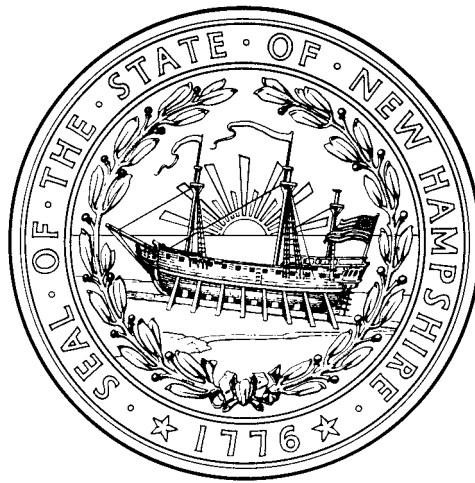


**March 17 2016
Nos. 8-9**

STATE OF NEW HAMPSHIRE

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



**Second Year of the 164th Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MARCH 10, 2016 SESSION
COMMENCEMENT – MARCH 17, 2016 SESSION**

SENATE JOURNAL 8 *(continued)*

March 10, 2016

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 297, protecting individual customer data from disclosure by a public utility.

HB 1116, relative to net metering.

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

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

HB 1148, relative to pipeline capacity contracts.

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

HB 1188, relative to the brew pub license.

HB 1198-FN-LOCAL, relative to the valuation of poles and conduits owned by telephone utilities.

HB 1219-FN-LOCAL, relative to the repurchase of tax-deeded property by the former owner and the costs therefor.

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

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

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

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

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

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

HB 1250, relative to medical neglect of children.

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

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

HB 1288, relative to the National Guard force protection policy.

HB 1301, relative to the issuance of youth employment certificates.

HB 1322, relative to reports to the public employee labor relations board.

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

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

HB 1340, relative to producer licensing.

HB 1349, relative to the location of the Merrimack county superior court.

HB 1370, relative to termination of tenancy.

HB 1382, relative to the referendum procedure for public water systems.

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

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

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

HB 1471, relative to parental rights.

HB 1478, establishing a commission to develop a structure for the implementation of an alternative contract for health care payments.

HB 1508, allowing public libraries to run certain privacy software.

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

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

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

HB 1608-FN, relative to uniform prior authorization forms.

HB 1626-FN, relative to drug take-back programs.

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

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

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

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 231, (New Title) relative to the criteria for evaluating school building aid applications. (Education)
HB 242, relative to the statewide improvement and assessment program. (Education)
HB 1105, establishing a committee to study third party mortgage processors. (Commerce)
HB 1113, requiring a performance audit of the sex offender treatment program in the department of corrections. (Executive Departments and Administration)
HB 1114, relative to the number of inspectors of election. (Public and Municipal Affairs)
HB 1145, establishing a committee to study suspensions and expulsions in licensed preschools and in kindergarten through grade 3. (Education)
HB 1152, relative to the definition of specialty beer. (Commerce)
HB 1164, relative to contributions by a city to the county or state. (Public and Municipal Affairs)
HB 1170, relative to special permits for OHRV operation in Jericho Mountain State Park. (Transportation)
HB 1171, relative to appeals heard by the waste management council. (Energy and Natural Resources)
HB 1199, allowing adults to play children's bingo at private campgrounds or hotels. (Ways and Means)
HB 1307, relative to the procedure for amendment of condominium instruments. (Commerce)
HB 1313-FN, relative to eligibility to vote and relative to availability of voter information. (Public and Municipal Affairs)
HB 1315, adding mixed-use development to the definition of business and industrial facility. (Public and Municipal Affairs)
HB 1316, relative to hospital rates for self-pay patients. (Health and Human Services)
HB 1355, relative to poultry producers exempted from meat inspection requirements. (Energy and Natural Resources)
HB 1388-FN, expanding crossbow use into muzzel loader season. (Energy and Natural Resources)
HB 1391, relative to the price of bingo cards at senior bingo and bingo at private campgrounds and hotels. (Ways and Means)
HB 1396, relative to OHRV operation on certain highways in Grafton County. (Transportation)
HB 1397, establishing a committee to study improvements to the Hannah Duston Memorial. (Executive Departments and Administration)
HB 1403, relative to reinsurance. (Commerce)
HB 1408-FN, relative to a school building inventory. (Education)
HB 1415, relative to escape from official custody. (Judiciary)
HB 1418-LOCAL, relative to the minutes of nonpublic sessions of public bodies. (Executive Departments and Administration)
HB 1419, relative to voting records in nonpublic sessions of public bodies. (Executive Departments and Administration)
HB 1430-FN, relative to registration of compact utility tractors. (Transportation)
HB 1450, relative to risk-based capital for insurers. (Commerce)
HB 1452, relative to motor vehicle laws applicable to diplomats and certain officials. (Transportation)
HB 1453, relative to qualifying medical conditions for purposes of therapeutic cannabis. (Health and Human Services)
HB 1486, relative to membership of the state house bicentennial commission. (Rules, Enrolled Bills and Internal Affairs)
HB 1490, relative to collaborative practice between pharmacists and health care practitioners. (Commerce)
HB 1503, relative to distributing campaign materials at the polling place. (Public and Municipal Affairs)
HB 1534, relative to reports of death of voters. (Public and Municipal Affairs)
HB 1570-FN, repealing the law governing access to reproductive health care facilities. (Health and Human Services)
HB 1579, relative to regulation of the practice of out-of-state brokers by the real estate commission. (Commerce)
HB 1587, relative to limitations on capital reserve funds of counties. (Public and Municipal Affairs)
HB 1624-FN, relative to electioneering by public employees. (Public and Municipal Affairs)
HB 1628-FN, relative to human trafficking involving persons under 18 years of age. (Judiciary)
HB 1656-FN, relative to exceptions to the real estate transfer tax. (Ways and Means)

