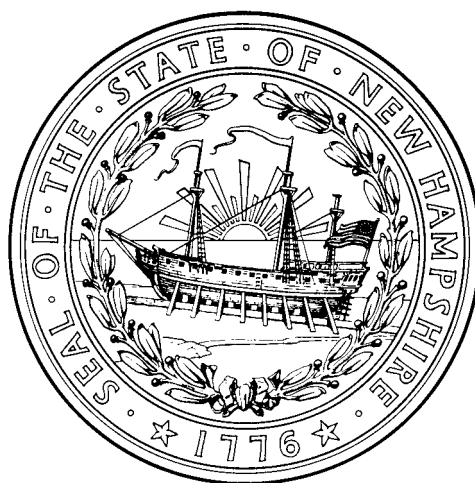


March 24, 2016  
Nos. 9-10

# STATE OF NEW HAMPSHIRE

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**Second Year of the 164<sup>th</sup> Session of the  
New Hampshire General Court**

**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – MARCH 17, 2016 SESSION  
COMMENCEMENT – MARCH 24, 2016 SESSION**

# SENATE JOURNAL 9 *(continued)*

*March 17, 2016*

## HOUSE MESSAGE

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

SB 238-FN, relative to the workers' compensation appeals board.

## HOUSE MESSAGE

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

HB 527, (New Title) requiring school districts employing school resource officers to adopt a written agreement.

## 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 280-FN, (New Title) authorizing multi-use decal plates, multi-use veterans decal plates, and relative to special motorcycle number plates for disabled veterans.

HB 602-FN, relative to the use of drones.

HB 626-FN-A, (New Title) authorizing energy infrastructure development and designating energy infrastructure corridors and requiring the department of transportation to adopt an updated and revised utility accommodation manual.

HB 636-FN, relative to forfeiture of property.

HB 1130, (New Title) relative to placement on school property of a memorial or memorial plaque honoring those who have died during military service.

HB 1144-LOCAL, relative to notice for sessions of correction of the check list.

HB 1153, prohibiting a political subdivision from adopting residency restrictions on sex offenders.

HB 1182-FN, (New Title) establishing a committee to study fees for sales of wine by manufacturers.

HB 1229, prohibiting the inclusion of statewide assessment results in a student's transcript without consent.

HB 1231, relative to school district policy regarding objectionable course material.

HB 1292, relative to the use of abandoned agricultural property.

HB 1298, relative to damage to private property.

HB 1300, relative to the content of patriotic exercises in public schools.

HB 1338, relative to student exemption from the statewide assessment.

HB 1404-FN, relative to certain director positions in the insurance department.

HB 1497, relative to the limits on disclosure of information used on college entrance exams.

HB 1527-FN-A, authorizing additional part-time positions at the department of administrative services and making an appropriation therefor.

HB 1531, permitting the legislature to open the state house on weekends.

HB 1553-FN, transferring the administration of the telecommunications accounting unit.

HB 1584-FN, (New Title) relative to the discharge of a person committed for nonpayment of a fine.

HB 1590-FN-A-LOCAL, relative to the regulation and taxation of short-term rental businesses.

HB 1594-FN, relative to emergency medical services.

HB 1637-FN, relative to school attendance in towns with no public schools.

HB 1644-FN, (New Title) relative to screening and intervention for dyslexia and related disorders and establishing a reading specialist position in the department of education.

HB 1655-FN, (Second New Title) relative to the municipal registration fee for an agricultural/industrial utility vehicle.

HB 1661-FN, relative to conversion therapy seeking to change a person's sexual orientation.

HB 1681-FN, (New Title) relative to hypodermic syringes and needles containing residual amounts of controlled drugs.

HB 1685-FN, (New Title) relative to mortgage bankers, brokers, and servicers.

HB 1695-FN, (Second New Title) relative to a health system public data resource plan for New Hampshire and establishing a special fund and relative to cost effectiveness of programs implemented within state agencies.

### INTRODUCTION OF LEGISLATION

Senator Bradley offered the following Resolution:

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

### First and Second Reading and Referral

HB 297, protecting individual customer data from disclosure by a public utility. (Energy and Natural Resources)

HB 1116-FN, relative to net metering. (Energy and Natural Resources)

HB 1117 establishing a child support maximum under the guidelines based on the parents' combined income. (Judiciary)

HB 1118, relative to the determination of parental rights and responsibilities and establishing a presumption in favor of shared residential responsibility. (Judiciary)

HB 1121, relative to the academic areas that comprise the statewide assessment. (Education)

HB 1124, (New Title) relative to the membership of the occupational therapy governing board. (Executive Departments and Administration)

HB 1132, (New Title) relative to carrying a loaded rifle or loaded shotgun in certain vehicles. (Transportation)

HB 1138, relative to access to investigational drugs, biological products, and devices. (Health and Human Services)

HB 1141, defining "agritourism." (Public and Municipal Affairs)

HB 1147, (New Title) requiring a report on federal landholdings within the state. (Executive Departments and Administration)

HB 1148, relative to pipeline capacity contracts. (Energy and Natural Resources)

HB 1154-FN, authorizing and regulating the use of license plate scanning devices. (Transportation)

HB 1156, relative to interference with traffic devices. (Transportation)

HB 1161, relative to the traffic safety commission. (Transportation)

HB 1165, changing "incapacitated" to "vulnerable" in the adult protective services laws. (Health and Human Services)

HB 1172, relative to corrective action implementation of audit findings concerning Cannon Mountain. (Finance)

HB 1175-FN, relative to post-judgment real estate liens. (Judiciary)

HB 1181, relative to designating an alternate cemetery trustee. (Public and Municipal Affairs)

HB 1186, repealing the law prohibiting coasting of vehicles. (Transportation)

HB 1188, relative to the brew pub license. (Commerce)

HB 1195, relative to prepayment contracts for petroleum products. (Commerce)

HB 1197, relative to conservation number plate funds. (Finance)

HB 1198-FN-L, relative to the valuation of poles and conduits owned by telephone utilities. (Ways and Means)

HB 1202, relative to applications submitted to a planning board. (Public and Municipal Affairs)

HB 1203, relative to voting on variances. (Public and Municipal Affairs)

HB 1204, relative to payment of rent pending the stay of an eviction proceeding. (Judiciary)

HB 1208-FN, relative to administration of the tobacco tax. (Ways and Means)

HB 1210, relative to prescriptions for controlled drugs by telemedicine. (Health and Human Services)

HB 1211, relative to requirements for certain alcoholic beverage licenses. (Commerce)

HB 1219-FN-L, relative to the repurchase of tax-deeded property by the former owner and the costs therefor. (Ways and Means)

HB 1220, relative to disqualification of election officers. (Public and Municipal Affairs)

HB 1223, relative to changes of address on election day. (Public and Municipal Affairs)

HB 1225, permitting high school students who are members of the armed forces to wear their uniforms at graduation. (Education)

HB 1226, relative to administration of pharmaceutical agents by optometrists. (Executive Departments and Administration)

HB 1227, repealing provisions of law regulating Sunday business activities. (Commerce)

HB 1232, relative to visits to schools by non-academic government or private organizations. (Education)

HB 1236, relative to hearings on modifications of parental rights and responsibilities. (Judiciary)

HB 1237, establishing a committee to study the establishment of a default conflict management and resolution system for parents and children. (Judiciary)

HB 1239, relative to certain terminology in the education statutes. (Education)

HB 1244-L, relative to municipal cemeteries. (Public and Municipal Affairs)

HB 1245-FN, relative to petitions for adoption of rules under the administrative procedures act and incorporation of documents by reference. (Executive Departments and Administration)

HB 1246-FN, relative to speech-language assistants. (Executive Departments and Administration)

HB 1247, (New Title) relative to poker in private residences. (Ways and Means)

HB 1248, relative to the waiver of counsel in juvenile delinquency proceedings. (Judiciary)

HB 1250, relative to medical neglect of children. (Judiciary)

HB 1252, permitting employers to pay wages to employees weekly or biweekly. (Commerce)

HB 1264, relative to carnival or amusement ride inspections. (Executive Departments and Administration)

HB 1266-FN, (New Title) legalizing firecrackers. (Commerce)

HB 1267, relative to the family hike safe card for fish and game search and recovery expenses. (Energy and Natural Resources)

HB 1268, relative to liability for payment of expenses of search and rescue recovery by the fish and game department. (Energy and Natural Resources)

HB 1269, (New Title) extending the New Hampshire health care quality assurance commission and relative to the membership of the commission. (Health and Human Services)

HB 1270, relative to a jury's determination as to the applicability of a law. (Judiciary)

HB 1271, making certain length and width exemptions concerning commercial vehicles. (Transportation)

HB 1279, relative to grounds for termination of parental rights. (Judiciary)

HB 1280, relative to grounds for modification of parental rights and responsibilities. (Judiciary)

HB 1283, relative to school notification of a change in placement. (Education)

HB 1285, relative to the donation of food that has passed its expiration date. (Health and Human Services)

HB 1286, relative to days when fishing without a license is permitted. (Energy and Natural Resources)

HB 1287, repealing a provision of the harassment statute. (Judiciary)

HB 1288, relative to the National Guard force protection policy. (Public and Municipal Affairs)

HB 1289, making technical corrections to certain tax laws. (Ways and Means)

HB 1290, relative to filing dates for business taxes. (Ways and Means)

HB 1293, relative to the procedure for charter amendments. (Public and Municipal Affairs)

HB 1294, relative to exemptions from licensure as a massage therapist. (Executive Departments and Administration)

HB 1301, relative to the issuance of youth employment certificates. (Executive Departments and Administration)

HB 1302, relative to driver's license requirements for operation of a mixed use school bus. (Transportation)

HB 1303, (New Title) establishing a commission to study issues relating to pre-existing districts withdrawing from a cooperative school district. (Education)

HB 1305, (New Title) relative to the use of an ignition interlock device. (Transportation)

HB 1322, relative to reports to the public employee labor relations board. (Executive Departments and Administration)

HB 1329, (New Title) relative to transportation of alcoholic beverages. (Commerce)

HB 1331, relative to the membership of the compensation appeals board. (Executive Departments and Administration)

HB 1332, adding a member to the aquatic resources compensatory mitigation site selection committee. (Energy and Natural Resources)

HB 1339, relative to the corporate governance annual disclosure act. (Commerce)

HB 1340-FN, relative to producer licensing. (Commerce)

HB 1349, relative to the location of the Merrimack county superior court. (Capital Budget)

HB 1353, relative to the notice required of a law enforcement officer prior to making an audio recording of a routine stop. (Judiciary)

HB 1354, establishing a committee to study livestock and meat inspection. (Energy and Natural Resources)

HB 1356, (New Title) relative to construction of the terms "resident," "inhabitant," "residence," and "residency." (Public and Municipal Affairs)

HB 1357-FN, relative to the duties of the department of cultural resources. (Executive Departments and Administration)

HB 1370, relative to the termination of a tenancy. (Judiciary)

HB 1372, permitting a child with a disability to use audio or video recording devices in the classroom. (Education)

HB 1377, relative to receipt of absentee ballots. (Public and Municipal Affairs)

HB 1378, relative to disabled voters requiring assistance. (Public and Municipal Affairs)

HB 1381-FN, (New Title) relative to the sale of smoke bombs. (Commerce)

HB 1382, relative to the referendum procedure for public water systems. (Public and Municipal Affairs)

HB 1385-FN-A, relative to the sale or exchange of an interest in a business organization under the business profits tax. (Ways and Means)

HB 1394, (New Title) relative to the appropriation for developmental services. (Health and Human Services)

HB 1395, relative to municipal electronic records. (Public and Municipal Affairs)

HB 1409, relative to life, accident, and health insurance. (Commerce)

HB 1410, relative to motor vehicle coverage. (Commerce)

HB 1423-FN, relative to rulemaking for prescribing controlled drugs. (Executive Departments and Administration)

HB 1426-FN, (New Title) relative to earned time credits for prisoners participating in educational programming. (Judiciary)

HB 1428-FN-A-L, (New Title) establishing the clean water state revolving fund non-program fund account in the department of environmental services for the purpose of funding eligible and completed wastewater projects under the state aid grant program. (Finance)

HB 1445-FN, relative to tinted windows on motor vehicles. (Transportation)

HB 1451-FN, (New Title) relative to the annulment of certain criminal offenses. (Judiciary)

HB 1455, (New Title) relative to the application of the municipal budget law to village districts wholly within a town. (Public and Municipal Affairs)

HB 1459, relative to commercial coverage. (Commerce)

HB 1461, relative to the definition of and criteria for protection instream flow. (Energy and Natural Resources)

HB 1467, relative to notice of village district elections. (Public and Municipal Affairs)

HB 1468, relative to sessions for correction of the checklist. (Public and Municipal Affairs)

HB 1471, relative to parental rights. (Judiciary)

HB 1478, establishing a commission to develop a structure for the implementation of an alternative contract for health care payments. (Health and Human Services)

HB 1482, (New Title) relative to the Interstate Voter Registration Crosscheck Program. (Public and Municipal Affairs)

HB 1493, relative to ownership of DNA. (Judiciary)

HB 1508, allowing public libraries to run certain privacy software. (Public and Municipal Affairs)

HB 1515, requiring persons sending absentee ballot applications to comply with identification requirements for political advertising. (Public and Municipal Affairs)

HB 1529-FN, relative to reporting of felony convictions for voter checklist updates. (Public and Municipal Affairs)

HB 1540-FN, relative to direct shipments of beer. (Commerce)

HB 1547-FN, (New Title) prohibiting bestiality. (Judiciary)

HB 1569-FN, relative to volunteers under the department of resources and economic development. (Judiciary)

HB 1586-FN, prohibiting the impersonation of an emergency medical technician or firefighter. (Judiciary)

HB 1588, (New Title) repealing certain prohibitions on employment of state employees. (Executive Departments and Administration)

HB 1589-FN, (New Title) prohibiting the transport of aquatic plants and aquatic weeds. (Energy and Natural Resources)

HB 1591-FN-A, (New Title) relative to the health care premium contribution for retired state employees who are eligible for Medicare Parts A and B due to age or disability, relative to funding of retiree health benefits, and making an appropriation to the department of administrative services. (Finance)

HB 1595-FN, relative to the rivers management and protection program. (Energy and Natural Resources)

HB 1599-FN, relative to shining a laser pointing device at an aircraft or vessel, or at another person. (Judiciary)

HB 1601, relative to certain continuing care communities. (Health and Human Services)

HB 1605-FN, prohibiting the use of latex gloves and utensils in the food service industry. (Health and Human Services)

HB 1608-FN, relative to uniform prior authorization forms. (Health and Human Services)

HB 1618, relative to debt adjustment services. (Commerce)

HB 1626-FN, relative to drug take-back programs. (Health and Human Services)

HB 1631-FN, relative to penalties for possession of marijuana. (Judiciary)

HB 1633-FN, relative to the use of the Family and Medical Leave Act time as it applies to workers' compensation. (Commerce)

HB 1654-FN, (New Title) relative to flying a drone above a correctional facility. (Judiciary)

HB 1664-FN, (New Title) relative to contracts between carriers or pharmacy benefit managers and certain pharmacies. (Health and Human Services)

HB 1680-FN, extending the suspension of prior authorization requirements for a community mental health program on drugs used to treat mental illness. (Health and Human Services)

HB 1697-FN, relative to the operation and insurance of transportation network companies. (Transportation)

HB 2016, relative to the state 10-year transportation improvement program. (Transportation)

#### REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bill numbered 301.

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

Out of Recess. Call Senate to Order.

#### MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

# SENATE JOURNAL 10

*March 24, 2016*

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

The Reverend Jon Hopkins, chaplain to the Senate, offered the prayer.

Let's begin our work this morning with a moment of silence.

*Dear God, today we remember that public office is not about power and might but about service. Help those who've been elected to this office serve their constituents and colleagues. Help them to remember that power and might leads to division and hostility, but service leads to compromise and compassion. Help them to give their best so that they will be men and women of integrity, that they may lead a quiet and peaceable life in all goodness and honesty; let wisdom enter their hearts, let knowledge be pleasant to them, let discretion preserve them and understanding keep them. Help them to serve with wisdom to know how best to respond, courage to do the right thing, compassion to make laws good for all. Under their servant leadership may the people flourish, may there be lasting peace and plenty for all. Let everyone who enjoys the freedom of this country and state pitch in to do their part to serve so we make our country and state a better place to live. Amen.*

Senator Hosmer led the Pledge of Allegiance.

#### INTRODUCTION OF GUESTS

Senator Avard introduced 4th grade students from Rindge Memorial School visiting in the gallery.

#### INTRODUCTION OF PAGES

Senator Sanborn introduced Spencer Beck of Bedford High School in Bedford, and Kieran Dwyer of The Derbyfield School in Manchester serving as Senate Pages for the day.

#### SPECIAL ORDER

Without objection, the following bills were special ordered to after lunch.

#### FINANCE

CACR 27, relating to the operating budget. Providing that the state shall not spend more in any year than it receives in revenue.

SB 414-FN-A, relative to the health care premium contribution for retired state employees over 65 years of age, relative to funding of retiree health benefits, and making an appropriation to the department of administrative services.

SB 492-FN, relative to expenditures from the energy efficiency fund.

SB 495-FN-A, relative to state retiree health plan costs and funding.

SB 507-FN, authorizing online voter registration.

SB 527-FN-A, making an appropriation to the police standards and training council, repealing the police standards and training council training fund, making an appropriation to the department of safety for the purchase of state police cruisers.

SB 533-FN-A-L, relative to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery and making supplemental appropriations to the commission, the department of justice, and the department of health and human services.

SB 552-FN, relative to application of the Internal Revenue Code to provisions of the business profits tax.

#### HEALTH AND HUMAN SERVICES

SB 553, relative to implementation of the Medicaid managed care program.

#### JUDICIARY

SB 336, relative to the qualifications for obtaining a license to carry a concealed pistol or revolver.

#### FN REPORT FOR MARCH 24, 2016

*Senator Forrester recommends the waiver of referral to the Finance Committee, Senate Rule 4-5, for the following bills with fiscal notes or an appropriation of funds:*

#### REGULAR CALENDAR:

##### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 661-FN, relative to record keeping for sold or transferred animals and making certain technical corrections to the law governing the sale or transfer of animals.

##### TRANSPORTATION

HB 1438-FN-L, relative to the registration of antique trailers.

*Senator Forrester recommends the following bill be ordered to the Finance Committee upon being found Ought to Pass/Ought to Pass with Amendment:*

#### REGULAR CALENDAR:

##### WAYS AND MEANS

HB 668-FN, relative to expense deductions under the business profits tax.

Without objection, the FN Report is adopted.

#### CONSENT CALENDAR REPORTS

The following bills were removed from the Consent Calendar:

#### JUDICIARY

SB 337, regarding the immunity of court-appointed special advocates.

SB 382, relative to the authority of a federal law enforcement officer to make arrests in New Hampshire. Removed by Senator Woodburn.

#### CONSENT CALENDAR

Senator 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.

#### JUDICIARY

SB 341, establishing a committee to study private guardianship in New Hampshire. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This bill establishes a committee to look at guardianships in NH. The amendment merely removes "private" so that all guardianships will be reviewed.

Senate Judiciary  
 March 15, 2016  
 2016-1041s  
 05/10

### **Amendment to SB 341**

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

AN ACT establishing a committee to study guardianship in New Hampshire.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study guardianship in New Hampshire.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study guardianship in New Hampshire to determine:

I. Should guardians be registered and licensed by the state?

II. Who should have jurisdiction over guardians?

III. How many guardians are working in New Hampshire and how does the work of a private guardian differ from that of a public, court appointed guardian?

IV. What are the requirements, if any, for someone to become a guardian?

2016-1041s

### **AMENDED ANALYSIS**

This bill establishes a committee to study guardianship in New Hampshire.

SB 379, relative to additional tests to determine alcohol concentration. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

This bill seeks to protect the due process rights of those accused of driving under the influence of alcohol. The NH Supreme Court raised the issue addressed in this bill when it found that the breathalyzer technology used by NH law enforcement is woefully inaccurate, virtually obsolete and the few machines that are still operating are failing with no replacement parts being manufactured. The bill would protect the accused's due process rights by affording him or her a reasonable opportunity to have a blood sample drawn and tested so he or she could present the blood test results as exculpatory evidence at trial.

Senate Judiciary  
 March 15, 2016  
 2016-1036s  
 03/08

### **Amendment to SB 379**

Amend RSA 265-A:7, III as inserted by section 1 of the bill by replacing it with the following:

[II.] III. [The] A sample [or samples] of breath taken pursuant to [RSA 265-A:4] paragraph I shall be [captured in an appropriate medium approved] analyzed in accordance with rules adopted by the commissioner of the department of safety pursuant to RSA 265-A:5, VI, and shall be sufficient to allow an equivalent additional test for each breath sample taken pursuant to 265-A:4. The captured sample or samples shall be given to the respondent in a manner determined by the commissioner of the department of safety]. A subject who submits to an infrared molecular absorption test at the request of a law enforcement officer shall have the right at his or her own expense to have a blood sample drawn and a blood test made by a person of his or her own choosing who is competent to conduct the tests, as determined by the commissioner of the department of safety under RSA 265-A:5. The person shall be so informed by the law enforcement officer at the same time as the person is requested to permit a test under the provisions of RSA 265-A:4. At that same time the person shall also be provided contact information for individuals and facilities that make themselves available to draw and test blood. The failure or inability of an arrested person to obtain an additional test shall not preclude the admission of any test taken at the direction of a law enforcement officer, authorized agent, or peace officer. Nothing in this paragraph



shall require the release from custody of the arrested person for the purpose of having such additional test taken, however, an arrested person who remains in custody shall be permitted to have his or her blood drawn by a person who has been determined to be competent by the commissioner of the department of safety under RSA 265-A:5.

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

3 Administration of Alcohol Concentration Tests. Amend RSA 265-A:5, I to read as follows:

I. Only a duly licensed physician, registered nurse, certified physician's assistant, phlebotomist, or qualified medical technician or medical technologist acting at the request of a law enforcement officer, authorized agent, [or] peace officer, or individual seeking a test of his or her own blood may withdraw blood for the purpose of a test required by RSA 265-A:4. Such licensed physician, registered nurse, certified physician's assistant, phlebotomist, or qualified medical technician or medical technologist shall not be liable for damages or otherwise to the person from whom blood is withdrawn for any act performed in connection with such withdrawal provided the physician, registered nurse, physician's assistant, phlebotomist, or qualified medical technician or medical technologist acts with ordinary care.

SB 387, relative to the disposition of ward accounts. Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

This bill deals with the disposition of ward accounts and reflects agreements made among those practicing in estate planning and guardianships. The enactment of this helps residual moneys in small estates to be disbursed more quickly.

Senate Judiciary  
March 15, 2016  
2016-1040s  
05/03

#### **Amendment to SB 387**

Amend RSA 464-A:40, V(b)-(d) as inserted by section 1 of the bill by replacing it with the following:

(b) If the ward died testate and if the guardian has the will or a copy of the will, the guardian shall file the will or copy of the will and a death certificate with the probate court having jurisdiction where the ward resided at the time of the ward's death pursuant to RSA 552:2. A copy of the will also shall be filed in the probate court having jurisdiction over the guardianship.

(c) If the deceased ward has known debts, the probate court may order the guardian to pay such debts to those creditors in the order of priority pursuant to RSA 554:19. If all known debts of the deceased have been paid and a balance remains in the designated accounts for the ward after the filing required under subparagraph (a), the probate court may order the guardian to pay the balance to the ward's beneficiaries pursuant to the terms of the ward's will, or if the ward had no will, to those heirs who would inherit pursuant to RSA 561:1. The probate court may also order the guardian to pay the balance to the state treasurer to be held as abandoned property pursuant to RSA 471-C.

(d) Any guardian, or any organization providing guardianship or other fiduciary services to any individual under the public guardianship and protection program pursuant to RSA 547-B may petition the probate court to dispose of any non-guardianship accounts, to include but not limited to social security representative payee accounts, and the probate court may authorize the release and distribution of such funds pursuant to the terms of this paragraph.

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

2 Applicability. RSA 464-A:40, V, as inserted by section 1 of this act, shall apply to any petition filed after the effective date of this act, regardless of the date of the ward's death.

