

State of New Hampshire

HOUSE RECORD

Second Year of the 161st General Court Calendar and Journal of the 2010 Session

Vol. 32 **Concord, N.H.** **Friday, April 16, 2010** **No. 31**
Contains: Reports and Amendments for April 21, Governor's Veto Message on HB 276-FN, House Bills Amended by the Senate, Hearings, Meetings, Notices and Order Form for the 2009 Permanent Journal

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The next House session will be held at 10:00 a.m. on **Wednesday, April 21st**. This is the deadline to act on Senate bills going to a second committee. All of those bills are found in Part I in the Regular Calendar. The House will also meet on **Wednesday, April 28th** at 10:00 a.m., and members are advised to reserve Wednesdays for session for the next several weeks.

Terie Norelli, Speaker

NOTICE

There will be a meeting of committee Chairmen and Vice Chairmen on Tuesday, **April 20**, at **8:30 a.m.** in Rooms 301-303, LOB.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on Wednesday, **April 21** at **9:00 a.m.** in Representatives Hall.

Rep. Mary Jane Wallner, Majority Leader

NOTICE

There will be a Republican Caucus on Wednesday, **April 21** at **9:00 a.m.** in Rooms 305-307, LOB.
Rep. Sherman A. Packard, Republican Leader

NOTICE

The Calendar closes at 3:00 p.m. on Wednesdays for scheduling and notices. It closes at noon on Thursdays for Committee Reports. Members and staff who need to schedule meetings should make arrangements with the Clerk's Office for room availability/assignment and publication of meeting notices.

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES

Thursday, April 22, 2010	Last day to act on Senate Bills going to a second committee
Thursday, May 6, 2010	Last day to report all Senate Bills
Thursday, May 13, 2010	Last day to act on Senate Bills
Thursday, May 20, 2010	Last day to form Committees of Conference
Thursday, May 27, 2010	Last day to sign Committee of Conference reports
Wednesday, June 2, 2010	Last day to act on Committee of Conference reports

GOVERNOR'S VETO MESSAGE ON HB 276-FN

By the authority vested in me, pursuant to Part II, Article 44 of the New Hampshire Constitution, on February 12, 2010, I vetoed HB 276-FN, an act relative to challenges of voters.

This legislation was passed by the House of Representatives on April 8, 2009 and was sent to the Senate. The Senate first heard and then re-referred the bill to the Senate Election Law and Veteran's Affairs Committee. The bill was brought forward this year and approved by the Senate on January 21, 2010. In passing the bill, the Senate should have amended the effective date to provide for prospective application of the voter challenge law. For this reason, I am vetoing HB 276-FN.

I appreciate the sponsor's efforts to clarify the procedures for voter challenges in state elections. I believe that any legislation governing voter challenges must continue to allow our state elections to proceed in an efficient manner while protecting the rights of all voters.

Respectfully submitted,
John H. Lynch
Governor
Dated: February 12, 2010

CONSENT CALENDAR WEDNESDAY, APRIL 21

CHILDREN AND FAMILY LAW

SB 484, allowing the New Hampshire children's trust fund to become a private not-for-profit entity. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Anne C. Grassie for Children and Family Law: This allows the New Hampshire children's trust fund to become a nonprofit entity. The amendment merely removes the word "private" that is not necessary in relation to a nonprofit. This separation from the RSA establishing the organization will allow for increasing the mission and supporting role that the New Hampshire children's trust has in preventing child abuse and neglect for all of New Hampshire's children
Vote 15-0.

COMMERCE AND CONSUMER AFFAIRS

SB 307, relative to voting by members of voluntary corporations and associations. **OUGHT TO PASS.**

Rep. Paul McEachern for Commerce and Consumer Affairs: This bill modernizes the membership and participation section of the voluntary corporations and associations governance provisions in statute. The bill allows for governance by a board of directors for voluntary corporations which don't have membership. In the case of voluntary corporations with members, the bill assigns one vote per voting member. There are approximately 7400 voluntary corporations in New Hampshire who file reports with the director of charitable trusts in the attorney general's office. This office recommended the legislation. **Vote 18-0.**

SB 314, relative to the investment of public funds and relative to the payment of costs for certain bank services. **OUGHT TO PASS.**

Rep. David J Palfrey for Commerce and Consumer Affairs: This bill allows the state and its political subdivisions to safely invest in certain certificates of deposit in amounts in excess of usual FDIC insurance coverage limits. It re-authorizes the use of so-called reciprocal pass-through accounts to provide 100% FDIC deposit insurance coverage for public funds deposited in New Hampshire banks. At this time there is primarily one provider of this product, which is recognized nationwide by the banking industry and municipalities by the trade name of Certificate of Deposit Accounts Registry System (CDARS). The current FDIC deposit insurance limit is \$250,000 per account. By using the CDARS program a single taxpayer ID may enjoy up to fifty million dollars (\$50,000,000) of FDIC coverage. Public funds are fully insured by FDIC and are put back into the New Hampshire community where raised. The bill also allows the state treasurer, in a situation where financial management costs such as bank fees, securities transaction fees and investment management fees exceed the income generated by the investment, to pay for such services from funds not otherwise appropriated. **Vote 18-0.**

SB 339, excluding certain governmental and nonprofit entities from certain licensing requirements as mortgage bankers, brokers, or services. **OUGHT TO PASS.**