HB 1665-FN, adopting the interstate medical licensure compact. (Executive Departments and Administration)
HB 1689, relative to operator requirements under the meals and rooms tax. (Ways and Means)
HB 1696-FN, requesting a modification of the New Hampshire health protection program. (Finance)
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 9

March 17, 2016

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

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

To start our morning let us begin with a moment of silence.

Dear God, as we begin our work we pray this day for good governments, for the democracy alive in our country and in our state. We are thankful this day for people called to serve the people of the great state of New Hampshire. We ask you to be with this body today as they set about their business. We pray that they may uphold the highest standards of their office. We pray that in the making and passing of legislation we may govern well by caring for human life and happiness. And within this chamber we might preserve the peace of our fellow citizens, promote their prosperity and happiness, reunite opinion, cultivate a spirit of candor, moderation, charity, and forbearance toward one another. Help us to be sober in our deliberations so that government does for people only what they cannot do better by themselves that know more. Help us never forget that government is "we the people," and not an alien power over us. The ultimate rulers of our democracy are not of president and senators, and congressmen and government officials but the voters of this country. Amen.

Senator Cataldo led the Pledge of Allegiance.

Senator Hosmer is excused for the day.

INTRODUCTION OF GUESTS

Senator Fuller Clark introduced Zoe Stewart from Portsmouth visiting in the gallery.

INTRODUCTION OF PAGES

Senator Birdsell introduced Katherine Dow and Risa Lalicata of Pinkerton Academy in Derry serving as Senate Pages for the day.

SPECIAL ORDER

Without objection, the following bills were special ordered to Thursday, March 24, 2016.

COMMERCE

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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.

CONSENT CALENDAR REPORTS

The following bill was removed from the Consent Calendar:

COMMERCE

SB 303, relative to medical costs covered by motor vehicle liability policies. Removed by Senator Soucy.

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.

COMMERCE

SB 407, relative to temporary worker rights. Interim Study, Vote 5-0. Senator Prescott for the committee.

This bill would set new protections for temporary workers in the state. The committee was in favor of the intent of the legislation. However, the committee felt that the bill needs more time for the interested parties to come together, give input, and ultimately come up with an agreement on how this bill should go forward.

PUBLIC AND MUNICIPAL AFFAIRS

SB 349, relative to city chief elections officers. Interim Study, Vote 5-0. Senator Birdsell for the committee.

This bill would have required the governing body of a city to elect a registered voter as the chief elections officer if the city clerk is not a registered voter in the city. The committee put forward the refer to Interim Study motion at the request of the sponsor.

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

REGULAR CALENDAR

COMMERCE

SB 308, relative to the definition of small loans. Ought to Pass with Amendment, Vote 5-0. Senator Soucy for the committee.

Commerce
March 8, 2016
2016-0947s
08/10

Amendment to SB 308

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

AN ACT relative to the definition of small loans and relative to certain fees on small loans.

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

1 New Paragraph; Small Loans Not Title or Payday Loans. Amend RSA 399-A:16 by inserting after paragraph VI the following new paragraph:

VII. Notwithstanding RSA 399-A:1, XXI(b) or any other provision of law, a loan with a contractual term of 6 months or longer with an annual percentage rate not exceeding 36 percent, as calculated under RSA 399-A:16, I, shall not be a title loan or a payday loan.

