gaming enforcement unit in the enforcement of this chapter.

(c) The division of gaming control shall be present at a gaming location at such times, under such circumstances, and to such extent as the commission deems appropriate to fulfill its responsibilities under this chapter. Provision of onsite office space to accommodate the division of gaming control shall be provided as an element of an operation certificate under RSA 284-B:32.

284-B:5 General and Specific Powers of the Gaming Commission.

I. The gaming commission shall have general and exclusive regulatory authority and responsibility over the conduct of gaming and related activities as described in this chapter and the rules adopted pursuant thereto. The commission shall enforce the provisions of this chapter and any rules and shall ensure the integrity of the acquisition and operation of slot machines, associated equipment, and table game devices and shall have sole regulatory authority over every aspect of the authorization, operation, and play of slot machines and table games.

II. The gaming commission shall employ in its division of gaming control individuals, including the executive director of the division of gaming control provided for in RSA 284-B:4, as necessary to carry out the powers and duties of the commission as they relate to gaming conducted under this chapter. The commission may, should it determine it necessary to fulfill the purposes of this chapter, designate certain professional employees with specialized gaming expertise as serving at its pleasure.

III. The gaming commission shall employ a director of problem gambling and research, who shall have, in the commission's judgment, relevant experience in the field of problem gambling and research or in related fields, who shall report to the chair and shall advise the chair on all matters relating to problem gambling and research, provided that the commission may authorize customary marketing research required by the lottery to be conducted independently of the director of problem gambling and research.

IV. The gaming commission and its chair shall cooperate with the gaming regulatory oversight authority pursuant to the provisions of RSA 284-A and shall perform such functions as are assigned to it by RSA 284-A.

V. The gaming commission shall make an annual report to the governor in accordance with RSA 20:7, including therein an account of its actions, receipts derived under this chapter and under the provisions of RSA 284:21-a through RSA 284:21-v, regarding the state lottery, RSA 284, RSA 287-D and RSA 287-E regarding racing and charitable gaming, RSA 647:2 regarding redemption slot machines and redemption poker machines and slot machines and table games operated pursuant to this chapter, the practical effects of the application thereof, and any recommendation for legislation which the commission deems advisable.

VI. The gaming commission shall award, issue, accept, approve, renew, revoke, suspend, condition, or deny issuance or renewal of a gaming license, principal license, key employee license, gaming vendor license, gaming employee registration, non-gaming employee permit, non-gaming vendor registration, and any additional licenses, registrations, or permits as may be required under this chapter.

VII. The gaming commission may require individuals who are prospective and existing commission employees and independent contractors, applicants, licensees, registrants, and permittees to submit to fingerprinting by the division of state police or other designated entity for purposes of verifying the identity of the individual and obtaining records of criminal arrests and convictions and to exchange fingerprint data with, and to receive criminal history record and background information from, the department of safety, division of state police, the attorney general, the Federal Bureau of Investigation or other source consistent with applicable federal and state laws, rules and regulations.

VIII. The gaming commission may require individuals who are prospective and existing commission employees and independent contractors, applicants, licensees, registrants, and permittees to submit photographs for purposes of verifying the identity of the individual and obtaining records of criminal arrests and convictions.

IX. The gaming commission may conduct investigations through its staff into the conduct of gaming and gaming operations and may test compliance with the requirements of this chapter and the rules adopted pursuant thereto.

X. The gaming commission may initiate a regulatory enforcement action through a referral to the attorney general for prosecution, and may decide, after hearing, any action against a licensee, registrant, permittee, or other person under this chapter, or the rules adopted pursuant thereto, and may impose sanctions upon finding a violation.

XI. The gaming commission may collect any fee, tax, penalty or interest required to be collected pursuant to the provisions of this chapter and the rules adopted pursuant thereto.

XII. Subject to the standards enumerated in this chapter, the gaming commission shall not approve an application for, or award, issue, accept, or renew a license, registration, or permit unless it is satisfied, at a minimum, that the applicant has demonstrated by clear and convincing evidence that the applicant is a person of good character, honesty, and integrity and is a person whose prior activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the public interest or the effective regulation and control of slot machine or table game operations or create or enhance the danger of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of slot machine or table game operations or the carrying on of the business and financial arrangements incidental thereto.

XIII. The gaming commission may adopt rules necessary for the effective and efficient administration and enforcement of this chapter.

XIV. The gaming commission may be present at any gaming location at such times, under such circumstances, and to such extent as it deems appropriate to conduct reviews of gaming operations through observation and other reasonable means to assure compliance with this chapter and the rules adopted pursuant thereto.

XV. The gaming commission may conduct financial and operational reviews and compliance audits of gaming operations at such times, under such circumstances, and to such extent as it deems appropriate including reviews of accounting, administrative and financial records, and internal control systems, procedures, and records utilized by a gaming licensee.

XVI. The gaming commission may request and receive information, materials and any other data from a licensee, registrant, permittee, or applicant under this chapter in such manner as it deems appropriate.

XVII. The gaming commission may receive complaints from the public relating to the conduct of gaming operations.

XVIII. The gaming commission may certify the revenue of any gaming licensee in such manner as it deems appropriate.

XIX. The gaming commission may create, maintain, and administer a list of all excluded individuals.

XX. The gaming commission may create, maintain, and administer a list of all self-excluded individuals and to decide all matters relating to the administration of that program.

XXI. At its discretion, the gaming commission may issue, revoke, suspend, condition, or deny an operation certificate to a gaming licensee.

XXII. The gaming commission may request any and all records maintained by local, municipal, state, or federal agencies relative to a gaming applicant or gaming licensees.

XXIII. The gaming commission shall have the power and duty, subject to all applicable provisions of state law:

(a) To pay or satisfy obligations of the commission.

(b) To sue.

(c) To contract and execute instruments as necessary to carry out the powers and duties of the commission. Except for a contract related to a central computer system, all contracts entered into by the commission during the 2-year period following the effective date of this chapter shall not exceed a term of 2 years.

(d) To sell, transfer, convey, and dispose of tangible or intangible property owned by the commission.

(e) To establish, charge, and collect any fee, tax, penalty, or interest authorized by this chapter.

(f) To administer oaths, examine witnesses, and issue subpoenas compelling the attendance of witnesses or the production of documents, records, or other evidence, or to designate officers or employees to perform these duties.

(g) To retain attorneys, with the approval of the attorney general, accountants, auditors, and financial and other experts to render services as necessary.

(h) To require a background investigation on a gaming applicant, gaming, licensee, and an applicant for, or holder of, a principal license, key employee license, and gaming vendor license and, in the exercise of its discretion, on an applicant for, or holder of, a gaming employee registration, non-gaming employee permit, and non-gaming vendor registration under the jurisdiction of the commission.

(i) To enter into agreements with the attorney general and department of safety, division of state police and other persons as necessary to carry out the powers and duties of the commission including, but not limited to, agreements relating to reimbursement of actual costs for prosecutions of regulatory and criminal violations and for background and other investigations performed pursuant to this chapter.

(j) For purposes of licensing and enforcement including, but not limited to, background investigations, to receive information otherwise protected.

(k) For purposes of licensing and enforcement including, but not limited to, background investigations to receive and share information with other gaming regulating entities pursuant to an information sharing agreement.

XXIV. The commission, by and through the division of gaming control, shall possess pursuant to such delegation of authority by the attorney general, such law enforcement powers as are required to effectuate the purposes of this chapter including, but not limited to, access to records and databases reserved for access by law enforcement.

XXV. The commission may through its employees, without notice and without a warrant:

(a) Inspect and examine a gaming location where slot machine and table game operations are conducted as defined in this chapter, where associated equipment and table game devices used in the conduct thereof are manufactured, sold, distributed, or serviced or where records related to such gaming activity are prepared or maintained.

(b) Inspect all slot machines, associated equipment, table game devices, and related supplies at a gaming location.

(c) Seize summarily and remove from a gaming location slot machines, associated equipment, table game devices, and related supplies for the purposes of examination and inspection.

(d) Inspect, examine, and audit all books, records, and documents pertaining to a gaming licensee's operations.

(e) Seize, impound, or assume physical control of any book, record, ledger, slot machine, associated equipment, table game device and its contents, or a count or its equipment.

XXVI. The commission may delegate its authority to perform any of its functions under this chapter or the rules adopted pursuant thereto to an employee of the commission, provided, however, that any delegation expressly state whether the action or decision of the employee is to be deemed the final action of the commission, without approval, ratification, or other further action by the commission, and provided further that an action or decision by an employee of the commission pursuant to delegated authority shall be presented for review to the commission upon timely request by any party adversely affected by such determination.

XXVII. The commission may require a gaming applicant or gaming licensee to submit all contracts for services where the annual amount to be expended by the gaming applicant or gaming licensee is over \$500,000 to the commission and to provide such further information regarding vendors as the commission deems appropriate.

XXVIII. The commission may require a labor organization, union, or affiliate seeking to represent employees at a gaming location to be registered by the commission.

XXIX. The commission may require a gaming licensee to sell state lottery tickets at its gaming location in an area as near as practicable to the cashiers' cage.

XXX. The commission, in consultation with the attorney general, shall adopt rules, an organizational structure, and referral practices with the attorney general designed to prevent commingling of legal advisory, investigatory, prosecutorial, and adjudicatory functions.

284-B:6 Exercise of the Commission's Power to Sanction.

I. Without limiting the authority of the attorney general the commission may, following appropriate hearings and factual determinations, impose administrative sanctions against any person for any violation of this chapter, the rules adopted by the commission or any law related to gaming in this state including the following:

(a) Conditions upon, suspension, or revocation of a license, registration, permit, or other authorization issued pursuant to this chapter.

(b) Assessment of civil penalties in such monetary amounts as may be deemed necessary to punish misconduct and to deter future violations.

(c) Ordering 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. If the commission finds that a gaming licensee is engaged in an act or practice that would cause irreparable harm to the security and integrity of a gaming location or the interests of this state in ensuring the security and integrity of gaming under this chapter, it may issue a temporary suspension of the license. A gaming licensee who has been issued a temporary order of suspension by the commission shall be entitled to a full hearing before the commission on such suspension within 7 days after the order is issued. At the conclusion of the hearing, the commission may issue a final order to condition, suspend, or revoke the license in question.

(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.(a) In determining an appropriate administrative sanction in a particular case, the commission shall consider:

(1) The risk to the public and to the integrity of slot machine or table game operations created by the conduct of the person.

(2) 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 adopted by the commission.

(3) Any justification or excuse for such conduct.

(4) The prior history of the person involved with respect to gaming activity.

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

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

(b) It shall be no defense to disciplinary action before the commission that a person inadvertently, unintentionally, or unknowingly violated a provision of this chapter or the rules adopted pursuant thereto provided that the commission may consider such factors in determining the degree of the penalty to be imposed.

III. The commission may impose any schedule or terms of payment of a civil penalty as it deems to be in the best interest of the state.

IV. The expense of investigation and any proceeding under this section before the commission, including, but not limited to, that related to an employee shall be fully recoverable from the gaming licensee unless the commission determines otherwise.

V. Any decision of the commission imposing an administrative sanction under this chapter shall be a final, binding, non-appealable determination which shall not be subject to legal challenge except as enumerated in RSA 284-B:25, XIII and RSA 284-B:25, XIV.

VI. Any decision of the commission imposing an administrative sanction under this chapter shall be evidenced by a written decision.

VII. A gaming applicant, gaming licensee, and an applicant for, or holder of, a principal license, key employee license, gaming employee registration, non-gaming employee permit, gaming vendor license, non-gaming vendor registration, or other person shall be guilty of a class B felony if they purposely:

(a) Fail to report, pay, or truthfully account for and pay over any application fee, investigative fee, initial license fee, renewal fee, or other fee, tax, penalty or interest required to be collected pursuant to the provisions of this chapter and the rules adopted pursuant thereto.

(b) Attempt in any manner to evade or defeat an application fee, investigative fee, initial license fee, renewal fee, or other fee, tax, penalty or interest required to be collected pursuant to the provisions of this chapter and the rules adopted pursuant thereto.

VIII. A gaming applicant, gaming licensee, and an applicant for, or holder of, a principal license, key employee license, gaming employee registration, non-gaming employee permit, gaming vendor license, non-gaming vendor registration, or other person shall be guilty of a class B felony if they permit a slot machine, associated equipment, table game, or a table game device to be operated, transported, repaired, or opened in a gaming location by a person other than a person that is licensed registered, permitted, or otherwise authorized by the commission pursuant to this chapter.

IX. A gaming applicant, gaming licensee, and an applicant for, or holder of, a principal license, key employee license, gaming employee registration, non-gaming employee permit, gaming vendor license, non-gaming vendor registration, or other person shall be guilty of a class B felony if they manufacture, supply, or place a slot machine, associated equipment, a table game, or a table game device into play or display slot machines, associated equipment, a table game, or table game device in a gaming location without the authorization of the commission pursuant to this chapter.

X. Except in the case where a completed renewal application and fee, if required, has been received by the commission but has not yet been acted upon by the commission, a gaming applicant, gaming licensee, and an applicant for, or holder of, a principal license, key employee license, gaming employee registration, non-gaming employee permit, gaming vendor license, non-gaming vendor registration, or other person shall be guilty of a misdemeanor if they manufacture, supply, operate, carry on, or expose for play a slot machine, associated equipment, a table game, or table game device after the person's license, registration, permit or other authorization has expired and prior to the actual renewal of the license.

XI. An individual shall be guilty of a misdemeanor if while in a gaming location the individual knowingly uses currency other than legal tender of the United States to initiate play at a slot machine or table game with the intent to cheat or defraud a gaming licensee, a gaming location, or the state, or to damage a slot machine, associated equipment, a table game, or table game device.

XII. An individual shall be guilty of a class B felony if in playing a game in a gaming location the individual uses or assists another in the use of, a computerized, electronic, electrical, or mechanical device which is designed, constructed, or programmed specifically for use in obtaining an advantage at playing a slot machine or table game, unless the advantage obtained can be assessed a monetary value or loss of \$75,000 or less in which case the offense shall be a misdemeanor provided, however, that an authorized employee of a gaming licensee or an authorized employee of the commission may possess a computerized, electronic, electrical, or mechanical device which is designed, constructed, or programmed specifically for use in obtaining an advantage at playing a slot machine or table game or other cheating device in the performance of his or her employment for training, investigative, or testing purposes only. Any computerized, electronic, electrical, or mechanical device used in violation of this section shall be subject to seizure by the commission and forfeiture. A gaming licensee shall conspicuously post notice of this prohibition and the penalties provided for under this section in a location and in a manner determined by the commission.

XIII. An individual shall be guilty of a class B felony if the individual:

(a) Uses or possesses counterfeit, marked, loaded or tampered with table game devices including chips, associated equipment, or other cheating devices in the conduct of gaming under this chapter, except that an authorized employee of a licensee or an authorized employee of the commission may possess and use counterfeit chips or table game devices or associated equipment that have been marked, loaded or tampered with, or other cheating devices in performance of his or her employment for training, investigative, or testing purposes.

(b) Except in connection with his or her employment duties, knowingly possesses or uses while in a gaming location a key or device designed for the purpose of or suitable for, opening or entering a slot machine, a slot machine cash storage box, a table game drop box, or similar coin or storage box.

XIV. A person shall be guilty of a class B felony if the person possesses a slot machine, associated equipment, a table game, a table game device, or other equipment or material knowing that it has been manufactured, distributed, sold, tampered with, or serviced in violation of the provisions of this chapter with the intent to use the slot machine, associated equipment, a table game, table game device, or other equipment or material as though it had been manufactured, distributed, sold, tampered with, or serviced pursuant to this chapter.

XV. A person shall be guilty of a class B felony if the person sells, offers for sale, represents, or passes off as lawful a slot machine, associated equipment, a table game, a table game device, or other equipment or material which the person knows has been manufactured, distributed, sold, tampered with, or serviced in violation of this chapter.

XVI. An individual shall be guilty of a misdemeanor if the individual works or is employed in a position the duties of which require licensing, registration, permitting or other authorization under the provisions of this chapter without first obtaining the requisite license, registration or permit.

XVII. A person shall be guilty of a misdemeanor if the person employs or continues to employ an individual in a position the duties of which require a license, registration, permit or other authorization under the provisions of this chapter if the individual is either:

(a) Not licensed, registered, permitted or otherwise authorized under the provisions of this chapter.

(b) Is prohibited from accepting employment from a gaming licensee, principal licensee, or gaming vendor licensee.

XVIII. An individual excluded from a gaming location under RSA 284-B:41 shall be guilty of a class A felony if the individual enters a gaming location and wagers, plays, or attempts to play a slot machine or table game at a gaming location.

XIX. An individual that engages in illegal conduct relating to the purchase, consumption, possession, or transportation of liquor or malt or brewed beverages in a gaming location commits a non-gambling offense.

284-B:7 Powers of the Attorney General.

I. Notwithstanding any other provision of law, the attorney general shall have the independent authority, on his or her own motion to take such actions as may be necessary in his or her judgment to ensure compliance with the provisions of this chapter and the rules adopted pursuant thereto.

II. The attorney general shall act as legal counsel to the commission.

III. The responsibilities of the attorney general shall include, but not be limited to:

(a) Perform in a timely manner all background investigations referred by the commission or undertaken on the attorney general's motion in connection with a license, registration, permit or other authorization required pursuant to this chapter.

(b) Issue timely reports to the commission in accordance with RSA 284-B:20 expressing an opinion with regard to each person referred for investigation as to whether the person is suitable to hold a gaming license, principal license, key employee license, gaming vendor license, gaming employee registration or non-gaming vendor registration, or other commission required authorization in this state.

(c) Prosecute all regulatory violations referred by the commission or undertaken on the attorney general's motion and all criminal violations under this chapter.

(d) Investigate any alleged regulatory violations of this chapter or the rules adopted pursuant thereto upon a referral by the commission.

(e) Investigate alleged criminal activity and administrative violations under laws other than this chapter impacting the operation of a gaming location.

(f) Receive and act on any referral from the commission, host community, the attorney general's motion, or other person of a complaint relating to an alleged criminal violation of this chapter.

(g) Provide advice and assistance, upon request or on his or her motion, to the commission in the consideration and adoption of rules.

(h) Recommend persons to be placed on a list of excluded persons to be maintained by the commission.

IV. The commission shall notify the attorney general of any known or suspected criminal activity or administrative violations under law other than this chapter impacting the operation of a gaming location or implementation and enforcement of the provisions of this chapter. Notwithstanding any provisions relating to the confidentiality of any information acquired under this chapter, the commission shall share such information with the attorney general as may be deemed necessary by the attorney general to ensure compliance with the provisions of this chapter.

V. The attorney general shall delegate to the commission, by and through its division of gaming control, such law enforcement powers as the attorney general deems are required by the commission to effectuate the purposes of this chapter including, but not limited to, access to records and databases reserved for access by law enforcement.

VI. The commission, the division of state police gaming enforcement unit, and the attorney general shall cooperate on the regulatory and criminal implementation and enforcement of this chapter, which shall include cooperation with municipal and county attorney offices and with local law enforcement.

284-B:8 Powers of the Division of State Police Gaming Enforcement Unit.

I. The commissioner of safety acting through the division of state police gaming enforcement unit established by RSA 21-P:7-d, may take such actions as may be necessary in his or her judgment to fulfill the responsibilities of the division of state police under this chapter and the rules adopted pursuant thereto.

II. The division of state police gaming enforcement unit shall have primary law enforcement authority over the gaming floor and restricted areas in the gaming location. It shall have concurrent law enforcement authority over all other areas of the gaming location with the local law enforcement agency having the primary enforcement responsibility.

III. The division of state police and its gaming enforcement unit shall:

(a) Ensure the timely processing of fingerprints and criminal history record checks in connection with a license, registration, permit or other authorization required pursuant to this chapter.

(b) Notwithstanding RSA 106-B:15, investigate alleged criminal activity and criminal violations involving the gaming floor and restricted areas of a gaming location.

(c) Notwithstanding RSA 106-B:15, receive and investigate with regard to any referral by the commission, a host community or other person relating to alleged criminal activity and criminal violations involving the gaming floor and restricted areas of a gaming location.

(d) Participate in any hearing conducted by the commission.

(e) Provide advice and assistance, upon request or on his or her motion, to the commission in the adoption of rules.

(f) Recommend, with respect to persons to be placed on a list of excluded persons to be maintained by the commission.

(g) Discharge other responsibilities as may be provided in law.

III. The division of state police gaming enforcement unit shall be present at a gaming location, at such times, under such circumstances, and to such extent as it deems appropriate to fulfill its responsibilities under this chapter. Provision of on site office space to accommodate the gaming enforcement unit shall be provided as an element of an operation certificate under RSA 284-B:32 of this chapter.

IV. The commission shall notify the division of state police gaming enforcement unit of any known or suspected criminal law violations that are related in any way to implementation and enforcement of the provisions of this chapter. Notwithstanding any provisions relating to the confidentiality of any information acquired under this chapter, the commission shall share such information with the division of state police gaming enforcement unit as may be deemed necessary by the commissioner of safety to ensure compliance with the provisions of this chapter.

V. The commission, the division of state police gaming enforcement unit and the attorney general shall cooperate on the regulatory and criminal implementation and enforcement of this chapter, which efforts shall include cooperation with municipal and county attorney offices and with local law enforcement.

284-B:9 Rulemaking.

I. The commission shall adopt rules under RSA 541-A necessary to meaningfully and efficiently regulate slot machine and table game operations and to implement, administer and enforce a comprehensive regulatory scheme which shall include, but not be limited to rules relevant to:

(a) Methods, content, and forms, consistent with RSA 284-B:17, pertaining to the application to be completed by a gaming applicant and an applicant for any other license, registration, permit and or authorization issued pursuant to this chapter.

(b) The form for delivery of an application pursuant to this chapter.

(c) Procedures for fingerprinting of an individual gaming applicant and an individual applicant for any other license, registration, permit and or authorization awarded, issued, or accepted pursuant to this chapter.