Rep. Jill Shaffer Hammond for Commerce and Consumer Affairs: This bill amends the mortgage licensing and servicing laws, RSA 397-A and 397-B, to allow governmental entities and qualified bona fide non-profit organizations to make and service loans for purchase of or improvement to residential property without requiring that the entity itself be licensed as a mortgage banker or broker. The changes to this law passed by the General Court last year in response to the federal Secure and Fair Enforcement of Mortgage Licensing (SAFE) Act had the unintended consequence of requiring that such organizations themselves be licensed, which would have subjected their volunteer boards of directors, or in the case of governmental entities, elected officials, to unnecessary and counterproductive scrutiny such as credit checks and fingerprinting. Individuals who engage in loan origination or servicing will still require licensing, including employees of governmental entities and qualified non-profit organizations. **Vote 18-0.**

SB 505-FN-A, establishing the commission on health care cost containment and appropriating a special fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susi Nord for Commerce and Consumer Affairs: This bill creates a commission on health care cost containment. The purpose of the commission is to increase transparency for the price of health care services at New Hampshire's hospitals. The commission will examine many aspects of how pricing and cost are related, how public and private reimbursement effect delivery of service, quality of care and access to health care within the local community as well as options for increased savings through lower insurance rates and increased competition. The bill creates a fund to pay for independent analysis of data and administrative costs of the commission from a one time assessment on health insurance carriers and hospitals. The ultimate goal of the commission is to recommend ways to lower health insurance rates through comprehensive payment reform that will minimize cost shifting and increase transparency so that consumers will be able to predict and manage their own medical care expenses. **Vote 17-0.**

SB 507, relative to the Masonic Home. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald H Flanders for Commerce and Consumer Affairs: This bill changes the Masonic Home's name to New Hampshire MasoniCare and amends its charter by changing the powers, purposes and organizational structure of the corporation. It allows them to apply for and receive funds for the financial management of the holdings of the corporation following the guidelines for

non profit organizations described in 501(c3) of the Internal Revenue Code. It also allows them to extend their operations to provide care to recipients in either a residential facility or the recipient's private home. Such care may also be extended to recipients from without the Masonic fraternity by act of the board of trustees. **Vote 15-1.**

SB 510, establishing a commission to evaluate the parity between oral and intravenous chemotherapy. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susi Nord for Commerce and Consumer Affairs: Currently there are great disparities in the ways that chemotherapy is reimbursed depending on the delivery of the treatment. Oral drugs are reimbursed under a person's pharmacy benefit while intravenous infusions are covered as clinical therapy. The cost discrepancy can be tens of thousands of dollars – sometimes for the exact same medication. This bill creates a study committee to review the disparities and the ways that different states have addressed them and to make recommendations about whether and how to best alleviate these disparities. **Vote 17-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 380, relative to the definition of permissible fireworks. **OUGHT TO PASS.**

Rep. David A Welch for Criminal Justice and Public Safety: This bill allows certain firework items that shoot vertically and are 500 grams of pyrotechnic composition or less to be classified as permissible and allowed to be sold by licensed dealers to New Hampshire citizens. All fireworks imported to the United States have already passed a testing by the American Fireworks Standards before leaving the country of origin. New Hampshire firework dealers are in favor as is the department of safety fire marshal's office. **Vote 19-0.**

SB 394-FN, relative to dealing in counterfeit goods. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stanley E Stevens for Criminal Justice and Public Safety: This bill creates a new section to RSA 638:6 deceptive business practices by adding a new section RSA 638:6-b entitled "Dealing in Counterfeit Goods". The intent of this bill is to provide a criminal penalty for persons dealing with a "knock off items" so called. Anyone who purposely or knowingly manufactures, displays, advertises, distributes, offers for sale, sells or possesses with intent to sell, or distributes any goods bearing or identified by a counterfeit mark shall be guilty of a class A misdemeanor for a first offense and a class B felony for any subsequent offense. The committee revised two sections of the Senate bill by establishing the criteria which creates a prima facie evidence of intent to sell or distribute such items when more than 25 items bearing a counterfeit mark had been offered. Finally, the committee amended the forfeiture section of the bill as recommended by the department of justice to establish how items shall be seized and how they will be disposed of with any proceeds from such forfeiture going to that agency. **Vote 19-0.**

SB 471-FN, relative to felonious sexual assault and sexual assault. **OUGHT TO PASS.**

Rep. Robert R Cushing for Criminal Justice and Public Safety: This bill amends the felonious sexual assault law to make it a crime for an employee of a jail, a prison, the secure psychiatric unit, a juvenile detention facility, or a probation or parole officer to coerce a person under their control and supervision to engage in sexual contact with himself or herself in the presence of the employee for the purpose of sexual arousal or gratification of the person in authority, or the humiliation of the person being touched. This bill was requested by the attorney general, in response to several instances when corrections personnel had caused inmates to touch themselves in a sexual manner for the sexual gratification of the corrections staff person. This should be a crime and there should be zero tolerance for sexual abuse of inmates by correction officers. **Vote 18-0.**

EDUCATION

SB 309, relative to exempting the division of fire standards and training and emergency medical services from the definition of private postsecondary career school. **OUGHT TO PASS.**