SB 506, clarifying who may adopt. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

This bill seeks to align our adoption statutes regarding who may file a petition to adopt a child with the 2009 marriage equality law and the US Supreme Court decision from last summer recognizing the limit on government power to deny gay and lesbian couples the equal right to marry. The committee amendment clarifies that the adoption of "another person" in the bill as introduced means the adoption of a "natural person."

Senate Judiciary  
 March 15, 2016  
 2016-1039s  
 05/03

### **Amendment to SB 506**

Amend RSA 170-B:4 as inserted by section 1 of the bill by replacing it with the following:

170-B:4 Who May Adopt. In this chapter, any adult or 2 adults together may adopt a natural person for the purpose of creating a relationship of parent and child between them.

SB 544, establishing a committee to study funding options for the Internet crimes against children task force. Ought to Pass, Vote 5-0. Senator Pierce for the committee.

This legislation creates a study to search for means of funding for the Internet Crimes Against Children committee. This committee currently serves 90 affiliated agencies across our state and the Judiciary Committee felt it an appropriate use of resources to study the issue to find ways to ensure that it continues to be funded.

### **PUBLIC AND MUNICIPAL AFFAIRS**

SB 415, relative to the standard of care for dogs outside. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

This bill will require that appropriate hydration be made available to domestic animals and creates a committee to study harmful weather conditions in relation to the care of dogs. The intent of this legislation is to ensure that the appropriate care for our domestic animals is met and to assist our municipalities in methods of addressing instances of abuse.

Public and Municipal Affairs  
 March 16, 2016  
 2016-1088s  
 08/03

### **Amendment to SB 415**

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

AN ACT requiring appropriate hydration be made available to certain animals and establishing a committee to study harmful weather conditions for dogs.

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

1 Animal Cruelty; Access to Water. Amend RSA 644:8, III(a) to read as follows:

(a) Without lawful authority negligently deprives or causes to be deprived any animal in his or her possession or custody necessary care, sustenance, or shelter, including appropriate hydration;

2 Committee Established. There is established a committee to study harmful weather conditions for dogs.

3 Membership and Compensation.

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

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

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

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

4 Duties. The committee shall review the publication entitled, "Animal Cruelty Investigation and Prosecution: A User Manual for New Hampshire Law Enforcement" from the governor's commission on the humane treatment of animals in order to identify if research dictates temperatures above or below which dogs should be brought inside or any other weather conditions which could be harmful to dogs. The committee may solicit the advice or testimony of any organization with information or expertise relevant to its study.

5 Chairperson. 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.

6 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, the chairperson of the senate public and municipal affairs committee, the chairperson of the house environment and agriculture committee, and the state library on or before August 1, 2016.

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

2016-1088s

#### AMENDED ANALYSIS

This bill makes it a crime to withhold appropriate hydration from certain animals.

This bill also establishes a committee to study harmful weather conditions for dogs.

SB 547, relative to the National Guard force protection policy. Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

This bill establishes a study commission to examine if the current force protection measures provide adequate safeguards for New Hampshire National Guard personnel, facilities, and equipment. The committee amended the bill in order to have the senate appointed member call the first meeting.

Public and Municipal Affairs

March 16, 2016

2016-1085s

05/04

#### Amendment to SB 547

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

AN ACT establishing a commission to study if current force protection measures provide adequate safeguards for New Hampshire national guard personnel, facilities, and equipment.

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

1 New Section; The Militia; New Hampshire National Guard; Commission to Study Force Protection Measures. Amend RSA 110-B by inserting after section 12 the following new section:

110-B:12-a Commission to Study Force Protection Measures. There is established a commission to study if current force protection measures provide adequate safeguards for New Hampshire national guard personnel, facilities, and equipment.

I. 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) Two members of the New Hampshire national guard who have training in anti-terrorism and force protection, one from the New Hampshire army national guard and one from the New Hampshire air national guard, appointed by the adjutant general.

(d) One civilian member of the adjutant general department who is an anti-terrorism and force protection subject matter expert.

(e) Three members of the New Hampshire national guard, one from the Pease ANG base, one from the New Hampshire national guard recruiting command, and one from a standalone New Hampshire national guard readiness center, appointed by the adjutant general.

III. The committee shall:

(a) Review all laws, regulations, and policies that affect force protection.

(b) Assess force protection procedures.

(c) Formulate recommendations with regard to force protection policies and procedures.

(d) Seek input from the department of safety, division of homeland security and emergency management on assessments and recommendations.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member and shall be held within 30 days of the effective date of this section. Five members of the commission shall constitute a quorum.

V. Due to the sensitive nature of the information that will be reported, the commission shall prepare a full report for limited distribution and a redacted report for a broader audience.

(a) The commission shall report its full findings and any force protection recommendations, including vulnerability assessments, threat assessments, risk analysis, and risk mitigation procedures, to the speaker of the house of representatives, the president of the senate, the governor, and others with a bona fide need to know on or before November 1, 2016.

(b) The commission shall report its redacted findings and any force protection recommendations, including vulnerability assessments, threat assessments, risk analysis, and risk mitigation procedures, to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2016.

2 Repeal. RSA 110-B:12-a, relative to the commission to study force protection measures, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2016.

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

2016-1085s

#### AMENDED ANALYSIS

This bill establishes a commission to study if current force protection measures provide adequate safeguards for New Hampshire national guard personnel, facilities, and equipment.

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

#### SPECIAL ORDER

Without objection, the following bill was special ordered to the end of the Regular Calendar.

#### COMMERCE

SB 488-FN-L, requiring reasonable accommodations for pregnant workers.

Recess. Out of recess.

#### REGULAR CALENDAR

##### ENERGY AND NATURAL RESOURCES

SB 311, relative to standards for radon in water. Interim Study, Vote 4-0. Senator Sanborn for the committee.

The question is on the adoption of the motion of Interim Study. Adopted.

Senator Prescott asserts Rule 6-25 on SB 311.

SB 365, relative to traffic control measures. Inexpedient to Legislate, Vote 2-2. Senator Feltes for the committee.

Senator Bradley moved to Lay on the Table SB 365. Adopted.

##### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 324, eliminating the land use board, establishing an advisory board, and requiring approval of federal land acquisitions by the governor, executive council, and general court. Ought to Pass with Amendment, Vote 4-0. Senator Reagan for the committee.

Senate Executive Departments and Administration  
March 16, 2016  
2016-1072s  
08/04

### **Amendment to SB 324**

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

AN ACT eliminating the land use board and requiring approval of federal land acquisitions by the governor and executive council.

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

1 Notification of Acquisition. RSA 121:2 is repealed and reenacted to read as follows:

121:2 Notification of Acquisition. Prior to any lands being acquired by the federal government under this chapter, notice shall be provided in writing by the federal agency acquiring such land to the commissioner of the department of resources and economic development.

2 Approval of Acquisition. Amend RSA 121:3 to read as follows:

121:3 Approval of Acquisition. No land shall be acquired pursuant to this chapter unless such acquisition meets all criteria under this chapter. This information shall be provided to the governor and executive council by the department of resources and economic development, and then approved by the governor and executive council [until the acquisition shall have been recommended by the land use board and approved by the governor and council]; but the provisions of this chapter shall not apply to the acquisition by the United States of sites for post offices, custom houses, or other public buildings or effect an amendment or repeal of RSA 123 or RSA 272.

3 Land Use Board Removed; Procedures. RSA 121:4 is repealed and reenacted to read as follows:

121:4 Procedure. Within 30 days after the department of resources and economic development receives written notice of a proposed acquisition of land in any town, city, or unincorporated place, the department shall, by letter addressed to the governing body, advise it of the proposed acquisition. Within 21 days of notification by the department of resources and economic development, the governing body where the purchase of such land is contemplated shall hold a public hearing in such town, city, or unincorporated place, or at some other convenient place.

4 Land Use Board Removed; Procedures. Amend RSA 121:5 to read as follows:

121:5 Approval by Governor and Executive Council. Upon notification by the department of resources and economic development that an acquisition meets all criteria under this chapter, and approval by the governor and executive council, the governor and executive council [upon recommendation of the land use board,] are authorized on behalf of the state: (a) To accept leases or enter into other agreements with the United States, or a duly authorized agency thereof, for the administration and maintenance of any such lands, with or without improvements, upon such terms and conditions as they may consider proper[. Net income derived from any of such lands which may be designated for administration by the state forestry department shall be disposed of by the governor and council in the same manner as other income received from state forests and forestry reservations; and all income from other such lands shall be [covered] conveyed into the general funds of the state]; (b) To accept deeds from the United States, of any such lands, upon such terms and conditions as they may consider proper.

5 Limitations on Right to Acquire; Land Use Board Removed. Amend RSA 121:6 to read as follows:

121:6 Limitations on Right to Acquire. Lands which may be acquired under this chapter shall be such as by reason of quality, location, or condition are better adapted to public conservation, forestry, recreation, experimental, and demonstration purposes than for continued private ownership and development. Such acquisition shall be limited in total within the state to 2 percent of the total land area of the state. Such acquisition [, and] shall be further limited in each town, [or] city, or unincorporated place to an amount of land, the assessed valuation of which shall not result in total lands held by the federal government to exceed 5 percent of the total assessed valuation of all the real estate in such town, city, or unincorporated place at the time of acquisition and shall be approved by a vote of the governing body after complying with RSA 121:4. The assessed value shall be at the highest and best use at the time of acquisition as determined by an assessor certified under RSA 21-J:14-f and possessing either the property assessor or

property assessor supervisor certification level. A town, city, or unincorporated place may allow a land acquisition to exceed the 5 percent assessed valuation limit by a vote of the legislative body. [on April 1 of the preceding year was 5 percent of the total assessed valuation on such date of all the real estate in such town or city. The provisions of this chapter shall not limit the authority of the United States to acquire lands for the White Mountain National Forest within the boundaries established by proclamation of the president of the United States, dated October 26, 1929; and the limitations as to area and valuation contained in this section shall not apply to acquisitions within the boundaries of the existing White Mountain National Forest Purchase Unit, or any new national forest purchase units that may be recommended by the land use board and approved by the governor and council; nor shall such acquisitions be included in computing such limitations.]

6 New Sections; Federal Land Acquisition; Certificate of Compliance; Recordkeeping. Amend RSA 121 by inserting after section 3 the following new sections:

121:3-a Certificate of Compliance. Prior to the sale or transfer of any property or easement to any federal agency, such property or easement owner shall apply to the department of resources and economic development for review and approval in accordance with this chapter. Upon determination that the proposed transaction complies with this chapter, the commissioner of the department of resources and economic development shall issue a certificate of compliance to the applicant for that specific parcel and transaction. The commissioner shall adopt rules under RSA 541-A relative to the form and content of such certificate of compliance.

121:3-b Register of Deeds. No deed involving the transfer or sale of any property or easement to any federal agency shall be recorded without a certificate of compliance issued by the commissioner of the department of resources and economic development under RSA 121:3-a.

7 New Subparagraph; Rulemaking Authority; Certificate of Compliance. Amend RSA 12-A:2-c, II by inserting after subparagraph (f) the following new subparagraph:

(g) The form and content of a certificate of compliance to be issued prior to the sale or transfer of any property or easement to any federal agency under RSA 121.

8 New Paragraph; Compliance. Amend RSA 477:4-h by inserting after paragraph I the following new paragraph:

I-a. Sale or transfer of any property or easement to any federal agency shall require compliance with RSA 121.

9 Applicability. This act shall not apply to any transfer or sale of land to a federal agency in which a purchase and sales agreement has been executed on or before August 1, 2016.

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

2016-1072s

#### AMENDED ANALYSIS

This bill eliminates the land use board, requires approval of federal land acquisitions by the governor and executive council, and requires the commissioner of the department of resources and economic development to issue a certificate of compliance with the approval process before land may be sold or transferred to the federal government.

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

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

Senator Kelly is in opposition to the motion of Ought to Pass with Amendment on SB 324.

SB 462-FN, allowing part-time circuit court judges to retire and elect senior active status. Inexpedient to Legislate, Vote 3-0. Senator Soucy for the committee.

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

HB 377, establishing a state geographic information system committee. Ought to Pass with Amendment, Vote 4-0. Senator Soucy for the committee.

Senate Executive Departments and Administration  
March 16, 2016  
2016-1071s  
08/04

**Amendment to HB 377**

Amend RSA 4-F:1, II as inserted by section 2 of the bill by inserting after subparagraph (c) the following new subparagraph:

(d) A regional planning commissioner, appointed by the New Hampshire Association of Regional Planning Commissions.

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

Senator Carson offered a floor amendment.  
Sen. Carson, Dist 14  
March 22, 2016  
2016-1124s  
08/04

**Floor Amendment to HB 377**

Amend RSA 4-F:1, II as inserted by section 2 of the bill by inserting after subparagraph (c) the following new subparagraph:

(d) A representative from the New Hampshire Association of Regional Planning Commissions.

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

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

HB 661-FN, relative to record keeping for sold or transferred animals and making certain technical corrections to the law governing the sale or transfer of animals. Inexpedient to Legislate, Vote 4-0. Senator Cataldo for the committee.

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

**FINANCE**

SB 326, relative to the membership of the community college system of New Hampshire board of trustees. Ought to Pass with Amendment, Vote 6-0. Senator Reagan for the committee.

Senate Finance  
March 16, 2016  
2016-1057s  
08/04

**Amendment to SB 326**

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

1 New Subparagraph; Board of Trustees; Community College System of New Hampshire. Amend RSA 188-F:4, II by inserting after subparagraph (k) the following new subparagraph:

(1) One member shall be an employee of the community college system of New Hampshire, appointed by the governor. Such trustee position shall rotate among the institutions within the community college system of New Hampshire, proceeding in alphabetical order beginning with the college that is first alphabetically. The institutions within the community college system of New Hampshire, through an all-college/institutional forum, shall nominate a panel of 3 employees whose names shall be forwarded to the governor who shall choose one for the appointment. The employee trustee shall serve a 2-year term. In the event the employee trustee is unable for any reason to serve the entire term, the chairman of the board of trustees shall declare a vacancy in that employee trustee position. Upon expiration or vacancy of such term, the next institution in order shall nominate a panel of 3 employees whose names shall be forwarded to the governor for consideration.

2 Board of Trustees; Community College System of New Hampshire. Amend RSA 188-F:4, III(a) to read as follows:

(a) The terms of office for appointed and elected members, except for the student and employee members, shall be 4 years unless otherwise specified in this section, and shall end on June 30, except for the student and employee members.

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

2016-1057s

#### AMENDED ANALYSIS

This bill adds a member to the community college system of New Hampshire board of trustees who is also an employee of the community college system of New Hampshire.

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

Senator Stiles is in opposition to the committee amendment on SB 326.

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

Senator Stiles is in opposition to the motion of Ought to Pass as Amended on SB 326.

Senator Carson asserts Rule 6-25 on SB 326.

SB 376-FN, relative to wildlife corridors. Ought to Pass with Amendment, Vote 6-0. Senator D'Allesandro for the committee.

Senate Finance  
March 16, 2016  
2016-1061s  
04/09

#### Amendment to SB 376-FN

Amend paragraph I of section 2 of the bill by replacing it with the following:

I. Because of the importance of wildlife corridors to assist in adapting to warming temperatures and shifting habitats, create habitat strongholds, and in order to protect ecosystem health and biodiversity and improve the resiliency of wildlife and their habitats to such existing and potential changes, the fish and game department, in collaboration with the department of environmental services and the department of transportation, shall identify existing and needed wildlife corridors, including riparian corridors, and including potential crossings of transportation arteries, such as a possible crossing in the Jefferson-Randolph section of Route 2. Prior to entrance onto private property for purposes described in this paragraph, the fish and game department, the department of environmental services, and the department of transportation shall obtain landowner permission. The executive director of fish and game, the commissioner of the department of transportation, and the commissioner of the department of environmental services shall direct their departments to research voluntary mechanisms such as easements and cooperative management agreements that affect wildlife corridors and shall make, after receiving public comment, recommendations concerning any potential changes.

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

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

SB 408-FN-A, relative to funding for the children's savings account program. Inexpedient to Legislate, Vote 4-2. Senator Reagan for the committee.

Senator Reagan moved to Lay on the Table SB 408-FN-A. Adopted.

SB 466-FN, relative to the detention of a minor while waiting for the disposition of his or her case. Ought to Pass, Vote 4-0. Senator D'Allesandro for the committee.

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

SB 481-FN, relative to a special health care service license and establishing a fund. Ought to Pass, Vote 5-1. Senator Hosmer for the committee.



Senator Forrester moved to Lay on the Table SB 481-FN. Adopted.

SB 491-FN, relative to Medicaid home health care services. Ought to Pass with Amendment, Vote 6-0. Senator Hosmer for the committee.

Senate Finance  
March 16, 2016  
2016-1067s  
01/09

#### **Amendment to SB 491-FN**

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

AN ACT relative to Medicaid home health care services and relative to the scope of practice of licensed nursing assistants.

Amend RSA 161-N:2, II as inserted by section 1 of the bill by replacing it with the following:

II. "Home health care services" means care provided by a home health care agency licensed under RSA 151, when that care is provided at the residence of the recipient or in a non-institutional setting where normal life activities take place. The residence of the recipient shall not include a hospital, a nursing facility, or an intermediate care facility for individuals with intellectual disabilities, except for home health care services in an intermediate care facility for individuals with intellectual disabilities that are not required to be provided by the facility.

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

2 Licensed Nursing Assistant; Scope of Practice. Amend RSA 326-B:14, III(c) to read as follows:

(c) Assist individuals to attain and maintain functional independence [in a home or health care facility].

2016-1067s

#### **AMENDED ANALYSIS**

This bill requires Medicaid coverage of medically-necessary home health care services to be provided to older adults and persons with disabilities at their residences and in the community. This bill also clarifies the scope of practice of licensed nursing assistants.

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

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

SB 496-FN, relative to personal care attendant services. Ought to Pass, Vote 5-0. Senator Reagan for the committee.

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

SB 503-FN-A, relative to pre-kindergarten education using "pay for success" financing. Ought to Pass with Amendment, Vote 4-2. Senator D'Allesandro for the committee.

Senate Finance  
March 16, 2016  
2016-1060s  
04/08

#### **Amendment to SB 503-FN-A**

Amend RSA 21-I:96 as inserted by section 2 of the bill by deleting paragraph II and renumbering the original paragraph III to read as II.

2016-1060s

#### **AMENDED ANALYSIS**

This bill establishes a commission to extend a request for proposals to provide pre-kindergarten education services to 4 year olds in New Hampshire by creating a "pay for success" partnership between providers of pre-kindergarten education services, investors, independent evaluators of the effectiveness of the education services,

and payers who agree to repay the investors if the pre-kindergarten education services resulted in improved third grade reading or reduced need for special education remediation services, or both. The bill authorizes the commissioner of the department of administrative services to enter into pay for success contracts.

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

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

Senator Morse is in opposition to the motion of Ought to Pass with Amendment on SB 503-FN-A.

Senator Boutin asserts Rule 6-25 on SB 503-FN-A.

SB 509-FN, relative to voter registration forms and relative to voter identity verification. Ought to Pass, Vote 3-2. Senator Reagan for the committee.

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

SB 513-FN, relative to the Sununu Youth Service Center. Interim Study, Vote 4-0. Senator Hosmer for the committee.

The question is on the adoption of the motion of Interim Study. Adopted.

SB 514, relative to the appropriation for Medicaid managed care. Inexpedient to Legislate, Vote 5-0. Senator Reagan for the committee.

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

#### MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove SB 481-FN from the table. Adopted.

#### FINANCE

SB 481-FN, relative to a special health care service license and establishing a fund. Ought to Pass, Vote 5-1. Senator Hosmer for the committee.

Senator Sanborn offered a floor amendment.

Sen. Sanborn, Dist 9

March 3, 2016

2016-0905s

03/09

#### Floor Amendment to SB 481-FN

Amend RSA 151:2-g as inserted by section 1 of the bill by replacing it with the following:

151:2-g Emergency Services. Every facility licensed as a hospital under RSA 151:2, I(a) shall operate an emergency department offering emergency services to all individuals regardless of ability to pay 24 hours every day, 7 days a week. This requirement shall not apply to:

I. Any hospital licensed and operating prior to July 1, 2016, which does not operate an emergency department.

II. Any new psychiatric or substance abuse treatment hospital.

III. Any for-profit hospital licensed and operating after July 1, 2016.

The question is on the adoption of the Floor Amendment.

A division vote was requested.

Division, Yeas: 6 - Nays: 17. Failed.

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

Senators Avard, Birdsell, and Daniels are in opposition to the motion of Ought to Pass on SB 481-FN.

SB 515-FN, relative to child neglect and other changes to the child protection act. Ought to Pass, Vote 6-0. Senator Reagan for the committee.

Senator Reagan offered a floor amendment.

Sen. Kelly, Dist 10  
Sen. Reagan, Dist. 17  
March 23, 2016  
2016-1159s  
05/04

### **Floor Amendment to SB 515-FN**

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

1 Statement of Findings. The general court finds and declares that the state of New Hampshire is facing an epidemic regarding the misuse and abuse of opiates, including, but not limited to, heroin and fentanyl. A parent's use of these drugs can pose a substantial threat to the safety of the children living in the home. Consistent with the purposes of the child protection act, this act will help the department to insure the safety of the children living in the home, will enable the department to provide services to the parents and family to help them address their drug use so that they can safely parent their children and shall be administered to insure the preservation and unity of the family whenever possible.

2 Child Protection Act; Definition of a Neglected Child. Amend RSA 169-C:3, XIX(b) to read as follows:

(b) Who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his or her physical, mental, or emotional health, when it is established that his or her health has suffered or is very likely to suffer serious impairment; and the deprivation is not due primarily to the lack of financial means of the parents, guardian, or custodian. Evidence of a custodial parent's opioid drug abuse or opioid drug dependence, as defined in RSA 318-B:1, I or RSA 318-B:1, IX, shall constitute prima facie evidence that the child's health has suffered or is very likely to suffer serious impairment, unless the parent is compliant in treatment for such use or dependence; or

3 New Section; Child Protection Act; Court Ordered Alcohol and Drug Testing. Amend RSA 169-C by inserting after section 12-c the following new section:

169-C:12-d Court-Ordered Alcohol and Drug Testing. The court may order alcohol or drug testing at any stage of the proceeding where substance abuse is an ongoing issue in the case, where alcohol or drug use is a disputed issue of fact, or where there is reason to believe that alcohol or drug use may be substantially interfering with a parent's ability to adhere to the case plan. Unless otherwise ordered by the court, the frequency and type of such testing shall be at the discretion of the department.

4 Child Protection Act; Liability of Expenses and Hearing on Liability. Amend RSA 169-C:27, I(b) to read as follows:

(b) Subparagraph (a) shall not apply to expenses incurred for special education and related services, or to expenses incurred for evaluation, care, and treatment of the child at the New Hampshire hospital or to expenses incurred for the cost of accompanied transportation [or to expenses incurred for the cost of alcohol and drug testing].

5 Child Protection Act; Definition of a Neglected Child; Effective July 1, 2020. RSA 169-C:3, XIX(b) is repealed and reenacted to read as follows:

(b) Who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his or her physical, mental, or emotional health, when it is established that his or her health has suffered or is very likely to suffer serious impairment; and the deprivation is not due primarily to the lack of financial means of the parents, guardian, or custodian; or

6 Effective Date.

I. Section 5 of this act shall take effect July 1, 2020.

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

2016-1159s

### **AMENDED ANALYSIS**

This bill temporarily amends the definition of a neglected child to provide that, unless the parent is in treatment, evidence of a custodial parent's opioid drug abuse or dependence shall constitute evidence of child neglect. The bill also permits the court to order periodic alcohol or drug testing and provides that the parent may be responsible for the cost of such tests.

The bill is a request of the department of health and human services.

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

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

SB 521-FN, relative to an OHRV registration fee for persons who are members of an OHRV club. Ought to Pass, Vote 5-0. Senator D'Allesandro for the committee.

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

Senators Birdsell, Boutin, Forrester, Little, Morse, and Sanborn are in opposition to the motion of Ought to Pass on SB 521-FN.

SB 528-FN-A, making an appropriation for supportive housing for persons with substance use disorders. Interim Study, Vote 5-0. Senator Reagan for the committee.

The question is on the adoption of the motion of Interim Study. Adopted.

SB 532-FN, relative to prior authorization for substance abuse treatment. Ought to Pass with Amendment, Vote 6-0. Senator Reagan for the committee.