(d) Systems and methods for controlling access to a gaming floor and restricted areas within a gaming location and for ensuring the safety and security of a gaming location and a gaming licensee's players, employees, and invitees.

(e) Methods for notifying a gaming applicant and an applicant for any other license, registration, permit and or authorization, issued pursuant to this chapter.

(f) The time allotted to the attorney general to conduct and report to the commission on a background investigation related to an applicant for a principal license, key employee license, gaming vendor license, or other license under this chapter. The rules shall balance the efficient administration of the licensing process with the need to ensure licenses are issued to person meeting the suitability standards of this chapter. The rules shall be developed after consultation with the attorney general and the division of state police.

(g) Disqualification and rehabilitation standards applicable to an applicant for a gaming employee registration, non-gaming employee permit, or non-gaming vendor registration.

(h) Procedures, consistent with RSA 284-B:22, addressing the decision of the commission on a gaming license application including, but not limited to:

(1) Administrative procedures applicable to the conduct of a gaming license hearing.

(2) Rules relating to:

(A) Content of the statement of conditions appended to a gaming license;

(B) Annual reporting to the commission with regard to compliance; and

(C) Consequences for non-compliance with the statement of conditions.

(3) Rules relating to the renewal of a gaming license.

(4) Criteria for evaluating an application for a gaming license consistent with this chapter.

(5) Standards for monitoring and enforcing conditions placed by the commission on a gaming license; and

(6) Procedures for monitoring and enforcing a gaming licensee's compliance with its capital investment commitment.

(i) Licensing procedures, consistent with RSA 284-B:17, VII, addressing a principal license including, but not limited to:

(1) A system of classification and standard of review for principals;

(2) An application and review process and time frame;

(3) Application, investigation, and renewal fees consistent with the annual fee schedule adopted and published by the commission;

(4) A waiver process;

(5) Administrative procedures applicable to the conduct of hearings related to a principal license including, but not limited to:

(A) Rules of evidence;

(B) Notice requirements; and

(C) Rules permitting an applicant to raise an objection to the conduct of a hearing procedure, process, or ruling of the commission;

(6) Rules relating to the renewal of a principal license;

(7) An abbreviated investigative process under RSA 284-B:20 applicable to a principal license granted pursuant to this chapter;

(j) Licensing procedures, consistent with RSA 284-B:25, addressing individuals employed by a gaming applicant or gaming licensee including, but not limited to:

(1) A system of classification for individuals employed by a gaming licensee;

(2) Application, investigation, and review processes and time frames;

(3) Application, investigation, and renewal fees for each category of license, registration, or permit consistent with the annual fee schedule adopted and published by the commission;

(4) Standards of review;

(5) Administrative procedures applicable to the conduct of hearings related to a key employee license, gaming employee registration, and non-gaming employee permit;

(6) Procedures, if determined by the commission to be appropriate, for issuance of a temporary key license, gaming employee registration, non-gaming employee permit, or other employee authorization;

(7) Rules relating to the renewal of a license, registration, or permit; and

(8) An abbreviated investigative process, consistent with RSA 284-B:20, applicable to any license, registration, permit, or employee authorization granted pursuant to this chapter other than a competitively awarded gaming license where abbreviated licensing shall not be available.

(k) Licensing procedures, consistent with RSA 284-B:29, addressing persons doing business with a gaming applicant or gaming licensee including, but not limited to:

(1) A system of classification for persons doing business with a gaming applicant or licensee;

(2) An application, investigation and review process;

(3) Application, investigation, and renewal fees for each category of license or registration consistent with the annual fee schedule adopted and published by the commission;

(4) Exemption criteria and processes;

(5) Interim authorization and emergency authorization processes;

(6) Standards of review;

(7) Administrative procedures applicable to the conduct of hearings related to a gaming vendor license and non-gaming vendor registration; and

(8) An abbreviated investigative process under RSA 284-B:20 applicable to any license, registration, or authorization granted pursuant to this section.

(l) The issuance, suspension and revocation of an operation certificate pursuant to this chapter and the approval of a temporary gaming location.

(m) The submission, content of, acceptance by the commission and amendment of a gaming licensee's system of internal controls.

(n) The maintenance and retention of a licensee's books, records, and documents.

(o) The prohibition on credit and to play with credit cards and debit cards.

(p) The provision of complimentary services.

(q) Betting limits and disclosure requirements applicable to a cashless wagering system.

(r) Disclosure requirements applicable to a player tracking system.

- (s) Tips and gratuities.
- (t) Exclusion of individuals under the age of 21 from a gaming location.
- (u) Exclusion of individuals from a gaming location.
- (v) Self-exclusion of individuals from a gaming location.

(w) Comprehensive, New Hampshire specific technical standards and requirements applicable to gaming equipment including, but not limited to:

(1) Receipt, review, distribution, and the commission approval process associated with the certification reports issued by independent testing laboratories pursuant to paragraphs V and VI of this section;

(2) If the commission elects to employ a central computer system, the communications protocol and technical standards for such system;

(3) Mechanical and electrical reliability of slot machines and associated equipment;

(4) Security features preventing tampering with slot machines and associated equipment;

(5) Comprehensibility to the player of wagering options and rules of play;

(6) Noise and light levels generated by slot machines;

(7) Design features necessary to ensure the accurate recording of transactions, to protect a player from fraud or deception, and to minimize any potential negative consequences associated with the play of a slot machine including, but not limited to:

(A) A prohibition on the use of reflexive software which, for the purposes of this section, shall be defined as any software that has the ability to manipulate and/or replace a randomly generated outcome for the purposes of changing the result on a slot machine;

(B) A requirement that a slot machine utilize one, or a combination of more than one random number generators working collectively, to determine the occurrence of a specific card, number, symbol, or stop;

(C) A requirement that once a random selection has occurred that the slot machine display an accurate representation of the randomly-selected outcome and that it be prohibited from making a secondary decision which affects the result shown to the player on the slot machine; and

(D) A requirement that where a slot machine includes a strategy choice, meaning that a particular play option requires use of skill to consistently achieve the best result, that the slot machine include in its rules of play mathematically sufficient information for a player to use optimal skill unless the player is not required to make an additional wager and cannot lose any credits earned prior to the strategy choice.

(8) Slot machine and table game circulation and density requirements;

(9) Progressive slot machines including multi-casino progressive systems;

(10) Review processes and product approval standards related to table game devices;

(11) Rules of the game for each table game permitted under this chapter;

(12) Review processes and testing and approval standards applicable to variations or composites of table games; and

(13) Physical and logical access to computer systems, including but not limited to, systems meeting the definition of associated equipment and the location of the primary and back-up system attendant to each.

(x) The payout percentage of a slot machine.

(y) Minimum and maximum wagers and content of a gaming guide.

(z) Gaming ticket expiration, unclaimed tickets, cash and prizes.

(aa) The collection of any fee, tax, penalty, or interest required to be collected pursuant to the provisions of this chapter.

(bb) The adoption of an annual fee schedule specifying application, investigation, and renewal fees that are not expressly specified in this chapter and that relate to any license, registration, permit, or authorization

awarded, issued, or accepted pursuant to this chapter, which fee schedule shall cover the reasonable costs associated with processing an application or renewal or conducting an investigation, including the criminal history record check and any background investigation required under this chapter.

(cc) Financial reports required to be submitted by a gaming licensee and the timing on the submission of and form thereof.

(dd) The submission to the commission of an annual audit prepared by a certified public accountant licensed to do business in this state attesting to the financial condition of a licensee accompanied by such reports and opinions as the commission shall require.

(ee) Rules applicable to advertising by or on behalf of a gaming applicant or gaming licensee and the commission's role in the approval thereto designed to:

(1) Ensure that advertising is in no way deceptive, that it contains messages identifying sources for help and assistance with problem gambling, and that it promotes the purposes of this chapter; and

(2) Ensure that any advertising plan developed and implemented by a gaming applicant or gaming licensee is consistent with the department of resources and economic development's program of information and publicity to attract tourists, visitors, industrial concerns, and other interested persons from outside the state to the state of New Hampshire, to publicize the family-friendly attributes and natural beauty of the state, and to encourage, coordinate, and participate in the efforts of other public and private organizations or groups of citizens in order to publicize the facilities, industrial advantages, and other attractions of the state for the same purposes.

(ff) If the commission elects to employ a central computer system, rules establishing a process for selecting and licensing a provider of a central computer system.

(gg) Establishing a process pursuant to which an independent testing laboratory establishes that it meets the criteria required by this chapter to offer services in this state.

(hh) The qualifications of, and the conditions pursuant to which state licensed attorneys, engineers, accountants, and others shall be permitted to practice before the commission or to submit materials on behalf of any applicant, licensee, registrant, or permittee provided, however, that no member of the legislature, nor any firm with which said member is associated, shall be permitted to appear or practice or act in any capacity whatsoever before the commission regarding any matter whatsoever, nor shall any member of the immediate family of the governor or of a member of the legislature be permitted to so practice or appear in any capacity whatsoever before the commission regarding any matter whatsoever, provided, however, that the commission may provide by rule for the waiver of these prohibitions for an immediate family member or firm with which said member is associated based on full disclosure of the nature of the practice or appearance and a finding that a potential conflict is minimal or non-existent.

(ii) The conditioning, suspension or revocation of a gaming license and any other license, registration, permit or authorization awarded, issued or accepted pursuant to this chapter.

(jj) Hearings before the commission pertaining to an alleged regulatory violation and sanctions and penalties applicable thereto.

(kk) Requiring a gaming applicant, gaming licensee, and principal licensee to comply with state and local building codes, local zoning ordinances and bylaws, and any other applicable land use regulations.

(ll) Ensuring that all employees of a gaming licensee are properly trained in their respective duties and responsibilities.

(mm) The conduct of junkets and conditions of junket agreements between a gaming licensee and a junket representative.

(nn) Providing for the monitoring and enforcement of representations and commitments made by a gaming licensee in its license application, including, but not limited to, representations and commitments made pursuant to RSA 284-B:17, IV(f) relative potential negative consequences associated with gambling and the operation of its gambling location.

(oo) Providing for the implementation of problem gambling, public health, and related research strategies consistent with applicable provisions of this chapter.

(pp) Criteria to be applied by the commission in determining whether a live entertainment venue is impacted and establishing standards for monitoring and enforcing a gaming licensee's agreement with an impacted live entertainment venue, provided, however, that in adopting such rules the commission shall require the consideration of factors which include, but are not limited to, the venue's distance from the gaming location, venue capacity, and the type of performances offered by that venue.

(qq) The completeness review applied to an application for a principal license, key employee license, gaming employee registration, non-gaming employee permit, gaming vendor license, non-gaming vendor registration, or other authorization filed with the commission.

(rr) Requiring a gaming licensee to update certain enumerated information in its application to the commission at least one time during the 10 year duration of a gaming license and rules consistent therewith for other licensees, registrants, and permittees if deemed appropriate.

(ss) The appointment of a conservator to temporarily manage and operate the business of a suspended or revoked gaming licensee.

(tt) Notice of, and commission approval of, a transfer of an interest in a gaming license, a gaming licensee, or gaming location including, but not limited to, a transfer of an interest in a gaming license, gaming licensee, or gaming location not meeting the principal licensing threshold of RSA 284-B:24.

(uu) Amounts related to expired tickets and unclaimed cash and winnings reverting to the state.

(vv) The power of the commission to delegate its authority to perform any of its functions under this chapter or the regulations adopted pursuant thereto to an employee of the commission, which rules shall include, but not be limited to, a right of appeal to the commission where a delegated action is to be deemed the final action of the commission, provided, that a commission action shall thereafter be subject to review in accordance with the procedures specified in RSA 284-B:25, XIII and RSA 284-B:25, XIV, and provided further that the commission shall not delegate its power to issue rules.

(ww) Commission approval of a management contract.

II. The commission shall initiate the rulemaking process immediately upon the effective date of this chapter.

III. A request for applications under RSA 284-B:17 shall not occur prior to adoption of licensing rules. Operating rules shall not be prerequisite to a request for applications.

IV. A license, registration, or permit, including a gaming license, shall not be issued prior to the adoption of, at a minimum, licensing and operating rules.

284-B:10 Central Computer System.

I. Pursuant to an open competitive bidding process conducted in accordance with the provisions of RSA 21-I, the commission may acquire and operate a central computer system into which all slot machines shall be connected.

II. Any central computer system acquired and operated by the commission shall be capable of:

(a) Continuously monitoring, retrieving, and auditing the operations, financial data, and program information of all slot machines.

(b) Allowing the commission to account for all money inserted in and payouts made from a slot machine.

(c) Disabling from operation or play a slot machine as the 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.

(e) Providing any other function that the 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 slot machine manufacturers to communicate with the central computer system.

IV. Except as provided in paragraph II(b), the commission shall not permit a gaming licensee to have access to, or obtain information from, the central computer system unless it determines that such access does not in any way affect the integrity or security of the central computer system and is relevant to the legitimate operation of its slot machines.

284-B:11 Records; Confidentiality.

I. The commission shall keep and maintain a list of all applications it receives under this chapter together with a record of each action taken with respect to an applicant. Except as provided in paragraph IV of this section, a file, including the criminal records of an applicant under this chapter and the record of the actions of the commission shall be open to public inspection provided, however, that information regarding an applicant whose license, registration, or permit has been denied, revoked, or not renewed shall be removed from the list after 5 years from the date of such action.

II. The commission shall publish on the commission's Internet website a complete list of all persons who applied for or hold a license, registration, permit, or other authorization pursuant to this chapter during the preceding calendar year including principal licensees thereof and the status of the application or license, registration, permit, or other authorization, provided, however, that information regarding an applicant whose license, registration, or permit has been denied, revoked, or not renewed shall be removed from the list after 5 years from the date of such action.

III. The commission shall maintain such other files and records as the commission determines are necessary. All records maintained by the 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, financial, and proprietary information and data of a gaming applicant, gaming licensee or applicant for, or holder of any other license, registration, permit, or other authorization pursuant to this chapter including its principals and key employees, other than their criminal records, required by the commission to be furnished to it, or which may otherwise be obtained, shall be considered confidential and shall not be disclosed 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 division of state police, the commission, and the attorney general may share information as is appropriate under this chapter.

V. For the purposes of this section, the proprietary information and data of a gaming applicant or gaming licensee shall include, but not be limited to, marketing and player incentive business intelligence and plans, security and surveillance procedures and protocols, the internal controls required under RSA 284-B:33, all operations related submissions required by the commission to be furnished to it under this chapter, and any other information or documentation designated as proprietary by the commission.

VI. All records, information, or data maintained or kept by the commission shall be maintained or kept at the office of the commission or another site designated by the commission for that purpose.

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

VIII. With regard to meetings, minutes, and records of the commission, the commission shall notice all proceedings and shall make and keep a record of all proceedings held at public meetings of the commission. A verbatim transcript of those proceedings shall be prepared by the 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:12 Employees and Contractors.

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

II. The 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 chapter. Such assistants and employees shall receive compensation at rates to be established by the department of administrative services, division of personnel.

284-B:13 Annual Report to the General Court.

I. No later than November 1 of each calendar year, the commission shall provide a report to the fiscal committee of the general court regarding the generation of revenues of slot machines and table games by a gaming licensee.

II. The legislative budget assistant, and any expert consultants hired to assist the legislative budget assistant in carrying out his or her duties, shall have access to any information, including confidential information, the legislative budget assistant may request for the purpose of conducting audits of the commission pursuant to RSA 14:31-a. If the legislative budget assistant or any expert consultant requires access to confidential information, the commission shall furnish the information and the legislative budget assistant or any expert consultant shall be subject to the same restrictions and penalties regarding the disclosure of the information as the original custodian of the information. This paragraph shall not be construed to authorize disclosure to any member of the legislature. Any confidential information provided to the legislative budget assistant under this section shall be subject to the provisions of RSA 14:31, IV.

284-B:14 Number of Gaming Licenses.

I. The commission shall award not more than one category 1 gaming license and not more than one category 2 gaming license, as defined in paragraphs II and III of this section, for 2 separate gaming locations.

II. The category 1 license shall authorize:

(a) The operation of not more than 160 table games, provided that the licensee's application shall propose operation of at least 80 table games; and

(b) The operation of no more than 3,500 slot machines, provided that the licensee's application shall propose operation of at least 2,000 slot machines.

III. The category 2 license shall authorize:

(a) The operation of no more than 80 table games, provided that the licensee's application shall propose operation of at least 25 table games; and

(b) The operation of no more than 1,500 slot machines, provided that the licensee's application shall propose operation of at least 750 slot machines.

IV. No entity shall hold both the category 1 and category 2 licenses.

V. There shall be a moratorium on the issuance of any gaming licenses in addition to the 2 authorized by this section for a period of 10 years from the date of the issuance of the category 2 licensee. Thereafter, the commission shall not be given the authority to issue any additional licenses unless the issuance of such licenses is approved by a 2/3 vote of both houses of the general court.

284-B:15 Procedures for Adoption by Local Community.

I. Any municipality desiring to permit a gaming location may adopt the provisions of RSA 284-B to allow the operation of slot 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 slot 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 slot 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, 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 slot 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 I(b) may consider the question at no more than one special election and a regular municipal or biennial election in the same calendar year after a “No” vote.

(e) The wording of the question shall be substantially as follows: “Shall we adopt the provisions of RSA 284-B allowing the operation of slot 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 applicant requests a town, city, or unincorporated place to act under paragraph I, the gaming applicant shall pay all costs associated with carrying out the actions under this section.

284-B:16 Gaming License Authorization; Hours of Operation.

I. A gaming license issued by the commission shall authorize an applicant to possess, conduct and operate slot machines and table games at a gaming location.

II. A gaming licensee may operate up to 24 hours a day on every day of the year with a gaming day commencing at 6:00 AM and ending at 5:59 AM.

III. A gaming licensee may operate only on the days and during the hours authorized by the commission in the operation certificate issued pursuant to RSA 284-B:32.

284-B:17 Gaming License Application Requirements.

I. The commission shall issue a request for applications:

(a) For a category 1 gaming license within 30 days of the adoption of licensing rules in accordance with RSA 284-B:9, IV; and

(b) For the category 2 license within one year after the issuance of the request for applications for the category 1 license. The request for applications shall require all gaming license applications to be submitted to the commission no later than 120 days after the publication of the request, provided, however, that an applicant who has paid the full application and investigation fees required by RSA 284-B:18 may receive one extension of up to 30 days upon a finding of good cause shown by the commission. Applications received after the deadline shall not be reviewed by the commission. The commission shall approve, approve with conditions, or deny all applications submitted in accordance with the provisions of this chapter and any applicable rules promulgated by the commission.

II. Requests for applications pursuant to paragraph I of this section shall be advertised in a newspaper of general circulation in the state, in Commerce Business Daily or an equivalent publication, and on the official internet website of the commission.

III. An applicant for a gaming license shall submit the following documentation, as reasonably applicable to status as an individual, corporation, limited liability company or other form of business enterprise, for consideration by the commission.

(a) A fully executed and complete application on forms prescribed by the commission which may include, but need not be limited to, a multi-jurisdictional personal history and/or business entity disclosure form and any New Hampshire supplements to those forms. An application shall be deemed complete in accordance with RSA 284-B:19.

(b) The application shall include any and all information requested by the commission including, but not limited to, information regarding:

(1) The applicant’s criminal history including a sworn statement with regard to all arrests and citations for non-traffic offenses that includes, at a minimum, a description of the circumstances surrounding the arrest or issuance of the citation, the specific offense charged and the ultimate disposition of the charge, including details of any dismissal, plea bargain, conviction, sentence, pardon, expungement, or other order or disposition;

(2) Fingerprints for each individual applicant and a written consent for a criminal history record check for the applicant;

(3) All civil actions, including bankruptcy filings, to which the applicant was a party during the past 10 years; including, but not limited to, actions resulting in a civil judgment;

(4) 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 and actions filed with government agencies, details with regard to any bankruptcy filing, whether or not dismissed, business and personal accounting check records and ledgers, and other relevant source documents covering at least the 10 year period immediately prior to the date of filing of the application;

(5) Information and documentation demonstrating by clear and convincing evidence the applicant's good character, honesty and integrity including, but not limited to, information pertaining to family, habits, character, reputation, criminal history, business activities, financial affairs, and business, professional, and personal associates, covering at least the 10-year period immediately prior to the date of filing of the application;

(6) Information and documentation with regard to all contributions, donations, loans, or any other financial transactions to or from a gaming entity or operator in the past 5 years;

(7) Full name, address, date of birth, a photograph, and other personal identifying information; and

(8) Such other information as the commission shall deem relevant to its consideration of the application including documentation and information that predates the 10-year period immediately prior to the date of filing of the application.

IV. An applicant for a gaming license shall also submit the following documentation, as reasonably applicable to status as an individual, corporation, limited liability company, or other form of business enterprise, for consideration by the commission:

(a) Information and documentation demonstrating by clear and convincing evidence that the applicant has sufficient business ability and experience to establish and maintain a successful gaming operation, including, but not limited to, information demonstrating the experience of the applicant in developing, constructing, and managing a gaming operation.

(b) Information and documentation in the form of a payment bond, letter of credit, guaranty of private equity, or other funds which demonstrate cash and reserve availability supporting the applicant's ability to pay the license fee required pursuant to this chapter.

(c) If the applicant held or holds a gaming license in another jurisdiction that fact shall be disclosed to the commission and the applicant shall submit a letter of reference as appropriate from the relevant gaming enforcement or control agency which sets forth the experience of that agency with the applicant and the gaming operation with which the applicant was or is associated. If no letter of reference is issued and received within 30 days of a written request, a statement under oath that the person is or was during the period of licensure in good standing with the relevant gaming enforcement or control agency may be substituted in lieu of a letter of reference.

(d) If directed to do so by the commission, an application to any federal or state agency deemed appropriate by the commission for agency records pertaining to the applicant under the Freedom of Information Act (5 U.S.C. sec. 552) and the subsequent provision of the complete record received from said agency, provided, however, that nothing shall preclude the commission from awarding or issuing a license prior to receipt of any information so requested.