Rep. Barbara E Shaw for Education: The committee understands that EMS is a career for the 4600+ licensed providers. However, the committee feels that effective oversight and monitoring of the programs can be done through the New Hampshire bureau of EMS without the fees required by the postsecondary education commission. The fire academy and fire training program

have adopted a set of administrative rules that presently recognize licensure for instructors as well as a structured program for authorizing and monitoring programs and testing candidates at course completion. **Vote 15-0.**

SB 312, conferring degree-granting authority to The American College of History and Legal Studies. **OUGHT TO PASS.**

Rep. John J Laurent for Education: All of the testimony on this bill was favorable. Legislative approval is needed so that the American College of History and Legal Studies may continue with its plans to establish a school. **Vote 15-0.**

SCR 3, congratulating the Boy Scouts of America on the occasion of its 100th anniversary. **OUGHT TO PASS.**

Rep. Ralph G Boehm for Education: February 8, 2010 was the Boy Scouts of America's 100th anniversary. They are celebrating all year. The Boy Scouts of America is the largest youth organization in the U.S. with over 6 million boys, and over a total of 110 million boys have been members. It offers our youth opportunities of leadership, service and community. Let us join others in helping them celebrate this momentous occasion. **Vote 16-0.**

ELECTION LAW

SB 324, relative to financial disclosures. **OUGHT TO PASS.**

Rep. David M Pierce for Election Law: This bill corrects a drafting error in a 2009 bill (HB 255, Chapter 154) by redirecting a reference to RSA 15-A:3,I (instead of III), which addresses the deadlines for filing statements of financial interest by non-elected officials. **Vote 13-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 440, relative to executive branch ethics and establishing a committee to study the impact of implementing a 10-hour per day, 4-day week for state employees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald F Ryder for Executive Departments and Administration: This bill addresses two subjects. The first is the removal of restrictions on members of the executive ethics committee from participation in national political activities. The bill retains the prohibition from local and state political activities. The bill requires unanimous vote of all members present to dismiss a complaint. It further requires a copy of the complaint with the identity of the complainant removed, to be sent to the individual under investigation. The bill increases the quorum requirement from four to five with alternates appointed if needed. Secondly it establishes a committee to study the impact of a 4-day work week for numerous departments within state government. **Vote 17-0.**

SB 499-FN, relative to administration support of certain professional regulatory boards by the department of health and human services. **OUGHT TO PASS.**

Rep. Carol M McGuire for Executive Departments and Administration: This bill implements one of the recommendations of the HB2 study committee on regulatory boards, that some of the smaller boards consolidate their administrative services. SB 499 consolidates 17 boards administratively attached to the department of health and human services (HHS), allowing them to share office space, meeting space, part-time personnel, and administrative expertise. The board staffs are enthusiastic about the opportunities for cross-training and expect to provide better service to the public and licensees; the department expects to be able to support them more easily than if these boards were still scattered around Concord, each with its own unique procedures. There is no immediate fiscal impact, due to moving and set-up expenses, but efficiencies are expected in the next biennium. Nothing in SB 499 affects the authority of professional regulatory boards to exercise the powers and responsibilities granted by statute. **Vote 17-0.**

SJR 2, endorsing the establishment of a statewide retiree medical trust for public employee health care reimbursement benefits after retirement. **OUGHT TO PASS.**

Rep. Laurie Harding for Executive Departments and Administration: This joint resolution endorses the establishment of a statewide retiree medical trust to provide a funding source for reimbursement of post-retirement medical expenses of state, county, and municipal employees.

The medical trust was the culmination of the work of the commission to propose a retiree health care benefits funding model which was created by HB 1645, Chapter 300,- the omnibus retirement bill passed in 2008. The trust is to be established by public employee associations and/or unions, according to applicable state and federal law and regulations, to provide medical expense reimbursement benefits after retirement to retirees of local, county and state governments. Participation in the trust is elective by option of an employee group. Contributions from both employees and employers to the trust are made during active employment for benefit payments after retirement, so that the trust is pre-funded and not pay-as-you-go. How to provide a health care benefit for public employee retirees has been an ongoing concern of this legislature. SJR 2 begins to address this problem. **Vote 17-0.**

FISH AND GAME AND MARINE RESOURCES

SB 399-FN, allowing the fish and game department to charge fees for the release of department records. **REFER FOR INTERIM STUDY.**

Rep. David H Watters for Fish and Game and Marine Resources: The bill allows the fish and game department to charge a fee for the release of certain department records excluding personal information unless the person opts in by checking a box, for example, on a fishing or hunting license application. Currently, there is no provision authorizing charges beyond copying costs, and there is no legislation authorizing the executive director to withhold certain information. The bill permits the department to charge for records at a market value, rather than just the costs involved. The executive director may limit the personal information released and shall develop rules to govern release of information and the fees charged. The committee heard testimony from the department that expenses include personnel costs for redacting materials and for copying. The committee raised questions about potential violations of privacy in the release of personal information, such as driver's license number, credit card information, or medical information. The committee also raised questions about the criteria whereby the executive director could withhold information, and it questioned how, and whether it would be constitutional, to charge a market value for information. Given the complexity of these questions, the bill's sponsor agreed that a referral to interim study would be appropriate. **Vote 13-1.**