Senate Finance

March 16, 2016

2016-1065s

01/09

#### **Amendment to SB 532-FN**

Amend the introductory paragraph of RSA 415-A:7, I as inserted by section 3 of the bill by replacing it with the following:

I. All policies issued or renewed after December 31, 2016 shall either:

Amend paragraph I of section 5 of the bill by replacing it with the following:

I. Section 4 of this act shall take effect December 31, 2018.

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

Senator Stiles offered a floor amendment.

Sen. Stiles, Dist 24

Sen. Feltes, Dist 15

March 23, 2016

2016-1132s

01/03

#### **Floor Amendment to SB 532-FN**

Amend RSA 415-A:7, I(b) as inserted by section 3 of the bill by replacing it with the following:

(b) Have a medical clinician or licensed alcohol and drug counselor available on a 24-hour hotline to provide a drug treatment assessment. If treatment is found to be a medical necessity by the clinician or counselor, prior authorization for services, such as acute treatment services or clinical stabilization services, shall be granted within 12 hours of the initial call being made to the hotline; provided that until the hotline determination is made, coverage for substance use disorder services shall be provided at an appropriate level of care consistent with the ASAM criteria, as defined in RSA 420-J:15, I, as determined by a treating clinician trained in the ASAM criteria.

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

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

SB 535-FN-A, establishing a grant program for high schools for heroin and opiate prevention education. Ought to Pass, Vote 5-0. Senator Forrester for the committee.

Senator Soucy offered a floor amendment.

Sen. Soucy, Dist 18  
Sen. Kelly, Dist 10  
Sen. Woodburn, Dist 1  
March 24, 2016  
2016-1160s  
04/10

### **Floor Amendment to SB 535-FN-A**

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$51,520 for the biennium ending June 30, 2017 is hereby appropriated to the university system of New Hampshire for the purpose of making grants as provided in section 1 of this act to the TIGER program at Plymouth state university. In order to fund this appropriation, the commissioner of the department of education shall identify any appropriations unexpended as of June 30, 2016 from sums appropriated to the department pursuant to 2015, 275 and 276 for the purpose of chartered public school tuition and shall transfer the amount required in this section to the university system of New Hampshire for the purpose required in this section. Any transfers made pursuant to this section shall not require the prior approval of the fiscal committee of the general court and the governor and council and shall not be subject to the provisions of RSA 9:16-a, 9:17-a, and RSA 9:17-c.

2016-1160s

### **AMENDED ANALYSIS**

This bill establishes a one-year grant program for high schools for heroin and opiate prevention education and funds the program using unexpended chartered public school appropriations.

Recess. Out of recess.

Senator Bradley moved to Lay on the Table SB 535-FN-A. Adopted.

### **FINANCE**

SB 546-FN, relative to petitions for verification of checklists. Ought to Pass, Vote 5-0. Senator D'Allesandro for the committee.

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

### **HEALTH AND HUMAN SERVICES**

SB 417, relative to employment contract restrictions upon physicians. Ought to Pass with Amendment, Vote 3-0. Senator Sanborn for the committee.

Health and Human Services  
March 16, 2016  
2016-1062s  
04/09

### **Amendment to SB 417**

Amend RSA 329:31-a as inserted by section 1 of the bill by replacing it with the following:

329:31-a Certain Contract Restrictions upon Physicians Unenforceable. Any contract or agreement which creates or established the terms of a partnership, employment, or any other form of professional relationship with a physician licensed by the board to practice in this state, which includes any restriction to the right of such physician to also practice medicine in any geographic area for any period of time after the termination of such partnership, employment, or professional relationship shall be void and unenforceable with respect to said restriction; provided however, that nothing herein shall render void or unenforceable the remaining provision of any such contract or agreement. The requirements of this section shall apply to new contracts or renewals of contracts entered into on or after the effective date of this section.

Senator Hosmer moved to Lay on the Table SB 417. Failed.

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

Senator Prescott moved to Lay on the Table SB 417. Adopted.

Recess. Out of recess.

**MOTION TO REMOVE FROM THE TABLE**

Senator Bradley moved to remove SB 417 from the table. Adopted.

**HEALTH AND HUMAN SERVICES**

SB 417, relative to employment contract restrictions upon physicians.

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

A roll call was requested by Senator Prescott, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Cataldo, Little, Sanborn, Daniels, Avard, Lasky, Carson, Feltes, Boutin, Reagan, Birdsell, Fuller Clark, Prescott, Stiles, Morse.

The following Senators voted No: Pierce, Hosmer, Kelly, Soucy, D'Allesandro.

Roll Call, Yeas: 19 - Nays: 5. Adopted, bill ordered to Third Reading.

**MOTION TO REMOVE FROM THE TABLE**

Senator Bradley moved to remove SB 535-FN-A from the table. Adopted.

**FINANCE**

SB 535-FN-A, establishing a grant program for high schools for heroin and opiate prevention education.

Sen. Soucy, Dist 18

Sen. Kelly, Dist 10

Sen. Woodburn, Dist 1

March 24, 2016

2016-1160s

04/10

**Floor Amendment to SB 535-FN-A**

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$51,520 for the biennium ending June 30, 2017 is hereby appropriated to the university system of New Hampshire for the purpose of making grants as provided in section 1 of this act to the TIGER program at Plymouth state university. In order to fund this appropriation, the commissioner of the department of education shall identify any appropriations unexpended as of June 30, 2016 from sums appropriated to the department pursuant to 2015, 275 and 276 for the purpose of chartered public school tuition and shall transfer the amount required in this section to the university system of New Hampshire for the purpose required in this section. Any transfers made pursuant to this section shall not require the prior approval of the fiscal committee of the general court and the governor and council and shall not be subject to the provisions of RSA 9:16-a, 9:17-a, and RSA 9:17-c.

2016-1160s

**AMENDED ANALYSIS**

This bill establishes a one-year grant program for high schools for heroin and opiate prevention education and funds the program using unexpended chartered public school appropriations.

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

Senator Sanborn offered a floor amendment.

Sen. Sanborn, Dist 9

March 24, 2016

2016-1175s

04/05

**Floor Amendment to SB 535-FN-A**

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$51,520 for the biennium ending June 30, 2017 is hereby appropriated to the university system of New Hampshire for the purpose of making grants as provided in section 1 of this act to the TIGER program at Plymouth state university. For the purposes of funding the appropriation made in this

section, the governor shall identify excess appropriations from sums appropriated pursuant to 2015, 275 and 276, and shall transfer said sums to the appropriate class lines. Any transfers made pursuant to this section shall not require the prior approval of the fiscal committee of the general court and the governor and council and shall not be subject to the provisions of RSA 9:16-a, RSA 9:17-a, and RSA 9:17-c.

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

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

### SPECIAL ORDER

Without objection, the following bill was special ordered to the present time.

### COMMERCE

SB 488-FN-L, requiring reasonable accommodations for pregnant workers. Ought to Pass with Amendment, Vote 5-0. Senator Soucy for the committee.

Commerce  
March 2, 2016  
2016-0864s  
01/09

### Amendment to SB 488-FN-LOCAL

Amend the bill by deleting section 1 and renumbering the original sections 2-5 to read as 1-4, respectively.

Amend the introductory paragraph of RSA 354-A:2, XIV-c as inserted by section 1 of the bill by replacing it with the following:

XIV-c. "Reasonable accommodation," for the purposes of RSA 354-A:7, VIII shall include, but not be limited to: more frequent or longer breaks, time off to recover from childbirth, acquisition or modification of equipment, seating, temporary transfer to a less strenuous or hazardous position, job restructuring, light duty, necessary break time and private, sanitary, non-bathroom space for expressing breast milk, assistance with manual labor, or modified work schedules; provided that:

Amend RSA 354-A:2, XIV-f as inserted by section 1 of the bill by replacing it with the following:

[XIV-d.] XIV-f. "Undue hardship" means an action requiring significant difficulty or expense, when considered in light of the factors set forth in this paragraph. In determining whether an accommodation would impose an undue hardship on an employer, factors to be considered include:

(a) The nature and cost of the accommodation needed under this chapter.

(b) The overall financial resources of the facility involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility.

(c) The overall financial resources of the employer; the overall size of the business of an employer with respect to the number of its employees; and the number, type, and location of its facilities.

(d) The type of operation or operations of the employer, including the composition, structure, and functions of the workforce of such employer; the geographic separateness, administrative, or fiscal relationship of the facility in question to the employer.

Amend RSA 354-A:7, VIII (c) as inserted by section 3 of the bill by replacing it with the following:

(c)(1) An employer shall provide written notice of the right to be free from discrimination in relation to pregnancy, childbirth, or a related medical condition, including the right to reasonable accommodations for any condition of an employee related to pregnancy, childbirth, or a related medical condition, pursuant to this paragraph to:

(A) New employees at the commencement of employment.

(B) Existing employees within 120 days after the effective date of this paragraph.

(C) Any employee who notifies the employer of her pregnancy within 10 days of such notification.

(2) Such notice shall be conspicuously posted at an employer's place of business in an area accessible to employees.

(3) The commission may develop courses of instruction and conduct ongoing public education efforts as necessary to inform employers, employees, employment agencies, and job applicants about their rights and responsibilities under this paragraph.

(d) Nothing in this paragraph shall be construed to preempt, limit, diminish, or otherwise affect any other provision of law relating to sex discrimination or pregnancy, or in any way to diminish the coverage for pregnancy, childbirth, or a condition related to pregnancy or childbirth under any other provision of this chapter, including RSA 354-A:7, VI(b) and (c).

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

Senator Bradley offered a floor amendment.

Sen. Bradley, Dist 3  
March 23, 2016  
2016-1131s  
01/04

### **Floor Amendment to SB 488-FN-LOCAL**

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

AN ACT relative to breastfeeding.

1 New Subdivision; Breastfeeding; Employer Responsibilities. Amend RSA 275 by inserting after section 75 the following new subdivision:

#### **Breastfeeding; Employer Responsibilities**

275:76 Definitions. In this subdivision:

I. "Department" means the department of labor.

II. "Express milk" means the act of extracting human milk which can be accomplished by hand or pump.

III. "Employer" means an individual, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, governmental entity, and any common carrier who employs any person. "Employer" shall also include any person acting in the interest of an employer directly or indirectly.

275:77 Time and Space to Express Milk.

I. An employer shall provide:

(a) A reasonable break time for an employee to express breast milk for her nursing child each time such employee has need to express the milk; and

(b) A sanitary indoor place, other than a bathroom or toilet stall, that is shielded from view and free from intrusion from co-workers and the public, which may be used by an employee to express breast milk.

II. An employer shall not be required to compensate an employee receiving reasonable break time under paragraph I for any work time spent for such purpose, providing such break shall be documented as a break for the purpose of expressing milk.

III. Where employers already provide compensated breaks, an employee who uses that break time to express milk shall be compensated in the same way that other employees are compensated for break time. In addition, the employee shall be completely relieved from duty or else the time shall be compensated as work time.

IV. An employer that employs less than 50 employees shall not be subject to the requirements of this chapter, if such requirements would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business.

275:78 Retaliation. An employer shall not discharge or in any other manner discriminate against any employee because he or she makes a charge, files any complaint, or institutes or causes to be instituted any investigation, proceeding, hearing, or action under or related to this chapter, including an investigation conducted by the employer, or has testified or is planning to testify or has assisted or participated in any manner in any such investigation, proceeding, hearing, or action.



275:79 Penalty. Any employer violating this chapter shall be subject to a civil penalty, to be imposed by the labor commissioner in accordance with the procedures established in RSA 273:11-a. An employer aggrieved by the commissioner's assessment of such penalty may appeal in accordance with RSA 273:11-c.

275:80 Advisory Council on Breastfeeding.

I. There is hereby established an advisory council on breastfeeding. The advisory council shall follow the goals of the United States Surgeon General and the United States Breastfeeding Committee. The advisory council shall be comprised of, but not limited to:

(a) One member 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.

(c) The commissioner of the department of labor, or designee.

(d) A representative from the women, infants, and children program (WIC), appointed by the commissioner of the department of health and human services.

(e) A certified midwife, appointed by the midwifery council established in RSA 326-D:3.

(f) A member of the New Hampshire Business and Industry Association, appointed by the association.

(g) The president of the New Hampshire Breastfeeding Rights Coalition, or designee.

(h) The chair of the New Hampshire Breastfeeding Task Force, or designee.

(i) A hospital administrator from a certified baby-friendly hospital, appointed by the governor.

(j) A transportation representative, appointed by the governor.

(k) A currently breastfeeding mother, appointed by the governor.

(l) An attorney with experience in human rights issues, appointed by the New Hampshire commission on human rights.

II. The advisory council shall examine best practices in New Hampshire, including but not limited to the Baby Friendly Hospital Initiative, Family and Sick Leave, Childcare Trainings on Breastfeeding, Milk Banks, Lactation Spaces in Public Accommodations, and the World Health Organization's International Code of Marketing of Breastmilk Substitutes.

III. Legislative members shall receive mileage at the legislative rate while attending to the duties of the commission.

IV. The advisory council may meet as often as necessary to effectuate its goals and meetings may be held by conference call. A minimum of 3 meetings per year shall be open to the public.

V. The advisory council shall make an interim report commencing on November 1, 2016 and a final report on December 1, 2017 on its activities and findings, together with any recommendations for proposed legislation, to the president of the senate, the speaker of the house of representatives, and the governor.

2 New Paragraph; Notification, Posting, and Records. Amend RSA 275:49 by inserting after paragraph VII the following new paragraph:

VIII. Keep posted in a place accessible by his or her employees such notices as prescribed by the commissioner on the protections under RSA 275:76 – 275:80. The commissioner shall adopt rules, under RSA 541-A, relative to the form, content, and placement of such notices.

3 Nursing Mothers; Exemption from Jury Duty. Amend RSA 500-A:11 to read as follows:

500-A:11 Excuse From Jury Service. A person who is not disqualified for jury service may be excused from jury service by the court only upon a showing of undue hardship, extreme inconvenience, public necessity, nursing mothers, or for any other cause that the court deems appropriate. The person may be excused for the time deemed necessary by the court and shall report again for jury service, as directed by the court.

4 Repeal. RSA 275:80, relative to an advisory council on breastfeeding, is repealed.

5 Effective Date.

I. Section 4 of this act shall take effect December 1, 2017.

II. The remainder of this act shall take effect January 1, 2017.

2016-1131s

**AMENDED ANALYSIS**

This bill requires employers to provide reasonable accommodations to women who are breastfeeding and exempts a nursing mother from jury duty.

Senator Bradley moved to Lay on the Table SB 488-FN-L. Adopted.

**FINANCE**

CACR 27, relating to the operating budget. Providing that the state shall not spend more in any year than it receives in revenue. Ought to Pass with Amendment, Vote 3-2. Senator Reagan for the committee.

Senate Finance

March 16, 2016

2016-1059s

06/09

**Amendment to CACR 27**

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

RELATING TO:           the operating budget.

PROVIDING THAT:   the state shall not spend more from any fund than such fund receives in revenue, nor use the proceeds of any bond to fund its annual operating expenditures.

Amend the resolution by replacing paragraph I with the following:

I. That the second part of the constitution be amended by inserting after article 6-b the following new article:

[Art.] 6-c [Balanced Budget.] The state shall not, without an affirmative vote of two-thirds of the total number of representatives apportioned under part 2, article 9 and of the total number of senators allocated by part 2, article 25, either spend from the general fund or any other fund capable of producing a surplus more in any biennial budget period than that fund receives in revenues, plus any surplus in that fund from the previous biennium and any amounts held in a revenue stabilization, reserve, or contingency account to the extent such account was funded by the general court before that budget period, or use the proceeds of any bond or other instrument of indebtedness to fund, directly or indirectly, its annual operating expenditures.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending the second part of the constitution by inserting after article 6-b a new article to read as follows:

[Art.] 6-c [Balanced Budget.] The state shall not, without an affirmative vote of two-thirds of the total number of representatives apportioned under part 2, article 9 and of the total number of senators allocated by part 2, article 25, either spend from the general fund or any other fund capable of producing a surplus more in any biennial budget period than that fund receives in revenues, plus any surplus in that fund from the previous biennium and any amounts held in a revenue stabilization, reserve, or contingency account to the extent such account was funded by the general court before that budget period, or use the proceeds of any bond or other instrument of indebtedness to fund, directly or indirectly, its annual operating expenditures.”

2016-1059s

**AMENDED ANALYSIS**

This constitutional amendment concurrent resolution provides that the state may not, in any biennial budget period, spend more from any fund than that fund receives in revenue, or use the proceeds of any bond to fund annual operating expenses.

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

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

A roll call was requested by Senator Boutin, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Cataldo, Hosmer, Little, Sanborn, Kelly, Daniels, Avard, Lasky, Carson, Feltes, Boutin, Reagan, Soucy, Birdsell, D’Allesandro, Fuller Clark, Prescott, Stiles, Morse.

The following Senators voted No: Pierce

Roll Call, Yeas: 23 - Nays: 1. Adopted by the necessary three-fifths vote, bill ordered to Third Reading.

SB 414-FN-A, relative to the health care premium contribution for retired state employees over 65 years of age, relative to funding of retiree health benefits, and making an appropriation to the department of administrative services. Interim Study, Vote 4-0. Senator Hosmer for the committee.

The question is on the adoption of the motion of Interim Study. Adopted.

SB 492-FN, relative to expenditures from the energy efficiency fund. Ought to Pass, Vote 4-2. Senator Reagan for the committee.

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

A roll call was requested by Senator Sanborn, seconded by Senator Boutin.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Little, Kelly, Lasky, Feltes, Boutin, Soucy, D'Allesandro, Fuller Clark, Stiles.

The following Senators voted No: Forrester, Bradley, Cataldo, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Prescott, Morse.

Roll Call, Yeas: 13 - Nays: 11. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

SB 495-FN-A, relative to state retiree health plan costs and funding. Ought to Pass with Amendment, Vote 6-0. Senator D'Allesandro for the committee.

Senate Finance  
March 16, 2016  
2016-1063s  
04/09

#### **Amendment to SB 495-FN-A**

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

1 Appropriation and Charges; Department of Administrative Services; Risk Management; Health Plan Costs. In addition to any other sums appropriated, the sum of \$700,000 is appropriated to the department of administrative services, risk management unit, for the biennium ending June 30, 2017 for state retiree health plan costs under RSA 21-I:30. Said appropriations shall be a charge against the following accounts:

Accounting Unit	Class	Class Name	FY 2016	FY 2017
01-14-14-1415-2950	023	Heat-Electricity-Water	(\$50,000)	(\$100,000)
02-10-10-1000-1880	049	Transfer to Other State Agencies	(\$180,000)	(\$180,000)
02-46-46-4680-8250	023	Heat-Electricity-Water	(\$90,000)	(\$100,000)

2 Contingent Appropriation; Department of Administrative Services; Retiree Health Plan Costs. For the biennium ending June 30, 2017, in the event expenditures are greater than amounts appropriated to the department of administrative services for retiree health insurance under account 01-14-14-143510-2903, the commissioner of the department of administrative services may request, with prior approval of the fiscal committee of the general court and the governor and council, additional funding from available general funds. Such approved sum is hereby appropriated. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

2016-1063s

#### **AMENDED ANALYSIS**

This bill provides the department of administrative services, risk management unit with funding for state retiree health plan costs for the biennium ending June 30, 2017.

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

Senator Feltes offered a floor amendment.

Sen. Feltes, Dist 15  
March 23, 2016  
2016-1151s  
10/05

**Floor Amendment to SB 495-FN-A**

Amend the bill by replacing section 2 with the following:

2 Contingent Appropriation; Department of Administrative Services; Retire Health Plan Costs. For the biennium ending June 30, 2017, in the event expenditures are greater than amounts appropriated to the department of administrative services for retiree health insurance under account 01-14-14-143510-2903, the commissioner of the department of administrative services may request additional funding from available general funds, with prior approval of the fiscal committee of the general court. Such approved sum is hereby appropriated. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

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

SB 507-FN, authorizing online voter registration. Inexpedient to Legislate, Vote 4-2. Senator Little for the committee.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Lasky, seconded by Senator Sanborn.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Morse.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark, Stiles.

Roll Call, Yeas: 13 - Nays: 11. Adopted.

SB 527-FN-A, making an appropriation to the police standards and training council, repealing the police standards and training council training fund, making an appropriation to the department of safety for the purchase of state police cruisers. Ought to Pass with Amendment, Vote 5-0. Senator D'Allesandro for the committee.

Senate Finance  
March 15, 2016  
2016-1033s  
06/10

**Amendment to SB 527-FN-A**

Amend the bill by replacing section 8 with the following:

8 Appropriation; Department of Safety, Division of State Police.

I. There is hereby appropriated to the department of safety, division of state police, accounting unit 02-23-23-234015-4003, class 030, in addition to any other funds appropriated to the department of safety, the sum of \$1,200,000 for the biennium ending June 30, 2017 for the purpose of the acquisition and equipping of new state police cruisers to replace those that have repairs exceeding the value of the vehicle.

II. The source of funds for the appropriation under paragraph I shall be \$612,900 as a charge against the highway fund and \$587,100 as a charge against the turnpike fund.

Amend the bill by inserting after section 8 the following and renumbering the original section 9 to read as 10:

9 Police Standards and Training Council. For the fiscal year ending June 30, 2016, police standards and training council accounting units 06-87-87-870510-8980, 06-87-87-871010-8999, 06-87-87-871510-8310, and 06-87-87-872010-8139 shall be exempt from budget footnote I contained in 2015, 275:1.08.

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

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

A roll call was requested by Senator D'Allesandro, seconded by Senator Boutin.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Little, Sanborn, Kelly, Daniels, Avard, Lasky, Carson, Feltes, Boutin, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Prescott, Stiles, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

Senator Woodburn is in favor of the motion of Ought to Pass with Amendment on SB 527-FN-A.

Recess. Out of recess.

SB 533-FN-A-L, relative to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery and making supplemental appropriations to the commission, the department of justice, and the department of health and human services. Ought to Pass with Amendment, Vote 3-1. Senator Forrester for the committee.

Senate Finance  
March 16, 2016  
2016-1055s  
09/01

#### **Amendment to SB 533-FN-A-LOCAL**

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

1 Commission Established. Amend the introductory paragraph of RSA 12-J:1 to read as follows:

12-J:1 Commission Established; Membership; Terms. There is hereby established a commission which shall serve in an advisory capacity to the governor and the general court regarding the delivery of effective and coordinated alcohol and drug abuse prevention, treatment, and recovery services throughout the state. The commission shall consist of the following members:

2 Commission Membership. RSA 12-J:1, I is repealed and reenacted to read as follows:

I. Seven public members, 2 of whom shall be professionals knowledgeable about alcohol and drug abuse prevention, one of whom shall be appointed by the governor and one of whom shall be appointed by the senate president; 2 of whom shall be professionals knowledgeable about alcohol and drug abuse treatment, one of whom shall be appointed by the governor and one of whom shall be appointed by the speaker of the house of representatives; 2 of whom shall be public members who are not professionals within the alcohol and drug addiction prevention and treatment system, one of whom shall be appointed by the senate president and one of whom shall be appointed by the speaker of the house of representatives; and one member in long-term recovery, appointed by the governor.

3 Organization of Commission. Amend RSA 12-J:2, I to read as follows:

I. The [governor and council] commission shall [designate a member of the commission] elect one of its members to serve as chairperson. The executive director of the commission shall be the director of the appropriate division responsible for alcohol and drug abuse prevention and recovery, who shall serve without additional compensation. Twelve members of the commission shall constitute a quorum.

4 Organization of Commission. Amend RSA 12-J:2, II-a to read as follows:

II-a. The chairperson shall create a budget task force comprised of the individuals listed in RSA 12-J:1, III(a) to report biannually on financial expenditures for substance abuse related work throughout state government as detailed in RSA 12-J:4, III and recommend budget policy priorities to the commission regarding the allocation of funding alcohol and drug prevention, treatment, and recovery services across state agencies and throughout the state.