(e) Documentation to support the applicant's ability to pay, exchange, refinance, or extend debts, including long-term and short-term principal and interest and capital lease obligations, which will mature or otherwise come due and payable during the gaming license term, or to otherwise manage such debts and any default with respect to such debts.

(f) Documentation supporting the applicant's recognition of its obligation to identify, address, and minimize any potential negative consequences associated with gambling and the operation of its gaming location including, but not limited to, the following:

(1) Demonstration of an adequately funded commitment to combat problem gambling to include efforts directed at prevention, intervention, treatment, and research;

(2) Provision of rent free on-site space for an independent substance abuse and mental health counseling service to be selected by the commission;

(3) Commitment to the prominent display throughout the gaming location of information on the signs of problem gambling and how to access assistance;

(4) Commitment to the full implementation of the exclusion and self-exclusion rules promulgated by the commission;

(5) Maintenance of a smoke-free environment within enclosed places within the gaming location consistent with RSA 155:66;

(6) Commitment to the full implementation of other problem gambling and public health strategies deemed appropriate by the commission; and

(7) Commitment to the full implementation of procedures and controls precluding the offer of alcoholic beverages free of charge for consumption at the gaming location; and

(8) Commitment to the operation of a gaming location that provides or facilitates the availability of childcare services to employees but does not provide for or facilitate such services for the convenience of players.

(g) A workforce development plan that advances job growth, positive economic development and fulfills the related purposes of this chapter by:

(1) Incorporating an affirmative action program pursuant to which the applicant guarantees to provide equal opportunities to all persons qualified for licensure, registration, or permitting in all employment categories, including persons with disabilities;

(2) Providing outreach to, and maximizing use of, the state's existing labor force and requiring an accurate estimate and encouragement of, the utilization of the existing labor force in New Hampshire;

(3) Providing an accurate estimate of the number of construction jobs the gaming location will generate;

(4) Providing an equal opportunity plan for construction jobs, as delivered by a contractor or subcontractor, that includes specific goals for utilization of women, minorities, and veterans;

(5) Identifying and describing workforce training programs to be offered by the applicant or its agents;

(6) Addressing the applicant's plan for providing childcare for children of employees;

(7) Providing a plan for funding and maintaining hiring, training, and management practices that promote the development of a skilled and diverse workforce;

(8) Providing a plan to achieve business participation by women, minorities, and veterans; and

(9) Identifying a method for assessing on an annual basis the applicant's compliance with its workforce development plan and the submission of a written assessment to the commission; and

(h) Such other information as the commission shall deem relevant to its consideration of the application.

V. An applicant for a gaming license shall also submit to the commission the following documentation regarding the gaming location and gaming operation proposed by the applicant.

(a) Evidence that the applicant has obtained local approval in accordance with RSA 284-B:10.

(b) Details with regard to the amount and timing of its proposed capital investment, which capital investment must meet or exceed the minimum capital investment requirements established by RSA 284-B:23.

(c) A complete description of the proposed gaming location, including architectural renderings, a site plan and proposed gaming floor plan identifying type and number of slot machines and table games, and the names and addresses of the architects, engineers, and designers to be utilized.

(d) Documentation as to the assessed value of the land to be developed as a gaming location as of the date of application as well as ownership of the land over the past 10 years, including all interests, options, and agreements related to the land during that period.

(e) A timeline on construction that includes details regarding each stage of construction for the gaming location to include a completion date for each stage of construction as well as for infrastructure improvements and representations with regard to the ability of the applicant to comply with statutory, regulatory, and technical standards including, but not limited to, those related to zoning, infrastructure, and environmental considerations applicable to the design and development of the proposed gaming location.

(f) A description of the supporting amenities and ancillary entertainment services to be offered at the proposed gaming location, including the number of hotels and rooms, if any, restaurants and other amenities located within the proposed gaming location and how they measure in quantity and quality to other area amenities.

(g) The number of employees and independent contractors required to operate the proposed gaming location, including detailed information as to the projected breakdown between full and part time employees and independent contractors and proposed pay ranges and benefit packages for each category of employee or contractor.

(h) Documentation to support the applicant's ability to make necessary capital and maintenance expenditures in a timely manner that are adequate to ensure maintenance of a superior, first-class gaming location.

(i) Evidence in the form of completed studies and/or reports issued by independent, recognized experts in the most relevant field to establish how the gaming location and gaming operation proposed by the applicant addresses or impacts the following:

(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 gaming location and operation including a projection of the revenues to be produced by the operation of slot 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 and environmental benefits to the region and the state from the project, including the ability of the applicant's proposed gaming location and operation, both in its construction and its operation, to provide new and sustainable jobs for the community and to meet the highest practicable energy efficiency and environmental sustainability standards;

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

(5) The ability of the design of the proposed gaming location to enhance tourism and development and to create commercial development opportunities for the community and its compatibility with historic uses, regional branding and local zoning ordinances;

(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; and

(7) Signed agreements between the impacted live entertainment venue and the applicant setting forth the agreement of the parties with regard to mitigation of any potential negative impact resulting from the construction and operation of a licensee live entertainment venue at a gaming location in proximity to the impacted live entertainment venue, provided, however, that the agreement shall include, but not be limited to, terms relating to cross marketing, limitations to exclusivity arrangements with performers, coordination of performance schedules, promotions, and ticket prices.

(8) A description of any licensee live entertainment venue proposed, which space shall not have a seating capacity in excess of 1,500 seats; provided that this restriction on seating capacity shall not be applied to limit the attendance at any outdoor event hosted by the facility.

(j) Such other information as the commission shall deem relevant to its consideration of the application.

VI. If the applicant for a gaming license is a corporation, limited liability company, or other form of business enterprise, the applicant shall also provide or ensure the submission of the following information:

(a) The ownership, organization, financial structure, and nature of all businesses operated by the applicant including the name of the state under the laws of which each business is formed and the location of its principal place of business.

(b) The names and personal employment and criminal histories of all officers, directors, and key employees of the applicant.

(c) The names of all holding, intermediary, and subsidiary companies of the applicant.

(d) With regard to any holding, intermediary, or subsidiary company the ownership, organization, financial structure and nature of all businesses operated by each company and, to the extent required by paragraph VII and the rules adopted by the commission, the names and personal employment and criminal histories of all officers, directors and key employees of such holding, intermediary, and subsidiary companies.

(e) The rights and privileges acquired by the holders of different classes of authorized securities in the applicant including the names, addresses, and amounts held by all holders of such securities.

(f) The terms upon which securities in the applicant have been or are to be offered.

(g) Any other indebtedness or security devices utilized by the applicant.

(h) The extent of the equity security holdings in the applicant of all officers, directors, and key employees together with their remuneration in the form of salary, wages, fees, or otherwise.

(i) A description of all bonus and profit-sharing arrangements.

(j) Details with regard to any management or inter-company shared service agreements or functional equivalent thereof.

(k) A listing of stock options existing or to be created.

(l) Documentation establishing that the applicant and any holding, intermediary or subsidiary company required to qualify in conjunction with the gaming license application pursuant to paragraph VII are qualified to do business in the state of New Hampshire.

(m) If a direct or indirect interest in the applicant is a trust, the application shall disclose the names and addresses of all trustees and beneficiaries and shall provide details with regard to their respective interests.

(n) Such other information as the commission shall deem relevant to its consideration of the application.

VII. All persons associated with a gaming applicant or gaming licensee meeting the definition of a principal in RSA 284-B:2 shall be qualified for licensure in accordance with this chapter in conjunction with a gaming license application.

(a) The commission shall adopt rules consistent with this chapter and the efficient administration of the licensing process relating to:

(1) A system of classification and standards of review for principals;

(2) An application and review process and time frame;

(3) Application, investigation, and renewal fees consistent with the annual fee schedule adopted and published by the commission;

(4) A waiver process;

(5) Administrative procedures applicable to the conduct of hearings related to a principal license including, but not limited to:

(A) Rules of evidence;

(B) Notice requirements; and

(C) Rules permitting an applicant to raise an objection to the conduct of a hearing procedure, process or ruling of the commission;

(6) Rules relating to the renewal of a license;

(7) An abbreviated licensing process under RSA 284-B:20 of this chapter applicable to any license, registration, permit, or employee authorization granted pursuant to this section;

(8) Such other procedures as are necessary to efficiently implement and administer this paragraph.

(b) A principal license issued pursuant to this chapter shall expire 5 years from the date of issuance subject to renewal pursuant to this chapter.

(c) An individual required to qualify and be licensed as a principal pursuant to this paragraph shall be required, at a minimum, to establish by clear and convincing evidence his or her qualification in accordance with the standards applicable to a key employee under this chapter with the exception of any requirement related to residency.

(d) A person other than an individual required to qualify and be licensed as a principal pursuant to this paragraph shall be required, at a minimum, to establish by clear and convincing evidence financial stability, good character, honesty, and integrity to the same standard as a gaming licensee.

(e) The commission may waive a principal license requirement pursuant to this paragraph for a person directly or indirectly holding more than a 5 percent ownership interest in the securities in a publically traded company upon a showing by the person seeking the waiver that they do not have the ability to elect one or more members of the board of directors of a gaming applicant or gaming licensee or to otherwise manage, control, influence, or affect the affairs or operations of a gaming applicant or gaming licensee or its holding, intermediary, or subsidiary company.

(f) The commission may waive a principal license requirement pursuant to this paragraph for an institutional investor holding up to 15 percent of the stock of a gaming applicant or gaming licensee upon a showing by the person seeking the waiver that the applicant purchased the securities for investment purposes only and does not have the ability to, or the intention of, managing, controlling, or otherwise influencing or affecting the affairs or operations of a gaming applicant or gaming licensee or its holding, intermediary, or subsidiary company. An institutional investor granted a waiver that subsequently determines to manage or control or to take an action that potentially influences or affects the affairs or operations of an applicant or gaming license or its holding, intermediary or subsidiary company shall be licensed under this chapter before the institutional investor takes such action. The commission may, at any time, make a determination that an institutional investor is in a position to control, manage, or otherwise influence or affect a gaming applicant or gaming licensee and, on that basis, may require an institutional investor, regardless of the extent of the ownership interest, to be licensed as a principal under this chapter.

(g) The commission may waive a principal license requirement pursuant to this paragraph in accordance with rules adopted by the commission requiring a showing that the person seeking the waiver does not have the ability to, or the intention of, managing, controlling, or otherwise influencing or affecting the affairs or operations of a gaming applicant or gaming licensee or its holding, intermediary, or subsidiary company. In no event, however, shall the commission waive the requirements of this paragraph for a person holding more than 15 percent of a gaming applicant or gaming licensee.

VIII. An applicant for a principal license shall submit the following documentation, as reasonably applicable to status as an individual, corporation, limited liability company, or other form of business enterprise, for consideration by the commission:

(a) A description of the relationship triggering the requirement to be licensed as a principal under paragraph VII.

(b) A fully executed and complete application on forms prescribed by the commission. An application shall be deemed complete in accordance with RSA 284-B:19.

(c) All documentation, fingerprints and consents required of a gaming license applicant under paragraph III.

(d) All documentation required of a gaming license applicant under subparagraph IV(a).

(e) The documentation related to a similar gaming license, registration, permit, or other authorization required of a gaming licensee applicant under subparagraph IV(c).

(f) Where applicable, all documentation required of a gaming license applicant under paragraph VI.

(g) Such other information as the commission shall deem relevant to its consideration of the application.

IX. The hearing, decision, and appeal procedures enumerated in RSA 284-B:25, X through RSA 284-B:25, XIV shall also apply to an applicant for or holder of a principal license.

X. A principal license for which a completed renewal application and fee, if required, has been received by the commission shall continue in effect unless and until the commission sends written notification to the holder that the commission has denied the renewal of the principal license.

284-B:18 Gaming License Fees; License Term.

I. The commission shall collect in conjunction with either a category 1 gaming license application or a category 2 gaming license application a nonrefundable gaming license application fee in the amount of \$400,000 to cover the cost of processing and reviewing an application. If the cost of processing and reviewing the ap-

plication exceeds the amount of the initial application fee, the commission may impose upon the applicant an additional fee sufficient to cover any documented shortfall which the applicant shall pay to the commission within 15 days of the date of an invoice. The amount shall be deposited in the gaming regulatory fund and shall be available to the state in the fiscal year received.

II. The commission shall collect in conjunction with a gaming license application, and transmit to the attorney general, a nonrefundable gaming license investigation fee in the amount of \$100,000 to cover the cost of the background investigation. If the cost of the background investigation exceeds the amount of the initial application fee, the commission may impose upon the applicant an additional fee sufficient to cover any documented shortfall which the applicant shall pay to the commission, for transmission to the attorney general, within 15 days of the date of an invoice. The amount shall be deposited in the gaming regulatory fund and shall be available to the state in the fiscal year received.

III. Upon an award of a gaming license, the commission shall collect an initial license fee in the following amounts:

(a) In the case of a category 1 gaming license, a fee of \$80,000,000; and

(b) In the case of a category 2 gaming license, a fee \$40,000,000. Such fees shall be paid to the gaming regulatory fund within 30 days of the award of the license.

IV. Upon payment of a license fee by a gaming licensee under this chapter, the commission shall fully reimburse funds received:

(1) By the commission from activities authorized by RSA 284, RSA 287-D, RSA 287-E, and RSA 287-F in proportion to the expenses of the commission borne by each such activity in the administration of this chapter as authorized by RSA 284-B:3, VII (a), prior to the payment of the license fee.

(2) By the gaming regulatory oversight authority from activities authorized by RSA 284 and RSA 287-F in proportion to the expenses of the authority borne by each such activity in the administration of RSA 284-A.

(b) The general court shall determine the distribution of the balance of the initial license fee revenue after the reimbursements required by RSA 284-B:18, IV, provided that distributions shall include the following:

(1) Distributions to host or near-by municipalities deemed sufficient by the general court to offset costs incurred by such municipalities attributable to a gaming location's placement.

(2) Revenue in an amount determined by the general court 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 fund baseline research into the prevalence of problem gambling in New Hampshire prior to the expansion of gaming as authorized by this chapter, to identify and assess the treatment needs of individuals with compulsive and problem gambling disorders, to identify effective programming to prevent and control compulsive and problem gambling, and to examine the connections between gambling disorders and drug and alcohol addiction disorders.

(3) Distributions to the state treasurer for transfer to the commission, attorney general and department of safety in amounts equal to any costs of regulatory control over a gaming licensee that are not covered by any other designated source of funding in this chapter.

(c) Upon receipt of the license fee, and satisfaction of any additional conditions precedent imposed by the commission, the commission shall issue the gaming license.

(d) The amount shall be deposited in the gaming regulatory fund and shall be available to the state in the fiscal year received.

V. A gaming license shall expire 10 years from the date of issuance of the gaming license subject to renewal pursuant to this chapter.

(a) The commission shall adopt rules consistent with this chapter relating to procedures for renewal of a gaming license, including an application and review process and such other procedures as are necessary to implement this paragraph.

(b) The commission shall collect a license renewal fee in the amount of \$1,500,000 which shall be paid to the state treasurer by the gaming licensee within 30 days of the award of the renewal of the license. The general court shall determine the distribution of the license renewal fee. Upon receipt of the renewal fee, and

satisfaction of any additional conditions precedent imposed by the commission, the commission shall issue the gaming license renewal. The amount shall be deposited in the gaming regulatory fund and shall be available to the state in the fiscal year received.

VI. There is established in the office of the state treasurer a nonlapsing fund to be known as the gaming regulatory fund to be administered by the gaming commission which shall be kept distinct and separate from all other funds. All moneys in the gaming regulatory fund shall be nonlapsing and continually appropriated to the gaming commission for the purpose of distribution under this section.

284-B:19 Application Completeness Review.

I. For the purposes of this section, a complete application under this chapter is an application that is timely received, accompanied by all applicable fees and includes all information and documentation required by this chapter, any rules adopted by the commission and any instructions prescribed by the commission in connection with the application process.

II. The content of an application made pursuant to this chapter shall be subject to the confidentiality requirements of RSA 284-B:11.

III. The commission shall examine each application for a gaming license, principal license, key employee license, gaming employee registration, non-gaming employee permit, gaming vendor license, non-gaming vendor registration, or other authorization filed pursuant to this chapter for completeness.

IV. The commission shall apply the following completeness review procedures to a gaming license application.

(a) If the commission determines a gaming license application to be incomplete, the commission shall provide a written notification of incompleteness to the applicant within 30 days of actual receipt by the commission of the application. The notification of incompleteness shall include an explanation of the reason the application was deemed incomplete. If a written notice of incompleteness is not issued by the commission within 30 days of actual receipt, the application shall be deemed complete and the applicant notified to that effect.

(b) Upon receipt of a first written notice of incompleteness, an applicant shall have 15 business days from the date of the written notice of incompleteness to submit to the commission the information requested. The applicant shall not include in its resubmission information unrelated to the deficiencies enumerated in the commission's notice. The commission shall review the additional information submitted by the applicant within 10 business days of actual receipt by the commission.

(1) If the additional information is satisfactory, the commission shall notify the applicant in writing that the gaming license application has been deemed complete;

(2) If the gaming license application remains incomplete, the commission shall provide a second written notice of incompleteness to the applicant. The second notice of incompleteness shall include an explanation of the reason the application was deemed incomplete and shall allow the applicant an additional 10 business days from the date of the second written notice of incompleteness to provide any requested information. The applicant shall not include in its resubmission information unrelated to the deficiencies enumerated in the commission's notice. The commission shall review the additional information submitted by the applicant within 10 business days of actual receipt by the commission:

(A) If the additional information is satisfactory, the commission shall notify the applicant in writing that the gaming license application has been deemed complete; and

(B) If the gaming license application remains incomplete, the commission shall provide a third and final written notice of incompleteness to the applicant. The third and final notice of incompleteness shall include an explanation of the reason the application was deemed incomplete and shall allow the applicant an additional 3 business days from the date of the third and final written notice of incompleteness to provide any requested information. The applicant shall not include in its resubmission information unrelated to the deficiencies enumerated in the commission's notice. The commission shall review the additional information submitted by the applicant within 10 business days of actual receipt by the commission;

(3) If the additional information is satisfactory, the commission shall notify the applicant in writing that the gaming license application has been deemed complete; and

(4) If the gaming license application remains incomplete after a third and final notice of incompleteness the application shall be administratively denied by the commission.

V. The commission shall adopt rules consistent with this chapter relative to the completeness review applied to an application for a principal license, key employee license, gaming employee registration, non-gaming employee permit, gaming vendor license, non-gaming vendor registration, or other authorization filed with the commission. The rules shall provide for a form of notice to the applicant and a time frame for notice of deficiency and resubmission by an applicant consistent with the efficient administration of the licensing process.

VI. An applicant for a license may withdraw a complete application only with the approval of the commission.

284-B:20 License Background Review.

I. Upon a determination by the commission that a gaming license, principal license, key employee license, gaming vendor license, or other license application is complete, the commission shall request that the attorney general commence an investigation into the suitability of the applicant.

II. The full investigative file related to a background investigation performed in connection with a license application shall be subject to the confidentiality requirements of RSA 284-B:11.

III. In any investigation conducted pursuant to this chapter 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 may administer oaths and take the testimony of witnesses.

IV. In conducting a background investigation for a license under this chapter the attorney general shall consider the suitability of the applicant including, but not limited to:

- (a) Financial stability.
- (b) Good character, honesty, and integrity.
- (c) Business ability and gaming experience.
- (d) Where applicable, the applicant's history of compliance in other regulated gaming jurisdictions including, but not limited to, a letter of reference or sworn statement of good standing produced in accordance with RSA 284-B:17, IV(c).
- (e) Where applicable, the suitability of all principals required to qualify in conjunction with the gaming license application in accordance with RSA 284-B:17, VII.
- (f) Whether the applicant is disqualified from receiving a license under RSA 284-B:21.
- (g) The applicant's ability, if required, to demonstrate rehabilitation in accordance with RSA 284-B:21.

V. The attorney general may include in the scope of his or her investigation any other information that the attorney general, in the exercise of his or her sole discretion, may deem relevant.

VI. Where the commission finds, after study and comparison of applicable licensing standards, that the licensing standards of another jurisdiction within the United States or Canada are comprehensive, thorough, and require a suitability assessment substantially similar to this chapter, the commission may prescribe by rules consistent with this chapter, an abbreviated investigative process pursuant to which the attorney general and/or commission may, but are not obligated to, expedite an applicant's background investigation or review by affording a degree of deference to a license, registration, or permit held by an applicant in a jurisdiction found to be comparable to New Hampshire. The availability of an abbreviated investigative process shall not limit the discretion of or otherwise preclude the attorney general or commission from determining that information it has independently or separately developed or received shall supersede or outweigh a license, registration, or permit in good standing in a comparable state. An applicant's eligibility for an abbreviated investigation process shall not be construed to waive any fees associated with an application. An abbreviated licensing process shall not be applied to an applicant for a gaming license.

VII. The attorney general may contract for legal, financial, and other professional services as he or she deems appropriate to discharge his or her duties under this chapter. The attorney general may also outsource a background investigation to an entity with demonstrated experience in gaming related background investigations provided that any recommendation to the commission as to the suitability of an applicant to hold a license is made by the attorney general.

VIII. In the course of its background investigation, the attorney general may draw upon the department of safety, division of state police and any other state or federal law enforcement agency or regulating authority he or she deems appropriate.

IX. The attorney general may obtain from, and provide to, a law enforcement agency, regulating authority or other domestic, federal, or foreign jurisdiction, including the Federal Bureau of Investigation, pertinent information regarding an applicant or licensee and may transmit or receive such information electronically.

X. The attorney general's report to the commission with regard to an applicant's background investigation shall state whether or not in his or her opinion the person is suitable to hold, or to qualify in conjunction with, a license in New Hampshire. The attorney general shall determine the extent to which and the manner in which investigative results are reported to the commission and, if reported, whether such results are to retain their confidential character.