LEGISLATIVE ADMINISTRATION

SB 494, relative to legislative study committees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David M Pierce for Legislative Administration: This bill codifies the changes to the House Rules which sunset all study committees upon the earlier of the filing of a final report or November 1 of the second year of the legislative session. The amendment clarifies that this refers to the biennial session. The bill also defines the term "study committee." **Vote 15-0.**

LOCAL AND REGULATED REVENUES

SB 398-FN, relative to prohibited sales of alcoholic beverages. **OUGHT TO PASS.**

Rep. Lynne Ferrari Blankenbeker for Local and Regulated Revenues: This bill reduces the penalty for prohibited sales of alcohol to minors and intoxicated persons to a violation from a misdemeanor when the sale occurs during a compliance check. Compliance checks are done to encourage voluntary compliance with liquor commission statutes and rules and to identify licensees who may need additional training. Reducing the penalty in mistaken, unknowingly or unintentional prohibited sales will result in reduced costs and allow for enhanced training programs leading to decreased risk to underage youth and public safety. **Vote 19-0.**

MUNICIPAL AND COUNTY GOVERNMENT

SB 72-FN-L, consolidating cemetery boards of trustees in Nashua. **OUGHT TO PASS.**

Rep. Elaine M Lauterborn for Municipal and County Government: This bill repeals chapter law from the 1890s and reenacts it to consolidate four cemetery boards of trustees in Nashua into two. The new wording also mirrors RSA 289 which governs cemetery boards of trustees. Testimony described this as a compromise bill that is supported by the current cemetery boards and the mayor of Nashua. The committee heard no opposition. **Vote 17-0.**

SB 315, relative to the selection of members of the conservation commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Raymond G Gagnon for Municipal and County Government: This bill would provide an alternative method for membership on municipal conservation commissions. As their primary mission is to ensure the proper utilization and protection of the community's natural resources, the committee felt that to change the procedure could have an undesired impact on their mission. The governing body appoints members who have interest and/or expertise in areas of conservation that elected members might not have. Also, no state in the northeast elects its conservation commission members. Lastly, removing elected members for cause was not addressed, while there is a method for removing appointed members in RSA 36-A:3. **Vote 18-0.**

SB 328, relative to approval procedures on plats. **OUGHT TO PASS.**

Rep. Robert D Lewis for Municipal and County Government: This bill prohibits a planning board from treating an application as incomplete solely because it is dependent upon the issuance of permits or approvals from other governmental bodies. This bill also modifies the requirements for conditional approval by the planning board of a plat or application. This bill will accelerate the application process without reducing necessary oversight. **Vote 18-0.**

SB 349-FN-L, relative to the procedures for appraisal of multifamily residential rental property subject to covenants under the low-income housing tax credit program. **OUGHT TO PASS.**

Rep. Larry Brown for Municipal and County Government: In the last biennium, the House passed a bill which defined a process by which low-income multifamily rental property subject to covenants to keep the rents low, would be fairly assessed to reflect the fact that rents would not be at market value. This bill clarifies that properties under construction on April first of a tax year are not eligible to participate in the program and that properties with a partial prior calendar year shall have their financials extrapolated using projected first full year operating budget data to determine a full year's operation. It also makes changes to the assessment formula recognizing the thorough review work of the assessing standards board by repealing certain chapter 390 laws of 2008, defines a multifamily rental property and more properly refers to properties as being governed by section 42 of the Internal Revenue Code and eligible for assessment under that section. **Vote 18-0.**

SB 378, relative to the New Hampshire public works mutual aid program. **OUGHT TO PASS.**

Rep. Suzanne S Laliberte for Municipal and County Government: The New Hampshire public works mutual aid program (NHPWMAP), a voluntary program established in 1998 under the broad authority of RSA 53-A, has worked very well. This bill clarifies and supports the current mutual aid programs established under NHPWMAP and allows private entities, such as water utilities, to become participating members if they provide essential services that are commonly provided by public agencies. Program benefits include prompt access to specialized resources throughout New Hampshire as well as qualifying members for federal management act reimbursement during declared disasters. With over 120 members, the program has helped municipalities address emergencies by utilizing the resources provided by other municipalities. In the past few years NHPWMAP has been used more in water related emergencies, prompting the shift to include private, as well as public, water **Vote 18-0.**

SB 448, relative to alternate members of land use boards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Franklin W Sterling for Municipal and County Government: Local land use boards rely upon the services of alternate members to be ready to step in and fill a vacancy on the board when a regular member is unavailable. In order for the alternate members to be ready when needed they should be included in the regular business of the board as much as possible, such as taking an active part in setting agendas, reviewing applications and proposed changes to local ordinances and, most importantly, in any and all training offered to their local boards. This legislation will amend RSA 673:6 by adding a section that will require local land use boards to develop within their rules and procedures guidelines that spell out the appropriate level of participation by its alternate members. **Vote 18-0.**

SB 506, ceding concurrent jurisdiction to the United States government over certain property located in Coos county. **OUGHT TO PASS.**

Rep. Raymond G Gagnon for Municipal and County Government: This legislation was submitted at the request of the New Hampshire attorney general According to the attorney general this bill places in statute who has jurisdiction and clarifies local, state, federal roles and responsibilities at the new Berlin federal prison. **Vote 17-0.**