5 Commission; Duties. Amend RSA 12-J:3 to read as follows:

12-J:3 Duties. The duties of the commission shall be to:

I. Develop and revise, as necessary, a statewide plan for the effective prevention of alcohol and drug abuse, particularly among youth, and a comprehensive system of treatment and recovery services for individuals and families affected by alcohol and drug abuse. The statewide plan shall:

- (a) Identify the causes, the nature and scope, and the impact of alcohol and drug abuse in New Hampshire.
- (b) Identify and prioritize unmet needs for prevention, treatment, and recovery services.
- (c) Recommend initiatives and policy considerations to the general court to reduce the incidence of alcohol and drug abuse in New Hampshire.
- (d) Identify and quantify public and private resources available to support alcohol and drug abuse prevention, treatment, and recovery.
- (e) Specify additional resources necessary to address unmet needs for prevention, treatment, and recovery.
- (f) Specify evaluation and monitoring methodology.

II. Advise the governor and general court on and promote [collaboration between and among state agencies and communities to foster] the development of effective community-based alcohol and drug abuse prevention [programs] strategies.

III. Advise the governor and the general court on and promote the development of treatment services to meet the needs of citizens addicted to alcohol or other drugs.

III-a. Advise the governor and the general court on and promote the development of recovery services to meet the needs of citizens in recovery from alcohol and other drug misuse.

IV. Identify unmet needs and the resources required to reduce the incidence of alcohol and drug abuse in New Hampshire and to make recommendations to the governor and general court regarding legislation and funding to address such needs.

V. Authorize the disbursement of moneys from the alcohol abuse prevention and treatment fund, pursuant to RSA 176-A:1, III.

VI. Make presentations at least once each legislative session to the house and senate finance committees, the senate health and human services committee, the house health, human services and elderly affairs committee, and the joint fiscal committee of the general court.

6 Meetings and Reports. Amend RSA 12-J:4, II to read as follows:

II. The commission shall submit an annual report to the governor, speaker of the house of representatives, [and] president of the senate, chairpersons of the house and senate finance committees, chairperson of the house health, human services and elderly affairs committee, the chairperson of the senate health and human services committee, and the chairperson of the joint fiscal committee of the general court by [December] October 1 of each year regarding the activities of the commission. [The first annual report shall be due November 1, 2008.] The annual report shall:

- (a) Identify alcohol and drug abuse prevention, treatment, and recovery services and programs provided by state departments and agencies or funded in whole or in part by state or federal funds;
- (b) Indicate the progress made during the prior year toward the implementation of the statewide plan developed by the commission pursuant to RSA 12-J:3, I;
- (c) Recommend any revisions to the statewide plan developed pursuant to RSA 12-J:3, I;
- (d) Identify and prioritize unmet needs for prevention, treatment, and recovery;
- (e) Indicate the progress, or lack thereof, in addressing the unmet needs;
- (f) Recommend initiatives and/or policy considerations to the governor and the general court to address the unmet needs;
- (g) Specify the resources and any legislation necessary to support existing programs for prevention, treatment, and recovery and to develop, implement, support, and evaluate the initiatives recommended by the commission; and
- (h) In even-numbered years the report may include specific recommendations for funds to be included in the next state biennial budget to support alcohol and drug abuse prevention, treatment, and recovery services and programs.

7 Meetings and Reports. RSA 12-J:4, III is repealed and reenacted to read as follows:

III.(a) To assist the commission in the timely completion of its annual report, each commission member representing an executive branch department or entity shall provide the information specified in paragraph II for its department or entity to the commission on or before August 1 of each year.

(b) The commission shall submit a mid-year report to the governor, speaker of the house of representatives, president of the senate, chairpersons of the house and senate finance committees, chairperson of the house health, human services and elderly affairs committee, chairperson of the senate health and human services committee, and the chairperson of the joint fiscal committee of the general court by March 1 of each year regarding the current state of drug abuse, prevention, treatment, and recovery. The commission shall include a dashboard of the following, both in the interim and the final report as required in RSA 12-J:4, II, that includes but is not limited to:

- (1) The number of known drug overdoses, broken out by drug involved.
- (2) The number of deaths attributable to overdoses, as reported by the chief medical examiner, broken out by drug involved.
- (3) The number of people known to be in treatment or recovery programs supported by commission funding.
- (4) The accessibility and availability of treatment programs, including waitlists.
- (5) The number of individuals in drug court programs, as reported by the judicial branch.
- (6) The number of individuals in diversion programs, as reported by the judicial branch.
- (7) The number of convictions for drug related offenses, as reported by the judicial branch.
- (8) The number of persons incarcerated for drug related offenses as reported by the department of corrections.
- (9) Funds expended and balances remaining, programs and strategies created or sustained by the funds, and an estimate of the number of individuals served by these funds.
- (10) Barriers to data access and availability, with proposed strategies to develop or enhance data capacity.
- (11) Any other information requested by the governor or general court.

(c) All data required in subparagraph (b) shall be presented in the aggregate to protect the privacy of the individual. The commission shall delete any data required in those paragraphs that enables the personal identification of an individual.

IV. In the reports submitted by the commission to the governor, speaker of the house of representatives, president of the senate, chairpersons of the house and senate finance committees, chairperson of the house health, human services and elderly affairs committee, chairperson of the senate health and human services committee, and the chairperson of the joint fiscal committee of the general court, the report shall include outcome data and/or research citations about the efficacy of funded programs based upon evidence of program results.

8 Reference Change; Commission on Post-Traumatic Stress Disorder and Traumatic Brain Injury; Membership. Amend RSA 115-D:2, I(g) to read as follows:

(g) The chairperson of the governor's commission on alcohol and drug abuse prevention, [intervention, and] treatment, and recovery or designee.

9 Contingency. RSA 12-J:1, I, as inserted by section 2 of this act, shall take effect upon the expiration of the terms of the commission members who are serving on the effective date of this act.

10 Department of Health and Human Services; Supplemental Appropriation for Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment, and Recovery; Supplemental Appropriation for Supportive Housing Projects for Persons with Substance Abuse Disorders.

I. In addition to any other sums appropriated for fiscal year 2017, \$2,500,000 for the fiscal year ending June 30, 2017 is hereby appropriated to the department of health and human services. The commissioner of health and human services shall determine whether such appropriation shall be:

(a) Used by the governor's commission on alcohol and drug abuse prevention, treatment and recovery for the purpose of contracts for program services, within the department of health and human services; or

(b) Transferred to the New Hampshire housing finance authority for the purposes set forth in RSA 204-C:56 through RSA 204-C:62, relative to the affordable housing fund, provided the funds transferred are used for the purpose of funding supportive housing projects for persons with substance abuse disorders.

II. For the purposes of funding the appropriation made in paragraph I, the department of health and human services shall identify excess appropriations from sums appropriated to the department pursuant to 2015, 275 and 276, and shall transfer said sums to the appropriate class lines. Any transfers made pursuant to this section shall not require the prior approval of the fiscal committee of the general court and the governor and council and shall not be subject to the provisions of RSA 9:16-a, 9:17-a, and RSA 9:17-c.

III. The supplemental appropriation made to the department of health and human services in paragraph I shall only be made after the commissioner of health and human services has consulted with the joint fiscal committee of the general court about how the supplemental funds are to be disbursed. The consultation shall take place at the first scheduled meeting of the fiscal committee following the effective date of this section.

#### 11 Department of Justice; Supplemental Appropriation for Attorney Position.

I. In addition to any other sums appropriated for fiscal years 2016 and 2017, the sum of \$20,830 for the fiscal year ending June 30, 2016 and \$104,492 for the fiscal year ending June 30, 2017 are hereby appropriated to the department of justice for the purpose of hiring an assistant attorney general dedicated to prosecuting drug cases. For the purposes of funding said appropriations, the department of justice shall identify excess appropriations from sums appropriated to the department pursuant to 2015, 275 and 276, and shall transfer said sums to the class lines detailed in paragraph II. Any transfers made pursuant to this section shall not require the prior approval of the fiscal committee of the general court and the governor and council and shall not be subject to the provisions of RSA 9:16-a, 9:17-a, and RSA 9:17-c.

#### II. Transfer.

#### 02 Administration of Justice and Public Protection

#### 20 Department of Justice

#### 2000 Department of Justice

#### 200510 Division of Public Protection

#### 2610 Criminal Justice

	FY 2016	FY 2017
020 Current Expenses	\$125	\$500
030 Equipment	\$750	\$0
037 Technology Hardware	\$1,000	\$0
038 Technology Software	\$1,200	\$150
039 Telecommunications	\$35	\$70
059 Salary-Full Time Temp	\$12,000	\$70,250
060 Benefits	\$5,170	\$31,022
070 In-State Travel	\$200	\$1
080 Out of State Travel	\$350	\$1,500
TOTAL	\$20,830	\$104,492

#### 12 Department of Health and Human Services; Supplemental Appropriation; Bureau of Drug and Alcohol Services.

I. In addition to any other sums appropriated for fiscal year 2017, the sum of \$500,000 for the fiscal year ending June 30, 2017 is hereby appropriated to the department of health and human services, bureau of drug and alcohol services to support the creation, initiation, expansion and/or operational costs for peer recovery support services. For the purposes of funding said appropriations, the department of health and human services shall identify excess appropriations from sums appropriated to the department pursuant to 2015, 275 and 276, and shall transfer said sums to the appropriate class lines. Any transfers made pursuant to this section shall not require the prior approval of the fiscal committee of the general court and the governor and council and shall not be subject to the provisions of RSA 9:16-a, 9:17-a and RSA 9:17-c.



II. Existing and proposed peer recovery support services shall be eligible to receive a grant. However, no more than 2 grants shall be awarded per county. All other eligibility criteria shall be determined by the bureau of drug and alcohol services. The bureau shall forward information on selected grant recipients to the governor and council. No grant shall be awarded without the approval of the governor and council.

III. No later than December 31, 2017, the bureau of drug and alcohol services shall report to the fiscal committee of the general court the number of grants awards, which organizations received a grant, and the total number of individuals served as a result of said grants.

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

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

Senator Bradley offered a floor amendment.

Sen. Bradley, Dist 3  
March 23, 2016  
2016-1157s  
09/01

#### **Floor Amendment to SB 533-FN-A-LOCAL**

Amend paragraphs I and II as inserted by section 10 of the bill by replacing them with the following:

I. In addition to any other sums appropriated for fiscal year 2017, \$4,500,000 for the fiscal year ending June 30, 2017 is hereby appropriated to the department of health and human services. The commissioner of health and human services shall determine whether such appropriation shall be:

(a) Used by the governor's commission on alcohol and drug abuse prevention, treatment and recovery for the purpose of contracts for program services, within the department of health and human services; and/or

(b) Transferred to the New Hampshire housing finance authority for the purposes set forth in RSA 204-C:56 through RSA 204-C:62, relative to the affordable housing fund, provided the funds transferred are used for the purpose of funding supportive housing projects for persons with substance abuse disorders.

II. For the purposes of funding the appropriation made in paragraph I, the governor shall identify excess appropriations from sums appropriated pursuant to 2015, 275 and 276, and shall transfer said sums to the appropriate class lines. Any transfers made pursuant to this section shall not require the prior approval of the fiscal committee of the general court and the governor and council and shall not be subject to the provisions of RSA 9:16-a, 9:17-a, and RSA 9:17-c.

Amend paragraphs I and II of section 12 of the bill by replacing them with the following:

I. In addition to any other sums appropriated for fiscal year 2017, the sum of \$500,000 for the fiscal year ending June 30, 2017 is hereby appropriated to the department of health and human services, bureau of drug and alcohol services to support direct grants for the creation, initiation, expansion and/or operational costs for peer recovery support services. For the purposes of funding said appropriations, the governor shall identify excess appropriations from sums appropriated pursuant to 2015, 275 and 276, and shall transfer said sums to the appropriate class lines. Any transfers made pursuant to this section shall not require the prior approval of the fiscal committee of the general court and the governor and council and shall not be subject to the provisions of RSA 9:16-a, 9:17-a and RSA 9:17-c.

II. Existing and proposed peer recovery support services shall be eligible to receive a grant. However, no more than one grant shall be awarded per county. All other eligibility criteria shall be determined by the bureau of drug and alcohol services. The bureau shall forward information on selected grant recipients to the governor and council. No grant shall be awarded without the approval of the governor and council.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Sanborn, seconded by Senator Avar.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Little, Sanborn, Kelly, Daniels, Avar, Lasky, Carson, Feltes, Boutin, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Prescott, Stiles, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

Senator Woodburn offered a floor amendment.

Sen. Woodburn, Dist 1  
 March 24, 2016  
 2016-1172s  
 09/04

### Floor Amendment to SB 533-FN-A-LOCAL

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

AN ACT making supplemental appropriations to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery, the department of justice, the department of health and human services, and the New Hampshire housing finance authority.

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

1 New Section; Department of Health and Human Services; Supplemental Appropriation for Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment, and Recovery. In addition to any other sums appropriated for fiscal years 2016 and 2017, the sum of \$2,000,000 for the fiscal year ending June 30, 2016 and \$3,000,000 for the fiscal year ending June 30, 2017 are hereby appropriated to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery, for the purpose of contracts for program services within the department of health and human services. These appropriations shall not lapse until June 30, 2017 and shall be a charge against funds specified as follows:

#### 05 Health and Human Services

##### 95 Department of Health and Human Services

##### 4900 Division of Community Based Care Services

##### 491510 Bureau of Drug and Alcohol Services

##### 491510 Bureau of Drug and Alcohol Services

##### 2989 Governor Commission Funds

##### 102 Contracts for Program Services

##### TOTAL

##### Estimated Source of Fund

##### General Funds

##### TOTAL

	FY 2016	FY 2017
	\$2,000,000	\$3,000,000
	\$2,000,000	\$3,000,000
	\$2,000,000	\$3,000,000
	\$2,000,000	\$3,000,000

2 Department of Justice; Supplemental Appropriation for Attorney Position. In addition to any other sums appropriated for fiscal years 2016 and 2017, the sum of \$43,287 for the fiscal year ending June 30, 2016 and \$104,492 for the fiscal year ending June 30, 2017 are hereby appropriated to the department of justice for the purpose of hiring an assistant attorney general dedicated to prosecuting drug cases. These appropriations shall not lapse until June 30, 2017 and shall be a charge against funds specified as follows:

#### 02 Administration of Justice and Public Protection

##### 20 Department of Justice

##### 2000 Department of Justice

##### 200510 Division of Public Protection

##### 2610 Criminal Justice

##### 020 Current Expenses

##### 030 Equipment

##### 037 Technology Hardware

##### 038 Technology Software

##### 039 Telecommunications

##### 059 Salary-Full Time Temp

##### 060 Benefits

##### 070 In-State Travel

##### 080 Out of State Travel

##### TOTAL

##### Estimated Source of Funds

##### General Funds

##### TOTAL

	FY 2016	FY 2017
	\$250	\$500
	\$750	\$0
	\$1,000	\$0
	\$1,200	\$150
	\$35	\$70
	\$27,019	\$70,250
	\$11,933	\$31,022
	\$400	\$1,000
	\$700	\$1,500
	\$43,287	\$104,492
	\$43,287	\$104,492
	\$43,287	\$104,492

3 Department of Health and Human Services; Supplemental Appropriation; Bureau of Drug and Alcohol Services.

I. In addition to any other sums appropriated for fiscal year 2017, the sum of \$500,000 for the fiscal year ending June 30, 2017 is hereby appropriated to the department of health and human services, bureau of drug and alcohol services to support the creation, initiation, expansion and/or operational costs for peer recovery support services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. Existing and proposed peer recovery support services shall be eligible to receive a grant. However, no more than 2 grants shall be awarded per county. All other eligibility criteria shall be determined by the bureau of drug and alcohol services. The bureau shall forward information on selected grant recipients to the governor and council. No grant shall be awarded without the approval of the governor and council.

III. No later than December 31, 2017, the bureau of drug and alcohol services shall report to the fiscal committee of the general court the number of grants awards, which organizations received a grant, and the total number of individuals served as a result of said grants.

4 Appropriation; New Hampshire Housing Finance Authority. The sum of \$2,000,000 for the fiscal year ending June 30, 2016, is hereby appropriated to the New Hampshire housing finance authority for the purposes set forth in RSA 204-C:56 through RSA 204-C:62, relative to the affordable housing fund, provided the funds appropriated are used for supportive housing projects for persons with substance use disorders. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

2016-1172s

#### AMENDED ANALYSIS

The bill makes supplemental appropriations to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery, the department of justice, the department of health and human services, bureau of drug and alcohol services, and the New Hampshire housing finance authority.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Woodburn, seconded by Senator Sanborn.

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

The following Senators voted No: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Recess. Out of recess.

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

A roll call was requested by Senator Boutin, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Little, Sanborn, Kelly, Daniels, Avard, Lasky, Carson, Feltes, Boutin, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Prescott, Stiles, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

SB 552-FN, relative to application of the Internal Revenue Code to provisions of the business profits tax. Ought to Pass, Vote 5-1. Senator Little for the committee.

Senator Sanborn offered a floor amendment.

Sen. Sanborn, Dist 9  
Sen. Little, Dist 8  
March 23, 2016  
2016-1155s  
10/04

### **Floor Amendment to SB 552-FN**

Amend RSA 77-A:3-a as inserted by section 2 of the bill by inserting after paragraph II the following new paragraph:

III. The United States Internal Revenue Code shall be applied so that the aggregate cost which may be taken into account under section 179(a) of such code for any taxable year shall not exceed \$25,000.

Amend the bill by replacing all after section 5 with the following:

6 Repeal. RSA 77-A:3-a, III, relative to the application of Internal Revenue Code section 179(a), is repealed.

7 Effective Date.

I. Section 6 of this act shall take effect January 1, 2017.

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

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

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

A roll call was requested by Senator Boutin, seconded by Senator Sanborn.

The following Senators voted Yes: Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Little, Sanborn, Daniels, Avard, Lasky, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

The following Senators voted No: Woodburn, Kelly, Feltes, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 18 - Nays: 6. Adopted, bill ordered to Third Reading.

### **HEALTH AND HUMAN SERVICES**

SB 553, relative to implementation of the Medicaid managed care program. Ought to Pass, Vote 3-0. Senator Sanborn for the committee.

Senator Forrester offered a floor amendment.

Sen. Forrester, Dist 2  
March 23, 2016  
2016-1154s  
01/09

### **Floor Amendment to SB 553**

Amend the bill by replacing section 1 with the following:

1 Medicaid Managed Care Program; Implementation.

I. Notwithstanding any other provision of law to the contrary, the provisions of step 2 of the Medicaid managed care program, established in RSA 126-A:5, XIX, which have been implemented as of March 15, 2016 shall remain in effect, provided, that the balance of step 2, specifically, nursing services, homecare services provided under the choices for independence waiver, and developmentally disabled, acquired brain disorder and in-home support services shall not be implemented before July 1, 2017.

II. In addition to any other approvals required by law, the balance of step 2, specifically, nursing services, homecare services provided under the choices for independence waiver, and developmentally disabled, acquired brain disorder and in-home support services shall not be implemented until the plan to implement the balance of step 2 is approved by the joint legislative fiscal committee.

2016-1154s

### **AMENDED ANALYSIS**

This bill declares that the provisions of step 2 of the Medicaid managed care program which have not been implemented by March 15, 2016 shall not be implemented until July 1, 2017, subject to approval of the plan by the legislative fiscal committee.

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

Senator Woodburn asserts Rule 6-25 on SB 553.

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

A roll call was requested by Senator Avar, seconded by Senator Sanborn.

The following Senators voted Yes: Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Little, Sanborn, Kelly, Daniels, Avar, Lasky, Carson, Feltes, Boutin, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Prescott, Stiles, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 23 - Nays: 0. Adopted, bill ordered to Third Reading.

Senator Woodburn asserts Rule 6-25 on SB 553.

## JUDICIARY

SB 336, relative to the qualifications for obtaining a license to carry a concealed pistol or revolver. Ought to Pass with Amendment, Vote 5-0. Senator Cataldo for the committee.

Senate Judiciary

March 16, 2016

2016-1046s

04/06

### Amendment to SB 336

Amend the bill by replacing section 1 with the following:

1 Pistols and Revolvers; License to Carry. Amend RSA 159:6, I to read as follows:

I.(a) The selectmen of a town, the mayor or chief of police of a city or a full-time police officer designated by them respectively, the county sheriff for a resident of an unincorporated place, or the county sheriff if designated by the selectmen of a town that has no police chief, upon application of any resident of such town, city, or unincorporated place, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than [4] 5 years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, [and that the applicant is a suitable person to be licensed] unless the applicant is prohibited from possessing a firearm by state or federal statute. Hunting, target shooting, or self-defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued.

(b) The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for [4] 5 years. When required, license renewal shall take place within the month of the [fourth] fifth anniversary of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the town or city granting said licenses; the fee for licenses granted to out-of-state residents shall be \$100, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue the licenses. No other forms shall be used by officials of cities and towns. The cost of the forms shall be paid out of the fees received from nonresident licenses.

2016-1046s

### AMENDED ANALYSIS

This bill amends the requirements for obtaining a concealed carry license by removing the requirement that the applicant be "suitable" and inserting a requirement that the applicant not be prohibited from possessing a firearm by state or federal statute.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Cataldo, seconded by Senator Avar.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Little, Sanborn, Kelly, Daniels, Avar, Lasky, Carson, Boutin, Reagan, Soucy, Birdsell, Fuller Clark, Prescott, Stiles, Morse.

The following Senators voted No: Feltes, D'Allesandro.

Roll Call, Yeas: 22 - Nays: 2. Adopted.

Senator Pierce offered a floor amendment.

Sen. Pierce, Dist 5

March 23, 2016

2016-1150s

04/06

### **Floor Amendment to SB 336**

Amend the bill by replacing section 1 with the following:

1 Pistols and Revolvers; License to Carry. Amend RSA 159:6, I to read as follows:

I.(a) The selectmen of a town, the mayor or chief of police of a city or a full-time police officer designated by them respectively, the county sheriff for a resident of an unincorporated place, or the county sheriff if designated by the selectmen of a town that has no police chief, upon application of any resident of such town, city, or unincorporated place, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than [4] 5 years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, [and that the applicant is a suitable person to be licensed] unless the applicant (i) is prohibited from possessing a firearm by state or federal statute or (ii) fails to meet any written criteria adopted by the local governing body, as defined in RSA 672:6, regarding the determination of eligibility for a license. Hunting, target shooting, or self-defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued.

(b) The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for [4] 5 years. When required, license renewal shall take place within the month of the [fourth] fifth anniversary of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the town or city granting said licenses; the fee for licenses granted to out-of-state residents shall be \$100, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue the licenses. No other forms shall be used by officials of cities and towns. The cost of the forms shall be paid out of the fees received from nonresident licenses.

2016-1150s

### **AMENDED ANALYSIS**

This bill amends the requirements for obtaining a concealed carry license by removing the requirement that the applicant be "suitable" and requiring that the applicant either be permitted to possess a firearm by state or federal statute or has met any criteria adopted by the local governing body regarding the eligibility to obtain a license.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Sanborn, seconded by Senator Avar.

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

The following Senators voted No: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avar, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

Roll Call, Yeas: 10 - Nays: 14. Failed.

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

A roll call was requested by Senator Cataldo, seconded by Senator Avar.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avar, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 14 - Nays: 10. Adopted, bill ordered to Third Reading.

#### MOTION TO REMOVE FROM THE TABLE

Senator D'Allesandro moved to remove SB 551-FN-A-L from the table. Adopted.

Senator Kelly is in opposition to the motion to Remove from the Table SB 551-FN-A-L.

#### FINANCE

SB 551-FN-A-L, establishing video lottery and table gaming at one location. Ought to Pass with Amendment, Vote 4-2. Senator D'Allesandro for the committee.

Senate Finance

March 9, 2016

2016-0961s

08/04

#### Amendment to SB 551-FN-A-LOCAL

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

1 Statement of Purpose. The general court finds that:

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

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

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

IV. New Hampshire has an interest in ensuring the financial stability and integrity of gaming operations in the state.

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

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

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

#### CHAPTER 284-B

#### VIDEO LOTTERY MACHINES AND TABLE GAMES

284-B:1 Definitions. In this chapter:

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

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

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

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

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

(a) Travelers checks.