2 Small Loans Other Than Payday Loans or Title Loans; Annual Percentage Rate. Amend RSA 399-A:16, I to read as follows:

I. The annual percentage rate for small loans shall not exceed 36 percent. Notwithstanding the federal definition of annual percentage rate, for purposes of calculating annual percentage rate, the finance charge shall exclude one application fee not to exceed \$100 per borrower per year and one participation or membership fee not to exceed \$100 per borrower per year.

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

2016-0947s

AMENDED ANALYSIS

This bill changes the definition of small loans.

This bill also limits the amount to be charged for application or member ship fees for small loans other than payday loans or title loans.

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.

INTRODUCTION OF GUESTS

Senator Little introduced Diane Vickers from Florida visiting in the gallery.

Senator Avarad introduced 4th grade students from Charlotte Avenue School of Nashua visiting in the gallery.

Recess. Out of recess.

SB 413, relative to employment rights of persons with criminal records. Interim Study, Vote 3-2. Senator Bradley for the committee.

Senator Forrester moved to Lay on the Table SB 413. Adopted.

SB 416, relative to flexible working arrangements in employment. Ought to Pass with Amendment, Vote 4-1. Senator Bradley for the committee.

Commerce

March 8, 2016

2016-0945s

06/04

Amendment to SB 416

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

1 New Section; Flexible Working Arrangement. Amend RSA 275 by inserting after section 37-a the following new section:

275:37-b Flexible Working Arrangement. No employer shall retaliate against any employee solely because the employee requests a flexible work schedule. Nothing in this section shall be construed to require any employer to accommodate a flexible work schedule. Nothing in this section shall be construed to create a cause of action for failure to provide a flexible work schedule at an employee's request.

2 Effective Date. This act shall take effect 90 days after its passage.

2016-0945s

AMENDED ANALYSIS

This bill prohibits an employer from retaliating against an employee who requests a flexible work schedule.

Senator Sanborn moved to Lay on the Table SB 416.

A division vote was requested.

Recess. Out of recess.

Division, Yeas: 23 - Nays: 0. Adopted.

Senator Hosmer is excused.

Recess. Out of recess.

EDUCATION

SB 470, relative to eligibility of school district employees for Family and Medical Leave Act coverage. Inexpedient to Legislate, Vote 2-2. Senator Avarad for the committee.

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

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

The following Senators voted Yes: Forrester, Bradley, Cataldo, Sanborn, Daniels, Avarad, Carson, Birdsell, Prescott, Morse.

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

Roll Call, Yeas: 10 - Nays: 11. Failed.

Senator Hosmer is excused.

Senators Boutin and Stiles assert Rule 6-25 on SB 470.

Senator Soucy moved Ought to Pass.

Senator Soucy offered a floor amendment.

Sen. Soucy, Dist 18

March 17, 2016

2016-1094s

05/04

Floor Amendment to SB 470

Amend RSA 189:71 as inserted by section 1 of the bill by replacing it with the following:

189:71 Family and Medical Leave Coverage. A school district employee who has been employed by the school district for at least 12 months and who has worked at least 1,100 hours in the previous 12-month period shall be eligible for family and medical leave under the same terms and conditions as leave provided to eligible employees under the federal Family and Medical Leave Act of 1993 (Pub. L. 103-3), 29 U.S.C. section 2611, et seq., as amended.

Senator Forrester moved to Lay on the Table SB 470. Adopted.

Senators Boutin and Stiles assert Rule 6-25 on SB 470.

ENERGY AND NATURAL RESOURCES

SB 381, relative to the combustion of the wood component of construction and demolition debris. Ought to Pass with Amendment, Vote 4-0. Senator Little for the committee.

Energy and Natural Resources

March 9, 2016

2016-0959s

08/04

Amendment to SB 381

Amend RSA 125-C:10-c as inserted by section 1 of the bill by replacing it with the following:

125-C:10-c Combustion Ban.

I. Notwithstanding any provision of law to the contrary, no person shall combust the wood component of construction and demolition debris, as defined in RSA 149-M:4, IV-a, or any mixture or derivation from said component.

II. This section shall not apply to:

(a) The incidental combustion of such materials either by any municipal waste incinerator or a municipal combustor with a design capacity of less than 250 tons per day of municipal solid waste, that has been permitted by the department and was in operation on January 1, 2006;

(b) The combustion of no more than 10,000 tons per year of wood residue at any municipal waste combustor from November 15 through April 15 from facilities that process construction and demolition debris in a manner no less stringent than the requirements of the Environmental Protection Agency's Non-Hazardous Secondary Materials Rule, 40 C.F.R section 241.4(a)(5) (Non-waste Determinations for Specific Non-Hazardous Secondary Materials When Used as a Fuel) dated February 8, 2016; or

(c) The incidental combustion, under the supervision of a solid waste facility operator of untreated wood at any municipal transfer station subject to regulation under RSA 149-M.