XI. The attorney general's report to the commission with regard to an applicant for a gaming license's background investigation shall be submitted to the commission within 120 days of the date of the commission's referral of a complete application to the attorney general unless the attorney general determines that additional time is needed and notifies the commission that good cause exists for an extension to a date certain. Nothing herein shall limit the attorney general to one extension for good cause.

XII. The commission shall prescribe rules consistent with this chapter, after consultation with the attorney general and division of state police, relative to the time allotted to the attorney general to conduct and report to the commission on a background investigation related to an applicant for a principal license, key employee license, gaming vendor license, or other background investigation performed pursuant to this chapter. The rules shall be consistent with the efficient administration of the licensing process.

284-B:21 Grounds for Denial of a License.

I. The commission shall deny an application for a gaming license, principal license, key employee license, gaming vendor license, or other license filed pursuant to this chapter where it determines the applicant to be disqualified on the basis of any of the following criteria:

(a) Failure of the applicant to prove by clear and convincing evidence that the applicant is qualified in accordance with the provisions of this chapter.

(b) Failure of the applicant to provide information, documentation, and assurances required by this chapter or requested by the commission, failure of the applicant to reveal any fact material to qualification or the supplying of information which is untrue or misleading as to a material fact pertaining to the qualification criteria or other requirements of this chapter.

(c) The conviction of the applicant:

(1) For a felony or other crime involving embezzlement, theft, fraud or perjury in any jurisdiction; or

(2) Any other offense under present New Hampshire or federal law which indicates that licensure of the applicant would be inimical to the policies of this chapter or injurious to the interests of the state in issuing a license, provided, however, that disqualification shall not be automatic if the conviction:

(A) Did not occur within the 10-year period immediately preceding application for licensure provided the applicant demonstrates its rehabilitation and the commission finds, after hearing, that the applicant has established by clear and convincing evidence that automatic disqualification pursuant to this paragraph is not justified; or

(B) Has been the subject of a judicial order of expungement or sealing.

(d) Current prosecution or pending charges in any jurisdiction for any of the offenses enumerated in subparagraph (c), provided, however, that at the request of the applicant or the person charged, the commission may defer decision upon such application during the pendency of such charge.

(e) The pursuit by the applicant of economic gain in an occupational manner or context which is in violation of the criminal or civil public policies of this state, if such pursuit creates a reasonable belief that the participation of such person in gaming operations would be inimical to the policies of this chapter or injurious to the interests of the state in issuing a license. For purposes of this paragraph, occupational manner or context shall be defined as the systematic planning, administration, management, or execution of an activity for financial gain.

(f) The identification of the applicant as a career offender or a member of a career offender cartel in a manner that creates a reasonable belief that the association is of such a nature as to be inimical to the policies of this chapter or injurious to the interests of the state in issuing a gaming license. For purposes of

this paragraph, career offender shall be defined as any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain, utilizing such methods as are deemed criminal violations of the public policy of this state. A career offender cartel shall be defined as any group of persons who operate together as career offenders.

(g) Failure by the applicant to make required payments in accordance with a child support order or repay any other debt owed to the state, unless such applicant provides proof to the commission's satisfaction of payment of, or arrangement to pay, any such debts prior to licensure.

(h) The commission may allow an applicant for a principal license that is unable to demonstrate by clear and convincing evidence the financial stability, good character, honesty, and integrity required by this chapter the opportunity to completely divest the interest in the applicant and, after such divestiture, may proceed with its assessment of the suitability of the gaming applicant.

(i) The applicant is an elected official of the general court, executive council, or executive branch of the state of New Hampshire, an employee of the attorney general's office or the department of safety on a full-time, part-time, or contractual basis, or has held any such position at any time during the previous 2 years.

II. The commission shall adopt rules consistent with this chapter and the efficient administration of licensing relating to disqualification and rehabilitation applicable to an applicant for a gaming employee registration, non-gaming employee permit, or non-gaming vendor registration.

284-B:22 Gaming License Decision.

I. The commission shall adopt rules consistent with this chapter relative to:

(a) Administrative procedures applicable to the conduct of a gaming license hearing under this chapter including, but not limited to:

- (1) Rules applicable to a competitive gaming license selection hearing;
- (2) Special rules of evidence applicable to a gaming license hearing;
- (3) Notice requirements applicable to a hearing; and

(4) Rules permitting an applicant to raise an objection to the conduct of a hearing procedure, process or ruling of the commission as it relates to its own hearing or to the hearing of a competing applicant.

(b) Rules relating to the statement of conditions appended by the commission to a gaming license issued pursuant to this chapter requiring:

(1) That the statement of conditions enumerate, at a minimum, conditions which are precedent to the issuance of a gaming license, conditions which are precedent to the commencement of gaming operations at a gaming location and conditions which are ongoing throughout the license term;

(2) Annual reporting to the commission with regard to compliance with the statement of conditions; and

- (3) Consequences for non-compliance with the statement of conditions.

(c) Rules relating to the renewal of a gaming license.

(d) Criteria for evaluating an application for a gaming license consistent with this chapter including, but not limited to, that relating to local approval of the gaming location under RSA 284-B:15, an evaluation of architectural design and concept excellence, integration of the gaming location into its surroundings, potential access to multi-modal means of transportation, tourism appeal, level of capital investment commitment, financial stability of the applicant, and the applicant's financial plan.

(e) Standards for monitoring and enforcing conditions placed by the commission on a gaming license including those related to an impacted live entertainment venue and host community.

(f) Procedures for monitoring and enforcing a gaming licensee's compliance with its capital investment commitment.

II. The commission may contract for such legal, financial, and other professional services as it deems appropriate to assist it in the discharge of its duties under this chapter.

III. In any decision by the commission relating to the issuance of a license, the commission shall consider the attorney general's report provided pursuant to RSA 284-B:20, XI; provided that, notwithstanding any other provision of law, no person shall be issued or hold a license under this chapter if in the opinion of the attorney general such person is not suitable to hold such a license.

IV. If there is only one complete application for a gaming license pending, then upon receipt of the report of the attorney general on the applicant's suitability to hold a gaming license in New Hampshire the commission shall schedule and conduct a licensing hearing to determine whether the applicant meets the standards for licensure set forth in this chapter.

V. The commission shall conduct a hearing with regard to an application under paragraph IV within 60 days of actual receipt by the commission the attorney general's suitability report. At the licensing hearing, the commission shall first consider whether the applicant is able to demonstrate by clear and convincing evidence its financial stability, good character, honesty, integrity, business ability and gaming experience in accordance with this chapter. If the commission determines that the applicant is unable to establish the required suitability the commission shall not give further consideration to the application. Any determination including, but not limited to, that relating to the standards for licensure set out in this chapter 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 licensing decision shall be in the form of an approval, denial, or an approval with conditions of a gaming license.

VI. If there is more than one gaming license application deemed complete by the commission, upon receipt of all of the reports of the attorney general on an applicant's suitability to hold a gaming license in New Hampshire the commission shall commence consideration of each application in a competitive process pursuant to which each application is evaluated in relationship to each other application. Within 30 days of actual receipt by the commission of all of the attorney general's suitability reports the commission shall schedule a competitive hearing and shall instruct each applicant to file prehearing memoranda as prescribed by the 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 commission at one hearing to be held no more than 75 days of actual receipt by the commission of all of the attorney general's suitability reports unless the commission determines that additional time is needed and notifies the applicants that good cause exists for an extension of the hearing date to a date certain. Nothing herein shall limit the commission to one extension for good cause. An applicant shall have no right to cross-examine the witnesses of a competing applicant but there shall be a right to raise an objection to the conduct of a hearing procedure, process, or ruling of the commission as it relates to the applicant or a competitor applicant.

VII. At the competitive hearing the commission shall first consider whether each applicant is able to demonstrate by clear and convincing evidence its financial stability, good character, honesty, integrity, business ability, and gaming experience in accordance with this chapter. If the commission determines that an applicant is unable to establish the required suitability the commission shall not give further consideration to the application.

VIII. At the competitive hearing the commission shall determine, based on the evidence submitted, including completed studies and/or reports issued by independent, recognized experts in the most relevant fields, which suitable applicants demonstrate superiority in meeting the standards set forth in this chapter. In making its determination the commission shall consider the following relevant factors.

(a) Business and market factors including:

- (1) Highest potential benefit and highest prospective total revenues to be derived by the state;
- (2) Potential gaming revenues to be generated by a gaming location based upon expert market analysis;
- (3) The extent to which the proposed gaming location could be expected to encourage New Hampshire gaming participants to remain in the state;
- (4) The extent to which the proposed gaming location could be expected to be a substantial regional and national tourist destination;
- (5) The extent to which the proposed gaming location could be expected to create commercial development, opportunities for the community consistent with historic uses, regional branding, and local zoning ordinances;

(6) The applicant's proposed capital investment in the gaming location and operation and the expected competitiveness of the proposed gaming operation;

(7) The extent to which the proposed gaming location will preserve existing New Hampshire jobs and the number of net new full-time and part-time jobs to be created;

(8) The applicant's plan to identify, address, and minimize any potential negative consequences associated with gambling and the operation of its gaming location including, but not limited to, an adequately funded commitment to combat compulsive gambling to include efforts directed at prevention, intervention, treatment and research;

(9) The impact on the host community and municipalities in the region; and

(10) Such other considerations as the commission shall deem relevant to business and market factors.

(b) Economic development factors, including:

(1) The applicant's workforce development plan;

(2) Any additional economic development planned in the area of the proposed gaming location; and

(3) Such other considerations as the commission shall deem relevant to economic development factors.

(c) Site location factors including

(1) Existing transportation infrastructure surrounding the proposed gaming location;

(2) Any negative impact, if any, of a proposed gaming location on the host community;

(3) The need for additional public infrastructure expenditures at the proposed gaming location;

(4) The analysis related to impacted live entertainment venues as described in paragraph IX.

(5) Such other considerations as the commission shall deem relevant to site location.

IX. The commission shall identify live entertainment venues to be designated as impacted live entertainment venues pursuant to this chapter, provided, however, that any live entertainment venue that has negotiated an agreement with an applicant that was submitted with the application shall be considered an impacted live entertainment venue by the commission. If the commission determines a live entertainment venue to be an impacted live entertainment venue and the applicant has not submitted a fully executed agreement with that live entertainment venue in the application filed pursuant to RSA 284-B:17, the applicant shall negotiate a signed agreement with that live entertainment venue within 21 days of the award of a gaming license and no gaming license shall be issued prior to the execution and submission to the commission of that agreement. In the event an applicant awarded a license by the commission and an impacted live entertainment venue cannot reach an agreement, the commission, in making its decision on issuance of the gaming license, shall consider the reasons for such failure to agree in relation to the standards for licensure set forth in this chapter. A gaming licensee's compliance with an agreement with an impacted live entertainment venue shall be a condition of licensure enumerated in its statement of conditions and shall be considered upon a gaming licensee's application for renewal of a gaming license.

X. During the course of its review of an application, the commission shall take reasonable measures to prohibit and prevent all ex parte communication relating to the merits of an application.

XI. Any licensing determination including, but not limited to, that related to the selection of an applicant 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 actual selection decision shall be in the form of an approval or an approval with conditions. Unsuccessful applicants that were nonetheless found to be suitable in accordance with paragraph VII of this section shall be deemed "denied on the basis of a competitive process." Applicants failing to meet the standards for suitability set forth in paragraph VII shall be denied.

XII. Any decision of the commission approving a gaming license application, approving an application with conditions, or denying an application shall be issued by the commission within 30 days of the conclusion of the hearing conducted pursuant to this section is a final, binding, non-appealable determination which is not subject to legal challenge except as permitted by this chapter.

XIII. An award by the commission of a gaming license shall be evidenced by a written decision with detailed findings accompanied by a statement of conditions enumerating those conditions precedent to

the issuance by the commission of a gaming license, conditions that are precedent to the commencement of gaming operations at a gaming location, and conditions that are ongoing during the pendency of the license term.

XIV. A gaming applicant or gaming licensee aggrieved or dissatisfied with a final decision of the commission shall have the right to immediate appeal from a final decision to the supreme court pursuant to RSA 541.

XV. The provisions of RSA 541 shall govern all appeals under this section, provided that any request for rehearing provided for by RSA 541 shall be presented as a request for reconsideration to the commission within 10 calendar days of the commission's decision and the commission's decision on said request shall be issued within 10 days of the presentation of the request.

XVI. The appellant's burden of proof in any appeal to the supreme court under this section shall be as provided for by RSA 541:13.

XVII. A gaming license issued by the commission shall expire 10 years from the date of issuance subject to renewal pursuant to this chapter.

XVIII. The division of state police shall promptly notify the commission in the event an applicant or licensee is arrested for a crime or offense in this state after the date the background check was performed.

XIX. A gaming license for which a completed renewal application and fee, if required, has been received by the commission shall continue in effect unless and until the commission sends written notification to the holder that the commission has denied the renewal of the gaming license.

284-B:23 Minimum Capital Investment.

I. A gaming licensee shall be required as a condition of licensure to make the capital investment in the gaming location proposed in its gaming license application, which amount shall meet or exceed:

(a) In the case of the category 1 gaming licensee, \$450,000,000 exclusive of land acquisition, off-site improvement costs, and license fees; or

(b) In the case of the category 2 gaming licensee, \$125,000,000 exclusive of land acquisition, off-site improvement costs, and license fees.

II. The full capital investment required under this section shall be made within 5 years of the date of issuance of a gaming license.

III. In addition to the requirements of paragraph I, beginning with the sixth year after receiving a gaming license, a gaming licensee shall make, or cause to be made, on an annual basis capital expenditures to its gaming location in a minimum aggregate amount equal to 3.5 percent the total gross gaming revenues derived from the gaming location, provided, however, that a gaming licensee may make capital expenditures in an amount less than 3.5 percent per year as part of a multi-year capital expenditure plan approved by the commission.

IV. A gaming licensee who fails to obtain an operation certificate under RSA 284-B:32 within one year after the date specified in the construction timeline submitted with its application and incorporated by the commission as a condition on the gaming license:

(a) May, if the commission finds good cause for such action after a hearing in accordance with this chapter, be subject to suspension or revocation of the gaming license.

(b) May, if found by the commission after a hearing in accordance with this chapter to have acted in bad faith in its application, be assessed a fine by the commission of up to \$50,000,000.

V. Concurrent with the payment of the license fee required pursuant to RSA 284-B:18, III, the gaming licensee shall be required to deposit 10 percent of the total capital investment proposed in its application into an interest-bearing account under the control of the commission. Moneys received from the gaming licensee shall be held in escrow until the final stage of construction, as detailed in the timeline of construction submitted with the licensee's application and incorporated by the commission as a condition on the gaming license, at which time the deposit, together with any accrued interest, shall be returned to the applicant to be applied for the final stage of construction. Should the licensee be unable or unwilling to complete the gaming location in accordance with the timeline, the deposit shall be forfeited to the state in accordance with the conditions on the license related to the construction timeline. The commission may, in lieu of a cash deposit, accept a

performance or deposit bond in an amount equivalent to 10 percent of the total capital investment proposed in the application provided it determines that the bond would be a functional equivalent of the deposit and would timely ensure the intended forfeiture to the state.

284-B:24 Revocable Privilege; Limits on License Transfer and Transfer of an Interest.

I. Any gaming license issued by the commission shall be a revocable privilege and may be conditioned, suspended, or revoked upon a finding by the commission that such action is necessary to accomplish the purposes of this chapter as a result of:

(a) A breach of a condition enumerated or inferred in the statement of conditions applicable to the gaming license, including failure to timely complete any phase of construction of the gaming location or to comply with any representation or promise made to the commission, the attorney general, division of state police gaming enforcement unit or other state entity in connection with a gaming license.

(b) Any action or event that constitutes grounds for denial of a gaming license under RSA 284-B:21.

(c) A finding by the commission that a gaming licensee no longer meets the standards for suitability set forth in this chapter.

(d) Such other finding as the commission deems relevant.

II. A gaming license issued by the commission pursuant to this chapter is transferrable with the prior approval of the commission pursuant to rules adopted by the commission consistent with this chapter. A person seeking to acquire a gaming license through a transfer shall qualify for licensure under this chapter. The commission shall reject a gaming license transfer to an unsuitable person and may reject a proposed transfer that, in the opinion of the commission, would be disadvantageous to the interests of the state. A transfer of a gaming license without the prior approval of the commission shall result in the immediate and automatic termination of the gaming license.

III. An interest in a gaming licensee or gaming location substantial enough to trigger a requirement that a person qualify as a principal licensee in accordance with RSA 284-B:17, VII is transferrable with the prior approval of the commission pursuant to rules adopted by the commission consistent with this chapter. A person seeking to acquire an interest in a gaming licensee or gaming location shall qualify for licensure under this chapter. The commission shall reject a transfer of an interest in a gaming licensee or gaming location to an unsuitable person and may reject a proposed transfer that, in the opinion of the commission, would be disadvantageous to the interests of the state. A transfer of an interest in a gaming licensee or gaming location meeting the requirements of this paragraph without the prior approval of the commission may result in the termination of a gaming license.

IV. The commission shall adopt rules consistent with this chapter relating to notice of, and commission approval of, a transfer of a gaming license and the transfer of an interest in a gaming licensee or gaming location including, but not limited to, a transfer not meeting the principal licensing threshold of paragraph III.

284-B:25 Individuals Employed by a Gaming Licensee

I. The commission shall adopt rules consistent with this chapter relating to:

(a) A system of classification for individuals employed by a gaming licensee, which classification system shall include, but need not be limited to, a key employee license, gaming employee registration and non-gaming employee permit based on the degree of connection to the operation, maintenance, security and accounting functions associated with a slot machine or table game, access to the gaming floor or a restricted area or such other criteria as the commission shall deem appropriate.

(b) Application, investigation, and review processes and time frames.

(c) Application, investigation, and renewal fees for each category of license, registration, or permit consistent with the annual fee schedule adopted and published by the commission.

(d) Standards of review.

(e) Administrative procedures applicable to the conduct of hearings related to a key license, gaming employee registration, and non-gaming employee permit including, but not limited to:

(1) Rules of evidence;

(2) Notice requirements;

(3) Rules permitting an applicant to raise an objection to the conduct of a hearing procedure, process or ruling of the commission; and

(4) Any delegation of commission authority specific to registrations and permits.

(f) Procedures for issuance of a temporary key license, gaming employee registration, non-gaming employee permit, or other employee authorization if the commission determines that such procedures are necessary to the efficient implementation of this chapter.

(g) Rules relative to the renewal of a license, registration, or permit.

(h) A term for any employee license, registration, permit, or employee authorization granted pursuant to this chapter.

II. A key employee license, gaming employee registration, a non-gaming employee permit, and any other employment related authorization issued pursuant to this chapter shall expire 5 years from the date of issuance subject to renewal pursuant to this chapter.

III. In connection with a key employee license, gaming employee registration, non-gaming employee permit, or other employee authorization, the commission shall be authorized to exchange fingerprint data with, and to receive criminal history record and background information from, the department of safety, division of state police, the office of the attorney general, the Federal Bureau of Investigation, or other sources consistent with applicable federal and state laws, rules, and regulations.

IV. No gaming applicant, gaming licensee, or holding, intermediary, or subsidiary company required to qualify in conjunction with a gaming license under this chapter shall employ or otherwise allow an individual to perform the duties of a key employee unless the person is the holder of a valid key employee license issued by the commission.

V. No gaming licensee shall employ or otherwise allow an individual to perform duties requiring a gaming employee registration, non-gaming employee permit, or other employee authorization required pursuant to this chapter unless the person is registered, permitted, or otherwise authorized by the commission.

VI. A gaming licensee shall not utilize an independent contractor to perform duties requiring a key employee license, gaming employee registration, non-gaming employee permit, or other employee authorization required pursuant to this chapter without the prior approval of the commission.

VII. An independent contractor of a gaming licensee authorized by the commission to perform duties requiring a key employee license, gaming employee registration, non-gaming employee permit, or other employee authorization required pursuant to this chapter shall be subject to all of the provisions of this chapter applicable to an employee of a gaming licensee.

VIII. During the course of its review of any application, the commission shall take reasonable measures to prohibit and prevent all ex parte communication relating to the merits of such application.

IX. In any decision relating to a key employee license, and with regard to a gaming employee registration subject to a background investigation under RSA 284-B:27, II, the commission shall consider, the attorney general's report provided pursuant to RSA 284-B:20; provided that, notwithstanding any other provision of law, no person shall be issued or shall hold a license under this chapter if in the opinion of the attorney general such person is not suitable to hold such a license.

X. Any licensing determination including, but not limited to, that related to a key license, gaming employee registration, non-gaming employee permit, or other employee authorization 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.

XI. Any decision of the commission approving an application, approving an application with conditions, or denying an application under this section shall be issued by the commission within 30 days of the conclusion of the hearing conducted pursuant to this section and is a final, binding, non-appealable determination which is not subject to legal challenge except as permitted by this chapter.

XII. The issuance by the commission of a license, registration, permit, or other employee authorization shall be evidenced by a written decision.

XIII.(a) Within 30 days after any order or decision has been made by the commission, any party to the action or proceeding before the commission, or any person directly affected thereby, may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion all grounds for rehearing, and the commission may grant such rehearing if in its opinion good reason for the rehearing is stated in the motion.

(b) Such motion shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable. No appeal from any order or decision of the commission shall be taken unless the appellant shall have made application for rehearing as herein provided, and when such application shall have been made, no ground not set forth therein shall be urged, relied on, or given any consideration by the court, unless the court for good cause shown shall allow the appellant to specify additional grounds.

(c) Upon the filing of such motion for rehearing, the commission shall within 10 days either grant or deny the same, or suspend the order or decision complained of pending further consideration, and any order of suspension may be upon such terms and conditions as the commission may prescribe.