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

(c) Personal checks or drafts.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

XXVI. “Table game” means any banking or percentage game in which there is an opportunity for the player to use his or her reason, foresight, or other strategy to increase the expected return, including roulette, baccarat, blackjack, poker, craps, big six wheel, mini-baccarat, red dog, pai gow, casino war,

Asia poker, Boston 5 stud poker, Caribbean stud poker, Colorado hold 'em poker, double attack blackjack, double cross poker, double down stud poker, fast action hold 'em, flop poker, four card poker, let it ride poker, mini-craps, mini-dice, pai gow poker, pokette, Spanish 21, Texas hold 'em bonus poker, 3-card poker, 2-card joker poker, ultimate Texas hold 'em, winner's pot poker, and sic bo or any multi-station electronic version of the games described in this paragraph, and any other games approved by the lottery commission. The term includes any variations or composites of approved games, provided that the lottery commission determines that the new table game, variations, or composites are suitable for use after an appropriate test or experimental period under such terms and conditions as the lottery commission may deem appropriate, and any other game which the lottery commission determines to be suitable for use in a gaming location after an appropriate test or experimental period as the lottery commission may deem appropriate. The term shall also include gaming contests or tournaments in which players compete against one another in any table game authorized for use in a gaming location by the lottery commission. The term shall not include wagering on pari-mutuel racing regulated by the lottery commission pursuant to RSA 284, raffles regulated pursuant to RSA 287-A, lotteries regulated by the lottery commission pursuant to RSA 284:21-h and RSA 287-F, and bingo and lucky 7 games regulated by the lottery commission pursuant to RSA 287-E. Table games which are operated as games of chance pursuant to RSA 287-D shall not be subject to the provisions of this chapter.

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

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

XXIX. "Table game operator" means:

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

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

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

XXXI. "Technology provider license" means the license issued by the lottery commission to a technology provider licensee which allows the technology provider licensee to design, manufacture, install, distribute, or supply video lottery machines and/or table game devices for sale or lease to a gaming licensee.

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

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

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

XXXV. "Video lottery machine" means an electronic, mechanical, or computerized machine which, upon the insertion of bills, coins, tokens, or any representative of value is available to be played where, by chance or skill, or both, the player may receive cash, cash equivalents, or tokens. Video lottery machines include, but are not limited to, slot machines, video poker machines, and other lottery machines. A machine shall be considered a video lottery machine notwithstanding the use of an electronic credit system making the deposit of bills, coins, or tokens unnecessary. Video lottery machines shall not include any redemption slot machines and redemption poker machines as defined in RSA 647:2 or video poker machines or other similar machines used for amusement purposes only.

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

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

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

284-B:3 Rulemaking.

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

(a) License renewals, and making recommendations for the suspension or revocation of any license issued under this chapter.

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

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

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

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

(f) Establishing a process for verifying the training and experience of non-key gaming employees.

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

(h) Prescribing procedures for the fingerprinting of an applicant, key employee, or employee of a licensee, or other methods of identification which may be necessary in the judgment of the lottery commission to accomplish effective enforcement of restrictions to access to the gaming location.

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

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

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

(l) Prescribing grounds and procedures for the issuing of sanctions, including but not limited to, the revocation or suspension of licenses.

(m) Governing the manufacture, distribution, sale, and servicing of video lottery machines and table game devices and associated equipment.

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

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

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

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

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

(s) Establishing the licensing process and approval process for selecting the provider of the central computer system.

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

II. Notwithstanding any law to the contrary, the lottery commission shall initiate the licensing process within 60 days of the effective date of this chapter as provided in RSA 284-B:11 and subject to standards set forth in this chapter. The lottery commission shall adopt rules pursuant to paragraph I no later than June 1, 2016.

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

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

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

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

IV. The lottery commission shall:

(a) Collect all license fees imposed upon any applicant and all taxes imposed by this chapter.

(b) Certify net machine income and gross table game revenue by inspecting records, conducting audits, or having its agents on site, or by any other reasonable means.

(c) Require gaming licensees to submit all contracts for services where the annual amount to be expended by the gaming licensee is over \$500,000 to the lottery commission, and provide any further information to the lottery commission regarding vendors and suppliers as is requested.

(d) Require all holders of gaming licenses issued by the lottery commission pursuant to RSA 284-B to maintain a system of internal controls. At a minimum, the licensee's proposed system of internal controls shall:

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

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

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

(4) Provide for accurate and reliable financial records.

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

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

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

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

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

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

(f) Require all holders of licenses issued by the lottery commission pursuant to RSA 284-B to comply with any exclusion program established by the lottery commission and maintained pursuant to RSA 284-B:3, II(r) and to establish and implement a self-exclusion program whereby a person who acknowledges that he or she is a problem gambler and who requests to be placed on a self-exclusion list shall be excluded or ejected from a licensed facility.

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

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

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

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

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

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

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

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

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

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

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

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

(3) Avoid all prohibited communications;

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

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

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

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

#### 284-B:5 Central Computer System.

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

II. The central computer system shall be capable of:

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

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

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

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

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

III. The central computer system shall employ a widely accepted gaming industry communications protocol, as approved by the Gaming Standards Association, to facilitate the ability of video lottery machine manufacturers to communicate with the central computer system.

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

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

284-B:6 Records; Confidentiality.

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

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

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

IV. All personal and financial proprietary information and data of an applicant, its officers, directors, partners, members, shareholders, or key employees, other than their criminal records, required by the lottery commission to be furnished to it, or which may otherwise be obtained, shall be considered confidential and shall not be disclosed in whole or in part except in the course of the necessary administration of this chapter, or upon the lawful order of a court of competent jurisdiction, or, with the approval of the attorney general, to a duly authorized law enforcement agency. Notwithstanding this paragraph, the state police may share information with the lottery commission and the attorney general as is appropriate under this chapter.

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

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

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

284-B:7 Employees and Contractors.

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

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

III. Compensation of assistants, employees, and contractors shall be funded by proceeds paid or received by the lottery commission pursuant to this chapter.

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

284-B:8 Annual Report. No later than November 1 of each calendar year, the lottery commission shall provide a report to the fiscal committee of the general court regarding the generation of revenues of video lottery machines and table games by licensees.

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

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

I. Any municipality in which a gaming location is or proposes to be situated may adopt the provisions of this chapter to allow the operation of video lottery machines and table games at a specific location in the following manner:

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

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

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

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

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

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

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

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

II. The lottery commission shall issue a request for applications for a gaming license pursuant to the process set forth in this section. The lottery commission shall approve, approve with conditions, or deny all applications submitted, in accordance with the provisions of this chapter. The request for applications shall be issued within 60 days of the effective date of this chapter pursuant to RSA 284-B:3, II. The requests for applications shall require all applications to be submitted within 90 days of the publication of the request.



Applications received after the deadline shall not be reviewed by the lottery commission.

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

284-B:12 Gaming License Applications; Requirements.

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

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

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

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

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

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

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

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

(6) The identity of the owners of the gaming location, if other than the applicant, along with information listed in subparagraphs (b)(1)-(4) shall be provided with respect to each owner, partner, principal, trustee, officer, and director, and any shareholder, limited liability company member, or other holder who owns more than 10 percent of the legal or beneficial interest of such gaming location. If the owner of the gaming location is not an affiliate of the applicant, the applicant shall also submit a copy of the proposed lease agreement and executed letter of intent to operate between the owner of the gaming location and the applicant;

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

(8) Information and documentation demonstrating by clear and convincing evidence that the applicant has sufficient business ability and experience to establish and maintain successful gaming operations, including, but not limited to, information demonstrating the experience of the applicant in developing, constructing, and managing a similar gaming enterprise. If the applicant or any principal has held or holds a gaming or video lottery machine license in a jurisdiction where video lottery machine activities are permitted, the applicant shall so state and shall produce either a letter of reference from the gaming or lottery enforcement or control agency in such jurisdiction which sets forth the experience of that agency with the applicant, the applicant's associates and gaming operations, or a statement under oath that the applicant is or was during the period of licensure conducting gaming activities in good standing with the agency.

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

(1) A complete description of the gaming location, including the designs for the proposed gaming establishment, the names and addresses of the architects, engineers, and designers, a timeline of construction

that includes detailed stages of construction for the gaming establishment, non-gaming structures, and racecourse, where applicable, and a description of the ability of the applicant to comply with statutory, regulatory, and technical standards applicable to the design of the proposed gaming location;

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

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

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

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

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

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

(8) Information regarding the minimum total capital investment required pursuant to paragraph II.

(d) The application shall include evidence in the form of completed studies and/or reports required by the commission to demonstrate how the proposed project meets the following criteria:

(1) The availability of local resources to support services and amenities necessary to accommodate projected guest volume in the form of transportation, regional geography, work force demographics, rooms and meals, utilities, and law enforcement;

(2) The immediate and long range financial feasibility of the applicant's proposed project including a projection of the revenues to be produced by the operation of the video lottery machines and table games at the gaming location, the ability to achieve positive gross operating profit on an annual basis in a specific time frame, and the estimated municipal and state tax revenue to be generated by the gaming location, as supported by an expert experienced in the field of gaming;

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

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

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

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

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

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

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

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

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

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

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

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

III. Every application shall contain the information required pursuant to this section and such information the lottery commission requests or requires by rule.

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

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

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

III. Upon approval of a gaming license, the lottery commission shall charge an initial license fee of \$80,000,000 which shall be deposited into the fund established by RSA 284:21-j. The amount deposited shall be available to the state in the fiscal year received. A gaming license shall expire after 10 years, subject to renewal pursuant to RSA 284-B:18, I. The lottery commission shall charge a license renewal fee of \$1,500,000 to renew a gaming license; however, the person seeking renewal of a gaming license shall pay all costs incurred by the attorney general to conduct an investigation with regard to such application to renew the gaming license.

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

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

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

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

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

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

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

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

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

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

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

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

III.(a) Upon receipt of a complete application from a gaming applicant, the lottery commission shall request that the attorney general conduct a background review, and the attorney general shall conduct a background review of a gaming applicant and its principals, owners, and key employees. The background review may be conducted through any appropriate state or federal law enforcement system and the authorized reviewers may seek information as to the subject's financial, criminal, or business background, or any other information which the attorney general, in his or her sole discretion, may find relevant to the subject's fitness to be associated with the ownership or management of gaming in New Hampshire, including, but not limited to, the subject's character, personal associations, and the extent to which the subject is properly doing business in the manner in which it purports to operate. If the applicant is a pari-mutuel licensee licensed and authorized to conduct racing, whether live, simulcast, or both, as provided in RSA 284:16 or RSA 284:16-a at a pari-mutuel licensee location, and the attorney general has conducted a background investigation pursuant to RSA 284:15-b within the 12 months prior to the application filing, the attorney general may rely on the results of the previous investigation to the extent the applicant's circumstances have not materially changed. The attorney general shall also take into consideration as evidence of fitness a letter of reference or sworn statement of good standing produced pursuant to RSA 284-B:12, I(b)(8).

(b) The attorney general shall report the results of the background review to the lottery commission within a reasonable time, not to exceed 120 days unless a request for additional time has been granted by the lottery commission for good cause. At a minimum, the attorney general's report shall state whether or not in his or her opinion each of the persons subjected to the background review is fit to be associated with the ownership or management of gaming in New Hampshire. Notwithstanding any other law to the contrary, the information provided to the attorney general and the results of the attorney general's background review shall be confidential and shall not be subject to disclosure or to public inspection, except that the attorney general, in the attorney general's sole discretion, shall determine the extent to which and the manner in which said results may be reported to the lottery commission or other state agency or official and, if reported, whether such results are to retain their confidential character.

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

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

**284-B:15 Gaming License Determinations.**

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

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

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

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

**284-B:16 Technology Provider Licensee Applications.** A technology provider licensee applicant shall obtain a technology provider license from the lottery commission, as follows:

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

II. The applicant shall include information regarding:

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

(b) Civil judgments;

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

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

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

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

IV.(a) Upon receipt of a complete application from a technology provider applicant the lottery commission shall request that the attorney general conduct a background review, and the attorney general shall conduct a background review of each technology provider applicant and any of its owners and key employees. The review may be conducted through any appropriate state or federal law enforcement system and may seek information as to the subject's financial, criminal, or business background, or any other information which the attorney general, in his or her sole discretion, may find relevant to the subject's fitness to be associated with the distribution of video lottery machines, table game devices, or associated equipment in New Hampshire, including, but not limited to, the subject's character, personal associations, and the extent to which the subject is properly doing business in the manner in which it purports to operate. The attorney general shall take into consideration as evidence of fitness a letter of reference or sworn statement of good standing.

(b) The attorney general shall report the results of the review to the lottery commission within a reasonable time not to exceed 120 days unless a request for additional time has been granted by the lottery commission for good cause. Whenever the attorney general conducts such a review, the attorney general shall notify the lottery commission whether or not in his or her opinion such person is fit to be associated with the distribution of video lottery machines in this state. Notwithstanding any other law to the contrary, the information provided to the attorney general and the results of any such review shall be confidential and shall not be subject to disclosure or to public inspection, except that the attorney general, in the attorney general's sole discretion, shall determine the extent to which and the manner in which said results may be reported to the lottery commission or other state agency or official and, if reported, whether such results are to retain their confidential character.

(c) The attorney general may conduct a background review on the attorney general's motion into the background of the technology provider applicant or licensee, or any person or entity upon whom the technology provider applicant or licensee relies for financial support.

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

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

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

(c) Upon approval of a technology provider licensee, the lottery commission shall charge an initial license fee of \$50,000. Licenses shall expire after 5 years. The lottery commission shall charge a fee of \$50,000 to renew a license to a technology provider licensee provided, however, such person seeking renewal of its license shall pay all costs incurred by the attorney general to conduct an investigation with regard to such application to renew the technology provider's license.

#### 284-B:17 Licensure Requirements for All Licenses.

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

#### II. The applicant shall demonstrate the following:

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

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

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

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

III. The lottery commission shall not issue a license to any applicant unless the applicant proves that each owner, director, officer, and key employee of the applicant, its principals, subsidiaries, and affiliated entities is fit for gaming based upon the attorney general's review conducted pursuant to RSA 284-B:14 or RSA 284-B:16, as applicable. The lottery commission may waive the requirements of this section for a person directly or indirectly holding ownership of securities in a publicly traded corporation if the board determines that the holder of the securities is not significantly involved in the activities of the corporation and does not have the ability to control the corporation or elect one or more directors thereof. The lottery commission may determine whether the licensing standards of another jurisdiction within the United States or Canada in which an applicant, its affiliated entity, intermediary, subsidiary, or holding company for a gaming license or technology provider license is similarly licensed are comprehensive and thorough and provide similar adequate safeguards as those required by this chapter. If the lottery commission makes that determination, it may determine that the gaming applicant or technology provider meets the standards set forth in RSA 284-B:17, II, if an applicant holds a similar license in such other jurisdiction after conducting an evaluation of the information relating to the applicant from such other jurisdiction, as updated by the lottery commission, and evaluating other information related to the applicant received from that jurisdiction and other jurisdictions where the applicant may be licensed. The lottery commission may incorporate such information, in whole or in part, into its or the attorney general's evaluation of the applicant.

IV. The lottery commission shall not issue a license to any applicant if the applicant, any key employee, or any individual who has an ownership or financial interest in or with the applicant or its gaming location or an affiliated entity, is an elected official of the general court or executive branch of the state of New Hampshire or employee of the attorney general's office or the lottery commission on a full or part-time or contractual basis or has been at any time during the previous 2 years. If any such applicant, key employee, or any individual who has an ownership or financial interest in the applicant becomes an employee of the attorney general's office or the lottery commission on a full or part-time or contractual basis, the applicant shall be subject to sanctions pursuant to RSA 284-B:25.

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

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

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

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

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

VIII. The lottery commission shall not consider an incomplete application and shall notify the applicant in writing if an application is incomplete consistent with RSA 284-B:14, II. An application shall be considered incomplete if it does not include all applicable application fees and all information and accompanying documentation required by the commission, including, but not limited to, a current tax lien certificate issued by the department of revenue administration at the time of filing the application. Any unpaid taxes identified on the tax lien certificate shall be paid before the application is considered complete. A notification of incompleteness shall state the deficiencies in the application that must be corrected prior to consideration of the merits of the application.

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

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

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

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

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

I. Any license issued to a gaming licensee pursuant to this chapter and any renewal thereof shall be valid for 10 years unless earlier suspended or revoked by the lottery commission. Any license issued to a technology provider pursuant to this chapter and any renewal thereof shall be valid for 5 years unless earlier suspended or revoked by the lottery commission. The lottery commission shall adopt procedures for license renewal; provided that such license may be renewed by the licensee so long as the licensee shall comply with the requirements of the law and continues to meet the standards for licensure pursuant to this chapter, and so long as the fee for renewal has been paid pursuant to RSA 284-B:13, III.

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

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

#### 284-B:19 Table Game Operation Certificates.

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

II.(a) The lottery commission shall:

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



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

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

(c) The certificate shall not be transferable.

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

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

(b) A petition shall include the following:

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

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

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

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

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

V. The applicant shall certify under oath that:

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

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

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

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

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

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

- (3) Provide for accurate and reliable financial records related to the table games operation.
- (4) Establish procedures for all the following:
  - (A) The receipt, storage, and disbursal of chips, cash, and other cash equivalents used in table gaming.
  - (B) Check cashing.
  - (C) The redemption of chips and other cash equivalents used in table gaming and the payoff of jackpots.
  - (D) The recording of transactions pertaining to table gaming.
- (5) Establish procedures for the collection and security of moneys at the gaming tables.
- (6) Establish procedures for the transfer and recording of chips between the gaming tables and the cashier's cage.
- (7) Establish procedures for the transfer of drop boxes for table games from the gaming tables to the count room.
- (8) Establish procedures and security for the counting and recording of table gaming revenue.
- (9) Establish procedures for the security, storage, and recording of cash, chips, and other cash equivalents utilized in table gaming.
- (10) Establish procedures and security standards for the handling and storage of gaming apparatus, including cards, dice, machines, wheels, and all other gaming equipment.
- (11) Establish procedures and rules governing the conduct of particular games and the responsibility of non-key gaming employees.
- (12) Establish procedures for the collection and recording of revenue from poker when it is a non-licensee bank game, including the type of rake utilized, the methodology for calculating the rake, and the amount of maximum permissible rake.
- (13) Ensure that any wagering governing the operation of a table game is implemented only in accordance with the management's general or specific authorization, as approved by the lottery commission.
- (14) Ensure that there is proper and timely accounting of gross table game revenue and the calculation of gross table game revenue, fees, and taxes and maintain accountability for assets.
- (15) Ensure that recorded accountability for assets is compared with actual assets at reasonable intervals and that appropriate action is taken with respect to any discrepancies.
- (16) Ensure that all functions, duties, and responsibilities are appropriately segregated and performed in accordance with sound financial practices by competent, qualified personnel.
- (17) Permit use of its existing onsite facilities by the lottery commission and other persons authorized by the commission to facilitate their ability to perform regulatory and oversight functions under this chapter.

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

- (1) An organizational chart depicting appropriate functions and responsibilities of employees involved in the table game operation.
  - (2) A description of the duties and responsibilities of each position shown on the organizational chart.
  - (3) The record retention policy of the applicant.
  - (4) The procedure to be utilized to ensure that assets are safeguarded, including mandatory count procedures.
- (b) Gaming licensees shall maintain a detailed narrative description of the administrative and accounting procedures which meet the requirements of this section.

(c) A gaming licensee with a table game operation certificate may accept a check from a patron in exchange for cash or chips, provided that each check is deposited with the financial institution upon which the check is drawn within 10 days of receipt by the gaming licensee.

(d) A gaming licensee with a table game operation certificate may make credit card advances and debit card withdrawals available to table game patrons at a gaming location. All fees charged for cash advances, check cashing, and debit card withdrawals shall be disclosed. Notwithstanding any other provision of law, a gaming licensee with a table game operation certificate may provide credit to patrons for the purpose of playing table games in accordance with this section. No third party checks shall be permitted.

VII. A certificate holder shall maintain all books, records, and documents pertaining to the certificate holder's table game operation in a manner and location as approved by the lottery commission. All books, records, and documents related to table game operations shall:

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

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

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

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

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

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

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

X. Any person seeking to supply table game devices for use at a gaming location shall obtain approval by the commission for authority to manufacture or supply table games, table game devices, or other equipment associated with table games, and shall pay such fees as the commission deems reasonable and appropriate. Upon approval, the manufacturer or supplier shall pay a fee of \$50,000. A fee of \$25,000 shall be paid for the annual renewal of an approval.

XI.(a) No table games shall be conducted with any equipment except such as is owned or leased from a supplier or manufacturer of such equipment who has been approved by the commission pursuant to RSA 284-B:19, X and who has registered with the secretary of state in such manner and on such form as the secretary of state prescribes.

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

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

#### 284-B:20 Exclusion of Minors.

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

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

**284-B:21 Operation of Video Lottery Machines.**

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

- (1) The location of each video lottery machine available for play by the public.
- (2) The location of all areas for the storage, maintenance, or repair of video lottery machines.
- (3) A description of all security measures to be taken for the safeguarding of video lottery machines.
- (4) The location and security measures taken for the safeguarding of all moneys, tokens, or other items of value utilized in the use of video lottery machines.
- (5) All procedures for the operation, maintenance, repair, and inserting or removing of moneys, tokens, or other items of value from video lottery machines.
- (6) All internal control systems as required by RSA 284-B:12, I(f).

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

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

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

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

V. No video lottery machine shall be used to conduct gaming unless it is identical in all electrical, mechanical, and other aspects to a model which has been specifically tested by the lottery commission and licensed for use by the lottery commission. In conducting such tests, the lottery commission shall use the services of an independent laboratory, and the cost of such independent laboratory shall be paid by the technology provider.

VI. Video lottery machines in operation at a gaming location shall provide a payoff of an average of at least 90 percent, except that progressive jackpots shall have a payoff of an average of at least 85 percent.

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

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

IX. Video lottery machines shall be operated only at times when the public is allowed access to the gaming locations.

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

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

**284-B:22 Distribution of Net Machine Income.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

284-B:24 Presence of the Lottery Commission. The lottery commission and the division of state police gaming enforcement unit may be present at any gaming location at which video lottery machines and table games are operated at all times when the gaming location is open to the public. The gaming licensee may be required by the lottery commission or gaming enforcement unit to provide such office space and equipment which the commission or unit shall determine is reasonably necessary or proper.

#### 284-B:25 Sanction Powers of the Lottery Commission.

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

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

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

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

284-B:26 Declaration of Limited Exemption from Operation of Provisions of 15 U.S.C. sections 1171-1178. Pursuant to section 2 of an act of Congress of the United States entitled "An Act to Prohibit Transportation of Gambling Devices in Interstate and Foreign Commerce," designated as 15 U.S.C. sections 1171-1178, the state of New Hampshire, acting by and through the duly elected and qualified members of its legislature, does hereby, in accordance with and in compliance with the provisions of that section 2 of that act of Congress, declare and proclaim that it is in the state's best interest to benefit from limiting gambling device revenues but prevent the proliferation of gambling devices by limiting approved facility locations and therefore that section 2 of that act of Congress shall not apply to any gambling device in this state where the transportation of such a device is specifically authorized by and done in compliance with the provisions of this chapter and any rules adopted pursuant to it, and that any such gambling device transported in compliance with state law and rules shall be exempt from the provisions of that act of Congress.

284-B:27 Legal Shipment of Gaming Devices into New Hampshire. All shipments into this state of gaming devices, the registering, recording, and labeling of which has been duly made by the manufacturer or dealer in accordance with sections 3 and 4 of an act of Congress of the United States entitled "An Act to Prohibit Transportation of Gambling Devices in Interstate and Foreign Commerce," designated as 15 U.S.C. sections 1171-1172, shall be deemed legal shipments into this state.

284-B:28 Gaming Study Commission Established.

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

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

II. The terms of the members shall commence upon their appointment and continue through the date on which the report of the commission is delivered as provided in paragraph IV. The commission shall elect

a chairperson from its membership. The commission shall meet at the call of chairperson who may call a meeting as often as necessary. Five commissioner members shall constitute a quorum and action shall be taken by a majority of the members present when there is a quorum.

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

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

284-B:29 Fund Established.

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

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

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

III. For the purposes of this section the north country shall consist of the upper 1/3 of the state of New Hampshire.

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

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

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

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

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

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

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

(c) Investigate crimes which may involve a violation of RSA 284-B that occur at a gaming location.

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

21-P:7-e Enforcement Expenditures. The governor and council, upon request from the commissioner of the department of safety, may authorize the transfer of general funds as necessary to the department of safety to implement and enforce RSA 21-P:7-d and RSA 284-B.