III. For purposes of this section, a municipal waste combustor shall have the same definition as RSA 125-M:2, XI, have a design capacity of at least 250 tons per day of municipal solid waste before January 1, 2016, be subject to regulation by this chapter or RSA 149-M, and have been in operation on January 1, 2016 or, if a municipal incinerator, have been permitted by the department and in operation on January 1, 2006.

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.

HB 499, permitting New Hampshire farmers to sell farm-raised bison directly to the public. Ought to Pass with Amendment, Vote 4-0. Senator Sanborn for the committee.

Energy and Natural Resources
March 9, 2016
2016-0963s
08/10

Amendment to HB 499

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

1 New Paragraph; Food Service Licensure; Exemption; Bison. Amend RSA 143-A:5 by inserting after paragraph VIII the following new paragraph:

IX. A farm owned or operated by any person, firm, or corporation that raises bison for human consumption, and the direct sale within this state of the carcasses, parts, meat, and meat food products of such animals, when slaughtered and processed in accordance with RSA 427:16, XII, to the consumer from such farm, at the producer's farm stand, and by the producer at farmers' markets, or when sold to a licensed restaurant in accordance with RSA 143-A:20.

2 New Paragraph; Meat Inspection; Exemption; Bison. Amend RSA 427:16 by inserting after paragraph XI the following new paragraph:

XII. The slaughter of bison on a farm for purposes of sale, as provided in RSA 143-A:5, IX, shall be exempt from the provisions of this subdivision requiring inspection of the slaughter of animals and preparation of the carcasses, parts thereof, meat and meat food products for sale within this state to the public. The slaughter of a bison under this paragraph shall be permitted only:

(a) When the owner of the bison designates a slaughter area on the farm premises.

(b) When the bison is slaughtered in a humane method, as defined in RSA 427:33, III, by the owner or the owner's full time or seasonal employee.

(c) From September 1 to April 30.

(d) When no more than 12 hours passes from the time of slaughter to the placement of the carcass in a refrigerated facility at or below 41 degrees Fahrenheit.

(e) When a veterinarian licensed under RSA 332-B conducts an ante-mortem examination of each bison on the day of slaughter, witnesses the slaughter, conducts a post-mortem examination of the carcass, and documents his or her examinations in the report required under subparagraph (f).

(f) When the veterinarian and owner make a report of the slaughter on a form or forms provided by the state veterinarian which contains the following:

(1) Name, address, and phone number of animal owner and the location of the farm.

(2) Identification number on animal (to assure same carcass arrives at the processing facility).

(3) Date and time of slaughter and the time of each examination.

(4) Statement that examinations were visual.

(5) Statement that live animal was examined both at rest and in motion.

(6) Ante-mortem examination stating live animal is free from any observed abnormalities, including but not limited to:

(A) No observed lameness, stiffness, abnormal body positions (e.g. tucked abdomen, arched back, extended neck or tail, etc.).

(B) No abnormal discharges or odors.

(C) No blisters or vesicles observed.

(D) No abnormal growths, swellings, enlargements, injuries, loss of hair or other skin lesions, infestations (e.g. maggots), labored breathing, or diarrhea.

(E) Animal did not appear abnormally nervous or restless, excessively anxious or upset, depressed, disinterested, or blind.

(F) Animal did not stagger, circle, head press, salivate excessively, rub or scratch excessively.

(G) Both eyes present and normal.

(7) Post-mortem examination stating carcass is free from any observed abnormalities, including but not limited to:

(A) Mouth, tongue, and eyes appear normal.

(B) Lymph nodes appear normal.

(C) No observed lumps, bumps, or growths.

(D) No abnormal odors or discharges.

(E) No adhesions or ongoing infectious processes.

(8) This statement: "A veterinarian licensed to practice in the state shall be held harmless from either criminal or civil liability for any decisions made for services rendered in good faith under the provisions of RSA 427:16, XII. Such a veterinarian is, therefore, protected from a lawsuit for his or her part in any illness, product quality failure, or other concern resulting from the products of this animal." Liability for any illness or product quality failure shall rest solely and completely with the animal owner.

(9) A certification by the animal owner that this animal is free from antibiotic, dewormer, and chemical residues, and that the label instructions were followed regarding the withdrawal of such substances.

(10) Signature blocks for both the veterinarian and the animal owner, signed by both.

(g) When such animal is transported to and processed at a facility that is eligible to conduct custom exempt activities as regulated by the United States department of agriculture pursuant to 21 U.S.C. section 623(a) and associated departmental regulations.