RESOURCES, RECREATION AND DEVELOPMENT

SB 56, expanding the duties of the commission to study issues relative to groundwater withdrawals. **OUGHT TO PASS.**

Rep. Pamela J Hubbard for Resources, Recreation and Development: This bill expands the duties of the SB 155 groundwater commission to consider potential requirements for an applicant for a large groundwater permit to also demonstrate it has bonding, insurance or other means of compensating for or mitigating adverse impacts to nearby wells or groundwater quality. **Vote 19-0.**

SB 366, relative to size limitations on OHRVs operating in Jericho Mountain state park. **REFER FOR INTERIM STUDY.**

Rep. Judith T Spang for Resources, Recreation and Development: The committee wants to study the development of the Jericho ATV park to ascertain how an increase in size and type of vehicle would affect the construction, management and finances of one of the state's largest and intensively developed parks. **Vote 16-0.**

SB 375, relative to the state park system as a self-supporting entity. **OUGHT TO PASS.**

Rep. Suzanne H Gottling for Resources, Recreation and Development: The bill clarifies state statutes with regard to self-funding of the state parks system with the provision that the general court does not "intend or expect" that each park or the system as a whole shall be self-funded. However, the bill does not direct that general fund monies be provided. The bill does not change existing statute that states that fees from parks are expected to cover a reasonable portion of the parks expenses. No other state park system in the country is run with a self-funding expectation. **Vote 18-0.**

SB 441, relative to the lakes management and protection program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter S Bolster for Resources, Recreation and Development: This bill SB 441 allows for deposition of funds for the Lakes Management and Protection Program into the existing rivers management and protection fund, clarifies provisions of the Lakes Program, including membership, and adds a definition of "valued characteristics" that municipalities, lakes groups and state agencies are encouraged to protect. The amendment clarifies that lake management guidelines developed by the lakes coordinator, in cooperation with the department of energy and planning, shall be considered "recommendations" and not criteria to be approved by the legislative. **Vote 14-2.**

SB 442, relative to the grant program to administer exotic aquatic plant prevention. **OUGHT TO PASS.**

Rep. Frank A Tupper for Resources, Recreation and Development: SB 442 amends RSA 487:26 of the milfoil and other exotic aquatic plants prevention grant program. This bill increases the portion of funds allocated for prevention grants from a maximum of 2/3 to a minimum of 3/4 of monies distributed from the fund. Both the department of environmental services (DES) and the New Hampshire Lakes Association support this bill. **Vote 19-0.**

SCIENCE, TECHNOLOGY AND ENERGY

SB 424, relative to the consumer advocate's access to confidential information provided to the public utilities commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Harvey for Science, Technology and Energy This bill adds a paragraph to RSA 363:28 that would require parties that make filings to the public utilities commission to automatically provide confidential information to the consumer advocate (OCA) when that office is participating in the filing. Currently, filings go automatically to the OCA but often without

confidentially aspects. SB 424 also requires that the OCA maintain the confidentiality of the information. This bill will facilitate the OCA's effectiveness in advocating for ratepayers. **Vote 15-0.**

SB 433, relative to underground facility damage prevention and establishing the position of director of safety and security of the public utilities commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles L Townsend for Science, Technology and Energy: The bill removes the proprietary term "Dig Safe" from RSA 374:55 and replaces it with generic language. In addition the bill retitles the position of the director of safety at the public utilities commission (PUC) to become director of safety and security. **Vote 17-0.**

SB 449-FN, relative to the designation of staff members as staff advocates in public utilities commission adjudicatory proceedings. **OUGHT TO PASS.**

Rep. James M Garrity for Science, Technology and Energy: This bill amends RSA 363:32, which currently provides a mechanism for a party participating in an adjudicative proceeding at the public utilities commission (PUC) to request roles filled by PUC staff members in cases be limited in certain circumstances. Specifically, the statute allows a party to request that certain members of the PUC staff be designated as either advocates of a particular position in a case, or as neutral advisors to the commissioners – but not be able to serve in both roles as they most often do. We believe that these small improvements will help the office of consumer advocate (OCA) better represent the interests of residential ratepayers in certain cases. We also believe that other parties, including utilities, will benefit from this bill by knowing where PUC staff stand on a specific issue or case. **Vote 17-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

SB 379, proclaiming September 5 as Portsmouth Peace Treaty Day. **OUGHT TO PASS.**

Rep. James E Twombly for State-Federal Relations and Veterans Affairs: This bill is asking us to proclaim September 5th as Portsmouth Peace Treaty Day. In May of 1905, President Theodore Roosevelt asked the countries of Japan and Russia to send representatives to meet in the United States to mediate the possibility of ending the Russo-Japanese War. Later, NH Governor John McLain invited the representatives of Japan and Russia to meet in New Hampshire. President Roosevelt then chose the Portsmouth Naval Shipyard as the place for the negotiations. For most of the month of August, 1905, the representatives resided at the Hotel Wentworth in New Castle, New Hampshire. After successful negotiations, a peace treaty was signed on September 5th, 1905, ending the Russo-Japanese War. SB 379 asks us, that the state honor the well-documented and significant contributions made by the people of Portsmouth and surrounding New Hampshire communities to the success of the negotiations; negotiations that provided almost forty years of Pacific Basin peace. Negotiations that, if failed, could have involved the United States in military conflict with both Asian and European nations. The Portsmouth Peace Treaty is a major event in the history of our state. It is also a major event in the history of the United States and international affairs, an event that resulted in President Theodore Roosevelt being awarded the Nobel Peace Prize, making him the only man to be awarded a Nobel Peace Prize and the Medal of Honor. **Vote 13-0.**