5 New Section; Lottery Commission; Duties. Amend RSA 284 by inserting after section 6-b the following new section:

284:6-c Duties of the Lottery Commission. The lottery commission shall:

I. Provide to the attorney general or division of state police gaming enforcement unit, all records pertaining to the licensing of a pari-mutuel licensee to the extent a pari-mutuel licensee is an applicant or gaming

location relevant to the lottery commission's approval process under RSA 284-B within 30 days after the lottery commission receives a request. All records provided to the lottery commission shall be confidential in accordance with RSA 284-B:16.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VI. The commission may issue a special license to a person holding a gaming license under the provisions of RSA 284-B, provided the gaming location has an existing liquor license. Such special license shall allow the sale of liquor and beverage within the gaming location, including dining room, function room, gaming room, lounge, or any other area designated by the commission, without regard to whether meals are served therein, but only during the time gaming is being conducted under RSA 284-B.

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

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



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

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

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

172:8 Duties of Commissioner. The commissioner shall:

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

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

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

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

V. [Repealed.]

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

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

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

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

X. [Repealed.]

11 Problem Gaming Added. Amend RSA 172:8-a to read as follows:

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

12 Problem Gaming Added. Amend RSA 172:8-b to read as follows:

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

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

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

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

(a) Program content;

(b) Qualifications of program staff; and

(c) Type of substance abuse treatment offered.

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

- (a) Peer review of applicants.
- (b) Minimum qualifications and competency.
- (c) Education and continuing education.
- (d) Experience required.
- (e) Required knowledge of gambling, alcohol and drug abuse counseling.
- (f) Such other matters as the commissioner may deem necessary to carry out the purposes of this chapter.

V. Voluntary admissions under RSA 172:13.

13 Acceptance of Funds; Treatment of Problem Gamblers. Amend RSA 172:9 to read as follows:

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

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

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

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

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

16 New Subparagraphs; Special Funds. Amend RSA 6:12, I(b) by inserting after subparagraph 331 the following new subparagraphs:

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

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

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

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

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

2016-0961s

#### AMENDED ANALYSIS

This bill:

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

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

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

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

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

Senator Sanborn moved to Lay on the Table SB 551. Failed.

The question is on the adoption of the Committee Amendment.

A division vote was requested.

Division, Yeas: 11 - Nays: 12. Failed.

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

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

The following Senators voted Yes: Woodburn, Watters, Cataldo, Hosmer, Lasky, Boutin, Soucy, Birdsell, D'Allesandro, Stiles, Morse.

The following Senators voted No: Forrester, Bradley, Pierce, Little, Sanborn, Kelly, Daniels, Avar, Carson, Feltes, Reagan, Fuller Clark, Prescott.

Roll Call, Yeas: 11 - Nays: 13. Failed.

Senator Kelly is in opposition to the motion of Ought to Pass on SB 551-FN-A-L.

Senator Soucy moved to Lay on the Table SB 551-FN-A-L. Adopted.

#### SPECIAL ORDER

Without objection, the following bills are special ordered to the present time.

#### RULES, ENROLLED BILLS AND INTERNAL AFFAIRS

SCR 3, applying to the United States Congress to convene a limited convention for the exclusive purpose of proposing a free and fair elections amendment to the United States Constitution.

#### RULES, ENROLLED BILLS AND INTERNAL AFFAIRS

SCR 4, applying to an Article V convention to propose amendments to the Constitution of the United States that impose fiscal restraints and limit the power and jurisdiction of the federal government.

#### TRANSPORTATION

SB 520-FN, relative to the form of drivers' licenses and identification cards.

#### WAYS AND MEANS

HB 668-FN, relative to expense deductions under the business profits tax.

#### RULES, ENROLLED BILLS AND INTERNAL AFFAIRS

SCR 3, applying to the United States Congress to convene a limited convention for the exclusive purpose of proposing a free and fair elections amendment to the United States Constitution. Ought to Pass with Amendment, Vote 2-1. Senator Bradley for the committee.

Rules, Enrolled Bills and Internal Affairs

March 16, 2016

2016-1056s

05/03

#### Amendment to SCR 3

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

A RESOLUTION applying to the United States Congress to convene a limited convention for the exclusive purpose of proposing amendments to the federal Constitution concerning election reform that do not abrogate or amend the first amendment to the federal Constitution.

Amend the resolution by replacing all after the title with the following:

Whereas, Article V of the United States Constitution requires the United States Congress to convene a convention for proposing amendments upon application of 2/3 of the legislatures of the several states; and

Whereas, the state of New Hampshire sees the need for a convention to propose amendments to the constitution; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That the state of New Hampshire, speaking through its legislature and pursuant to Article V of the United States Constitution, hereby petitions the United States Congress to convene a convention to propose amendments to the federal Constitution for the exclusive purpose of election reform that do not abrogate or amend the first amendment to the federal Constitution; and

That the state of New Hampshire intends that this be a continuing application considered together with applications calling for a convention passed in the 2013-2014 Vermont legislature as Joint Resolution Senate No. 27 (160 Congressional Record S4331, POM-284), the 2013-2014 California legislature's Assembly Joint Resolution No. 1 (160 Congressional Record S5507, POM-320), the 2013-2014 Illinois legislature's Senate Joint Resolution No. 42, the 2014-2015 New Jersey State legislature's Senate Concurrent Resolution No. 132, and all other past, pending, and future applications for a convention of similar purpose until at least 2/3 of the several states have applied for and Congress has convened a convention; and

That certified copies of this resolution be transmitted by the senate clerk to the President of the United States, the Vice-President of the United States, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the Majority Leader of the United States Senate, and all members of New Hampshire's Congressional delegation with the respectful request that the full and complete text of this resolution be entered into the Congressional Record as an official memorial to Congress from the legislature of the state of New Hampshire, and to the presiding officers of the legislatures of each of the remaining states that have not yet applied to Congress for such a convention on this subject with the respectful request that they consider the adoption of similar legislation.

2016-1056s

#### AMENDED ANALYSIS

This senate concurrent resolution requests that the United States Congress convene a convention to propose amendments to the federal Constitution for the exclusive purpose of election reform that do not abrogate or amend the first amendment to the federal Constitution.

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

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

A roll call was requested by Senator Avar, seconded by Senator Prescott.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Hosmer, Little, Sanborn, Kelly, Daniels, Lasky, Carson, Feltes, Boutin, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Prescott, Stiles, Morse.

The following Senators voted No: Cataldo, Avar.

Roll Call, Yeas: 22 - Nays: 2. Adopted, bill ordered to Third Reading.

SCR 4, applying to an Article V convention to propose amendments to the Constitution of the United States that impose fiscal restraints and limit the power and jurisdiction of the federal government. Ought to Pass with Amendment, Vote 3-0. Senator Bradley for the committee.

Rules, Enrolled Bills and Internal Affairs

March 16, 2016

2016-1064s

05/04

#### Amendment to SCR 4

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

A RESOLUTION applying for an Article V convention to propose an amendment to the Constitution of the United States that imposes fiscal restraints on the federal government.

Amend the resolution by replacing all after the title with the following:

Be it resolved by the Senate, the House of Representatives concurring:

That, pursuant to Article V of the Constitution of the United States, the general court, as the legislature of the state of New Hampshire, makes application to the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States, for submission to the states for ratification, to impose fiscal restraints on the federal government; and

That, pursuant to Article V of the Constitution of the United States, the New Hampshire general court, as the legislature of the state of New Hampshire, joins in the applications of the states of Georgia (SR 736, 2014), Florida (SM 476, 2014), Alaska (HJR 22, 2014), and Alabama (HJR 112, 2015) for a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States limited to the purposes stated therein; provided, however, that the delegates from New Hampshire to said convention are expressly limited to consideration and support of an amendment that imposes fiscal restraints on the federal government; and

That it is the express intention of the general court that this application shall be aggregated with the subsequent applications of other states limited to the purpose identified in this application and with those applications of the above-mentioned states; and

That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least 2/3 of the several states have made applications for a similar convention under Article V, or the general court acts to withdraw this application; and

That the legislature of the state of New Hampshire adopts this application expressly subject to the following reservations, understandings, and declarations:

I. An application to the Congress of the United States to call an amendment convention of the states pursuant to Article V of the United States Constitution confers no power to Congress other than the power to call such a convention. The power of Congress to exercise this ministerial duty consists solely of the authority to name a reasonable time and place for the initial meeting of a convention;

II. Congress shall perform its ministerial duty of calling an amendment convention of the states only upon the receipt of applications for an amendment convention for the substantially same purpose as this application from 2/3 of the legislatures of the several states;

III. Congress does not have the power or authority to determine any rules for the governing of an amendment convention of the states called pursuant to Article V of the United States Constitution. Congress does not have the power to set the number of delegates to be sent by any state to such a convention, nor does it have the power to name delegates to such a convention. The power to name delegates remains exclusively within the authority of the legislatures of the several states;

IV. By definition, an amendment convention of the states means that states shall vote on the basis of one state, one vote;

V. An amendment convention of the states convened pursuant to this application shall be limited to consideration of the topics specified herein and no other. This application is made with the express understanding that an amendment that in any way seeks to amend, modify, or repeal any provision of the Bill of Rights shall not be authorized for consideration at any stage. This application shall be void if ever used at any stage to consider any change to any provision of the Bill of Rights;

VI. Pursuant to Article V of the United States Constitution, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The legislature of the state of New Hampshire recommends that Congress select ratification by the legislatures of the several states; and

VII. The legislature of the state of New Hampshire may provide further instructions to its delegates and may recall its delegates at any time for a breach of a duty or a violation of the instructions provided; and

That the senate clerk shall transmit certified copies of this resolution to the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, the presiding officer in each house of the legislature in each of the states in the union, and to the members of New Hampshire's congressional delegation requesting their cooperation.

2016-1064s

#### AMENDED ANALYSIS

This resolution makes an application to Congress for an Article V convention to propose an amendment to the United States Constitution to impose fiscal restraints on the federal government.

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

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

A roll call was requested by Senator Boutin, seconded by Senator Cataldo.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Hosmer, Little, Sanborn, Daniels, Carson, Boutin, Reagan, Soucy, Birdsell, Prescott, Stiles, Morse.

The following Senators voted No: Watters, Pierce, Cataldo, Kelly, Avard, Lasky, Feltes, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 15 - Nays: 9. Adopted, bill ordered to Third Reading.

Senator Kelly is in opposition to the motion of Ought to Pass with Amendment on SCR 4.

#### TRANSPORTATION

SB 520-FN, relative to the form of drivers' licenses and identification cards. Interim Study, Vote 2-1. Senator Stiles for the committee.

Senator Birdsell moved to Lay on the Table SB 520-FN.

A roll call was requested by Senator Bradley, seconded by Senator Soucy.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 14 - Nays: 10. Adopted.

#### WAYS AND MEANS

HB 668-FN, relative to expense deductions under the business profits tax. Ought to Pass with Amendment, Vote 3-2. Senator Sanborn for the committee.

Senate Ways and Means

March 15, 2016

2016-1018s

09/10

#### **Amendment to HB 668-FN**

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

AN ACT relative to application of the Internal Revenue Code to provisions of the business profits tax.

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

1 New Subparagraph; Business Profits Tax; Definition; United States Internal Revenue Code. Amend RSA 77-A:1, XX by inserting after subparagraph (l) the following new subparagraph:

(m) For all taxable periods beginning on or after January 1, 2016, the United States Internal Revenue Code of 1986, as amended, subject to RSA 77-A:3-a.

2 Business Profits Tax; Adjustments; Internal Revenue Code. RSA 77-A:3-a is repealed and reenacted to read as follows:

77-A:3-a Adjustments; Internal Revenue Code Provisions. In determining gross business profits for any period, before net operating loss and special deductions, a business organization shall apply the provisions of the United States Internal Revenue Code consistent with the provisions of this chapter, with the following adjustments:

I. The United States Internal Revenue Code shall be applied without section 168(k) of such code.

II. The United States Internal Revenue Code shall be applied without section 199 of such code.

3 Applicability.

I. Section 1 of this act shall take effect for taxable periods beginning on or after January 1, 2016.

II. Section 2 of this act shall take effect for property placed in service on or after January 1, 2016.

4 New Paragraph; Duties of the Commissioner of Revenue Administration; Report; Internal Revenue Code Changes. Amend RSA 21-J:3 by inserting after paragraph XXXII the following new paragraph:

XXXIII. File a report at least biennially with the finance committees of the senate and the house of representatives informing the committees of changes to the United States Internal Revenue Code, related Treasury Regulations, and administrative rulings which would impact New Hampshire.

5 Repeal. RSA 77-A:1, X(g), relative to a reference to the Internal Revenue Code, is repealed.

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

2016-1018s

#### AMENDED ANALYSIS

This bill updates the effective version of the United States Internal Revenue Code of 1986 applicable to the business profits tax, subject to certain adjustments. The bill also requires the commissioner of revenue administration to report biennially on changes to the Internal Revenue Code.

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

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

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

The following Senators voted Yes: Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Little, Sanborn, Daniels, Avard, Lasky, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

The following Senators voted No: Woodburn, Kelly, Feltes, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 18 - Nays: 6. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

#### HEALTH AND HUMAN SERVICES

SB 430, establishing a commission to study long-term peer-to-peer recovery services in New Hampshire. Ought to Pass with Amendment, Vote 3-0. Senator Sanborn for the committee.

Health and Human Services

March 16, 2016

2016-1074s

04/01

#### Amendment to SB 430

Amend RSA 126-A:69, I(d) as inserted by section 1 of the bill by replacing it with the following:

(d) Two members from the governor's commission on alcohol and drug abuse prevention, treatment, and recovery established in RSA 12-J, one of whom shall be appointed by the chairperson of the governor's commission on alcohol and drug abuse prevention, treatment, and recovery established in RSA 12-J, and one of whom shall be appointed by the chairperson of the recovery task force of the governor's commission on alcohol and drug abuse prevention, treatment, and recovery.

Amend RSA 126-A:69, I as inserted by section 1 of the bill by inserting after subparagraph (q) the following new subparagraph:

(r) One member representing NH Vet to Vet, appointed by the senate president.

Amend RSA 126-A:69, V as inserted by section 1 of the bill by replacing it with the following:

V. The commission shall submit an initial report of its findings and any recommendations for proposed legislation no later than October 15, 2016 to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library. The commission shall submit a final report of its findings and any recommendations for proposed legislation no later than December 15, 2016 to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library.

Amend paragraph I of section 3 of the bill by replacing it with the following:

I. Section 2 of this act shall take effect January 15, 2017.

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

Senator Sanborn offered a floor amendment.

Sen. Sanborn, Dist 9  
March 22, 2016  
2016-1117s  
04/01

**Floor Amendment to SB 430**

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

1 New Subdivision; Commission to Study Long-Term Peer-to-Peer Recovery Services in New Hampshire.  
Amend RSA 126-A by inserting after section 69 the following new subdivision:

Commission to Study Long-Term Peer-to-Peer  
Recovery Services in New Hampshire

126-A:70 Commission Established; Membership.

I. There is hereby established a commission to study long-term peer to peer recovery services in New Hampshire. The membership of the commission shall be as follows:

(a) Two members of the senate, one of whom shall be the chairperson of the senate health and human services committee, appointed by the senate president.

(b) Two members of the house of representatives, one of whom shall be the chairperson of the house health, human services and elderly affairs committee, appointed by the speaker of the house of representatives.

(c) The commissioner of the department of health and human services, or designee.

(d) Two members from the governor's commission on alcohol and drug abuse prevention, treatment, and recovery established in RSA 12-J, one of whom shall be appointed by the chairperson of the governor's commission on alcohol and drug abuse prevention, treatment, and recovery established in RSA 12-J, and one of whom shall be appointed by the chairperson of the recovery task force of the governor's commission on alcohol and drug abuse prevention, treatment, and recovery.

(e) One member representing the community health centers, appointed by the speaker of the house of representatives.

(f) One superior court justice, appointed by the chief justice of the superior court.

(g) One member from the Veterans Administration in Manchester, appointed by the senate president.

(h) Two members who are in long-term opioid-recovery, one of whom shall be appointed by the governor and one of whom shall be appointed by the speaker of the house of representatives.

(i) Two members who are patients in clinical facilities, appointed by the president of the senate.

(j) Two members who are in long-term peer-to-peer recovery facilities, appointed by the senate president.

(k) One member representing law enforcement, appointed by the speaker of the house of representatives.

(l) One member representing corrections, appointed by the governor.

(m) One member representing behavioral health services, appointed by the governor.

(n) One member representing mental health services, appointed by the speaker of the house of representatives.

(o) One member who represents New Hampshire Hospital, appointed by the governor.

(p) One member from Horizons Counseling Center, appointed by the senate president.

(q) One member representing NH Vet to Vet, appointed by the senate president.

II. Legislative members shall receive mileage at the legislative rate while attending to the duties of the commission.

III. The commission shall study:



(a) How New Hampshire could establish a comprehensive system of long-term peer-to-peer recovery facilities and assist such centers in their operation.

(b) How many long-term peer-to-peer facilities should be established in this state and whether the number should be per county or based on the state population.

(c) Whether such facilities should be established in New Hampshire prisons or jails.

(d) Whether such facilities should be established through a facilitating organization which would oversee licensing and data acquisition and retention.

(e) Whether such facilities should be licensed, accredited, or certified and if so, by what standards, and whether they should be part of a national certification process.

(f) Whether peer-to-peer counselors should be licensed, certified, or accredited.

(g) Whether there should be any other requirements for facilities and councilors.

(h) What accountability standards should apply to facilities and councilors.

(i) Whether such facilities should be state funded, and if so, to what extent should they be funded and how would such funding be distributed.

(j) What type of accountability requirements should apply to such facilities.

(k) How peer-to-peer facilities would interact with drug courts, law enforcement, and existing state programs.

(l) Whether the commissioner of the department of health and human services should request a waiver to have long-term recovery facilities included in the state plan.

(m) The feasibility of utilizing accountability data to establish a monthly "drug fight dash board" for distribution to the public.

(n) Any other issues deemed relevant by the commission.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held as soon as practicable after the effective date of this section. Twelve members of the commission shall constitute a quorum.

V. The commission shall submit an initial report of its findings and any recommendations for proposed legislation no later than October 15, 2016 to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library. The commission shall submit a final report of its findings and any recommendations for proposed legislation no later than December 15, 2016 to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library.

2 Repeal. RSA 126-A:70, relative to the commission to study long-term peer to peer recovery services in New Hampshire, is repealed.

### 3 Effective Date.

I. Section 2 of this act shall take effect December 15, 2016.

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

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

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

SB 431, relative to the comprehensive health care information system. Interim Study, Vote 3-0. Senator Avarð for the committee.

The question is on the adoption of the motion of Interim Study. Failed.

Senator Stiles moved Ought to Pass.

Senator Stiles offered a floor amendment.

Sen. Stiles, Dist 24  
Sen. Bradley, Dist 3  
March 23, 2016  
2016-1156s  
01/06

### **Floor Amendment to SB 431**

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

AN ACT relative to data submission by insurers.

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

1 Statement of Intent. The data submission requirements of RSA 420-G:11, IV and V as inserted by section 2 of this act are intended to facilitate the proper functioning of insurance markets and to benefit insured consumers and employers through price transparency that will increase competition and enable all consumers and employers to make informed and cost-effective health care choices. Such market transparency, as a form of insurance regulation, is intended to enhance and optimize market conditions affecting the risk pooling arrangements between insurers and insureds.

2 New Paragraphs; Disclosures by Health Carriers, Third Party Administrators, and Other Insurance Entities. Amend RSA 420-G:11 by inserting after paragraph III the following new paragraphs:

IV. The data submission requirements of paragraphs II and II-a shall apply with respect to claims data for all lives covered by a fully-insured health plan in any market in the state, by any self-funded plan for state or municipal employees, including any plan maintained under RSA 5-B, to any self-funded plan maintained by the university system of the state with respect to its employees or its students, and to any self-funded student health benefit plan maintained by an institution of higher education which provides 4-year bachelor's degree programs and graduate or professional degree programs.

V. In addition to those lives listed in paragraph IV, the data submission requirements of paragraphs II and II-a shall also apply to all health carriers, licensed third party administrators, and any entity required to be registered with the commissioner pursuant to RSA 402-H with respect to claims data for all lives covered by any other self-funded employer-sponsored plan, when the employer or plan sponsor has opted in in writing to the submission of the data. The commissioner shall adopt rules under RSA 420-G:14 specifying the form of such opt in, which shall include notice to the employer of the privacy protections for the data submitted and the transparency benefits, including benefits to employers, of broad inclusion of as many lives as possible in the database created under RSA 420-G:11-a. Nothing in this paragraph shall be construed to impose any reporting obligation on any self-funded employer or plan sponsor, or to impose any requirement with respect to the manner in which any such self-funded plan is administered.

3 Effective Date. This act shall take effect 120 days after its passage.

2016-1156s

### **AMENDED ANALYSIS**

This bill clarifies data submission required to be submitted to the insurance department by insurers.

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

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

SB 432, relative to itemized bills for medical services. Ought to Pass with Amendment, Vote 2-1. Senator Avard for the committee.

Health and Human Services  
March 16, 2016  
2016-1091s  
01/09

### **Amendment to SB 432**

Amend the bill by replacing section 1 with the following:

1 Itemized Bills for Medical Services. Amend RSA 151:12-a, I to read as follows:

I. 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.] inquire at the time of the appointment for the person receiving services whether the person would like the statement required under this paragraph by e-mail or regular mail. The statement shall contain a list of services rendered referenced by the ICD-10-CM or most current revision of the International Classification of Diseases and a textual description which shall include CPT codes for replacement, the dates on which such services were rendered, and the [costs of] 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" along with a prominent notice on the top of each page in a font no less than 18 point stating "DO NOT PAY: This is the amount billed to your payer. The actual amount may vary based on negotiated discounts."

2016-1091s

#### AMENDED ANALYSIS

This bill clarifies the law relative to itemized statements containing amounts billed for medical services.

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

Senator Sanborn offered a floor amendment.

Sen. Sanborn, Dist 9

March 23, 2016

2016-1133s

01/09

#### Floor Amendment to SB 432

Amend the bill by replacing section 1 with the following:

1 Itemized Bills for Medical Services. Amend RSA 151:12-a, I to read as follows:

I. 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 provider of medical services shall inquire at the time of the appointment for the person receiving services whether the person would like the statement required under this paragraph by e-mail or regular mail. The statement, which shall be provided within 30 days of such service, shall contain a list of services rendered referenced by the ICD-10-CM or most current revision of the International Classification of Diseases and a textual description which shall include CPT codes for replacement, the dates on which such services were rendered, and the [costs of] 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" along with a prominent notice on the top of each page in a font no less than 18 point stating "DO NOT PAY: This is the amount billed to your payer. The actual amount may vary based on negotiated discounts."

2016-1133s

#### AMENDED ANALYSIS

This bill clarifies the law relative to itemized statements containing amounts billed for medical services.

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

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

SB 439, establishing a commission to study the shortage of nurses for pediatric home health services. Ought to Pass with Amendment, Vote 3-0. Senator Kelly for the committee.

Health and Human Services

March 16, 2016

2016-1069s

01/09

#### Amendment to SB 439

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

AN ACT establishing a commission to study the shortage of nurses and other skilled health care workers for home health care services.

Amend the bill by replacing sections 1 and 2 with the following:

1 New Subdivision; Commission to Study the Shortage of Nurses and Other Skilled Health Care Workers for Home Health Care Services. Amend RSA 161-I by inserting after section 7 the following new subdivision:

Commission to Study the Shortage of Nurses  
and Other Skilled Health Care Workers for Home Health Care Services.

161-I:8 Commission to Study the Shortage of Nurses and Other Skilled Health Care Workers for Home Health Care Services Established; Membership; Duties.

I.(a) There is established a commission to study the shortage of nurses and other skilled health care workers for home health care services. The members of the commission shall be as follows:

- (1) One member of the senate, appointed by the president of the senate.
- (2) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (3) The commissioner of the department of health and human services, or designee.
- (4) The director of the division of higher education, department of education, or designee.
- (5) A representative of the New Hampshire board of nursing, appointed by the board.
- (6) A pediatrician that provides treatment to medically fragile children, appointed by New Hampshire Pediatric Society.
- (7) An individual with experience in palliative care, appointed by the Foundation for Healthy Communities.
- (8) A representative of a New Hampshire health agency, appointed by the governor.
- (9) A parent of a child with disabilities who utilizes pediatric home health care services, appointed by the governor.
- (10) A representative of the New Hampshire workforce development entity, appointed by the commissioner of the department of health and human services.
- (11) Two department deans or chairs of nursing programs from New Hampshire universities or colleges, appointed by the chancellor of the university system of New Hampshire.
- (12) The department dean or chair of the nursing program from New Hampshire Technical Institute.
- (13) The executive director, or designee, from the New Hampshire Home Care Association.
- (14) An adult who utilizes home health services and/or private duty nursing, appointed by the governor.