(h) When the owner of the bison retains the original copy of the report made in subparagraph (f). A copy of such report shall accompany the bison carcass to the processing facility. The processing facility shall retain a copy of the report for one year.

(i) When bison meat is ground for sale, it is tested by the processing facility for *Escherichia coli* and *Salmonella* at the bison owner's expense. All aspects of the testing, including sampling, shall be done in a manner that complies with standards and procedures of the United States department of agriculture, and may include the services of an outside laboratory. The owner of the meat shall not sell it until he or she is in receipt of the test result that indicates the product is safe to eat. The test result shall be kept by the owner for at least one year.

(j) Prior to sale, as provided in RSA 143-A:5, IX, it is labeled as required in RSA 143-A:19.

3 New Subdivision; Meat from Uninspected Bison; Labeling. Amend RSA 143-A by inserting after section 17 the following new subdivision:

Meat from Uninspected Bison

143-A:18 Definition of Uninspected Bison. For purposes of this subdivision, "uninspected bison" means carcasses, parts, meat, and meat food products of bison slaughtered and processed in accordance with RSA 427:16, XII and sold or to be sold as provided in RSA 143-A:5, IX.

143-A:19 Labeling; Meat from Uninspected Bison. All packaging containing uninspected bison shall be clearly labeled to include a description of the product, the name, address, and telephone number of the farm where the product originates, and the date of slaughter.

143-A:20 Purchase of Uninspected Bison by Licensed Restaurants.

I. A licensed restaurant, as defined in RSA 143-A:14, II, may purchase from bison producers uninspected bison that is labeled in accordance with RSA 143-A:19.

II. For at least 90 days from the date of each purchase, the licensed restaurant shall keep on file the receipt of purchase to include the product purchased, the date of purchase, the name of the producer, the name and address of the farm, and phone number.

III. The licensed restaurant shall clearly label any menu item containing uninspected bison with the following statement: "This product was slaughtered at the farm and is exempt from state and federal inspection."

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

2016-0963s

AMENDED ANALYSIS

This bill exempts “bison” from certain licensing and inspection requirements.

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.

SPECIAL ORDER

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

ENERGY AND NATURAL RESOURCES

HB 500, repealing the prohibition on the use of silencing devices for taking wildlife.

FINANCE

SB 374, requiring the department of environmental services to update coastal flooding trends. Ought to Pass, Vote 5-1. Senator Little for the committee.

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

Senator Morse is in opposition to the motion of Ought to Pass on SB 374.

SB 401-FN, relative to insurance coverage for prescription eye drops. Ought to Pass, Vote 5-1. Senator Reagan for the committee.

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

Senator Morse is in opposition to the motion of Ought to Pass on SB 401-FN.

INTRODUCTION OF GUESTS

Senator Avard introduced 4th grade students from Charlotte Avenue School of Nashua visiting in the gallery.

SB 452-FN, requiring certain state agencies to conduct an audit of laws governing coastal regions to enable authorities to take appropriate actions. Ought to Pass, Vote 4-2. Senator Reagan for the committee.

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

Senator Morse is in opposition to the motion of Ought to Pass on SB 452-FN.

SB 456-FN, relative to reporting of receipts and expenditures by candidates and candidate committees. Ought to Pass, Vote 6-0. 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 475-FN, requiring law enforcement agencies to file crime reports with the department of safety. Ought to Pass, Vote 6-0. 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 494-FN-A, limiting an exemption from the road toll. Ought to Pass, Vote 4-1. Senator Reagan for the committee.

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

Senator Morse is in opposition to the motion of Ought to Pass on SB 494-FN-A.

SB 510-FN, relative to parking at state park parking meters. Ought to Pass, Vote 5-0. Senator Little for the committee.

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

SB 526-FN, requiring the department of resources and economic development to advertise changes to New Hampshire's business taxes. Interim Study, Vote 5-0. Senator Forrester for the committee.

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

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 D'Allesandro moved to Lay on the Table SB 551-FN-A-L. Adopted.

HEALTH AND HUMAN SERVICES

SB 540-FN, prohibiting the possession, use, or sale of kratom. Ought to Pass with Amendment, Vote 4-0. Senator Clark for the committee.

Health and Human Services

March 2, 2016

2016-0856s

04/10

Amendment to SB 540-FN

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

AN ACT relative to the possession, use, or sale of kratom by any person under 18 years of age.

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

1 New Chapter; Kratom. Amend RSA by inserting after chapter 318-E the following new chapter:

CHAPTER 318-F

KRATOM

318-F:1 Acts Prohibited. It shall be unlawful for any person under 18 years of age to manufacture, possess, control, sell, purchase, prescribe, administer, transport, package or repackage or possess with intent to manufacture, sell, dispense, administer, compound, package, or repackage mitragynine or hydroxymitragynine, commonly known as kratom.