SB 508, establishing the state office of veterans services. **OUGHT TO PASS.**

Rep. Alfred P Baldasaro for State-Federal Relations and Veterans Affairs: This bill is a simple name changing bill that in no manner changes the primary duties and responsibly of the state veterans' council. The newly renamed state office of veterans service will still retain oversight authority for the office of veterans' services. The main purpose of the name change is to eliminate the confusion caused by the current name. There are numerous veterans' councils; they are located at all level of government, city, county and state. Many have no connection to any government body. This has caused confusion on the part of veterans and their family members looking for timely and correct information concerning benefits. It also causes confusion at the federal level, the Department of Defense has an Office of Veterans Services, and almost every other state has a Department of Veterans Affairs or an Office of Veterans Services. The United States Department of Veterans Affairs website has a page listing state and territory Veterans

Affairs Offices. With the name change allowed in SB 508, New Hampshire veterans will be able to access the state office of veterans' services quickly, along with ensuring that New Hampshire state office of veterans' services is viewed by federal agencies with the same status granted to other states through their departments of veterans' affairs or veterans' services. **Vote 14-0. SCR 1**, urging Congress to fund the construction of a full-service veterans' hospital in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alfred P Baldasaro for State-Federal Relations and Veterans Affairs: New Hampshire is the only state in the nation without a full-service hospital, requiring veterans to travel to Vermont, Massachusetts, Maine, and Rhode Island for medical treatment. Adequate care for all our veterans should be the concern of all Americans to ensure NH veterans are treated the same. This resolution sends a strong message to Washington, D.C. about the medical issues pertaining to veterans throughout the state. It goes into the needs of veterans residing in rural communities where many miss appointments due to lack of transportation to the Manchester Veterans Urgent Care Center, when they should be able to be seen for specialty care in the clinics/hospitals in their area. This resolution urges Congress to fund a full-service hospital with specialty clinics not only at the Manchester VA, but in rural areas to better serve the 135,000 veterans who reside in New Hampshire. **Vote 12-0.**

TRANSPORTATION

SB 385-FN-A, relative to fees for low digit number plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen C Umberger for Transportation: Low digit number plates have historically been provided to individuals who have given extensive service to the state or their communities. The plates are distributed by the commissioner of safety. Plates are provided for life.

When the owner of the plate dies it can pass to the spouse. Upon death of the spouse the plate returns to the department of safety. This bill would have charged the vanity plate fee for these plates and a portion of the fee would have gone to the driver training program as currently in the law. The driver training fund is sufficiently funded with other vanity plate fees. The committee believed there was no need for this bill. **Vote 12-0.**

SB 403, relative to motor-driven cycles. **OUGHT TO PASS.**

Rep. Jennifer R Coffey for Transportation: This bill modifies current laws regarding motorcycle regulations to exclude motor assisted bicycles from said law. Current law does not exempt these bicycles and some citizens have been faced with issues using their bicycles without a registration, that registrars have no idea how to issue. The committee unanimously agreed that power assisted bicycles are not motorcycles and should not be treated as such. **Vote 13-0.**

SB 457-FN, authorizing identifying decals for custom vehicles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard T Stuart for Transportation: This bill authorizes identifying decals for custom vehicles and requires that custom vehicles be inspected in April rather than on the owner's birthday. This allows for winter storage of such vehicles. The department of safety supports this bill and the clarifying amendment. It also puts the law on custom vehicles in sync with antique vehicles with a biennial April inspection. **Vote 13-0.**

REGULAR CALENDAR – PART I

WEDNESDAY, APRIL 21

CHILDREN AND FAMILY LAW

SB 396-FN, limiting the use of child restraint practices in schools and treatment facilities.

MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.

Rep. Barbara Hull Richardson for the **Majority** of Children and Family Law: This bill would eliminate child restraints such as chemical, mechanical, or physical techniques which have been

shown to have harmful consequences including broken bones, asphyxiation, and other serious physical and emotional results, including death of a child. It also establishes certain reporting requirements, including prompt notification to a child's parents when restraints have been used. The definition of restraints does not include use of seat belts in a vehicle, "timeouts", holding a child to comfort or calm, or use of force by caretakers to prevent a child from harming him/herself or others. The state board of education and the department of health and human services shall adopt rules establishing a process for regular review of records of restraint usage by schools and childcare facilities. Beginning November 1, 2010 and each November thereafter, both entities will provide annual reports to the chairperson of the Children and Family Law Committee regarding the use of restraints including the number and location of reported incidents and the status of any outstanding incidents **Vote 10-5.**

Rep. Daniel C. Itse for the **Minority** of Children and Family Law: The minority agrees with the intent of the bill, but believes that there are still unintended consequences. We believe that two or three weeks of intense work would be sufficient to mitigate any doubts and produce an excellent law, and minimize the financial impact. However, the legislative schedule leaves Interim Study as the only option.