(b) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

II.(a) The commission's study shall include, but not be limited to:

- (1) Finding solutions to the shortage of nurses and other skilled health care workers for home health care services, including a comprehensive examination and review of the overall delivery system for home health care services throughout the state of New Hampshire.
- (2) Developing an effective strategy for workforce development, recruitment, and retention of nurses and other skilled home health care workers.
- (3) Identifying workforce demands to keep pace with New Hampshire's integrated health care delivery based on population trends and projected utilization of home health services.
- (4) Training and professional development for specific intensive medical needs, palliative care, coverage in schools, and coverage by not only registered nurses and licensed practical nurses, but also licensed nursing assistants and other skilled health care workers.

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

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

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, 2016.

2 Repeal. RSA 161-I:8, relative to the commission to study the shortage of nurses and other skilled health care workers for home health care services, is repealed.

2016-1069s

#### AMENDED ANALYSIS

This bill establishes a commission to study the shortage of nurses and other skilled health care workers for home health care services.

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

Senator Kelly offered a floor amendment.

Sen. Kelly, Dist 10

March 24, 2016

2016-1162s

01/04

#### Floor Amendment to SB 439

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

AN ACT establishing a commission to study the shortage of nurses and other skilled health care workers for home health care services and post-acute care services.

Amend the bill by replacing sections 1 and 2 with the following:

1 New Subdivision; Commission to Study the Shortage of Nurses and Other Skilled Health Care Workers for Home Health Care Services and Post-Acute Care Services. Amend RSA 161-I by inserting after section 7 the following new subdivision:

#### Commission to Study the Shortage of Nurses and Other Skilled Health Care Workers for Home Health Care Services and Post-Acute Care Services

161-I:8 Commission to Study the Shortage of Nurses and Other Skilled Health Care Workers for Home Health Care Services and Post-Acute Care Services Established; Membership; Duties.

I.(a) There is established a commission to study the shortage of nurses and other skilled health care workers for home health care services and post-acute care services. The members of the commission shall be as follows:

- (1) One member of the senate, appointed by the president of the senate.
- (2) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (3) The commissioner of the department of health and human services, or designee.
- (4) The commissioner of the department of insurance, or designee.
- (5) The administrator of the bureau of special medical services, department of health and human services, or designee.
- (6) The director of the division of higher education, department of education, or designee.

(7) A representative of the New Hampshire Nurses Association, appointed by the association.

(8) A pediatrician that provides treatment to medically fragile children, appointed by New Hampshire Pediatric Society.

(9) An individual with experience in palliative care, appointed by the Foundation for Healthy Communities.

(10) A representative of a New Hampshire health agency, appointed by the governor.

(11) Two parents of children with disabilities who utilize pediatric home health care services, appointed by the governor.

(12) A representative of the New Hampshire workforce development entity, appointed by the commissioner of the department of health and human services.

(13) Two department deans or chairs of nursing programs from New Hampshire universities or colleges, appointed by the chancellor of the university system of New Hampshire.

(14) The department dean or chair of the nursing program from New Hampshire Technical Institute.

(15) The executive director, or designee, from the New Hampshire Home Care Association.

(16) An adult who utilizes home health services and/or private duty nursing, appointed by the governor.

(17) A representative of the New Hampshire Health Care Association, appointed by the association.

(18) A representative of the New Hampshire Association of Counties, appointed by the association.

(19) A representative of the Granite State Home Health Association, appointed by the association.

(20) A representative of the Community Support Network, Inc., appointed by that organization.

(21) A representative of the state advisory committee on the education of students/children with disabilities, department of education, appointed by the committee.

(b) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

II.(a) The commission's study shall include, but not be limited to:

(1) Finding solutions to the shortage of nurses and other skilled health care workers for home health care services and post-acute care services, including a comprehensive examination and review of the overall delivery system for home health care services throughout the state of New Hampshire.

(2) Developing an effective strategy for workforce development, recruitment, and retention of nurses and other skilled home health care workers.

(3) Identifying workforce demands to keep pace with New Hampshire's integrated health care delivery based on population trends and projected utilization of home health care services.

(4) Training and professional development for specific intensive medical needs, palliative care, coverage in schools, and coverage by not only registered nurses and licensed practical nurses, but also licensed nursing assistants and other skilled health care workers.

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

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

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, 2016.

2 Repeal. RSA 161-I:8, relative to the commission to study the shortage of nurses and other skilled health care workers for home health care services and post-acute care services, is repealed.

2016-1162s

**AMENDED ANALYSIS**

This bill establishes a commission to study the shortage of nurses and other skilled health care workers for home health care services and post-acute care services.

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

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

SB 539, relative to access to records under the child protection act. Ought to Pass with Amendment, Vote 3-0. Senator Sanborn for the committee.

Health and Human Services

March 16, 2016

2016-1070s

05/09

**Amendment to SB 539**

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

1 New Section; Child Protection Act; Access to Medical Records. Amend RSA 169-C by inserting after section 25 the following new section:

169-C:25-a Access to Medical Records.

I. A law enforcement agency may request from the court an order compelling the department or a health care provider to disclose a child's medical records for the purpose of the investigation of child abuse or neglect, a child fatality, or any other crime against a child.

(a) The law enforcement agency shall present to the court the following evidence by affidavit or orally under oath, including telephonically if necessary:

(1) A statement of facts establishing probable cause to suspect that a child has been the victim of a crime, and that the child's medical records will contain evidence of that crime;

(2) A representation that the information is unavailable from another source; and

(3) The names and addresses of the child and the custodial parents, non-custodial parents, legal custodians, or other guardians of the child, if known.

(b) Upon a showing of cause by a law enforcement agency why notice would compromise the investigation, put the child at risk of harm, or for other good cause, the court shall prohibit the health care provider and its attorneys, officers, directors, employees, contractors, or any other agent for the provider from notifying the child and the custodial parents, non-custodial parents, legal custodians, or other guardians of the child about the existence or contents of the order or that information has been furnished pursuant to the order. Such a showing shall be based on facts made by affidavit or orally under oath. Upon issuance of the order, the health care provider shall provide the medical records within 12 hours unless otherwise provided by the court or by agreement. The court shall order the law enforcement agency to notify the child's parent or guardian of the ex parte order within 60 days of issuance; provided, however, that upon a showing of good cause, the court may extend the period beyond 60 days, but in no event beyond 180 days.

(c) If the law enforcement agency satisfies the requirements of subparagraph (a) but not subparagraph (b), the court shall order the law enforcement agency to immediately serve a parent or guardian and the health care provider with notice of the request. The parent or guardian and health care provider shall have 5 days from receipt of notice to file an objection. If no objection is made, the court shall order the health care provider to produce the records to the law enforcement agency within 7 days. If an objection is made, the health care provider shall be ordered to provide the records to the trial court within 7 days from the date of the objection by producing the records under seal for in camera review by the court. The court shall issue an order within 30 days of receipt of the records.

(d) The court may issue such order by telephone, facsimile, or email, and shall include written findings.

(e) Nothing in this section shall be construed to limit the ability of a health care provider to unilaterally disclose to a law enforcement agency a child's medical records or information about a child's medical condition as otherwise permitted by law, including if the health care provider, in the exercise of its professional judgment, believes the disclosure is necessary to prevent serious harm to the child or other potential victims.

II. Upon notice by a law enforcement agency of a court order permitting access to records for use in the investigation of the abuse or neglect of a child, a child fatality, or any other crime against a child pursuant to RSA 169-C or the criminal code, a health care provider shall permit the law enforcement agency to inspect and copy the medical records, including but not limited to prenatal and birth records, of the child or children involved in the investigation without the consent of the child, or parent or guardian of the child.

III. A health care provider who in good faith discloses medical records for the purpose of an investigation of the abuse or neglect of a child to the law enforcement agency shall not be civilly or criminally liable for the disclosure.

IV. The law enforcement agency in possession of medical records pursuant to this section shall, upon the request of the department or another law enforcement agency, be authorized to re-disclose the medical records to the department or other law enforcement agencies solely for the purpose of conducting investigations of child abuse or neglect, child fatalities, other crimes against a child, and any subsequent actions under this chapter or criminal proceedings. Medical records disclosed under this section shall not be used or further disclosed for any other purpose without a court order. Medical records provided pursuant to this section shall be exempt from disclosure under RSA 91-A.

V. For the purposes of this section, the term "law enforcement agency" shall include the attorney general, a county attorney, a county sheriff, the state police, and any local police department.

2 Confidentiality of Case Records; Disclosure to Law Enforcement. RSA 170-G:8-a, II(a)(9) is repealed and reenacted to read as follows:

(9) Another state's child welfare agency or other government entity, or any law enforcement agency, including local and out-of-state law enforcement agencies, that requires the information in order to carry out its responsibility under law to protect children from abuse or neglect, including the investigation of child fatalities. For the purposes of this subparagraph, the term "law enforcement agency" shall include the attorney general, a county attorney, a county sheriff, the state police, and any local police department.

3 Repeal. RSA 170-G:8-a, III(c), relative to rules governing access to case records by law enforcement, is repealed.

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

2016-1070s

#### AMENDED ANALYSIS

This bill establishes the procedure for law enforcement to obtain a court order compelling the department of health and human services or a health care provider to disclose a child's medical records for the purpose of an investigation of child abuse or neglect, a child fatality, or any other crime against a child.

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

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

SB 541, establishing a commission to study provider rates. Ought to Pass with Amendment, Vote 3-0. Senator Kelly for the committee.

Health and Human Services

March 16, 2016

2016-1068s

01/09

#### Amendment to SB 541

Amend RSA 400-A:68, II(g) as inserted by section 1 of the bill by replacing it with the following:

(g) One member representing the private health insurance industry, appointed by the New Hampshire chapter of America's Health Insurance Plans.



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

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

#### JUDICIARY

SB 338, relative to the right of crime victims to make statements to the parole board. Ought to Pass with Amendment, Vote 4-1. Senator Pierce for the committee.

Senate Judiciary  
March 15, 2016  
2016-1032s  
09/01

#### **Amendment to SB 338**

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

1 Rights of Crime Victims. Amend RSA 21-M:8-k, II(t) to read as follows:

(t)(1) The right to address or submit a confidential written statement for consideration by the parole board on the defendant's release and to be notified of the decision of the board, when requested by the victim through the victim advocate. Upon request of the victim, his or her written statement shall be considered confidential and shall not be disclosed to the inmate or the inmate's attorney, but only if the parole board finds that:

(A) The privacy and safety interests of the victim outweigh the interests or welfare of the inmate; and

(B) Confidentiality would not substantially prejudice or prevent the parole board from carrying out its functions.

(2) If the victim requests that the written statement be provided confidentially, the parole board shall give prompt written notice to the inmate and the inmate's attorney of such request.

2 New Subparagraph; Adult Parole Board; Establishment; Procedures. Amend RSA 651-A:4, III by inserting after subparagraph (e) the following new subparagraph:

(f) Criteria for determining whether written victim impact statements may be submitted confidentially.

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

2016-1032s

#### AMENDED ANALYSIS

This bill grants crime victims the right to make confidential written statements for consideration by the parole board on a defendant's release.

Senator Carson moved to Lay on the Table SB 338. Adopted.

SB 340, relative to sentencing violations of probation. Interim Study, Vote 3-1. Senator Lasky for the committee.

The question is on the adoption of the motion of Interim Study. Adopted.

SB 391, relative to annulment of certain misdemeanor offenses. Ought to Pass, Vote 4-0. Senator Carson for the committee.

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

SB 394, relative to criminal history record checks of nursing home administrators. Ought to Pass, Vote 4-0. Senator Lasky for the committee.

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

SB 402, relative to procedures related to the disclosure of exculpatory evidence by police officers. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Judiciary  
March 15, 2016  
2016-1035s  
08/04

### **Amendment to SB 402**

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

1 New Section; Police Officers; Limitation on Termination. Amend RSA 105 by inserting after section 1 the following new section:

105:1-a Police Officers; Limitation on Termination. No police officer shall have his or her employment terminated based solely on a determination that the officer has information in his or her personnel file that is potentially exculpatory and may need to be disclosed to a criminal defendant. Nothing in this section shall prohibit the employing authority from terminating the employment of a police officer for the conduct that is the subject of the potentially exculpatory information.

2 New Section; Disclosure of Potentially Exculpatory Information; Police Officers. Amend RSA 105 by inserting after section 13-c the following new section:

105:13-d Disclosure of Potentially Exculpatory Information.

I. In this section, "exculpatory evidence" means any information required to be disclosed to the defendant in a criminal case under the state or federal constitutions.

II. Notwithstanding RSA 105:13-b, the attorney general, county attorney, or designee, shall have access to the personnel file of any police officer who may be a witness for either party in any criminal case, solely for the purpose of determining the existence of potentially exculpatory evidence. No attorney general, county attorney, or designee, who reviews a personnel file shall disclose any information obtained as a result of the review, except to the extent necessary to comply with the state or federal constitutions.

III. When the head of a law enforcement agency or designee determines that a police officer's personnel file contains potentially exculpatory evidence, such police officer shall be notified that the attorney general, county attorney, or designee shall be conducting a review of the file.

IV. Prior to any determination that conduct shall be disclosed as potentially exculpatory evidence, the police officer shall have an opportunity to submit a statement in writing to the attorney general, county attorney or designee, concerning whether the facts shall be disclosed to the defendant under the state or federal constitutions.

V. Pursuant to RSA 491:22, a police officer who has been found to have committed an act which could be required to be disclosed to the defense in a criminal case may bring a declaratory judgment action in the superior court to determine whether the act he or she was found to have committed constitutes potentially exculpatory evidence in a future case that is required to be disclosed to the defense. No such action shall be brought until the police officer has exhausted all administrative remedies provided for in statute, administrative rule, or in any employment contract. In ruling on the petition, the superior court shall accept as true, all facts found by the final fact finder provided for in statute, administrative rule, or employment contract, unless against the manifest weight of the evidence. The superior court determination shall be limited to determining whether a future case may exist where the facts rise to the level of potentially exculpatory evidence under the state and federal constitutions. If the court finds that the facts could constitute exculpatory evidence in a future case, the prosecutor shall remain responsible for determining when potentially exculpatory evidence shall be disclosed to the defense under the state and federal constitutions.

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

2016-1035s

### **AMENDED ANALYSIS**

This bill requires a determination of whether information in a police officer's personnel file constitutes exculpatory evidence and allows a police officer who has information determined to be exculpatory evidence in his or her personnel file to have an opportunity to submit a statement to the prosecutorial body requesting the information in the file as exculpatory evidence.

This bill is a request of the commission to study the use of police personnel files as they relate to the Laurie List established in 2015, 150:1.

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

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

SB 435, relative to the reporting of the unauthorized diversion of controlled drugs. Interim Study, Vote 4-0. Senator Carson for the committee.

The question is on the adoption of the motion of Interim Study. Adopted.

#### **PUBLIC AND MUNICIPAL AFFAIRS**

SB 347, enabling the state and municipalities to adopt laws and ordinances regulating attire on state and municipal property. Ought to Pass with Amendment, Vote 3-2. Senator Stiles for the committee.

Public and Municipal Affairs

March 17, 2016

2016-1095s

06/01

#### **Amendment to SB 347**

Amend the bill by replacing sections 1-3 with the following:

1 New Subparagraph; Powers and Duties of Towns; Power to Make Bylaws. Amend RSA 31:39, I by inserting after subparagraph (p) the following new subparagraph:

(q) Regulating the times and places of bathing, sunbathing, and swimming in municipal parks, beaches, pools, or other municipal properties, and the clothing to be worn by users. Nothing in this subparagraph shall authorize a town to prohibit breastfeeding in such town properties.

2 Powers of City Councils; Bylaws and Ordinances; Power to Make Bylaws. Amend RSA 47:17, XIII to read as follows:

XIII. Vagrants, Obscene Conduct. To restrain and punish vagrants, mendicants, street beggars, strolling musicians, and common prostitutes, and all kinds of immoral and obscene conduct, and to regulate the times and places of bathing, sunbathing, and swimming in the canals, rivers and other waters of the city, or other city properties, and the clothing to be worn by [bathers and swimmers] users. Nothing in this paragraph shall authorize a city to prohibit breastfeeding in such city properties.

3 New Subparagraph; Department of Resources and Economic Development; Rulemaking. Amend RSA 12-A:2-c, II by inserting after subparagraph (f) the following new subparagraph:

(g) The times and places of bathing, sunbathing, and swimming in state waters or in state parks, forests, or other state recreational areas, and the clothing to be worn by users. Nothing in this subparagraph shall prohibit breastfeeding in such state recreational areas.

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

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

Senators Avard, Daniels, and Kelly are in opposition to the motion of Ought to Pass with Amendment on SB 347.

SB 421, relative to liability of governmental units. Ought to Pass with Amendment, Vote 4-0. Senator Birdsell for the committee.

Public and Municipal Affairs

March 16, 2016

2016-1081s

06/09

#### **Amendment to SB 421**

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

1 New Paragraph; Bodily Injury Actions Against Governmental Units; Definitions. Amend RSA 507-B:1 by inserting after paragraph I the following new paragraph:

I-a. "Employee or official of a governmental unit" means any member or officer of its governing board, administrative staff, or agencies, including but not limited to selectmen, school board members, chartered public school trustees, city councilors and aldermen, town councilors, town and city managers, mayors, regional planning commissioners, town and city health officials, police officers, overseers of public welfare, superintendents of schools, and all other employees and officials whether elected or appointed, and whether paid or unpaid, provided he or she is acting within the scope of his or her official duties.

2 Bodily Injury Actions Against Governmental Units; Definitions. Amend RSA 507-B:1, III and IV to read as follows:

III. "Personal injury" means:

(a) Any injury to the feelings or reputation of a natural person, including but not limited to, false arrest, detention or imprisonment, malicious prosecution, libel, slander, or the publication or utterance of other defamatory or disparaging material, invasion of an individual's right of privacy, invasion of the right of private occupancy, wrongful entry or eviction, mental injury, mental anguish, shock, and, except when against the public policy or the laws of New Hampshire, or both, discrimination; and

(b) Any injury to intangible property sustained by any [organization] person as a result of false eviction, malicious prosecution, libel, slander, or defamation. The term "personal injury" shall not include "bodily injury" or "property damage."

IV. "Property damage" means a loss through injury to, or destruction of, tangible property or real estate.

3 Bodily Injury Actions Against Governmental Units; Snow, Ice, and Other Weather Hazards. Amend RSA 507-B:2-b to read as follows:

507-B:2-b Snow, Ice, and Other Weather Hazards. Notwithstanding RSA 507-B:2, a [municipality or school district] governmental unit shall not be liable for damage arising from insufficiencies or hazards on any premises owned, occupied, maintained, or operated by it, even if it has actual notice of them, when such hazards are caused solely by snow, ice, or other inclement weather, and the [municipality's or school district's] governmental unit's failure or delay in removing or mitigating such hazards is the result of its implementation, absent gross negligence or reckless disregard of the hazard, of a winter or inclement weather maintenance policy or set of priorities with respect to such premises, adopted in good faith by the official responsible for such policy. All [municipal or school district employees] governmental units, officials, and agents shall be presumed to be acting pursuant to such a policy or set of priorities in the absence of proof to the contrary.

4 Bodily Injury Actions Against Governmental Units; Limit of Liability. Amend RSA 507-B:4 to read as follows:

507-B:4 Limit of Liability.

I. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any one person in actions brought under this chapter is limited to [~~\$275,000~~] \$325,000. Such limit applies in the aggregate to any and all actions to recover for bodily injury, personal injury or property damage [arising out of bodily injury, personal injury or property damage] sustained by one person in a single incident or occurrence. Liability of a governmental unit for bodily injury, personal injury or property damage sustained by any number of persons in a single incident or occurrence is limited to [~~\$925,000~~] \$1,000,000. The limits applicable to any action shall be the limits in effect at the time of the judgment or stipulated settlement.

II. The court shall award no punitive damages against a governmental unit for bodily injury, personal injury or property damage.

III. The jury shall not be informed of the limits in paragraph I but the court shall abate any verdict to the extent it exceeds the limits prescribed in this section. In actions consolidated under RSA 507-B:3, in the event the verdicts exceed the limits prescribed in this section, the verdicts shall be abated pro rata. Interest and costs may be recovered as in any civil action, in addition to the limits prescribed in this section.

IV. If any claim is made or any civil action is commenced against a present or former employee, trustee, or official of a [municipality or chartered public school] governmental unit seeking equitable relief or claiming damages, the liability of said employee or official shall be governed by the same principles and provisions of law and shall be subject to the same limits as those which govern [municipal] governmental unit liability, so long as said employee or official was acting within the scope of his or her office and [in good faith] reasonably believed in the legality of his or her actions.

5 Bodily Injury Actions Against Governmental Units; Policies Procured by Governmental Agency. Amend RSA 507-B:7-a to read as follows:

507-B:7-a [Insurance] Policies Procured by Governmental Agency.

I. It shall be lawful for [the state or] any [municipal subdivision thereof, including any county, city, town, school district, school administrative unit or other district,] governmental unit to procure the policies of insurance described in RSA 412 or programs for pooled risks under RSA 5-B.

II. In any action against [the state or any municipal subdivision thereof] a governmental unit covered by a policy of insurance described in RSA 412 to enforce liability on account of a risk so insured against, the insuring [company] entity or [state or municipal subdivision thereof] governmental unit shall not be allowed to plead as a defense immunity from liability for damages resulting from the performance of governmental functions, and its liability shall be determined as in the case of a private corporation except when a standard of care differing from that of a private corporation is set forth by statute.

III. If covered by a policy of insurance described in RSA 412, the liability of a governmental unit in connection with any claim filed under this chapter[; provided, however, that liability in any such case] shall not exceed the limits of coverage specified in the policy of insurance [or as to governmental units defined in RSA 507-B, liability shall not exceed the policy limit] or specified in RSA 507-B:4, [if applicable,] whichever is higher, and the court shall abate any verdict in any such action to the extent that it exceeds such [limit] limits.

6 New Section; Limitation of Actions; State as Plaintiff. Amend RSA 508 by inserting after section 4-g the following new section:

508:4-h State as Plaintiff. Except as otherwise provided by law, all personal actions or civil enforcement actions in which the state is a plaintiff may be brought only within 3 years of the date when the plaintiff agency, department, authority, or official possessed actual knowledge of the act, omission, or violation complained of, provided the defendant demonstrates that the delay was unreasonable and prejudicial and that the detriment to the defendant caused by the delay outweighs the detriment to the public that would be caused by dismissal of the action. Such limitation shall not apply to any violation or wrong that is ongoing or has otherwise not been corrected.

7 Defense and Indemnification of State Officers and Employees. Amend RSA 99-D:3 to read as follows:

99-D:3 Insurance. The state, or any department or agency thereof, shall self-insure against all such damages, losses and expenses except to the extent that insurance coverage is obtained under the authority of RSA [507-B] 9:27. The fiscal committee of the general court shall study alternative means to self-insurance by the state and shall report its findings to the general court not later than January 31, 1979. The fiscal committee shall be free to seek the assistance of the insurance department, the attorney general's office, and any other resource individuals.

8 Claims Against the State. Amend RSA 541-B:14, I to read as follows:

I. All claims arising out of any single incident against any agency for damages in tort actions shall be limited to an award not to exceed \$475,000 per claimant and \$3,750,000 per any single incident, or the proceeds from any insurance policy procured pursuant to RSA [507-B] 9:27, whichever amount is greater; except that no claim for punitive damages may be awarded under this chapter. The limits applicable to any action shall be the limits in effect at the time of the judgment or stipulated settlement.

9 Effective Date. This act shall take effect January 1, 2017.

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

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

SB 423, relating to the right of 17-year olds to register to vote. Ought to Pass with Amendment, Vote 4-0. Senator Birdsell for the committee.