(d) Within 30 days after the application for a rehearing is denied, or, if the application is granted, then within 30 days after the decision on such rehearing, any party aggrieved or dissatisfied by any final decision of the commission under this section shall have the right to appeal from a final decision to the superior court. The petition shall set forth that such decision or order is arbitrary or capricious or not made in compliance with law, and shall specify the grounds on which such claim is made.

XIV. The appellant's burden of proof in any appeal to the superior court under this section shall be as provided for by RSA 541:13.

XV. A key employee license, gaming employee registration and non-gaming employee permit issued by the commission shall expire 5 years from the date of issuance subject to renewal pursuant to this chapter.

XVI. A key employee license, gaming employee registration and non-gaming employee permit for which a completed renewal application and fee, if required, has been received by the commission shall continue in effect unless and until the commission sends written notification to the holder that the commission has denied the renewal of the gaming license, registration, or permit.

XVII. The division of state police shall promptly notify the commission in the event an applicant for or key employee licensee, gaming employee registrant, or non-gaming employee permittee is arrested for a crime or offense in this state after the date the background check was performed.

284-B:26 Key Employee Licensing.

I. A key employee of an applicant, gaming licensee, or principal licensee required to qualify in conjunction with a gaming license under RSA 284-B:17, VII shall submit to the commission the following information, documentation, and assurances:

- (a) A description of the applicant's employment responsibilities.
- (b) A fully executed and complete application on forms prescribed by the commission. An application shall be deemed complete in accordance with rules adopted pursuant to RSA 284-B:19.
- (c) All documentation, fingerprints, and consents required of a gaming license applicant under RSA 284-B:17, III.
- (d) All documentation required of a gaming license applicant under RSA 284-B:17, IV(a).
- (e) If applicable, the documentation related to a similar gaming license, registration, permit, or other authorization required of a gaming licensee applicant under RSA 284-B:17, IV(c).
- (f) Such other information as the commission shall deem relevant to its consideration of the application.

II. Upon a determination by the commission that a key employee license application is complete in accordance with RSA 284-B:19, the commission shall request that the attorney general commence an investigation into the suitability of the applicant in accordance with RSA 284-B:20. In conducting its background investigation the attorney general shall consider the suitability of the applicant including, but not limited to:

- (a) Financial stability.
- (b) Good character, honesty, and integrity.

(c) Business ability and gaming experience.

(d) Whether the applicant is disqualified from receiving a license under RSA 284-B:21.

(e) The applicant's ability, if required, to demonstrate rehabilitation in accordance with RSA 284-B:21.

III. Upon receipt of the report of the attorney general on an applicant's suitability to hold a key employee license the commission shall conduct a licensing hearing in accordance with rules adopted pursuant to 284-B:22 of this chapter to determine whether the applicant meets the standards for licensure set forth in this chapter. In any decision by the commission relating to the issuance of a license, the commission shall consider the attorney general's report provided pursuant to RSA 284-B:20, XI provided that, notwithstanding any other provision of law, no person shall be issued or hold such a license under this chapter if in the opinion of the attorney general such person is not suitable to hold such license.

284-B:27 Gaming Employee Registration.

I. A gaming employee seeking to register with the commission shall submit to the commission the following information, documentation, and assurances with regard to qualification under this chapter:

(a) A description of the applicant's employment responsibilities.

(b) A fully executed and complete application on forms prescribed by the commission. An application shall be deemed complete in accordance with rules adopted pursuant to RSA 284-B:19.

(c) All documentation, fingerprints and consents required of a gaming license applicant under RSA 284-B:12, III(b)(1) through (2).

(d) If applicable, the documentation related to a similar gaming license, registration, permit or other authorization required of a gaming licensee applicant under RSA 284-B:17, IV(c).

(e) Such other information as the commission shall deem relevant to its consideration of the application.

II. Upon a determination by the commission that a gaming employee registration application is complete in accordance with RSA 284-B:19 the commission may request that the attorney general commence an investigation into the suitability of the applicant or conduct within the commission such other form of review as it deems appropriate. The commission shall register the applicant provided it is able to establish, at a minimum:

(a) Good character, honesty, and integrity.

(b) That the applicant is not disqualified from receiving a license under rules adopted pursuant to RSA 284-B:21 or is rehabilitated in accordance with rules adopted pursuant to RSA 284-B:21 of this chapter.

284-B:28 Non-Gaming Employee Permit.

I. A non-gaming employee seeking to be permitted by the commission shall submit to the commission the following information, documentation, and assurances with regard to qualification under this chapter.

(a) A description of the applicant's employment responsibilities.

(b) A fully executed and complete application on forms prescribed by the commission. An application shall be deemed complete in accordance with rules adopted pursuant to 284-B:19.

(c) All fingerprints and consents required of a gaming license applicant under RSA 284-B:17, III(b)(2).

(d) Such other information as the commission shall deem relevant to its consideration of the application.

II. Upon a determination by the commission that a non-gaming employee permit application is complete in accordance with rules adopted pursuant to RSA 284-B:19, the commission shall permit the applicant provided it is able to establish that the applicant is not disqualified from receiving a permit under rules adopted pursuant to RSA 284-B:21 or is rehabilitated in accordance with rules specific to permit applications adopted pursuant to RSA 284-B:21.

284-B:29 Persons Doing Business with a Gaming Licensee

I. The commission shall adopt rules consistent with this chapter relating to:

(a) A system of classification for persons doing business with a gaming applicant or gaming licensee, which classification system shall include, but need not be limited to, a gaming vendor license and non-gaming vendor registrant, based upon product type, amount of business conducted, access to the gaming floor or any restricted area, or such other criteria deemed relevant by the commission.

- (b) Application, investigation, and review process.
- (c) Application, investigation, and renewal fees for each category of license or registration consistent with the annual fee schedule adopted and published by the commission.
- (d) Exemption criteria and processes.
- (e) An interim authorization and emergency authorization processes.
- (f) Standards of review.
- (g) Administrative procedures applicable to the conduct of hearings related to a key license, gaming employee registration and non-gaming employee permit including, but not limited to:
 - (1) Rules of evidence;
 - (2) Notice requirements;
 - (3) Rules permitting an applicant to raise an objection to the conduct of a hearing procedure, process or ruling of the commission; and
 - (4) Any delegation of commission authority specific to a registration.
- (h) An abbreviated investigative process under RSA 284-B:22 applicable to any license, registration or authorization granted pursuant to this section.
- (i) Such other procedures as are necessary to efficiently implement and administer this paragraph.

II. A gaming vendor license, a non-gaming vendor registration and any other vendor-related authorization issued pursuant to this chapter shall expire 5 years from the date of issuance subject to renewal pursuant to this chapter.

III. The commission may exempt a person or type of business from the requirements of this section if the board determines the following:

(a) The person or type of business is regulated by an agency of the federal government, an agency of the state, the New Hampshire supreme court, or any other regulatory oversight deemed sufficient by the commission.

(b) The regulation of the person or type of business is determined not to be necessary in order to protect the public interest or the integrity of gaming.

IV. The commission may require an employee of a vendor required to be licensed, registered, or otherwise authorized under this section to become licensed, registered, or otherwise authorized under this section if, after an analysis of the duties, responsibilities, and functions of the vendor employee it determines that action to be necessary to protect the integrity of gaming.

V. The commission may permit a vendor required to be licensed, registered, or otherwise authorized under this section to engage in business with an applicant or gaming licensee prior to being licensed, registered, or otherwise authorized under this section if all of the following criteria have been satisfied:

- (a) A complete application has been filed with the commission.
- (b) The gaming applicant or gaming licensee contracting or doing business with the vendor certifies to the commission that it has performed due diligence on the person and believes that the applicant meets the qualification to be a licensed, registered, or otherwise authorized under this section.
- (c) The person required to be licensed, registered, or otherwise authorized under this section agrees in writing that the grant of interim authorization to conduct business prior to commission action on its application does not create a right to continue to engage in business if the commission determines that the applicant is not suitable or continued authorization is not in the public interest.
- (d) Nothing in this section shall be construed to prohibit the commission from rescinding a grant of interim authorization if, at any time, the suitability of the person subject to interim authorization is at issue or if the person fails to cooperate with the commission, the attorney general, the division of state police or their agent.

VI. The commission shall establish a master vendor list to monitor all vendor contracts with a gaming licensee which master list will also identify prohibited vendors.

(a) An gaming applicant or gaming licensee may not enter into an agreement or engage in business with a person listed on the prohibited vendor list.

(b) The commission may prohibit a person required to be licensed, registered, or otherwise authorized under this section from doing business with a gaming licensee if that person fails to submit an application under this chapter.

(c) The commission may terminate any contract that has been entered into with an unlicensed or unregistered gaming or non-gaming vendor.

VII. A gaming applicant or gaming licensee may utilize a vendor that has not been licensed, registered, or otherwise authorized under this section by the commission when a threat to public health, welfare, or safety exists or circumstances outside the control of the applicant or gaming licensee require immediate action to mitigate damage or loss to the gaming location or to the state. Any rules adopted shall include a requirement that the applicant or gaming licensee contact the board immediately upon utilizing a vendor that would otherwise require licensing under this chapter.

VIII. A person doing business with a gaming applicant or gaming licensee required to be licensed, registered, or otherwise authorized under this section shall have the continuing duty to provide any assistance or information required by the commission, the attorney general or the division of state police and to cooperate in any inquiry, investigation, or hearing conducted by the commission. If, upon issuance of a formal request to answer or produce information, evidence, or testimony, a person doing business with an gaming applicant or gaming licensee required to be licensed, registered or otherwise authorized under this section refuses to comply, the application, license, registration, or authorization of such person may be denied, suspended, or revoked.

IX. In any decision relating to a gaming vendor license or non-gaming vendor registration the commission shall consider the attorney general's report provided pursuant to RSA 284-B:20; provided that, notwithstanding any other provision of law, no person shall be issued or hold a license under this chapter if in the opinion of the attorney general such person is not suitable to hold a license.

X. Any licensing determination including, but not limited to, that related to a gaming vendor license or gaming vendor registration 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.

XI. Any decision of the commission approving an application, approving an application with conditions, or denying an application under this section shall be issued by the commission within 30 days of the conclusion of the hearing conducted pursuant to this section and is a final, binding, non-appealable determination which is not subject to legal challenge except as permitted by this chapter.

XII. Any award by the commission of a license, registration, permit, or other employee authorization shall be evidenced by a written decision.

XIII.(a) Within 30 days after any order or decision has been made by the commission, any party to the action or proceeding before the commission, or any person directly affected thereby, may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion all grounds for rehearing, and the commission may grant such rehearing if in its opinion good reason for the rehearing is stated in the motion.

(b) Such motion shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable. No appeal from any order or decision of the commission shall be taken unless the appellant shall have made application for rehearing as herein provided, and when such application shall have been made, no ground not set forth therein shall be urged, relied on, or given any consideration by the court, unless the court for good cause shown shall allow the appellant to specify additional grounds.

(c) Upon the filing of such motion for rehearing, the commission shall within 10 days either grant or deny the same, or suspend the order or decision complained of pending further consideration, and any order of suspension may be upon such terms and conditions as the commission may prescribe.

(d) Within 30 days after the application for a rehearing is denied, or, if the application is granted, then within 30 days after the decision on such rehearing, any party aggrieved or dissatisfied by any final decision of the commission under this section shall have the right to appeal from a final decision to the superior court. The petition shall set forth the grounds on which such claim is made.

XIV. The appellant's burden of proof in any appeal to the superior court under this section shall be as provided for by RSA 541:13.

XV. The division of state police shall promptly notify the commission in the event an applicant for or gaming vendor licensee or non-gaming vendor registrant is arrested for a crime or offense in this state after the date the background check was performed.

XVI. The commission may require a non-gaming vendor conducting over \$100,000 of business with a gaming licensee within a 12-month period or \$250,000 of business with a gaming licensee within a 3-year period to be licensed as a gaming vendor.

XVII. The commission may require a registered non-gaming vendor to be licensed as a gaming vendor if, after an analysis of the functions of the vendor and its relationship with the gaming applicant or gaming licensee it determines that action to be necessary to protect the integrity of gaming.

XVIII. A gaming vendor license, a non-gaming vendor registration and any other authorization for which a completed renewal application and fee, if required, has been received by the commission shall continue in effect unless and until the commission sends written notification to the holder that the commission has denied the renewal of the gaming license, registration or authorization.

284-B:30 Gaming Vendor Licensing.

I. In connection with a gaming vendor license the commission shall be authorized to exchange fingerprint data with, and to receive criminal history record and background information from, the department of safety, division of state police, the office of the attorney general, the Federal Bureau of Investigation or other source consistent with applicable federal and state laws and rules.

II. A gaming applicant or gaming licensee shall not conduct business with a person required to be licensed as a gaming vendor pursuant to this chapter unless the person is licensed by the commission or otherwise authorized to engage in business with an applicant or the gaming licensee in accordance with RSA 284-B:29, V(a)-(d).

III. A gaming vendor license applicant shall submit to the commission the following information, documentation and assurances with regard to qualification under this chapter:

- (a) A description of the applicant's business relationship with a gaming licensee.
- (b) A fully executed and complete application on forms prescribed by the commission. An application shall be deemed complete in accordance with rules issued pursuant to RSA 284-B:19.
- (c) All documentation, fingerprints, and consents required of a gaming license applicant under 284-B:17, III of this chapter.
- (d) All documentation required of a gaming license applicant under RSA 284-B:17, IV(a).
- (e) The documentation related to a similar gaming license, registration, permit, or other authorization required of a gaming licensee applicant under RSA 284-B:17, IV(c).
- (f) If the applicant for a gaming vendor license is a corporation, limited liability company or other form of business enterprise, all documentation required of a gaming license applicant under RSA 284-B:17, VI and RSA 284-B:17, VII.
- (g) Such other information as the commission shall deem relevant to its consideration of the application.

IV. Upon a determination by the commission that a gaming vendor license application is complete in accordance with RSA 284-B:19, the commission shall request that the attorney general commence an investigation into the suitability of the applicant in accordance with RSA 284-B:20. In conducting its background investigation the attorney general shall consider the suitability of the applicant including, but not limited to:

- (a) Financial stability.
- (b) Good character, honesty, and integrity.
- (c) Business ability and gaming experience.
- (d) If applicable, the applicant's history of compliance in other regulated gaming jurisdictions including, but not limited to, a letter of reference or sworn statement of good standing produced in accordance with RSA 284-B:17, IV(c).

(e) Whether the applicant is disqualified from receiving a license under RSA 284-B:21.

(f) The applicant's ability, if required, to demonstrate rehabilitation in accordance with RSA 284-B:21.

V. Upon receipt of the report of the attorney general on an applicant's suitability to hold a gaming vendor license the commission shall conduct a licensing hearing in accordance with rules adopted pursuant to RSA 284-B:29 to determine whether the applicant meets the standards for licensure set forth in this chapter. In any decision by the commission relating to the issuance of a gaming vendor license, the commission shall consider the attorney general's report provided pursuant to RSA 284-B:20; provided that notwithstanding any other provision of law, no person shall be issued or hold a license under this chapter if in the opinion of the attorney general such person is not suitable to hold such a license.

284-B:31 Non-Gaming Vendor Registration.

I. In connection with a non-gaming vendor registration the commission shall be authorized to exchange fingerprint data with, and to receive criminal history record and background information from, the division of state police, the attorney general, the Federal Bureau of Investigation or other source consistent with applicable federal and state laws and rules.

II. A gaming applicant or gaming licensee shall not conduct business with a person required to be registered as a non-gaming vendor pursuant to this chapter unless the person is registered with the commission.

III. A non-gaming vendor seeking to register with the commission shall submit to the commission the following information, documentation, and assurances with regard to qualification under this chapter.

(a) A description of the applicant's business relationship with a applicant or gaming licensee.

(b) A fully executed and complete application on forms prescribed by the commission. An application shall be deemed complete in accordance with rules adopted pursuant to RSA 284-B:19.

(c) All documentation, fingerprints, and consents required of a gaming license applicant under RSA 284-B:17, III(b)(1)-(2).

(d) The documentation related to a similar gaming license, registration, permit, or other authorization required of a gaming licensee applicant under RSA 284-B:17, IV (c).

(e) Such other information as the commission shall deem relevant to its consideration of the application.

IV. Upon a determination by the commission that a non-gaming vendor registration application is complete in accordance with RSA 284-B:19, the commission shall register the applicant provided it is able to establish, at a minimum:

(a) Good character, honesty, and integrity.

(b) If applicable, the applicant's history of compliance in other regulated gaming jurisdictions including, but not limited to, a letter of reference or sworn statement of good standing produced in accordance with RSA 284-B:17, IV(c) of this chapter.

(c) Whether the applicant is disqualified from receiving a license under RSA 284-B:21.

(d) That the applicant is not disqualified from receiving a registration under rules adopted pursuant to RSA 284-B:21 or is rehabilitated in accordance with rules adopted pursuant to RSA 284-B:21.

284-B:32 Issuance of an Operation Certificate to a Gaming Licensee.

I. A gaming licensee shall not commence slot machine and table operations at a gaming location without an operation certificate issued by the commission.

II. An operation certificate shall specify the date and time at which gaming operations may commence and shall fix the maximum square footage of the gaming floor, the maximum number of slot machines, and the maximum number of table games that may be operated by a gaming licensee under the operation certificate. Once an operation certificate is issued by the commission, a gaming licensee may not exceed the maximum square footage of gaming floor, slot machines, or table games specified therein without the prior approval of the commission.

III. The commission may amend, modify, restrict, or limit an operation certificate and may remove any restriction, limitation, or condition imposed on an operation certificate at any time consistent with the purposes of this chapter and the rules adopted thereunder.

IV. The commission shall issue an operation certificate where it determines that the gaming licensee has satisfied all conditions precedent to the commencement of gaming operations enumerated in its statement of conditions, this chapter and the rules adopted by the commission including the following requirements:

(a) That the gaming location complies with the provisions of this chapter and any relevant rules adopted by the commission relative to:

(1) Communication systems and the ability of persons at the gaming location to timely communicate with the commission, all law enforcement exercising criminal or regulatory jurisdiction over the gaming location, and emergency first responders;

(2) A commission approved surveillance system and function:

(A) Configured to provide adequate and effective surveillance of all slot machines and table games on the gaming floor;

(B) Enabled with a digital video recording format;

(C) Equipped with a monitoring station, for the exclusive use of the commission and division of state police gaming enforcement unit, configured with full camera control capability over the surveillance system and able to establish priority over a camera controlled by the gaming licensee; and

(D) Meeting any minimum staffing requirements.

(3) A commission approved security system including required alarm systems and meeting any minimum staffing requirements;

(4) An area for the detention of individuals taken into custody by any federal, state or local law enforcement agency exercising proper jurisdiction over the gaming location;

(5) Signage;

(6) A count room and such other commission approved secure facilities as may be required by the commission for the counting and storage of cash, tickets, checks, and other devices or items of value used in wagering and for the inspection, counting, and storage of cards, dice, chips, and other representatives of value;

(7) Office space for use by the commission and division of state police gaming enforcement unit located within the gaming location in an area satisfactory to the commission and equipped as specified by the commission including, at a minimum, computer terminals permitting read-only access by authorized commission staff to any computerized video lottery monitoring system, casino management system or player tracking system used by the gaming licensee; and

(8) If the commission elects to acquire a central computer system, data center space for that system:

(A) Equipped with system appropriate HVAC;

(B) Supplied with system appropriate power including an uninterruptible back-up power supply; and

(C) Subject to surveillance coverage and secured in a manner satisfactory to the commission.

(b) All slot machines, associated equipment, and table game devices have been tested, certified, or otherwise accepted or approved in accordance with this chapter and the rules adopted by the commission.

(c) A floor plan depicting its gaming floor, all restricted areas, automatic teller machines, and lottery ticket vending locations has been received and reviewed and/or approved in accordance with this chapter and rules adopted by the commission.

(d) The gaming licensee's system of internal control, gaming equipment procedures and technical standards, rules of the games, security and surveillance procedures, and any other pre-opening submissions have been received and reviewed and/or approved in accordance with this chapter and rules adopted by the commission.

(e) The gaming licensee is prepared to implement all operating procedures and systems, including but not limited to, accounting and internal controls, and surveillance and security procedures necessary to insure the safe conduct of slot machine and table game operations.

(f) The gaming licensee's employees are licensed, registered, or permitted by the commission as required and trained in the performance of their responsibilities.

(g) The gaming location is prepared in all respects to receive the public.

(h) The gaming licensee has successfully completed a test period.

(i) The gaming licensee has filed an emergency response plan with the commission, the division of state police gaming enforcement unit, and the fire department and police department of the host community which includes:

(1) A layout identifying all relevant areas of the gaming location's safety support systems and internal and external access routes;

(2) The location and inventory of emergency response equipment and the contact information of the emergency response coordinator for the gaming licensee;

(3) The location of any hazardous substances and a description of any public health or safety hazards present on site;

(4) A description of any special equipment needed to respond to an emergency at the gaming location;

(5) An evacuation plan; and

(6) Any other information relating to emergency response requested by the commission, the division of state police gaming enforcement unit, or the fire department or the police department of the host community.

(j) The gaming licensee has complied with any additional conditions precedent to the commencement of gaming operations imposed by the commission.

V. The commission may issue an operation certificate to a temporary gaming location and may, on its own initiative, waive, relax, or permit deviations from the requirements of this chapter in accordance with rules consistent with this chapter.

VI. A gaming licensee shall obtain an operation certificate for a permanent facility within 18 months of the date of issuance of an operation certificate on a temporary gaming location, unless an extension is granted pursuant to paragraph VIII.

VII. A gaming licensee shall be responsible for all costs associated with the transition from a temporary gaming location to a permanent gaming location, including the cost of relocation of the commission's and division of state police gaming enforcement unit's on-site offices and any central computer system.

VIII. If the commission determines upon the written petition of a gaming licensee that extenuating circumstances beyond the control of the gaming licensee have prevented the gaming licensee from complying with the permanent facility requirements of paragraph VI, the commission:

(a) May approve an extension of 6 months to comply.