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

2016-0856s

AMENDED ANALYSIS

This bill makes the possession, sale, or use of kratom by any person under 18 years of age unlawful.

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 350, establishing a moratorium on federal land acquisition pending a study by the department of resources and economic development. Interim Study, Vote 4-0. Senator Cataldo for the committee.

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

Recess. Out of recess.

SB 404, relative to the burden of proof for a divorced parent's petition to relocate children of the marriage. Ought to Pass, Vote 3-0. Senator Lasky for the committee.

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

Senator Pierce asserts Rule 6-25 on SB 404.

PUBLIC AND MUNICIPAL AFFAIRS

SB 345, relative to the definition of agritourism. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

Public and Municipal Affairs

March 9, 2016

2016-0962s

08/10

Amendment to SB 345

Amend the bill by replacing section 1 with the following:

1 Agritourism; Definition. Amend RSA 21:34-a, II(b)(5) to read as follows:

(5) The marketing or selling at wholesale or retail, on-site and off-site, where [permitted] not prohibited by local regulations[, any products from the farm]. Marketing includes agritourism, which means attracting visitors to a farm to attend events and activities that are accessory uses to the primary farm operation, including, but not limited to, eating a meal, making overnight stays, enjoyment of the farm environment, education about farm operations, or active involvement in the activity of the farm.

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

5 New Section; Agritourism Permitted. Amend RSA 674 by inserting after section 32-c the following new section:

674:32-d Agritourism Permitted. Agritourism, as defined in RSA 21:34-a, shall not be prohibited on any property where the primary use is for agriculture, subject to RSA 674:32-b, II.

6 Repeal. RSA 21:34-a, VI, relative to the definition of agritourism, is repealed.

7 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 413 from the table. Adopted.

COMMERCE

SB 413, relative to employment rights of persons with criminal records. Interim Study, Vote 3-2. Senator Bradley for the committee.

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

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

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

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

Roll Call, Yeas: 11 - Nays: 12. Failed.

Senator Hosmer is excused.

Senator Feltes moved Ought to Pass.

Senator Feltes offered a floor amendment.

Sen. Feltes, Dist 15

March 16, 2016

2016-1084s

06/04

Floor Amendment to SB 413

Amend RSA 275:76, VIII as inserted by section 1 of the bill by replacing it with the following:

VIII. "Initial employment application process" means the period beginning when an applicant for employment first makes an inquiry to an employer about a prospective employment position or job vacancy or when an employer first makes any inquiry to an applicant for employment about a prospective employment position or job vacancy, and ending when an employer has selected an applicant for a job or made a job offer, or during the first interview by phone or in person.

Amend RSA 275:79, I as inserted by section 1 of the bill by replacing it with the following:

I. The employment sought or being considered is for a position in law enforcement, corrections, the judiciary, homeland security, emergency management, a non-profit organization under section 501(c)(3) of the Internal Revenue Code established for the advancement of religion, or with a health care provider or health care facility.

Recess. Out of recess.

Senator Bradley moved to Lay on the Table SB 413.

A division vote was requested.

Division, Yeas: 14 - Nays: 9. Adopted.

MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove SB 416 from the table. Adopted.

SB 416, relative to flexible working arrangements in employment. Ought to Pass with Amendment, Vote 4-1. Senator Bradley for the committee.

Commerce

March 8, 2016

2016-0945s

06/04

Amendment to SB 416

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

1 New Section; Flexible Working Arrangement. Amend RSA 275 by inserting after section 37-a the following new section:

275:37-b Flexible Working Arrangement. No employer shall retaliate against any employee solely because the employee requests a flexible work schedule. Nothing in this section shall be construed to require any employer to accommodate a flexible work schedule. Nothing in this section shall be construed to create a cause of action for failure to provide a flexible work schedule at an employee's request.

2 Effective Date. This act shall take effect 90 days after its passage.

2016-0945s

AMENDED ANALYSIS

This bill prohibits an employer from retaliating against an employee who requests a flexible work schedule.

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

Senator Sanborn moved to Lay on the Table SB 416.

A division vote was requested.

Division, Yeas: 11 - Nays: 12. Failed.

Senator Hosmer is excused.

Senator Prescott moved to Lay on the Table SB 416.

A division vote was requested.

Division, Yeas: 11 - Nays: 12. Failed.

Senator Hosmer is excused.

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

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

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

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

Roll Call, Yeas: 13 - Nays: 10. Adopted, bill ordered to Third Reading.

Senator Hosmer is excused.