EDUCATION

SB 486-FN-L, relative to the school building aid program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Emma L Rous for the **Majority** of Education: This bill as amended suspends school building aid or alternative school building aid grants on or after June 30, 2010 through June 30, 2011. The commissioner of the department of education, upon recommendation of the state fire marshal, may grant a suspension waiver to address a condition that constitutes a clear and immediate danger to life or safety. A study committee will review and submit a report addressing goals, procedures, structure and operation of the school building aid grant program on or before December 1, 2010. The committee strongly supports the need for school facilities that embrace successful learning environments. However, there is a growing recognition statewide of the need to redesign the state's school building aid program to better align it with the goal of enabling local school districts in every part of the state to provide all children with suitable school buildings. Research finds that the cost of program financing has grown 150 percent in the last decade, from \$18.5 million in FY99 to \$46.2 million in FY11. The existing growth rate and the decision to bond the most recent sum are not financially sustainable for the long term. Given the current economic climate and the unsustainable trajectory of the state's current building aid program, this committee recommends implementing the temporary suspension during which time funding and eligibility criteria can be redesigned based upon best educational practice and fiscal management. **Vote 12-4.**

Rep. Brien L Ward for the **Minority** of Education: A bipartisan coalition of the committee members opposed this bill for six reasons. One, for 55 years the State of New Hampshire and local school districts have had a bipartisan, stable and predictable method of funding school construction projects. School building aid was economically destabilized when it was bonded in 2003. Two, the bill will effectively suspend school building construction for two years at a time when the state needs construction jobs and districts have access to historically low bond and construction costs. Three, the suspension will not reduce the deficit in this biennium one dime and, according to the DOE, will not reduce the projected state deficit in 2012 and 2013. Four, no suspension or moratorium on building projects at the university system or any other state building projects are included in this bill. Five, 37 percent of all public school buildings are over 60 years old. This bill will not reduce the physical deterioration, ADA and life safety code violations and functional obsolescence of one third of our schools. Six, projected school building aid costs do not take into consideration our 10-20 percent student enrollment decline or that the large scale building projects passed in Manchester, Nashua, Merrimack Valley, Keene, North Conway, Bedford, Exeter, Portsmouth, Contoocook Valley, and Kearsarge Regional have skewed the building aid distribution in recent years and don't reflect the more modest aid the rest of the school districts receive for their projects. Nashua, Bedford, Exeter and North Conway are not

going to be building new high schools in the next decade. We are compounding the policy mistake we made in bonding our school building aid by pretending that suspension of building aid will reduce our state expenditures over the next three years. The earliest the suspension on building aid will positively impact the state budget is 2014-2015.

SB 512-FN, relative to the community college system of New Hampshire. **OUGHT TO PASS.**

Rep. Nancy F Stiles for Education: In 2007 the legislature passed a law enabling the community college system (CCS) to transition to self government. A joint legislative oversight committee is charged with suggesting legislative changes to support the transition for the CCS away from state services. This bill, initiated out of the oversight committee, reflects in statute the closing of the Stratham campus, changes the format in which CCS's budget is presented, and includes clarifying language that the CCS employees are not subject to the personnel provisions of the department of administrative services. These are all adjustments to move the transition forward. **Vote 17-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 361-FN, relative to benefits related to service of certain part-time district court justices and judges of probate retiring because of permanent disability. **INEXPEDIENT TO LEGISLATE.**

Rep. Carol M McGuire for Executive Departments and Administration: This bill would provide disability and death benefits to part-time probate judges and pension-style benefits to the widow of one part-time district judge who retired in 1989. Part time judges cannot participate in the judicial retirement system, and the committee was leery of mandating employment benefits for professionals who could make their own arrangements. In the case of the district judge, despite his exemplary service, it was difficult to document that the judge had performed full time service. Consequently, the committee could not agree to a benefit that would come from the underfunded judicial retirement fund more than 20 years after retirement. **Vote 12-5.**

SB 453, relative to air quality in ice rinks. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Don Petterson for the **Majority** of Executive Departments and Administration: A residue of harmful emissions can be present at indoor ice rinks after machines powered by internal combustion engines are used for resurfacing, edging or otherwise treating the ice. Because of the potentially harmful effects this can have on skaters, particularly children, it would be prudent to conduct annual emissions inspections of such machines employed at ice rinks and also inspection of the ventilation system of buildings housing ice rinks. This bill requires owners or operators of indoor ice rinks to carry out the inspections to the satisfaction of the state fire marshal. **Vote 11-6.**

Rep. Carol M McGuire for the **Minority** of Executive Departments and Administration: This bill is unnecessary over-regulation. Private operators have every incentive to maintain air quality in their facilities, and a recent incident has highlighted the dangers of exhaust fumes in rinks. In addition, it imposes an unfunded mandate on the operators of municipal rinks, in opposition to constitutional provision I, 28-a. It may be a minor imposition, but it is still unconstitutional.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 501-FN, relative to worksharing benefits under the unemployment compensation law, and relative to training grants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey P Goley for Labor, Industrial and Rehabilitative Services: NH currently has over 52,000 unemployed people and 35,000 of those unemployed are collecting \$ 9 million in unemployment benefits weekly, and some are about to begin exhausting their 86 weeks of benefits. Congress has not renewed the federal extension programs that expired on April 5 and more unemployed will be without any benefits at all. New Hampshire needs job creation and job retention. This bill would create a program (Stay at Work) to avert layoffs by allowing employers to submit a plan to New Hampshire employment security to reduce their workforce hours by 10% to 50% for a period of up to 26 weeks, while allowing those employees to collect unemployment benefits for the days they are not working. The employer would maintain health insurance benefits if they are provided, and detail in the plan how other benefits will be modified.