(b) May not grant more than 2 extensions to a gaming licensee under this section.

IX. If a gaming licensee fails to timely obtain an operation certificate on a permanent gaming location, including any commission approved extensions, its gaming license shall be revoked and shall revert to the state.

284-B:33 A Gaming Licensee's System of Internal Controls.

I. A gaming licensee shall submit to the commission a written description of its system of administrative and accounting procedures over slot machine and table game operations (collectively its "internal controls") at least 90 days before slot machine or table game operations are to commence.

II. A gaming licensee's internal controls shall, at a minimum, be designed to achieve the following safeguards by providing for the following:

(a) Secure its assets and revenues.

(b) Reliable records, accounts, and reports on any transaction or financial event that occurs in the operation of a slot machine or table game.

(c) If the commission elects to employ a central computer system, ensure that each slot machine and fully automated electronic gaming table directly provides or communicates all required activities and financial details to the central computer system.

(d) Ensure that transactions or financial events which occur in the operation of a slot machine or table game are recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles in the United States, this chapter and the rules issued thereunder.

(e) Ensure any transaction or financial event that occurs in the operation of a slot machine or table game is performed only in accordance with a gaming licensee's general or specific authorization as represented to the commission in its internal controls.

(f) Ensure that any transaction or financial event that occurs in the operation of a slot machine and table game is recorded adequately to permit proper and timely reporting of gross revenue and the calculation of fees, taxes and assessments related thereto.

(g) Ensure that access to assets is permitted only in accordance with a licensee's general or specific authorization as represented to the commission in its internal controls.

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

(i) Ensure that all functions, duties, and responsibilities relating to slot machine or table game operations are appropriately segregated and performed in accordance with sound financial practices by competent, qualified personnel.

(j) Establish comprehensive procedures addressing all transactions and reconciliations that routinely occur in the operation of a slot machine or table game including, but not limited to, the following:

- (1) The receipt, storage and disbursal of cash, cash equivalents, and chips used in table games;
 - (2) Conversion of a cash equivalent to cash;
 - (3) Redemption of chips and other representations of value at a table game and the payment of winnings and prizes;
 - (4) Recording of financial transactions pertaining to a table game;
 - (5) Transfer of chips and cash equivalents between a gaming table and the cashier's cage;
 - (6) Transfer of a drop box from a gaming table to the count room and a slot cash storage box from a slot machine to the count room;
 - (7) Payment of a manual jackpot and redemption of a ticket;
 - (8) Counting and recording of gross slot machine and table game revenue; and
 - (9) Collection and recording of revenue from poker and other table games when played as non-banked games, including the type of rake utilized and the methodology for calculating the amount of rake.
- (k) Establish procedures and security standards for the receipt, use, and storage of table game devices and associated equipment used in connection with table game and slot machine operations;
- (l) Establish procedures and rules governing the conduct of each table game and the responsibility of employees in the conduct of each table game;
- (m) Ensure, through the use of surveillance and security departments, that a gaming location is secure during normal operations and during any emergencies due to malfunctioning equipment, loss of power, natural disaster, or any other cause.

III. A gaming licensee's system of internal controls shall ensure the safeguards enumerated in paragraph II and the written description submitted to the commission pursuant to paragraph I shall include, at a minimum:

(a) Organization charts depicting the appropriate segregation of functions and responsibilities between departments involved in the conduct of slot machine and table game operations.

(b) A description of the duties and responsibilities of each employee position shown on the organization charts, their respective lines of authority and whether that position requires a key employee license, gaming employee registration, non-gaming employee permit or other commission licensing designation.

(c) Procedures addressing the transactions, controls, and assurances enumerated in paragraph II.

(d) A record retention policy addressing retention, storage and destruction of books, records and documents.

(e) Procedures governing the authorization and documentation of gaming-related promotions to be offered by the gaming licensee.

(f) Policies related to prevention of prohibited political contributions in accordance with RSA 284-B:50 and the annual certification to the commission required by that section.

(g) Such other information, narratives, documents, or assurances as shall be required by the commission.

IV. An initial internal control submission submitted pursuant to paragraph I shall be accompanied by the following attestations and reports:

(a) An attestation by the gaming licensee's chief executive officer or a designee with a direct reporting relationship to the chief executive officer attesting that the officer believes, in good faith, that the submitted internal controls conform to the requirements of the chapter and the rules issued by the commission.

(b) An attestation by the chief financial officer or a designee with a direct reporting relationship to the chief financial officer attesting that the officer believes, in good faith, that the submitted internal controls are designed to provide reasonable assurance that financial reporting conforms to generally accepted accounting principles in the United States and complies with applicable laws and regulations, including this chapter and the rules issued by the commission.

(c) A report from an independent registered public accounting firm licensed to practice in New Hampshire expressing an opinion regarding:

(1) The effectiveness of the design of the submitted system of internal controls over financial reporting; and

(2) Whether the submitted system of internal controls materially deviates from the requirements of applicable laws, rules, and regulations, this chapter and the rules issued by the commission.

V. Any change to a gaming licensee's internal controls shall be submitted to the commission along with the certifications required by paragraph IV(a) and (b) at least 10 calendar days prior to implementation. If the commission does not interpose an objection in writing, the gaming licensee may implement the precise change submitted on the eleventh day following the date of submission to the commission.

284-B:34 A Gaming Licensee's Books, Records and Documents .

I. A gaming licensee shall maintain and retain all books, records, and documents pertaining to the operation of slot machines and table games in accordance with such rules and at such location as shall be authorized by the commission.

II. A gaming licensee shall maintain all books, records, and documents pertaining to the operation of slot machines and table games immediately available for inspection upon request of the commission, the division of state police gaming enforcement unit, the attorney general or agents thereof during all hours of operation.

III. No later than 2 days after the date of filing with the applicable agency, a gaming licensee shall file with the commission a copy of each Suspicious Activity Report-Casino and Currency Transaction Report by Casino filed under 31 C.F.R. sections 1000-1099.

284-B:35 Prohibition on Credit and Play with Credit Cards or Debit Cards.

I. A gaming licensee shall not extend credit to a player at a gaming location.

II. A gaming licensee shall not permit or enable in any way the direct use of credit cards or debit cards by a player at a slot machine or table game.

III. No credit card or debit card advance machine, kiosk, or booth shall be located on or within 100 feet of a gaming floor.

IV. No automatic teller machine shall be located on or within 100 feet of a gaming floor.

V. A player may use a credit card or a debit card at a gaming location to purchase chips, slot machine credits, or table game credits or for an advance of cash to be used at a slot machine or table game, provided the purchase or advance is processed by a payment processor licensed and classified as a gaming vendor providing services ancillary to gaming.

284-B:36 Complimentary Services.

I. The commission shall adopt rules consistent with this chapter relating to the direct or indirect offer by a gaming licensee to a player and a player's guests of complimentary services. The rules shall require a gaming

licensee to provide such information as the commission shall require with regard to complimentary services at least quarterly and shall further require more timely and detailed disclosure to the commission where a player or a player's guests receive complimentary services valued in excess of \$2,000 over a specified period.

II. A gaming licensee is prohibited from directly or indirectly offering alcoholic beverages free of charge for consumption on its gaming floor.

III. The gaming licensee shall comply with the provisions of RSA 179:44, I, prohibiting the provision of free drinks in any part of the gaming location.

284-B:37 Betting Limits and Disclosure Requirements Applicable to a Cashless Wagering System.

I. A gaming licensee utilizing a cashless wagering system to facilitate cashless wagering accounts shall allow a player to monitor and impose betting limits on his or her cashless wagering account including, but not limited to, per bet limits, hourly limits, daily limits, weekly limits, and monthly limits. A player may decrease and increase limits in the exercise of his or her discretion provided, however, that a player shall not increase a betting limit more than once in a 24-hour period.

II. A gaming licensee shall issue to a player who utilizes a cashless wagering system a monthly statement, mailed to the player at the player's physical mailing address, which shall include the player's total bets, wins, and losses as recorded by the cashless wagering system, provided, however, that a player shall be given the opportunity to decline receiving a monthly statement during the process of opening a wagering account, provided, however, that a player who elects to receive a monthly statement may thereafter opt out of receiving monthly statements by providing a written request to cease monthly statements to a gaming licensee.

III. A gaming licensee offering a cashless wagering system shall annually report to the commission the amount of money spent and lost by players with wagering accounts aggregated by zip code. Activity under this section shall be monitored by the commission.

IV. An individual who has self-excluded under this chapter shall not open a cashless wagering account.

284-B:38 Disclosure Requirements Applicable to a Player Tracking System.

I. A gaming licensee utilizing a player tracking system to facilitate a player incentive program shall issue to a player who participates in its incentive program a monthly statement, mailed to the player at the player's postal mailing address, which shall include the player's total bets, wins, and losses as recorded by the player tracking system.

(a) A player shall be given the opportunity to decline receiving a monthly statement during the process of joining the incentive program.

(b) A player who elects to receive a monthly statement may thereafter opt out of receiving monthly statements by providing a written request to cease monthly statements to a gaming licensee.

II. A gaming licensee utilizing a player tracking system to facilitate a player incentive program shall annually report to the commission the amount of money spent and lost by players participating in its incentive program aggregated by zip code. Activity under this section shall be monitored by the commission.

III. An individual who has self-excluded under this chapter shall not be permitted to join or otherwise participate in an incentive program offered by a gaming licensee.

284-B:39 Tips and Gratuities.

I. The commission shall adopt rules consistent with applicable state law relating to the acceptance, accounting for, and distribution of tips and gratuities received by an employee of a gaming licensee from a player at a slot machine or table game.

II. No key employee, box person, floor person, or other gaming employee who serves in a supervisory position shall solicit or accept, and no employee may solicit, a tip or gratuity from a player at a slot machine or table game.

284-B:40 Exclusion of Individuals Under the Age of 21 from a Gaming Location.

I. Except as provided in paragraph II, no individual under the age of 21 shall be permitted access to a gaming floor or restricted area or to otherwise place a wager on a slot machine or table game.

II. An individual 18 years or older who is a commission licensed, registered, or permitted employee of a gaming licensee may access a gaming floor or restricted area only at such times and to the extent necessary to perform the duties the individual was employed to perform.

III. No gaming licensee shall conduct marketing and promotional communications or otherwise target or incent to gamble an individual under the age of 21.

IV. An individual who is prohibited from gaming in a gaming location under this section shall not collect any winnings or recover any losses arising as a result of prohibited gaming winnings and any winnings shall be forfeited to the commission and deposited into the general fund.

V. A gaming licensee shall take all reasonable measures to prevent violations of the criminal code provisions related to gambling by individuals under the age of 21 including the provisions set forth in this chapter and at RSA 672.

284-B:41 Exclusion of an Individual from a Gaming Location.

I. The commission shall adopt rules consistent with this chapter relating to the exclusion of an individual from a gaming location including, but not limited to, standards for exclusion, administration of an exclusion list, and notice to gaming licensees of placement of an individual on the exclusion list.

II. In determining whether an individual should be excluded from a gaming location the commission shall assess whether the individual's presence in a gaming location is inimical or a potentially injurious threat to the interest of the state, the gaming licensee or both. The commission shall consider, at a minimum, the following factors:

(a) Whether an individual has been convicted of:

(1) A criminal offense under the laws of any state or the United States that is punishable by more than 6 months in a state prison, a house of correction, or any comparable incarceration;

(2) A crime of moral turpitude; or

(3) A violation of the gaming laws of any state.

(b) Whether an individual has violated or conspired to violate this chapter relating to:

(1) Failure to disclose an interest in a gaming licensee for which the individual is required to obtain a license; or

(2) Willful evasion of fees or taxes.

(c) Whether an individual has a notorious or unsavory reputation that would adversely affect public confidence and trust that the gaming industry is free from criminal or corruptive elements.

(d) Whether an individual's presence is otherwise inimical or a potentially injurious threat to the interests of the state, the gaming licensee or both.

III. No individual shall be placed by the commission on its exclusion list due to race, color, religion, national origin, ancestry, sexual orientation, disability, or sex.

IV. No gaming license shall conduct marketing and promotional communications or otherwise target or incent to gamble an individual placed by the commission on its exclusion list.

V. The commission may revoke, limit, condition, suspend, or fine a gaming licensee if the licensee knowingly or recklessly fails to exclude or eject from its gaming location an individual placed by the commission on its exclusion list.

VI. Whenever the commission places a name on the exclusion list, the commission shall serve written notice upon that individual by personal service, registered or certified mail return receipt requested to the last ascertainable address or by publication in a daily newspaper of general circulation for one week.

VII. Within 30 days of receipt of service by mail or 60 days after the last publication under paragraph VI an individual placed on the exclusion list may request an hearing before the commission and show cause as to why the individual should be removed from the exclusion list. Failure to demand a hearing within the time allotted in this section shall preclude the individual from having a hearing but shall not affect the individual's right to petition for judicial review.

VIII. Upon receipt of a demand for hearing, the commission shall set a time and place for the hearing. This hearing shall be held not later than 30 days after receipt of the demand for the hearing, unless the time of the hearing is changed by agreement of the commission and the individual demanding the hearing.

IX. If upon completion of the hearing the commission determines that the individual was wrongfully placed on the exclusion list, the commission shall remove the individual's name from the exclusion list and notify all gaming licensees. The decision shall be final.

X. Placement of an individual on the exclusion list shall be evidenced by a written decision.

XI.(a) Within 30 days after any order or decision has been made by the commission, any party to the action or proceeding before the commission, or any person directly affected thereby, may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion all grounds for rehearing, and the commission may grant such rehearing if in its opinion good reason for the rehearing is stated in the motion.

(b) Such motion shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable. No appeal from any order or decision of the commission shall be taken unless the appellant shall have made application for rehearing as herein provided, and when such application shall have been made, no ground not set forth therein shall be urged, relied on, or given any consideration by the court, unless the court for good cause shown shall allow the appellant to specify additional grounds.

(c) Upon the filing of such motion for rehearing, the commission shall within 10 days either grant or deny the same, or suspend the order or decision complained of pending further consideration, and any order of suspension may be upon such terms and conditions as the commission may prescribe.

(d) Within 30 days after the application for a rehearing is denied, or, if the application is granted, then within 30 days after the decision on such rehearing, any party aggrieved or dissatisfied by any final decision of the commission under this section shall have the right to appeal from a final decision to the superior court. The petition shall specify the grounds on which such claim is made.

XII. The appellant's burden of proof in any appeal to the superior court under this section shall be as provided for by RSA 541:13.

XIII. An individual who is prohibited from gaming in a gaming location under this section shall not collect any winnings or recover any losses arising as a result of prohibited gaming winnings and any winnings shall be forfeited to the commission and deposited into the general fund.

XIV. A gaming licensee may also exclude or eject from its gaming location an individual who is known to it to have been convicted of a misdemeanor or felony committed in the gaming location. Nothing in this chapter shall limit the right of a gaming licensee to exercise its common law right to exclude or eject permanently from its gaming location an individual who disrupts its gaming operations, threatens the security of the gaming location or its employees, players and invitees or is disorderly or intoxicated.

284-B:42 Self-Exclusion By an Individual From a Gaming Location.

I. The commission shall establish and administer a list of individuals voluntarily electing to self-exclude themselves from a gaming location operated pursuant to this chapter. The commission may further adopt provisions expanding the availability of self-exclusion to games of chance conducted pursuant to RSA 287-D.

II. The commission shall adopt rules consistent with this chapter relating to the self-exclusion of an individual from a gaming location including, but not limited to, multiple time periods for self-exclusion, administration of, and removal from, the self-exclusion list, notice to gaming licensees of placement of an individual on the self-exclusion list and forfeiture of winnings and recovery of losses.

III. An individual may place his or her name on the self-exclusion list by filing a request with the commission acknowledging that they are a problem gambler and by agreeing that, during any period of voluntary exclusion, that they shall not collect any winnings or recover any losses resulting from any gaming activity at a gaming location operated pursuant to this chapter.

IV. No gaming license shall:

(a) Authorize and conduct marketing and promotional communications or otherwise target or incent to gamble an individual electing to place their name on the commission's self-exclusion list.

(b) Provide complimentary services, check cashing privileges, incentive program membership or other benefits to a person electing to place their name on the commission's self-exclusion list.

V. The commission may revoke, limit, condition, suspend or fine a gaming licensee if the licensee knowingly or recklessly fails to exclude or eject from its gaming location an individual electing to place their name on the commission's self-exclusion list.

VI. Notwithstanding any other general or special law to the contrary, the commission's list of individuals electing to place their name on the commission's self-exclusion list shall not be open to public inspection.

VII. A gaming licensee receiving notice from the commission that an individual has elected to place their name on the commission's self-exclusion list shall not be precluded from disclosing the identity of the self-excluding individual to affiliated gaming operations in other jurisdictions for the limited purpose of assisting in the proper administration of responsible gaming programs operated by affiliated gaming operations.

VIII. An individual who is prohibited from gaming in a gaming location under this section shall not collect any winnings or recover any losses arising as a result of prohibited gaming winnings and any winnings shall be forfeited to the commission and deposited into the general fund.

284-B:43 Authorized Gaming; Possession, Testing, and Certification.

I. This chapter shall not be construed to authorize any gaming other than in connection with a slot machine and table game meeting the requirements of this chapter.

II. The commission shall adopt rules consistent with this chapter relating to gaming equipment including, but not limited to, requirements addressing:

(a) Receipt, review, distribution, and the commission approval process associated with the certification reports issued by independent testing laboratories pursuant to paragraphs V and VI;

(b) If the commission elects to employ a central computer system, the communications protocol and technical standards applicable thereto.

(c) Mechanical and electrical reliability of slot machines and associated equipment.

(d) Security features preventing tampering with slot machines and associated equipment.

(e) Comprehensibility to the player of wagering options and rules of play.

(f) Noise and light levels generated by slot machines.

(g) Design features necessary to ensure the accurate recording of transactions, to protect a player from fraud or deception, and to minimize any potential negative consequences associated with the play of a slot machine including, but not limited to:

(A) A prohibition on the use of reflexive software which, for the purposes of this section, shall be defined as any software that has the ability to manipulate and/or replace a randomly generated outcome for the purposes of changing the result on a slot machine;

(B) A requirement that a slot machine utilize one, or a combination of more than one random number generators working collectively, to determine the occurrence of a specific card, number, symbol, or stop;

(C) A requirement that once a random selection has occurred that the slot machine display an accurate representation of the randomly selected outcome and that it be prohibited from making a secondary decision which affects the result shown to the player on the slot machine; and

(D) A requirement that where a slot machine includes a strategy choice, meaning that a particular play option requires use of skill to consistently achieve the best result, that the slot machine include in its rules of play sufficient information for a player to use optimal skill unless the player is not required to make an additional wager and cannot lose any credits earned prior to the strategy choice.

(h) Slot machine and table game circulation and density requirements including, but not limited to, those related to:

(1) Promotion of optimum physical safety, security, and the comfort of players;

(2) Creation and maintenance of a gracious playing environment; and

(3) Promotion of a competitive games mix.

- (i) Progressive slot machines including multi-casino progressive systems.
- (j) Commission review requirements and product approval standards related to table game devices.
- (k) Rules of the game for each table game permitted under this chapter which include a prohibition on:
 - (1) Use of a shill or barker to induce an individual to enter a gaming floor or play a table game;
 - (2) A dealer in a table game in which cards are dealt to deal cards by hand or other than from a device specifically designed for that purpose unless otherwise permitted by the rules of the commission; and
 - (3) A key employee, gaming employee directly involved with the conduct of gaming operations, including but not limited to dealers, floor persons, box persons, security and surveillance employees, or any other individual so designated by the commission from wagering at the gaming location at which they are employed.
- (l) Physical and logical access to computer systems, including but not limited to, systems meeting the definition of associated equipment and the location of the primary and back-up system attendant to each.
- (m) Such other gaming equipment requirements as the commission shall deem appropriate.

III. A gaming licensee shall only possess, maintain, offer for play, or exhibit a slot machine, associated equipment, and table game devices on a gaming floor or in a restricted area approved by the commission for the installation, inspection, repair, or storage of such equipment, provided, however, that this limitation shall not apply to a licensed gaming vendor who operates a warehouse, showroom, or sales facility within the state subject to the approval of the commission.

IV. Notwithstanding the provisions of paragraph III, the commission may allow the collective hardware, software, communications technology, and other ancillary equipment used to facilitate a multi-casino progressive system to reside outside a gaming location in a secure facility inaccessible to the public and specifically designed for that purpose.

V. No slot machine shall be sold, leased, or distributed within the state or used by a gaming licensee to conduct gaming unless it is identical in all electrical, mechanical, and other respects to a prototype thereof that has been both:

- (a) Tested and certified by an independent testing laboratory meeting the requirements of paragraph VIII as complying with the requirements of this chapter and the rules, technical standards, and testing protocols adopted by the commission; and

- (b) Approved by the commission.

VI. No associated equipment shall be sold, leased, or distributed within the state or utilized by a gaming licensee to facilitate the operation of a slot machine, the conduct of a table game, or the calculation of gaming revenue unless a prototype thereof is both:

- (a) Tested and certified by an independent testing laboratory meeting the requirements of paragraph VIII as complying with the requirements of this chapter and the rules, technical standards, and testing protocols adopted by the commission; and

- (b) Approved by the commission.

VII. The cost of all testing and certification services required in accordance with paragraphs V and VI shall be paid by the licensed gaming vendor of the slot machine or associated equipment.

VIII. The commission shall periodically test slot machines and associated equipment installed at a gaming location and may utilize the services of independent testing laboratories to assist its staff in the performance of such testing. The gaming licensee shall pay the cost of such testing including, but not limited to, the cost of any independent testing laboratory services utilized by the commission.