Public and Municipal Affairs

March 16, 2016

2016-1086s

06/03

### **Amendment to SB 423**

Amend the bill by replacing section 1 with the following:

1 Voter Registration. Amend RSA 654:7, I(a) to read as follows:

(a) At least 18 years of age on the day of the next election; and

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

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

#### TRANSPORTATION

SB 362, requiring notice to planning boards of placement of signs on scenic byways. Ought to Pass with Amendment, Vote 3-0. Senator Feltes for the committee.

Senate Transportation

March 15, 2016

2016-1038s

06/04

#### **Amendment to SB 362**

Amend RSA 238:25, I as inserted by section 1 of the bill by replacing it with the following:

I. The commissioner of the department of transportation shall file with the planning board of a town a plan for any new traffic or directional sign to be placed on a scenic or cultural byway within such town with no additional cost to the department.

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

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

SB 519, relative to highway signs. Ought to Pass with Amendment, Vote 2-1. Senator Birdsell for the committee.

Senate Transportation

March 15, 2016

2016-1034s

06/04

#### **Amendment to SB 519**

Amend RSA 230:49, I as inserted by section 1 of the bill by replacing it with the following:

I. The location of essential motorist services, including food, fuel, lodging, camping, and attractions, on connecting service roads within 3 miles of the intersection with the limited access highway, within 5 miles for a campground, within 20 miles for an attraction, or within one mile of the intersection in urban compact areas, may be indicated to users of the limited access facility by appropriate signs, the specifications of which shall be determined by the commissioner of transportation. The distance specified shall be measured by computing the travel length from the terminal of an exit ramp to the nearest point along the public highway where the nearest existing driveway entrance to the service is reached. [Motorist service signs indicating the location of an attraction, but not food, fuel, lodging, or camping, may be placed in advance of intersections on limited access highways.] Additional motorist service signs may be placed in advance of intersections on limited access highways from the Massachusetts border to Concord and additional attraction signs may be placed north of Concord on I-93 and I-89.

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

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

Senator Morse is in opposition to the motion of Ought to Pass with Amendment on SB 519.

HB 351, exempting historically significant vehicles from emission control requirements. Ought to Pass, Vote 3-0. Senator Feltes for the committee.

Senator Daniels offered a floor amendment.

Sen. Daniels, Dist 11

March 16, 2016

2016-1087s

03/04

#### **Floor Amendment to HB 351**

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 2017

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

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

HB 1438-FN-L, relative to the registration of antique trailers. Ought to Pass, Vote 4-0. Senator Birdsell for the committee.

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

#### WAYS AND MEANS

SB 342-FN, making certain changes to business profits tax provisions affecting a business organization when owners sell or exchange ownership interests in the business. Ought to Pass with Amendment, Vote 5-0. Senator D'Allesandro for the committee.

Senate Ways and Means

March 15, 2016

2016-1021s

09/03

#### **Amendment to SB 342-FN**

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

1 Business Profits Tax; Addition to Gross Business Profits. RSA 77-A:4, XIV is repealed and reenacted to read as follows:

XIV. In the case of a business organization where an ownership interest in the business organization is sold or exchanged and the transaction, for federal income tax purposes, results in an increase in the basis of the assets for one or more of the parties to the transaction, the business organization shall:

(a) Add to the gross business profits of the business organization, for each taxable period, an amount equal to the annual depreciation or amortization attributable to the increase in the basis of the assets recognized by the parties to the transaction for federal income tax purposes; and

(b) Calculate the gain or loss on the sale or other disposition of the assets without regard to the basis increase recognized by any party to the transaction, for federal income tax purposes, from the sale or exchange of the ownership interest in the business organization.

2 Applicability. Section 1 of this act shall take effect for sales or exchanges of ownership interests in business organizations that occur on and after January 1, 2016.

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

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

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

#### **MOTION TO REMOVE FROM THE TABLE**

Senator Bradley moved to remove SB 488-FN-L from the table. Adopted.

#### COMMERCE

SB 488-FN-L, requiring reasonable accommodations for pregnant workers.

Sen. Bradley, Dist 3

March 23, 2016

2016-1131s

01/04

#### **Floor Amendment to SB 488-FN-LOCAL**

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

AN ACT relative to breastfeeding.

1 New Subdivision; Breastfeeding; Employer Responsibilities. Amend RSA 275 by inserting after section 75 the following new subdivision:

## Breastfeeding; Employer Responsibilities

275:76 Definitions. In this subdivision:

I. "Department" means the department of labor.

II. "Express milk" means the act of extracting human milk which can be accomplished by hand or pump.

III. "Employer" means an individual, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, governmental entity, and any common carrier who employs any person. "Employer" shall also include any person acting in the interest of an employer directly or indirectly.

275:77 Time and Space to Express Milk.

I. An employer shall provide:

(a) A reasonable break time for an employee to express breast milk for her nursing child each time such employee has need to express the milk; and

(b) A sanitary indoor place, other than a bathroom or toilet stall, that is shielded from view and free from intrusion from co-workers and the public, which may be used by an employee to express breast milk.

II. An employer shall not be required to compensate an employee receiving reasonable break time under paragraph I for any work time spent for such purpose, providing such break shall be documented as a break for the purpose of expressing milk.

III. Where employers already provide compensated breaks, an employee who uses that break time to express milk shall be compensated in the same way that other employees are compensated for break time. In addition, the employee shall be completely relieved from duty or else the time shall be compensated as work time.

IV. An employer that employs less than 50 employees shall not be subject to the requirements of this chapter, if such requirements would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business.

275:78 Retaliation. An employer shall not discharge or in any other manner discriminate against any employee because he or she makes a charge, files any complaint, or institutes or causes to be instituted any investigation, proceeding, hearing, or action under or related to this chapter, including an investigation conducted by the employer, or has testified or is planning to testify or has assisted or participated in any manner in any such investigation, proceeding, hearing, or action.

275:79 Penalty. Any employer violating this chapter shall be subject to a civil penalty, to be imposed by the labor commissioner in accordance with the procedures established in RSA 273:11-a. An employer aggrieved by the commissioner's assessment of such penalty may appeal in accordance with RSA 273:11-c.

275:80 Advisory Council on Breastfeeding.

I. There is hereby established an advisory council on breastfeeding. The advisory council shall follow the goals of the United States Surgeon General and the United States Breastfeeding Committee. The advisory council shall be comprised of, but not limited to:

(a) One member 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.

(c) The commissioner of the department of labor, or designee.

(d) A representative from the women, infants, and children program (WIC), appointed by the commissioner of the department of health and human services.

(e) A certified midwife, appointed by the midwifery council established in RSA 326-D:3.

(f) A member of the New Hampshire Business and Industry Association, appointed by the association.

(g) The president of the New Hampshire Breastfeeding Rights Coalition, or designee.

(h) The chair of the New Hampshire Breastfeeding Task Force, or designee.



(i) A hospital administrator from a certified baby-friendly hospital, appointed by the governor.

(j) A transportation representative, appointed by the governor.

(k) A currently breastfeeding mother, appointed by the governor.

(l) An attorney with experience in human rights issues, appointed by the New Hampshire commission on human rights.

II. The advisory council shall examine best practices in New Hampshire, including but not limited to the Baby Friendly Hospital Initiative, Family and Sick Leave, Childcare Trainings on Breastfeeding, Milk Banks, Lactation Spaces in Public Accommodations, and the World Health Organization's International Code of Marketing of Breastmilk Substitutes.

III. Legislative members shall receive mileage at the legislative rate while attending to the duties of the commission.

IV. The advisory council may meet as often as necessary to effectuate its goals and meetings may be held by conference call. A minimum of 3 meetings per year shall be open to the public.

V. The advisory council shall make an interim report commencing on November 1, 2016 and a final report on December 1, 2017 on its activities and findings, together with any recommendations for proposed legislation, to the president of the senate, the speaker of the house of representatives, and the governor.

2 New Paragraph; Notification, Posting, and Records. Amend RSA 275:49 by inserting after paragraph VII the following new paragraph:

VIII. Keep posted in a place accessible by his or her employees such notices as prescribed by the commissioner on the protections under RSA 275:76 – 275:80. The commissioner shall adopt rules, under RSA 541-A, relative to the form, content, and placement of such notices.

3 Nursing Mothers; Exemption from Jury Duty. Amend RSA 500-A:11 to read as follows:

500-A:11 Excuse From Jury Service. A person who is not disqualified for jury service may be excused from jury service by the court only upon a showing of undue hardship, extreme inconvenience, public necessity, nursing mothers, or for any other cause that the court deems appropriate. The person may be excused for the time deemed necessary by the court and shall report again for jury service, as directed by the court.

4 Repeal. RSA 275:80, relative to an advisory council on breastfeeding, is repealed.

5 Effective Date.

I. Section 4 of this act shall take effect December 1, 2017.

II. The remainder of this act shall take effect January 1, 2017.

2016-1131s

#### AMENDED ANALYSIS

This bill requires employers to provide reasonable accommodations to women who are breastfeeding and exempts a nursing mother from jury duty.

Senator Bradley withdrew Floor Amendment 1131s.

Senator Bradley offered a floor amendment.

Sen. Bradley, Dist 3

March 24, 2016

2016-1176s

01/04

#### Floor Amendment to SB 488-FN-LOCAL

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

AN ACT relative to breastfeeding.

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

1 New Subdivision; Breastfeeding; Employer Responsibilities. Amend RSA 275 by inserting after section 75 the following new subdivision:

Breastfeeding; Employer Responsibilities

275:76 Definitions. In this subdivision:

I. "Department" means the department of labor.

II. "Express milk" means the act of extracting human milk which can be accomplished by hand or pump.

III. "Employer" means an individual, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, governmental entity, and any common carrier who employs any person. "Employer" shall also include any person acting in the interest of an employer directly or indirectly.

275:77 Time and Space to Express Milk.

I. An employer shall provide:

(a) A reasonable break time for an employee to express breast milk for her nursing child each time such employee has need to express the milk; and

(b) A sanitary indoor place, other than a bathroom or toilet stall, that is shielded from view and free from intrusion from co-workers and the public, which may be used by an employee to express breast milk.

II. An employer shall not be required to compensate an employee receiving reasonable break time under paragraph I for any work time spent for such purpose, providing such break shall be documented as a break for the purpose of expressing milk.

III. Where employers already provide compensated breaks, an employee who uses that break time to express milk shall be compensated in the same way that other employees are compensated for break time. In addition, the employee shall be completely relieved from duty or else the time shall be compensated as work time.

IV. An employer that employs less than 50 employees shall not be subject to the requirements of this chapter, if such requirements would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business.

275:78 Retaliation. An employer shall not discharge or in any other manner discriminate against any employee because he or she makes a charge, files any complaint, or institutes or causes to be instituted any investigation, proceeding, hearing, or action under or related to this chapter, including an investigation conducted by the employer, or has testified or is planning to testify or has assisted or participated in any manner in any such investigation, proceeding, hearing, or action.

275:79 Penalty. Any employer violating this chapter shall be subject to a civil penalty, to be imposed by the labor commissioner in accordance with the procedures established in RSA 273:11-a. An employer aggrieved by the commissioner's assessment of such penalty may appeal in accordance with RSA 273:11-c.

275:80 Advisory Council on Breastfeeding.

I. There is hereby established an advisory council on breastfeeding. The advisory council shall follow the goals of the United States Surgeon General and the United States Breastfeeding Committee. The advisory council shall be comprised of, but not limited to:

(a) One member 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.

(c) The commissioner of the department of labor, or designee.

(d) A representative from the women, infants, and children program (WIC), appointed by the commissioner of the department of health and human services.

(e) A certified midwife, appointed by the midwifery council established in RSA 326-D:3.

(f) A member of the New Hampshire Business and Industry Association, appointed by the association.

(g) The president of the New Hampshire Breastfeeding Rights Coalition, or designee.

(h) The chair of the New Hampshire Breastfeeding Task Force, or designee.

(i) A hospital administrator from a certified baby-friendly hospital, appointed by the governor.

(j) A transportation representative, appointed by the governor.

(k) A currently breastfeeding mother, appointed by the governor.

(l) An attorney with experience in human rights issues, appointed by the New Hampshire commission on human rights.

II. The advisory council shall examine best practices in New Hampshire, including but not limited to the Baby Friendly Hospital Initiative, Family and Sick Leave, Childcare Trainings on Breastfeeding, Milk Banks, Lactation Spaces in Public Accommodations, and the World Health Organization's International Code of Marketing of Breastmilk Substitutes.

III. Legislative members shall receive mileage at the legislative rate while attending to the duties of the commission.

IV. The advisory council may meet as often as necessary to effectuate its goals and meetings may be held by conference call. A minimum of 3 meetings per year shall be open to the public.

V. The advisory council shall make an interim report commencing on November 1, 2016 and a final report on December 1, 2017 on its activities and findings, together with any recommendations for proposed legislation, to the president of the senate, the speaker of the house of representatives, and the governor.

2 New Paragraph; Notification, Posting, and Records. Amend RSA 275:49 by inserting after paragraph VII the following new paragraph:

VIII. Keep posted in a place accessible by his or her employees such notices as prescribed by the commissioner on the protections under RSA 275:76 – 275:80. The commissioner shall adopt rules, under RSA 541-A, relative to the form, content, and placement of such notices.

3 Nursing Mothers; Exemption from Jury Duty. Amend RSA 500-A:11 to read as follows:

500-A:11 Excuse From Jury Service. A person who is not disqualified for jury service may be excused from jury service by the court only upon a showing of undue hardship, extreme inconvenience, public necessity, nursing mothers, or for any other cause that the court deems appropriate. The person may be excused for the time deemed necessary by the court and shall report again for jury service, as directed by the court.

4 Repeal. RSA 275:80, relative to an advisory council on breastfeeding, is repealed.

5 Effective Date.

I. Section 4 of this act shall take effect December 1, 2017.

II. The remainder of this act shall take effect January 1, 2017.

2016-1176s

#### AMENDED ANALYSIS

This bill requires employers to provide reasonable accommodations to women who are breastfeeding and exempts a nursing mother from jury duty.

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

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

#### JUDICIARY

SB 337, regarding the immunity of court-appointed special advocates. Ought to Pass with Amendment, Vote 5-0. Senator Daniels for the committee.

This bill seeks to establish immunity for the CASA organization as per the NH Supreme Court's ruling in the Surprenant decision. The Judiciary Committee unanimously feels it would be more prudent to create a study committee to look at immunity for all those practicing as Guardians ad Litem in our State, as well as CASA as an organization.

Senate Judiciary  
March 15, 2016  
2016-1042s  
05/10

### **Amendment to SB 337**

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

AN ACT establishing a committee to study the immunity of court-appointed special advocates.

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

1 Committee Established. There is established a committee to study the immunity of court-appointed special advocates.

2 Membership and Compensation.

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

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

(b) Two members of the house of representatives, one from the judiciary committee and one from the children and family law 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.

III. No member appointed under paragraph I shall be a court-appointed special advocate or a private, certified guardian ad litem.

3 Duties. The committee shall study the immunity of court appointed special advocates.

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, 2016.

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

2016-1042s

### **AMENDED ANALYSIS**

This bill establishes a committee to study the immunity of court-appointed special advocates.

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

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

SB 382, relative to the authority of a federal law enforcement officer to make arrests in New Hampshire. Interim Study, Vote 5-0. Senator Lasky for the committee.

This bill sought to enable US Border Patrol officers to respond with immunity to emergency situations that occur in our State. While this is a situation that occurs primarily in Coos and parts of Grafton County where fewer law enforcement officers are available and the land mass is much larger, the bill enables this for the entire state.

Senator Bradley moved to Lay on the Table SB 382.

A roll call was requested by Senator Woodburn, seconded by Senator Bradley.

The following Senators voted Yes: Bradley, Cataldo, Little, Carson, Reagan, Birdsell, Prescott, Stiles, Morse.

The following Senators voted No: Woodburn, Forrester, Watters, Pierce, Hosmer, Sanborn, Kelly, Daniels, Avard, Lasky, Feltes, Boutin, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 9 - Nays: 15. Failed.

The question is on the adoption of the motion of Interim Study.

A division vote was requested.

Division, Yeas: 8 - Nays: 13. Failed.

Senator Pierce moved Ought to Pass.

Senator Pierce offered a floor amendment.

Sen. Pierce, Dist 5

Sen. Woodburn, Dist 1

March 23, 2016

2016-1163s

09/01

### **Floor Amendment to SB 382**

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

AN ACT relative to the authority of federal border patrol agents to make arrests in Coos county.

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

1 Police Standards and Training Council; Power to Certify Border Patrol Agents. Amend RSA 188-F:26, IV to read as follows:

IV. Certify persons as being qualified under the provisions of this subdivision to be police officers, state corrections officers, [or] state probation-parole officers, or certified border patrol agents for the purposes of RSA 594:26, and establish rules under RSA 541-A for the suspension or revocation of the certification of such persons in the case of egregious misconduct or failure to comply with council standards.

2 Arrests in Criminal Cases; Definition of Officer. Amend RSA 594:1, III to read as follows:

III. "Officer" or "peace officer" is any sheriff or deputy sheriff, mayor or city marshal, constable, police officer or watchman, member of the national guard acting under orders while in active state service ordered by the governor under RSA 110-B:6, certified border patrol agent as defined in RSA 594:26, I, or other person authorized to make arrests in a criminal case.

3 New Subdivision; Certified Border Patrol Agents. Amend RSA 594 by inserting after section 25 the following new subdivision:

#### **Certified Border Patrol Agents**

594:26 Power of Arrest for New Hampshire Crimes.

I. In this section, "a certified border patrol agent" means a person who:

(a) Is employed as a border patrol agent by the United States Department of Homeland Security, Customs and Border Protection;

(b) Has satisfactorily completed a course of study in New Hampshire laws and criminal procedures approved by the police standards and training council, at the expense of the agent's agency;

(c) Has been certified by the director of police standards and training pursuant to paragraph II; and

(d) Has taken an oath administered by the commissioner of safety or by the commissioner's designee to uphold the constitution of the state of New Hampshire.

II. The director of police standards and training shall certify a border patrol agent who applies for certification if the agent satisfies the employment and study requirements listed in paragraph I. Border patrol agents certified under this section shall be exempt from regular physical fitness examinations required of state or municipal law enforcement officers. A certification under this paragraph shall automatically terminate immediately upon the agent's suspension or termination of employment from the federal agency in which he or she was employed at the time the certification occurred.

III. A certified border patrol agent may make an arrest pursuant to New Hampshire law for violation of New Hampshire laws in Coos county if the agent determines that it is necessary to do any of the following:

- (a) Protect an individual in the presence of the agent from the imminent infliction of serious bodily injury.
- (b) Provide immediate assistance to an individual who has suffered or is threatened with serious bodily injury.
- (c) Prevent the escape of any individual whom the agent has probable cause to believe has committed a crime in the presence of the agent.
- (d) Prevent the escape of any individual whom the agent has probable cause to believe has committed a felony under New Hampshire law.

IV. A certified border patrol agent who makes an arrest under this section shall report the arrest, without delay, to the division of state police.

V. A certified border patrol agent who makes an arrest under the authority of this section shall have the same immunity from liability that a state or municipal law enforcement officer has under the laws of this state.

VI. This section is not intended to limit existing authority of federal officers under federal law or to interfere with the performance of federal duties by federal officers.

4 Effective Date. This act shall take effect January 1, 2017.

2016-1163s

#### AMENDED ANALYSIS

This bill grants federal border control agents the authority to make arrests in Coos county.

Recess. Out of recess.

Senator Avarad moved to Lay on the Table SB 382.

A division vote was requested.

Division, Yeas: 13 - Nays: 10. Adopted.

Senator Woodburn is in favor of the motion of Ought to Pass with Amendment on SB 382.

#### MOTION TO ADJOURN FROM EARLY SESSION

Senator 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

##### LIST OF RULE 6-25'S FOR THE DAY

Senator Boutin: SB 503-FN-A.

Senator Carson: SB 326.

Senator Prescott: SB 311.

Senator Woodburn: SB 553.

#### ANNOUNCEMENTS

PRESIDENT MORSE: I wish you all a Happy Easter!

#### LATE SESSION

##### Third Reading and Final Passage

CACR 27, (New Title) relating to the operating budget. Providing that the state shall not spend more from any fund than such fund receives in revenue, nor use the proceeds of any bond to fund its annual operating expenditures.

HB 351, exempting historically significant vehicles from emission control requirements.

HB 377, (New Title) establishing a state geographic information system committee.

HB 1438-FN-LOCAL, relative to the registration of antique trailers.

SB 324, (New Title) eliminating the land use board and requiring approval of federal land acquisitions by the governor and executive council.

SB 326, relative to the membership of the community college system of New Hampshire board of trustees.

SB 336, relative to the qualifications for obtaining a license to carry a concealed pistol or revolver.

SB 337, (New Title) establishing a committee to study the immunity of court-appointed special advocates.

SB 341, (New Title) establishing a committee to study guardianship in New Hampshire.

SB 342-FN, making certain changes to business profits tax provisions affecting a business organization when owners sell or exchange ownership interests in the business.

SB 347, enabling the state and municipalities to adopt laws and ordinances regulating attire on state and municipal property.

SB 362, requiring notice to planning boards of placement of signs on scenic byways.

SB 376-FN, relative to wildlife corridors.

SB 379, relative to additional tests to determine alcohol concentration.

SB 387, relative to the disposition of ward accounts.

SB 391, relative to annulment of certain misdemeanor offenses.

SB 394, relative to criminal history record checks of nursing home administrators.

SB 402, relative to procedures related to the disclosure of exculpatory evidence by police officers.

SB 415, (New Title) requiring appropriate hydration be made available to certain animals and establishing a committee to study harmful weather conditions for dogs.

SB 417, relative to employment contract restrictions upon physicians.

SB 421, relative to liability of governmental units.

SB 423, relating to the right of 17-year olds to register to vote.

SB 430, establishing a commission to study long-term peer-to-peer recovery services in New Hampshire.

SB 431, (New Title) relative to data submission by insurers.

SB 432, relative to itemized bills for medical services.

SB 439, (Second New Title) establishing a commission to study the shortage of nurses and other skilled health care workers for home health care services and post-acute care services.

SB 466-FN, relative to the detention of a minor while waiting for the disposition of his or her case.

SB 481-FN, (New Title) relative to a special health care service license and establishing a fund.

SB 488-FN-LOCAL, (New Title) relative to breastfeeding.

SB 491-FN, (New Title) relative to Medicaid home health care services and relative to the scope of practice of licensed nursing assistants.

SB 492-FN, relative to expenditures from the energy efficiency fund.

SB 495-FN-A, relative to state retiree health plan costs and funding.

SB 496-FN, relative to personal care attendant services.

SB 503-FN-A, relative to pre-kindergarten education using "pay for success" financing.

SB 506, clarifying who may adopt.

SB 509-FN, relative to voter registration forms and relative to voter identity verification.

SB 515-FN, relative to child neglect and other changes to the child protection act.

SB 519, relative to highway signs.

SB 521-FN, relative to an OHRV registration fee for persons who are members of an OHRV club.

SB 527-FN-A, making an appropriation to the police standards and training council, repealing the police standards and training council training fund, making an appropriation to the department of safety for the purchase of state police cruisers.

SB 532-FN, relative to prior authorization for substance abuse treatment.

SB 533-FN-A-LOCAL, (New Title) relative to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery and making supplemental appropriations to the commission, the department of justice, and the department of health and human services.

SB 535-FN-A, establishing a grant program for high schools for heroin and opiate prevention education.

SB 539, relative to access to records under the child protection act.

SB 541, establishing a commission to study provider rates.

SB 544, establishing a committee to study funding options for the Internet crimes against children task force.

SB 546-FN, relative to petitions for verification of checklists.

SB 547, (New Title) establishing a commission to study if current force protection measures provide adequate safeguards for New Hampshire national guard personnel, facilities, and equipment.

SB 552-FN, (New Title) relative to application of the Internal Revenue Code to provisions of the business profits tax.

SB 553, relative to implementation of the Medicaid managed care program.

SCR 3, (New Title) applying to the United States Congress to convene a limited convention for the exclusive purpose of proposing amendments to the federal Constitution concerning election reform that do not abrogate or amend the first amendment to the federal Constitution.

SCR 4, (New Title) applying for an Article V convention to propose an amendment to the Constitution of the United States that imposes fiscal restraints on the federal government.

#### MOTION TO RECESS TO CALL OF THE CHAIR

Senator 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.