Senator Morse is in opposition to the motion of Ought to Pass with Amendment on SB 416.

MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove SB 470 from the table. Adopted.

SB 470, relative to eligibility of school district employees for Family and Medical Leave Act coverage.

Sen. Soucy, Dist 18

March 17, 2016

2016-1094s

05/04

Floor Amendment to SB 470

Amend RSA 189:71 as inserted by section 1 of the bill by replacing it with the following:

189:71 Family and Medical Leave Coverage. A school district employee who has been employed by the school district for at least 12 months and who has worked at least 1,100 hours in the previous 12-month period shall be eligible for family and medical leave under the same terms and conditions as leave provided to eligible employees under the federal Family and Medical Leave Act of 1993 (Pub. L. 103-3), 29 U.S.C. section 2611, et seq., as amended.

Senator Sanborn moved to Lay on the Table SB 470.

A division vote was requested.

Division, Yeas: 12 - Nays: 10. Adopted.

Senator Hosmer is excused.

Senators Boutin and Stiles assert Rule 6-25 on SB 470.

PUBLIC AND MUNICIPAL AFFAIRS

SB 482-FN-L, enabling municipalities to license and regulate short-term rental businesses. Interim Study, Vote 4-1. Senator Boutin for the committee.

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

Senator Fuller Clark moved Ought to Pass.

Senator Fuller Clark offered a floor amendment.

Sen. Fuller Clark, Dist 21

March 16, 2016

2016-1078s

06/09

Amendment to SB 482-FN-LOCAL

Amend the title of the bill to read as follows:

AN ACT establishing a committee to study the effect of short-term rentals on municipalities.

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

1 Committee Established. There is established a committee to study the effect of short-term rentals on municipalities.

2 Membership and Compensation.

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

(a) Two members of the senate, one appointed by the president of the senate and one appointed by the minority leader of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives, 2 of whom shall be members of the commerce and consumer affairs committee and one of whom shall be a member of the municipal and county government committee.

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

3 Duties. The committee shall:

I. Solicit information from appropriate municipal officials regarding the effect of short-term rentals on their communities.

II. Solicit input from real estate professionals with regard to possible regulation and zoning of short-term rentals.

III. Review steps proposed and taken in other states to regulate short-term rentals.

IV. Seek advice and council from other appropriate entities, including but not limited to, the department of revenue administration, the department of resources and economic development and the Municipal Association.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2016.

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

2016-1078s

AMENDED ANALYSIS

This bill establishes a committee to study the effect of short-term rentals on municipalities.

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.

RULES, ENROLLED BILLS AND INTERNAL AFFAIRS

CACR 26, relating to the appointment of the attorney general. Providing that the attorney general shall be appointed by a vote of the general court. Interim Study, Vote 3-1. Senator Bradley for the committee.

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

SB 354, requiring the commissioner and deputy commissioner of the department of education to be confirmed by a joint session of the general court. Interim Study, Vote 3-1. Senator Prescott for the committee.

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

SB 355, requiring the members of the state board of education to be elected by a joint session of the general court. Interim Study, Vote 3-1. Senator Prescott for the committee.

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

SB 425, establishing an independent redistricting commission. Interim Study, Vote 3-1. Senator Bradley for the committee.

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

A roll call was requested by Senator Soucy, seconded by Senator Pierce.

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, Kelly, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 14 - Nays: 9. Adopted.

Senator Hosmer is excused.

ENERGY AND NATURAL RESOURCES

HB 500, repealing the prohibition on the use of silencing devices for taking wildlife. Ought to Pass with Amendment, Vote 4-0. Senator Sanborn for the committee.

Energy and Natural Resources

March 9, 2016

2016-0953s

10/08

Amendment to HB 500

Amend the bill by deleting section 2 and renumbering the original sections 3 and 4 to read as 2 and 3, respectively.

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 Avard.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, 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: 23 - Nays: 0. Adopted, bill ordered to Third Reading.

Senator Hosmer is excused.

MOTION TO REMOVE FROM THE TABLE

Senator Daniels moved to remove SB 348 from the table. Adopted.

PUBLIC AND MUNICIPAL AFFAIRS

SB 348, allowing municipalities to adopt a property tax exemption for certain disabled veterans.

Senator Daniels offered a floor amendment.

Sen. Daniels, Dist 11

March 14, 2016

2016-0991s

10/05

Floor Amendment to SB 348

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

AN ACT allowing municipalities to adopt a property tax credit for certain disabled veterans.

Amend the bill by replacing section 1 with the following:

1 New Section; Property Taxation; Additional Optional Credit; Certain Disabled Veterans. Amend RSA 72 by inserting after section 36-b the following new section:

72:36-c Additional Optional Credit; Certain Disabled Veterans.