IX. The commission shall utilize, and shall accept data, forensic reports, and certifications in accordance with paragraphs V, VI, and VII of this section from multiple independent testing laboratories provided each laboratory meets the following criteria:

- (a) Holds a certificate in good standing for compliance with:

- (1) International Organization for Standardization # 17025 – General Requirements for the Competence of Testing and Calibration Laboratories as amended, amplified, or substituted by that organization or a functional equivalent; and

(2) International Organization for Standardization # 17020 – General Criteria for the Operation of Various Types of Bodies Performing Inspections as amended, amplified, or substituted by that organization or a functional equivalent.

(b) Has performed testing and certification of gaming equipment, systems, and software on behalf of a state or tribal jurisdiction within the United States for a period of 5 or more years.

(c) Has been determined by the commission to be qualified in accordance with standards adopted by rules consistent with this chapter.

284-B:44 Payout Percentage.

I. No slot machine shall be sold, leased, or distributed within the state or used by a gaming licensee to conduct gaming unless it has been certified by an independent testing laboratory meeting the requirements of RSA 284-B:43, VIII as having a minimum theoretical payout percentage of 85 percent and a maximum theoretical payout percentage of less than 100 percent.

II. A gaming licensee shall prominently post on its gaming floor information regarding the minimum theoretical payout percentage required by paragraph I of this section and such other disclosures to slot machine players as the commission shall deem in the best interest of slot machine players.

III. The commission shall require that each slot machine prominently display to slot machine players an award schedule disclosing the value of each winning combination.

284-B:45 Wagers; Table Games Gaming Guide.

I. A gaming licensee shall equip each gaming table with a sign indicating the permissible minimum and maximum wagers pertaining thereto.

II. A gaming licensee shall not accept a wager greater than the stated maximum or less than the stated minimum, provided, however, that a wager actually made by a player and not rejected by a gaming licensee prior to the commencement of play shall be treated as a valid wager.

III. A gaming licensee shall make available to any player upon request the complete text of any rules adopted by the commission regarding table games and the conduct of play, the pay-off of a winning wager, an approximation of the odds of winning for each wager, and such other disclosures to the player as the commission shall require. If requested by the player, the information required by this paragraph shall be made available in hard copy form at no cost to the player.

IV. A gaming licensee shall prominently post on its gaming floor such information regarding the conduct of table game play, the pay-off of a winning wager, an approximation of the odds of winning for each wager, and such other disclosures to the player as the commission shall require.

284-B:46 Gaming Ticket Expiration, Unclaimed Tickets, Cash, and Prizes.

I. A gaming licensee shall redeem a ticket issued by a slot machine for cash or a cash equivalent for a period of one year from the date of issuance of the ticket.

II. Upon the expiration of the one-year period in paragraph I, the value of the expired ticket shall revert to the state as an unclaimed prize.

III. A gaming licensee shall retain unclaimed cash and winnings for a player for a one-year period from the date of the transaction generating the cash or winnings.

IV. Upon the expiration of the one-year period in paragraph III, the value of the unclaimed cash or winnings shall revert to the state as unclaimed prizes.

V. The commission shall issue rules consistent with this chapter and the efficient administration of a gaming licensee's obligations hereunder with regard to the reversion of amounts to the state.

284-B:47 Junkets. No junket may be organized or permitted and no person may act as a junket representative or junket enterprise except as authorized by the commission under rules adopted pursuant to this chapter.

284-B:48 Gross Revenue Tax and Other Assessments Payable by a Gaming Licensee.

I. A gaming licensee shall remit to the state treasurer a tax of 35 percent of gross slot machine revenue and 18 percent of gross table game revenue in a manner and time as provided for by this chapter.

(a) Upon receipt of payment of taxes on gross slot machine revenue and gross table game revenue by a gaming licensee under this chapter and in accordance with a schedule established by the state treasurer, the state treasurer shall:

(1) Pay 3 percent of the gross slot machine revenue of the gaming licensee located in the host community to the host community;

(2) Pay one percent of the gross slot machine revenue of the gaming licensee to the New Hampshire community or communities that abut the host community, dividing such one percent for payment in equal shares if there is more than one abutting community; provided, however, that if a community abuts more than one host community, such abutting community shall only receive a percentage of gross slot machine revenue pursuant to this paragraph from that gaming licensee who operates a gaming location in closer proximity to the abutting community as measured by distance between the gaming location and the town line of such abutting community;

(3) Pay one percent of the gross slot machine revenue of the gaming licensee to the county in which the host community is located;

(4) Pay one percent of the gross slot machine revenue to the commissioner of the department of health and human services to support programs established by RSA 172 to identify, assess, prevent, and treat both compulsive and problem gambling and the related disorders of drug and alcohol addiction;

(5) Return that part of the gross slot machine revenue remaining after the distributions provided in subparagraphs (1) through (4) to cities and towns in New Hampshire equal to the amounts determined in accordance with RSA 31-A:4 as restored by this act, or if the remaining gross slot machine revenue is less than the amounts that would otherwise be payable in accordance with RSA 31-A:4, then each such city's or town's pro rata share of the total available amount determined in accordance with RSA 31-A:4; and

(6) Deposit the balance into the gaming regulatory fund established by RSA 284-B:18, VI.

(b) Upon payment of taxes on gross slot machine revenue and gross table game revenue by a gaming licensee under this chapter, and subject to payment by the state treasurer of the amounts specified in subparagraph (a), the commission shall:

(1) Reimburse funds received by the commission from activities authorized by RSA 284, RSA 287-D, RSA 287-E, and RSA 287-F in proportion to the expenses of the commission borne by each such activity in the administration of this chapter as authorized by RSA 284-B:3, VII(a), prior to the payment of the license fee.

(2) Reimburse funds received by the gaming regulatory oversight authority from activities authorized by RSA 284 and RSA 287-F in proportion to the expenses of the authority borne by each such activity in the administration of RSA 284-A.

(3) Charge to and pay out of the tax payments received the compensation of the commissioners, expenses of the commissioners, compensation of assistants, and other necessary expenses of the commission, of the office of the commission chair, and of the division of gaming control, including suitable furniture, equipment, supplies, and office expenses, provided that the commission shall submit an operating budget based on accounting units or other budgetary units required by the general court and shall submit its budget in the same format and at the same time as other state agencies; provided, however, the commission is authorized to transfer funds between line items within and among any budgetary unit.

(4) Make distributions to the state treasurer for transfer to the attorney general and the department of safety and local law enforcement agencies in amounts equal to any costs of regulatory control over a gaming licensee that are not covered by any other designated source of funding in this chapter, provided that such distributions shall be in accordance with a budget approved by the general court.

II. The general court shall determine the distribution of the balance of tax payments on gross slot machine revenue or gross table game revenue remitted by a gaming licensee that remains after provision for the distributions and charges provided for by paragraph I.

III. A gaming licensee shall deliver to the state treasurer the amount due to the state treasurer provided for in this section in immediately available funds of the United States at least once a week in such manner and at such time as the state treasurer, with the concurrence of the commission, shall agree. At the time payment is delivered, a gaming licensee shall provide to the state treasurer a written accounting of gross table game revenue and gross slot machine revenue on an aggregate basis together with its calculation of the

amount due to the state treasurer pursuant to this section. The gaming licensee's written accounting shall be in a form satisfactory to the commission and shall be filed concurrently with the commission. A 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 treasurer and/or the commission.

IV. A gaming licensee shall remit to the commission a fee in the amount of \$600 per year per slot machine which fee shall be deposited in a public health trust fund administered by the commission dedicated to addressing problems associated with compulsive gambling, including, but not limited to, gambling prevention and addiction services, substance abuse services, educational campaigns to mitigate the potential addictive nature of gambling, research, and any studies and evaluations consistent with this chapter.

284-B:49 Conservatorship.

I. Upon revocation or suspension of a gaming license by the commission or upon the failure or refusal of a gaming licensee to renew a gaming license for any reason, the commission may seek the appointment of a conservator pursuant to this section to temporarily manage and operate the business of the gaming licensee relating to a gaming location if it is able to establish both of the following:

(a) The possible adverse economic impact of closure of the gaming location upon the host community and upon the state generally is significant.

(b) Continued gaming operations pursuant to a conservatorship would facilitate speedy transfer of ownership of the gaming location in a manner that does not unreasonably endanger the public health, safety, morals, good order and general welfare. Such conservator shall be a person of similar experience in the field of gaming management and, in the case of replacing a gaming licensee, shall have experience operating a gaming location of similar caliber in another jurisdiction, and shall be in good standing in any jurisdiction where the person has held or holds a license, registration or other authorization. Upon appointment, a conservator shall agree to operate a gaming location in compliance with all requirements of the statement of conditions issued by the commission in connection with the gaming license for the gaming location.

II. If the commission deems it warranted pursuant to this section, the commission, and only the commission, may petition ex parte for a court order appointing a conservator for the gaming location. The decision to file such a petition is discretionary with the commission, and in determining whether such a petition shall be filed, the commission shall consider, at any time following issuance of an order revoking or suspending a gaming license or upon the failure or refusal to renew a gaming license the following criteria.

(a) The nature of the violation or event that resulted in the revocation, suspension, surrender, or lapse.

(b) The ability and actions taken, if any, for a removal by a gaming licensee in good standing of persons who committed the violation.

(c) The involvement in the operation during a proposed conservatorship of persons whose licenses were revoked, suspended, surrendered, or lapsed.

(d) The economic impact of closure of the gaming location upon the community in which the establishment is located.

(e) The economic impact of closure of the gaming location upon the state of New Hampshire.

(f) The prior efforts, if any, to sell the gaming location.

(g) The involvement, if any, of undisclosed interests in the gaming location.

(h) The presence, if any, of a publicly traded holding company and the public trading that would occur during a conservatorship.

(i) The current status of all fees and taxes applicable to the operation.

(j) The adequacy of existing financing for the operation, if continued, and the suitability of the source of such financing.

(k) The impact upon public confidence and trust that gaming operations in New Hampshire are conducted honestly, competitively, and free from criminal and corruptive elements.

(l) The ownership of the gaming location or an interest therein by persons other than the offending, surrendering, or lapsed licensee.

(m) Any other matter material to a full and complete consideration of the particular circumstances presented.

(n) The availability of 2 or more persons qualified and willing to assume the position of conservator for the gaming location in question, unless, in the opinion of the commission, only one person is available who is qualified to serve, in which case the commission may name only that person.

III. The commission may decline to petition for appointment of a conservator if satisfied that because of any or all of the above considerations or for any other reason, a continuation of the operation of the gaming location would not be in the best interest of the state, the gaming industry, or both.

IV. The commission shall not petition for a conservator to continue gaming operations at any gaming location if any of the following are established:

(a) A rehearing has been granted by the commission to the gaming licensee on the revocation or suspension of its license and the rehearing has not been concluded.

(b) The gaming location has never been in operation and opened to the public.

(c) The gaming location is, or reasonably appears to be, insolvent.

(d) Gaming operations ceased at the gaming location for any reason prior to revocation, suspension, or lapse of an essential license.

V. A conservator shall, before assuming managerial or operational duties, execute and file a bond for the faithful performance of its duties payable to the commission with such surety and in such form and amount as the commission shall approve.

VI. After issuance of an order to appoint a conservator, the former or suspended gaming licensee may not exercise any of its privileges, collect or receive any debts, or pay out, sell, assign, or transfer any of its assets to anyone without prior approval of the appointed conservator and the commission.

VII. A conservator shall not distribute earnings of the gaming location to the former licensed owners thereof, until deduction is made for:

(a) All amounts payable under this chapter.

(b) The costs of the conservatorship, including compensation and expenses incurred by the conservator and those engaged by the conservator to aid in the conservator's duties, then due and owing.

(c) Amounts deemed necessary by the conservator for continuing the operation of the gaming location including, but not limited to, bankroll, salaries, and foreseeable operating expenses.

(d) Amounts deemed necessary by the conservator to preserve the assets of the gaming location.

(e) A reserve fund sufficient, in the determination of the conservator, to facilitate continued operation in light of pending civil litigation, disputed claims, contractual obligations, taxes, fees, and any other contingency known to the conservator which may require payment by the gaming location.

VIII. During the period of conservatorship, the commission shall, as applicable, initiate proceedings under this chapter to award a new gaming license to a qualified applicant. An applicant for a new gaming license shall be qualified for licensure under this chapter, provided, however, that the commission shall determine an appropriate minimum capital investment by an applicant into the preexisting gaming location and upon award of a new gaming license, the new gaming licensee shall pay the original licensing fee required under this chapter.

IX. Following the sale, assignment, conveyance, or other disposition in bulk of all the property subject to a conservatorship and the payment of any obligations to the state and political subdivisions pursuant to this chapter, the commission shall conduct a hearing to determine the distribution of the remaining assets.

X. The commission may issue an order to discontinue a conservatorship when:

(a) The commission determines that circumstances requiring the appointment of the conservator no longer exist.

(b) The conservator has, with the prior approval of the commission, consummated the sale, assignment, conveyance, or other disposition of all the assets or interest of the former gaming licensee relating to the gaming license.

284-B:50 Prohibitions on Certain Political Contributions.

I. For the purposes of this section:

(a) "Candidate" means any person publicly declared as such, including any person who prior to the opening of the period for the filing of a declaration of candidacy has made a public statement of intent to run for elective office, and for whom votes are sought in an election, but shall not include a person seeking nomination or election to any federal public office.

(b) "Close associate" means a person who holds a relevant financial interest in, or is entitled to exercise power in, the business of a gaming applicant or gaming licensee and, by virtue of that interest or power, is able to exercise a significant influence over the management or operation of a gaming location or business licensed under this chapter.

(c) "Co-employee" means a individual that through a contractual arrangement is employed by 2 separate business entities that share control over an employee's work or working conditions.

(d) "Contribution" shall be defined as in RSA 664:2.

(e) "Political committee" shall be defined as in RSA 664:2.

(f) "Political party" shall be defined as in RSA 664:2.

(g) "Independent expenditure" shall be defined as in RSA 664:2.

(h) "Dependent person" means an individual that is an employee or co-employee of a gaming applicant or gaming licensee, an employee or co-employee of a person affiliated with a gaming applicant or gaming licensee or an enterprise or firm, or an officer, director, partner, owner, or key employee of an enterprise or firm, that is a party to any contract with, or is bidding for or seeking to enter any contract with, or regularly represents or provides services to, a gaming applicant or gaming licensee.

(i) "Public official" means any person holding the office of governor, executive councilor, state senator, state representative, county commissioner, county treasurer, county attorney, county sheriff, county registrar of deeds, or local, town or city office.

(j) "Solicitation" means a request, suggestion, or recommendation made to a particular person, by any means of communication, that the person make a contribution, provided, however, that a statement to a person expressing support for or opposition to the election of any candidate, or support for or opposition to any political party, which is made without reference to a contribution, or a statement intended for and given public dissemination encouraging all persons to make contributions to any candidate or political party, is not a solicitation.

(k) "Thing of value" means an item of real, personal, or intellectual property that may be converted into money by selling it or pledging it as security for a loan or other advance of funds; a loan of assets, property, personnel, or facilities for use by a candidate or political party, such as, without limitation, office space, automobiles, telephones or telephone services, or the time and effort of employees or consultants who are paid by the person making the contribution; a personal or professional service that is not incidental to the expression of a person's ideological beliefs or membership in a political party, and that has a value to the candidate or political organization; a non-reimbursed expense that is not incidental to the expression of a person's ideological beliefs or membership in a political party, and is of the type normally incurred by the candidate or political organization; or any thing, service, expense, or other item of value similar to that identified in this paragraph.

II. A gaming applicant, a gaming licensee, a close associate of a gaming applicant or gaming licensee or any holding, intermediary, or subsidiary company of a gaming applicant or gaming licensee or any dependent person thereof; an officer, director, key employee, or principal of a gaming applicant or gaming licensee; a person who holds at least a one percent interest in a gaming applicant or gaming licensee; the spouse or children of a gaming applicant or gaming licensee; or any person or agent acting on behalf of any of the persons enumerated herein are prohibited from making contributions of money or things of value to public officials or candidates for public office and political parties in New Hampshire provided further that the above-mentioned persons shall not offer or give to a candidate or public official or his or her spouse, his or her parent, brother, sister, or child or spouse of such child, or a business with which he or she is associated, anything of value, including, but not limited to, a gift, loan, political contribution, reward, or promise of future employment.

III. A gaming applicant, a gaming licensee, a close associate of a gaming applicant or gaming licensee or any holding, intermediary, or subsidiary company of a gaming applicant or gaming licensee or any dependent person thereof; an officer, director, key employee, or principal of a gaming applicant or gaming licensee; a person who holds at least a one percent interest in a gaming applicant or gaming licensee; the spouse or children of a gaming applicant or gaming licensee; or any person or agent acting on behalf of any of the persons enumerated herein are prohibited from making a contribution to a candidate or political committee through a legal entity that is established, directed, or controlled by the persons described in this paragraph.

IV. No candidate or public official or political committee shall solicit or accept from a gaming applicant, a gaming licensee, a close associate of a gaming applicant or gaming licensee or any holding, intermediary, or subsidiary company of a gaming applicant or gaming licensee or any dependent person thereof; an officer, director, key employee, or principal of a gaming applicant or gaming licensee; a person who holds at least a one percent interest in a gaming applicant or gaming licensee; the spouse or children of a gaming applicant or gaming licensee; or any person or agent acting on behalf of any of the persons enumerated herein anything of value, including but not limited to, a gift, loan, political contribution, reward, or promise of future employment.

V. This prohibition is designed to protect the public interest in both the fact and the appearance of the independence of the political process, and the insulation of the government institutions that are responsible for the supervision of the gaming industry, from the uniquely powerful economic force that is presented by that industry. The protection of these interests is critical to the maintenance of public confidence and trust in the regulation of gaming in New Hampshire.

VI. A violation of the prohibitions in paragraphs II through V shall be punishable by a fine not to exceed \$20,000 per illicit donation plus the amount of each illicit donation and such other sanctions and penalties as the commission shall deem appropriate.

VII. The prohibitions enumerated in paragraphs II through V shall also apply to an applicant for, or holder of, a key employee license or gaming vendor license, a close associate of a gaming vendor applicant or gaming vendor licensee, or any holding, intermediary, or subsidiary company of a gaming vendor applicant or gaming vendor licensee or any dependent person thereof; an officer, director, key employee, or principal of a gaming vendor applicant or gaming vendor licensee; a person who holds at least a one percent interest in a gaming vendor applicant or gaming vendor licensee; the spouse or children of a key employee applicant or key employee licensee, gaming vendor applicant, or gaming vendor licensee; or any person or agent acting on behalf of any of the persons enumerated herein.

VIII. A violation of the prohibitions in paragraphs VII shall be punishable by a such sanctions and penalties as the commission shall deem appropriate.

IX. The chief executive officer of a gaming applicant, a gaming licensee, an applicant for a gaming vendor license, or a gaming vendor licensee shall annually certify to the commission and to the attorney general under oath that they have developed and implemented internal safeguards and policies intended to prevent a violation of this provision and that such person has conducted a good faith investigation that has not revealed any violation of this provision during the past year.

284-B:51 Data; Research.

I. Notwithstanding any law to the contrary, a gaming licensee shall supply the commission with customer tracking data collected or generated by loyalty programs, player tracking software, player card systems, cashless wagering systems, or any other player incentive related information system. The commission shall contract with an experienced nonprofit research entity to develop an anonymizing system that automatically removes from the data:

(a) Personal identifying information, including player name, street address, bank or credit information, and the last 4 digits of a player's zip code.

(b) Slot machine identifying information, including game name and manufacturer, in protection of corporate intellectual property.

(c) The data shall retain information on player characteristics including, but not limited to, gender, age, and region of residence, and player behavior including, where available on the systems referenced in this paragraph, frequency of play, length of play, speed of play, denomination of play, amounts wagered and, if applicable, number of lines or hands played and the characteristics of the games played including, but not limited to, reel configuration, return-to-player, and volatility index.

II. The commission shall convey the anonymized data to a research facility which shall make the data available to qualified researchers for the purposes of:

- (a) Conducting analyses that improve understanding of how gambling addiction develops and progresses.
- (b) Developing evidence-based harm minimization strategies.
- (c) Developing evidence-based systems to monitor, detect, and intervene in high-risk gambling.

III. The commission shall request reports on researcher analyses of the behavioral data, which could provide informed recommendations to the general court relative to more effective regulation of gambling operations. The commission may directly initiate studies assessing the effectiveness of any specific measures, programs, or interventions which the state has imposed on its gaming licensees and which might be illuminated through the behavioral data in question.

IV. The commission, with the advice of the gaming regulatory oversight authority, shall develop an annual research agenda in order to understand the social and economic effects of expanding gaming in New Hampshire and to obtain scientific information relative to the neuroscience, psychology, sociology, epidemiology, and etiology of gambling. The commissioner of health and human services, with the advice and consent of the commission, may expend funds received pursuant to RSA 284-B:48 to implement the objectives of the research agenda. The commission shall annually make scientifically-based recommendations which reflect the results of this research to the general court. The commission shall consider any such recommendations, research, and findings in all decisions related to enhancing responsible gaming and mitigating problem gambling.

284-B:52 Adjusted Charitable Benefit. 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, 2013 ("FY 13") or the fiscal year ending June 30, 2014, ("FY 14") shall be eligible to receive an adjusted charitable benefit as follows:

(a) If the eligible charity held charitable games during FY 13, but not during FY 14, then the gaming commission shall determine the total net revenue awarded to each such eligible charity from charitable games held during FY 13. This amount shall be called the "FY 13 base charitable benefit."

(b) If the eligible charity held charitable games during FY 14, then the gaming commission shall determine the total net revenue awarded to each such eligible charity from charitable games held during FY 14. This amount shall be called the "FY 14 base charitable benefit."

(c) Within 60 days of the close of each fiscal year in which a gaming licensee has operated video lottery machines or table gaming pursuant to this chapter, the gaming commission shall determine the total net revenue awarded from charitable games for the immediately preceding fiscal year for each charity that both:

(1) Is an eligible charity under this section; and

(2) Conducted charitable games during the immediately preceding fiscal year. This amount shall be called the "annual charitable benefit."