I. Following adoption by the procedure in RSA 72:27-a, a town or city may grant the property tax credit under paragraph II.

II.(a) A person shall be eligible for a credit to be subtracted from the property tax on his or her primary residence if such person:

(1) Is discharged from military service of the United States under conditions other than dishonorable or honorably separated from military service; and

(2) Is totally and permanently disabled from a service-connected disability, as determined by the United States Department of Veterans' Affairs; and

(3) Provides the assessors with satisfactory proof of such service-connected disability and the United States Department of Veterans' Affairs determination.

(b) A town or city may adopt a maximum annual credit in any amount up to \$12,000.

(c) The disabled veteran's surviving spouse shall be entitled to receive the credit amount adopted under subparagraph (b) according to the provisions of RSA 72:29, V.

2016-0991s

AMENDED ANALYSIS

This bill allows town and cities to adopt an additional credit from property taxes for certain totally and permanently disabled veterans.

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.

COMMERCE

SB 303, relative to medical costs covered by motor vehicle liability policies. Interim Study, Vote 5-0. Senator Soucy for the committee.

This bill would have changed the definition of medical costs covered by motor vehicle liability policies. The committee ultimately decided that there are too many un-answered questions to move the bill forward and that more time is needed to allow for all interested parties to provide input.

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

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

Senators Boutin and Stiles: SB 470.

Senator Pierce: SB 404.

ANNOUNCEMENTS

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, I just rise for a few minutes to take a moment of personal privilege to recognize that our Doorkeeper, Roger Brooks, who hasn't been here for the last several weeks...as many folks know he had surgery and he's still recovering, but he does listen to our sessions, so he's listening right now. As you all know, he's a great guy, he has a great sense of humor and, I can attest, he makes great coffee, as well, having consumed several cups throughout each session, Mister President. And, the Clerk, Tammy Wright, has been in constant communication with him, I've talked with him. I know he misses us, and he misses being here. And because he's listening at home, Mister President, I would request all of us clap, and to wish him well, and wish him coming back soon.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Yes, thank you very much. I just like to thank everybody for their e-mails, the flowers, and the cards. I really appreciated the caring that you showed me over the last two weeks. Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Just a quickie. I would like to extend my thanks to the Majority Leader for his courtesy extended to us during the voting process. He feels that I don't give him the credit he deserves, but I am up here to say thank you Senator Bradley for these great American movements that you made today to keep us whole, to keep us happy, and to keep us going in the right direction! Thank you, Mister President.

Without objection all personal privileges and unanimous consent (other remarks) shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17)

PRESIDENT MORSE: I just want to let you know while we do try to make arrangements, Senator Bradley and Senator Woodburn, I think by 9:30 next week, because we have almost 70 bills hitting the floor, which we may have 70 by next week, we need to get to the Clerk the arrangement of the day, and that includes anyone that has to speak in the House. That's kind of unique today, but we're carrying a list up here of 4 or 5 tabled bills; when you have 70, you're certainly going into the evening next week, and having tabled bills probably will upset the apple cart. So, do the best you can to talk with them and make arrangements so that Tammy can make sure the day moves smoothly. And I thank you for that.

LATE SESSION
Third Reading and Final Passage

HB 499, (New Title) permitting New Hampshire farmers to sell farm-raised bison directly to the public.

HB 500, repealing the prohibition on the use of silencing devices for taking wildlife.

SB 308, (New Title) relative to the definition of small loans and relative to certain fees on small loans.

SB 345, relative to the definition of agritourism.

SB 348, (New Title) allowing municipalities to adopt a property tax credit for certain disabled veterans.

SB 374, (New Title) requiring the department of environmental services to update coastal flooding trends.

SB 381, relative to the combustion of the wood component of construction and demolition debris.

SB 401-FN, relative to insurance coverage for prescription eye drops.

SB 404, relative to the burden of proof for a divorced parent's petition to relocate children of the marriage.

SB 416, relative to flexible working arrangements in employment.

SB 452-FN, requiring certain state agencies to conduct an audit of laws governing coastal regions to enable authorities to take appropriate actions.

SB 456-FN, relative to reporting of receipts and expenditures by candidates and candidate committees.

SB 475-FN, requiring law enforcement agencies to file crime reports with the department of safety.

SB 482-FN-L, (New Title) establishing a committee to study the effect of short-term rentals on municipalities.

SB 494-FN-A, (New Title) limiting an exemption from the road toll.

SB 510-FN, relative to parking at state park parking meters.

SB 540-FN, (New Title) relative to the possession, use, or sale of kratom by any person under 18 years of age.

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.