(d) For each charity for which an annual charitable benefit calculation was made under subparagraph (c), the gaming commission shall determine if the FY 13 base charitable benefit or the FY 14 base charitable benefit, as applicable, exceeds the annual charitable benefit. If the FY 13 base charitable benefit or FY 14 base charitable benefit, as applicable, exceeds the annual charitable benefit, the difference shall be called the "adjusted annual charitable benefit" and the gaming commission shall notify the gaming licensee of the amount of the aggregate adjusted annual charitable benefit for all applicable eligible charities for the immediately preceding fiscal year.

(e) Within 20 days of receipt of such notice, each gaming licensee shall pay 1/2 of the aggregate adjusted annual charitable benefit determined under subparagraph (d) to the gaming commission; provided that in any fiscal year in which only one gaming licensee has conducted operations for the entire fiscal year, that one gaming licensee shall pay the entire adjusted annual charitable benefit.

(f) Within 15 days of receipt of payment of the aggregate adjusted annual charitable benefit, the gaming commission shall pay the individual adjusted annual charitable benefit to each applicable eligible charity.

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

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

(i) An eligible charity shall only be entitled to receive an adjusted annual charitable benefit for a particular fiscal year if it conducted charitable games in accordance with RSA 287-D or RSA 287-E during that same fiscal year. If a charity eligible under this paragraph stops conducting such charitable games for 2 consecutive fiscal years after the opening of the gaming licensee, such charity shall no longer be eligible to receive an annual charitable benefit.

284-B:53 Legal Shipment of Gaming Devices Into New Hampshire. All shipments into this state of gaming devices, including slot machines, 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:54 Declaration of Limited Exemption From Operation of the 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 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 by the commission pursuant to it, and that any such gambling device transported in compliance with state law or regulations shall be exempt from the provisions of that Act of Congress.

284-B:55 Severability and Preemption.

I. If any clause, sentence, subparagraph, paragraph, subsection, section, article, or other portion of this chapter or the application thereof to a person or circumstances shall be held to be invalid, such holding shall not affect, impair, or invalidate the remainder of this chapter or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, subparagraph, subsection, section, article, or other portion thereof directly involved in such holding or to the person or circumstance therein involved.

II. If any provision of this chapter is inconsistent with, in conflict with, or contrary to any other provision of law, such provision of this act shall prevail over such other provision and such other provision shall be deemed to be amended, superseded, or repealed to the extent of such inconsistency or conflict. Notwithstanding the provisions of any other law to the contrary, no local government unit of this state shall enact or enforce any ordinance or resolution conflicting with any provision of this act or with any policy of this state expressed or implied herein, whether by exclusion or inclusion. The commission shall have exclusive jurisdiction over all matters delegated to it or within the scope of its powers under the provisions of this chapter.

2 Gaming Regulatory Oversight Authority. RSA 284-A is repealed and reenacted to read as follows:

284-A:1 Gaming Regulatory Oversight Authority. There is hereby established a gaming regulatory oversight authority to ensure integrity and public confidence in gaming regulation and to oversee and assess the regulation of gaming activities authorized pursuant to New Hampshire law, to advise the gaming commission established by RSA 284-B on all matters pertaining to the exercise of the gaming commission's powers and rights and the performance of the gaming commission's duties and responsibilities, and to report at least annually to the general court with its findings and recommendations regarding the appropriate regulation of gambling in New Hampshire. The authority shall consist of the following members:

I. The attorney general, or designee.

II. The commissioner of the department of safety, or designee.

III. One member of the senate, appointed by the president of the senate.

IV. One member of the house of representatives, appointed by the speaker of the house of representatives.

V. One member who has relevant experience, appointed by the governor.

VI. Two public members appointed by the governor one of whom shall be appointed to serve as the chair of the authority.

284-A:2 Functions and Duties of the Authority.

I. The authority shall evaluate whether the current and proposed regulations, policies, and practices for legal gaming in the state are adequate to operate in a manner that protects the public interest and allows the regulation of gaming to be conducted in an effective and efficient manner, advise the gaming commission at regular quarterly or special meetings of its findings and recommendations, and report its findings and recommendations annually to the general court.

II. Meetings shall be called by the chair. All meetings of the authority shall be open to the public and subject to RSA 91-A.

III. With regard to meetings, minutes, and records of the authority:

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

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

(c) All records, information, or data maintained or kept by the authority shall be maintained or kept at the office of the gaming commission.

IV. The balance of unexpended funds remaining in the allocation by the lottery commission in 2013 of \$250,000 to the authority shall be available to the authority until June 30, 2015. Notwithstanding any provision of law to the contrary, for fiscal years 2014 and 2015, the authority may expend funds remaining in this allocation as needed to support its activities including, but not limited to, the hiring of staff and the retention of experts in the area of the authority's oversight activities. In fiscal years 2014 and 2015, the gaming commission may expend the remaining balance of said \$250,000 in funds not otherwise appropriated to support the authority's activities. The authority may expend such funds without the approval of the governor and executive council.

V. The gaming commission and all agencies and commissions subject to the authority of the gaming commission shall cooperate with the authority and shall provide data and information to the authority upon request. The authority shall be administratively attached to, but not under the control of, the gaming commission pursuant to RSA 21-G:10.

3 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 commission for such violations. The unit shall report the results of any investigation conducted to the commission.

(b) Participate in any hearing conducted by the 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.

4 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, thoroughbred races, and activities licensed by the commission or the racing and charitable gaming commission.

5 New Paragraph; Facility License; 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 and subject to the same hours of sale as all other on-premises licenses pursuant to RSA 179:17, II(b).

6 New Subparagraph; Authorized Slot Machines and Table Games. Amend RSA 647:2, V by inserting after subparagraph (c) the following new subparagraph:

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

7 Rehabilitation of Problem Gambling. 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, **gambling**, alcohol and drug abuse within the state through education, treatment, community organization, and research.

8 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.]

9 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.

10 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.

11 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.

12 New Paragraphs; Gaming Offenses. Amend RSA 647:2 by inserting after paragraph I-b the following new paragraphs:

I-c.(a) A person shall be guilty of cheating if such person, during a game in a gaming location licensed by the commission, knowingly and by any trick or sleight of hand performance or by a fraud or fraudulent scheme, cards, dice, or other gaming device for oneself or for another:

- (1) Wins, or attempts to win, money or property; or
- (2) Reduces, or attempts to reduce, a losing wager in said gaming location shall be guilty of cheating.
- (3) Uses a cheating device or game in a gaming location licensed by the commission shall be guilty of cheating.

(b) Whoever commits the offense of cheating shall be punished as follows:

(1) A person is guilty of a class A felony if the value of the money, property, or wager cheated is \$75,000 or more, and in the case of a person other than a natural person, by a fine not to exceed \$100,000.

(2) A person is guilty of a class B felony if the value of the money, property, or wager cheated is \$10,000 or more but less than \$75,000, and in the case of a person other than a natural person, by a fine not to exceed \$100,000.

(3) A person if guilty of a class A misdemeanor if the value of the money, property or wager cheated is \$1,000 or more but less than \$10,000, and in the case of a person other than a natural person, by a fine not to exceed \$20,000.

(d) Each episode or transaction of cheating may be the subject of a separate prosecution and conviction. In the discretion of the state, multiple episodes or transactions of cheating committed as part of a single scheme or course of conduct may be treated as a single offense and the amounts involved in acts of cheating committed according to a scheme or course of conduct, whether by the same person or several persons, may be aggregated in determining the value of money, property, or wager involved in the offense.

(e) A gaming applicant, gaming licensee, and an applicant for, or holder of, a principal license, key employee license, gaming employee registration, non-gaming employee permit, gaming vendor license, non-gaming vendor registration, or other person who, in a gaming location, knowingly:

- (1) Conducts or operates any game using a cheating device or game;
- (2) Displays for play a cheating game; or

(3) Permits to be conducted, operated or displayed, any cheating device or game shall be guilty of a class B felony, and in the case of a person other than a natural person, by a fine not to exceed \$100,000.

I-d.(a) Whoever possesses a cheating device or game, with the intent to defraud, cheat, or steal, shall be guilty of a class A misdemeanor, and in the case of a person other than a natural person, by a fine not to exceed \$20,000.

(b) Knowing possession of a cheating device or game within a gaming location shall constitute prima facie evidence of an intent to defraud, cheat, or steal, except possession by a gaming licensee or an employee of a gaming licensee, acting lawfully in furtherance of such person's employment within the casino, and shall constitute a class B felony.

13 New Subparagraph; Gaming Offenses. Amend RSA 647:2, V by inserting after subparagraph (c) the following new subparagraph:

- (d) A gaming location approved and licensed by the commission under RSA 284-B.

14 New Paragraph; Gaming Offenses. Amend RSA 647:2 by inserting after paragraph VI the following new paragraph:

VII.(a) Whoever, being under 21 years old, plays, places wagers at or collects winnings from, whether personally or through an agent, a game in a gaming location licensed by the commission shall be guilty of a violation level offense and shall be punished by a fine not to exceed \$1,000.

(b) Whoever, being a gaming location licensee by the commission or an employee of a gaming location licensee, who knowingly allows a person under the age of 21 to play, place wagers at, or collect winnings from a game in a gaming location licensed by the commission, whether personally or through an agent, shall be guilty of a class B misdemeanor and shall be punished, for a first offense, by a fine not to exceed \$1,200, and in the case of a person other than a natural person, by a fine not to exceed \$20,000 and, for a second or subsequent offense, shall be guilty of a class A misdemeanor, and in the case of a person other than a natural person, by a fine not to exceed \$20,000.

(c) Whoever knowingly plays, places wagers at, or collects winnings from a game in a gaming location licensed by the commission for or on behalf of a person under 21 years of age shall be guilty of a class B misdemeanor and shall be punished by a fine of not more than \$1,200 for the first offense, and, for a second or subsequent offense, shall be guilty of a class A misdemeanor, and in the case of a person other than a natural person, by a fine not to exceed \$20,000.

15 Issuance of Reports. Amend RSA 20:7 to read as follows:

20:7 Issuance of Reports. The following agency reports shall be issued annually: secretary of state, state treasurer, bank commissioner, insurance commissioner, division of personnel, commissioner of revenue administration, ~~[lottery commission, racing and charitable]~~ gaming commission, liquor commission, department of transportation, department of environmental services, department of safety, adult parole board, and the board of trustees of the state colleges and university. All other reports shall be issued biennially. All reports shall cover periods ending on June 30, and be submitted to the governor and council, the speaker of the house of representatives, and the senate president by October 1. Biennial reports shall cover periods ending in odd-numbered years.

16 New Subparagraphs; Application of Receipts; Gaming Regulatory Fund; Public Health Trust Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (316) the following new subparagraphs:

- (317) The gaming regulatory fund established in RSA 284-B:18.
- (318) The public trust health fund established in RSA 284-B:48, IV.

17 Transfer of Powers. The transfer of powers, rights, duties and responsibilities to the gaming commission pursuant to RSA 284-B:3 shall not take effect until all 5 commissioners of the gaming commission have been duly appointed and sworn, which appointments shall be made at the earliest possible date after passage.

18 Restoration of Revenue Sharing with Cities and Towns. RSA 31-A shall be restored to the form in which it existed prior to its suspension as provided by 2013, 144:2, effective as of the fiscal year in which payments are first made pursuant to RSA 284-B:48.

19 Change from "Racing and Charitable Gaming Commission" to "Gaming Commission". Amend the following RSA provisions by replacing "racing and charitable gaming commission" with "gaming commission": 6:12-d, II(1); 21:33-a, III(a); 21-I:18, I(n); 21-P:4, VI (introductory paragraph); 167:7-b, II(c); 175:1, LVI; 273-C:2, IV; 284:6-a, IV-VI; 284:9; 284:11; 284:12; 284:12-a; 284:20-f; 284:22; 284:23; 287-A:8, III; 287-D:1-b; 287-D:2; 287-D:2-b; 287-D:2-c; 287-D:2-d; 287-D:3; 287-D:6, III; 287-D:7; 287-D:8; 287-E:1, VI; 287-E:7, II(b); 647:2, V(a).

20 Change from "Racing and Charitable Gaming Commission" to "Racing and Charitable Gaming Division." Amend the following RSA provisions by replacing "racing and charitable gaming commission" with "racing and charitable gaming division": 284:7; 284:8; 284:13; 284:13-a; 284:14; 284:14-c; 284:14-d; 284:20-d; 284:32-b; 284:38-a; 284-A:1; 287-D:1-a; 287-D:2, II; 287-D: VIII-X; 287-D:9; 287-E:2; 287-E:16.

21 Change from "Lottery Commission" to "Gaming Commission". Amend the following RSA provisions by replacing "lottery commission" with "gaming commission": 6:12, I(b)(1); 21-I:18, I(g); 94:1-a; 284:21-jj; 284:21-f; 284:21-i; 284:21-j.

22 Change from "Lottery Commission" to "Lottery Division". Amend the following RSA provisions by replacing "racing and charitable gaming commission" with "lottery division": 284:21-h; 284:21-k; 284:21-m; 284:21-o; 284:21-q; 284:21-s; 284:21-v; 287-F:10, I-j; 663:8.

23 Change from "Lottery Commission and Racing and Charitable Gaming Commission" to "Gaming Commission". Amend the following RSA provisions by replacing "lottery commission and racing and charitable gaming commission" with "gaming commission": 284:17-c; 284:21-j; 284-A:2, I(e); 284-A:2, VI; 20:7; 21:33-a.

24 Gaming Regulatory Oversight Authority; Reference Changed. Amend RSA 284-A:1, III to read as follows:

III. The executive director of the lottery [~~commission~~] **division**, or designee.

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

2014-1179s

AMENDED ANALYSIS

This bill:

I. Establishes the gaming commission and places the lottery commission and racing and charitable gaming commission under its jurisdiction as separate divisions.

II. Allows for the selection and operation of 2 casinos in New Hampshire, including the operation of video slot machines and table games.

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

IV. Distributes proceeds from gross slot machine income and gross table game income to reimburse the gaming regulatory oversight authority for certain expenses and to pay for the operation of the gaming commission.

V. Distributes a percentage of proceeds from gross slot machine revenue and gross table game revenue to the host community, those communities abutting the host community, the host county, the department of health and human services to support addiction programs to cities and towns under the revenue sharing agreement, and the gaming regulatory fund.

VI. Lifts the suspension on revenue sharing with cities and towns under RSA 31-A.

VII. Prohibits the use of electronic benefit transfer cards (EBTs) at establishments licensed by the gaming commission.

VIII. Establishes the gaming regulatory fund.

The question is on the adoption of Floor Amendment 1179s. Adopted.

Recess. Out of recess.

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

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

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

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

Yeas: 15 - Nays: 9

Adopted.

Without objection, Senate Rule 4-5 is suspended to allow SB 366-FN-A-L to be ordered to third reading. 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 196-FN, relative to the definition of push-polling.

Sen. Boutin moved concurrence. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 223, authorizing municipalities to enter into contracts for the private funding and repayment of construction of sewer systems.

Sen. Boutin moved 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 204-FN, relative to a benefit for certain medical conditions covered by workers' compensation and establishing a commission to study soft tissue injuries under workers' compensation and to study the feasibility of developing a first responder's critical injury fund.

SB 213-FN, establishing a registry for physician orders for life-sustaining treatment.

SB 222, restructuring the department of administrative services, division of plant and property management and establishing the position of deputy commissioner in the department of information technology.

SB 228, relative to notice of changes to zoning districts.

SB 234, relative to procedural changes in the law governing therapeutic use of cannabis.

SB 235, relative to the patients' trust fund and relative to a 10-bed psychiatric crisis unit.

SB 237, relative to the definition of "abutter" for notice of land use board hearings.

SB 239, relative to the statewide emergency notification system.

SB 240-FN, relative to authorizing temporary registrations of off-highway recreational vehicles for nonresidents.

SB 244, establishing a procedure for the annulment of a mental health record and establishing a commission to study mental health and firearms.

SB 245-FN, relative to the siting of energy facilities.

SB 257, establishing a commission to study the sale of beer in refillable containers.

SB 267, extending the effective date for integrated land development permits.

SB 268, relative to funding for certain energy efficiency programs.

SB 293, establishing a committee to study open adoption agreements.

SB 307, establishing a committee to review Citizens United amendments to the United States Constitution.

SB 308-FN, relative to innovation in the delivery of health care.

SB 321, relative to motorist service signs.

SB 324, relative to the assessment of public utilities and other entities to fund the expenses of the public utilities commission.

SB 325-FN-L, relative to oil spill preparedness and response.

SB 326-L, relative to procedural requirements for certain residents of nursing and assisted living facilities.

SB 327-FN, relative to economic revitalization zone tax credits.

SB 329-FN, relative to advertising alcoholic beverages on billboards.

SB 337, relative to the recovery of submerged vehicles by the department of environmental services.

SB 360, relative to the comprehensive health care system.

SB 366-FN-A-L, relative to video lottery and table gaming.

SB 367-FN-A, requiring adjustment of the road toll according to changes in the Consumer Price Index, eliminating certain ramp tolls on the Everett turnpike in the town of Merrimack, and establishing a committee to study the effectiveness and efficiency of the department of transportation.

SB 368-FN, increasing the maximum fine for lead remediation.

SB 369-FN-A, relative to the Medicaid enhancement tax.

SB 370-FN-L, relative to reimbursement of towns affected by the Merrimack River flood control compact and making an appropriation therefor.

SB 378, relative to identification information contained in political advertising.

SB 384, establishing a committee to study how to regulate and control synthetic drugs in New Hampshire and relative to the limitations on filling prescriptions for certain controlled drugs.

SB 387, relative to exemptions from the land sales full disclosure act and relative to local land use citations.

SB 388, establishing a committee to study the current status of land conservation in New Hampshire and the state's role in encouraging voluntary protection of land in the future.

SB 391, relative to the juvenile justice advisory board; the policies and procedures of the youth development center; and a reduction in appropriation to the Sununu Youth Services Center.

SB 394, relative to the recognition of out of state marriages, uniform marriage recognition law, civil union recognition, and gender neutral references.

SB 396, relative to child restraint practices.

SB 399, relative to ethics in public contracting and establishing a committee to study state procurement.

SB 409-FN-A-L, making an appropriation to the department of safety for disaster assistance grants.

SB 415-FN, transferring surplus revenues to the revenue stabilization reserve account.

SB 416-FN-A, relative to highway fund appropriations and establishing a committee to study the effectiveness and efficiency of the department of transportation.

SB 417, relative to information provided to electric utility customers.

SB 419, establishing a medical malpractice panel and insurance oversight committee.

SB 421, establishing a committee to study timely consumer access to prescription drugs under the managed care law.

SB 422, relative to the definition of pharmacy benefit manager.

LIST OF RULE 6-25'S FOR THE DAY

Sen. Bragdon: SB 204-FN.

Sen. Sanborn: SB 257.

ANNOUNCEMENTS

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. A point of personal privilege, please? Mister President, yesterday in Boston we had a very, very tragic fire. Boston firefighters from Local 718 regret to announce the line of duty deaths of brothers Edward J. Walsh of Engine 33, and Michael R. Kennedy of Ladder 15. They died battling an explosive wind-fueled, 9-alarm blaze that injured 13 of their comrades and destroyed a century-old Back Bay brownstone. They died - Lt. Edward J. Walsh, 43 years of age, he was the commander of Engine 33 on Boylston Street, and died trapped inside 298 Beacon Street yesterday. He was remembered as a firefighter's firefighter, who was always devoted to his family. He had three children. Walsh, a West Roxbury resident, was married with three children, two boys and a girl, all under ten years of age. He was a 9-year veteran in the Boston Fire Department.

Firefighter Michael R. Kennedy, 33 years of age. Kennedy, of Hyde Park, was a 6-year veteran of Boston Fire Department assigned to Engine 33. Kennedy was a U.S. Marine Corps combat veteran and had served in Iraq. Last year he responded to the Marathon. This year he was training to do the Marathon with the team of firefighters.

Mister President, I speak about this because, as a young child, I lived on the third floor of a tenement house in East Boston, and on the first floor of that tenement house someone was smoking in bed and burnt my home down - everything was destroyed. I can remember that night as if it was yesterday; firefighters coming into that building, saving myself and my brother. My mother, my father, my mother's sisters lived with us. We were living all together on the third floor of Gladstone Street in East Boston. I remember those hoses across the road, I remember a firefighter grabbing me and carrying me down three flights of stairs. They saved my life - saved the life of my brother, my mother, my father, my family.

I have nothing but the greatest respect for firefighters and what they do. And yesterday in Boston was another example of our public officials, public servants - go and put their lives at risk to save others. And I just, again, want to iterate to everyone, when you are a person who was the beneficiary of that service you never forget it, and I was only five years old when that happened. So, let me tell you, my deepest sympathy goes out to the families of these firefighters and my deepest respect to the work that they do. And I hope all of us will join in offering up our prayers for the repose of the souls of these two gentlemen. Thank you, Mister President.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: I would like to rise as a personal privilege, as well, and to follow up on Senator D'Allesandro. I, certainly, have the honor to stand with about three or four hundred, close to four hundred firemen in Keene this week at the death of a fireman who lived in Westmoreland, who was a firefighter in Keene, was a firefighter in Salem, and taught, as well, at the Fire Academy, Stephen McKenna, and it was very moving, as Senator D'Allesandro said. He died of lung cancer at the age of 54. His family was there: his wife Nancy, his two sons, Dan and Doug, and Dan is also a firefighter. And there is some question, even though he didn't die in the line of fire, in the line of duty, but he died of lung cancer, and there is some question about our firefighters and what we expose them to and the long-term effects to their lungs. He was a young man at 54, very loved in his community and the respect and stories that I heard about Steve McKenna were just heart-warming and I know that the firefighters were proud of him, but very, very sad. He will be missed, not only in his community, not only as a firefighter, but also at the Academy. There were many young students there from the Academy, who honored him as well. I think many of you probably know firefighter Steve McKenna, and it was a great loss to our state and to our community. Thank you.

Without objection all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17)

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.