Seventeen other states have similar “workshare” bills, benefiting both employers and employees. Employers keep a trained workforce and recall employees quickly when business increases; employees keep their job and health insurance, and receive more income than they would with just unemployment benefits. The cost of workshare is less than the cost of total layoffs and will help preserve the unemployment compensation trust fund. Other states report that workshare has saved thousands of jobs. Keeping people employed also avoids the corresponding drain on other local and state assistance programs. The bill also provides the transfer of additional moneys to the job training to be used for a “Ready to Work” program. This program is in response to businesses reporting that some workers lack some basic skills necessary to perform certain jobs. The department of employment security, along with the department of resources and economic development and the community college system will create a basic skills and assessment test and accompanying remedial courses to address this need. Other training programs to assist the long-term unemployed with skills to make them more employable will also be considered. **Vote 11-0.**

LOCAL AND REGULATED REVENUES

SB 181-FN-A, repealing the transfer of liquor enforcement to the department of safety and establishing a committee to study the administrative structure and adjudicative process at the liquor commission. **OUGHT TO PASS.**

Rep. Timothy Butterworth for Local and Regulated Revenues: This bill repeals a plan to transfer the enforcement of liquor laws from the liquor commission to the department of safety. The decision was made during budget negotiations last year. In our hearing on SB 181 we heard no testimony in favor of the transfer. We did hear evidence that under the current structure we have made a lot of progress with controlling DUI and underage drinking compliance. We are among the top in the nation and recognized by the National Liquor Enforcement Association and the Federal Office of Juvenile Justice and Delinquency Protection. The committee also received testimony about Maine, where the legislature did transfer enforcement to the department of safety where they felt there would be greater structure and control. We heard that since the change the liquor enforcement bureau has become the neglected step child of the department of safety, and that the Maine department of safety has entered into Letters of Understanding with most of the local police and sheriff's departments where the local police now handle all sting operations. The transfer has resulted in inconsistent enforcement activity and discrepancies across jurisdictions. We heard of a great deal of angst within the licensed community in Maine. Maine legislators are now working to undo the move by disentangling liquor enforcement from the department of safety and moving it back to the bureau of alcoholic beverages. This bill also resurrects last summer's study committee to continue to look at the structural issues relating to the liquor commission. Specifically, the committee is charged with examining the possibility of a single executive director, reviewing the appeals of licensing and enforcement decisions and evaluating the supervision of the enforcement division. The latter is significant since there are rumors that the enforcement division suffers from "mission creep", although there was no testimony about this at the hearing where it could have been rebutted. The majority believes that if the liquor commission has a personnel issue they need to address it through the normal human resource means. We owe our employees a fair evaluation based on their merits, not a political process wrapped up in a policy decision. The committee heard testimony that enforcement, training and compliance need to be kept together. All evidence suggests that keeping the enforcement division at the liquor commission is the best means for maintaining the quality **SB 489-FN-A-L**, relative to table gaming and video lottery at certain locations throughout the state and relative to the recovery of horse racing. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Beth Walz for the **Majority** of Local and Regulated Revenues: This bill would allow video lottery machines (slot machines) and table games at six locations in New Hampshire: the three race tracks at Rockingham, Seabrook, and Belmont, a "destination golf resort" which would probably be located in Hudson, and two north country locations. The bill authorizes up to 17,000 slot machines and up to 900 table games. The lottery commission is charged with licensing and

oversight responsibility for the facilities and the slot machines. The racing and charitable gaming commission is charged with regulating the table games. The bill includes up to \$160 million in licensing fees for slot machines and up to \$60 million in licensing fees for table games. It allows 61% of net machine income to be retained by the licensees and 30% goes to the state. The cost to the state for regulation, administration and enforcement as well as operation of the central computer, comes out of that 30%. The remaining 9% is distributed to localities and designated funds. The bill creates a gaming enforcement unit within the state police at the department of safety. The fiscal note states that this would cost \$6.2 million in the first year and approximately \$4.6 million in succeeding years. This cost would be paid for out of the 30% of net machine income paid to the state. The department of safety estimates it will need 41 sworn state police positions to staff the gaming enforcement unit. This presents problems for the department. Even if the department can find and process 41 additional candidates through the police academy, there are not enough field training officers in the state police to train 41 new officers in the allotted time. The bill calls for an expedited schedule for licensing and rulemaking. The lottery commission must act on the application for a license within 180 days of the application whether or not interim or final rules have been adopted. The lottery commission is directed to adopt interim rules within 90 days of passage of the bill. The bill is silent as to what occurs if JLCAR objects to the interim rules so that they cannot be enacted. Interim rules are valid only for 180 days and cannot be repromulgated. If JLCAR does not approve interim or final rules within 270 days of passage of the bill, the lottery commission would be without rules and the licensees could operate the slot machines and table games free of rules. There is also an expedited schedule for the background review of the each applicant, each owner and key employees. The attorney general is required to complete the background checks within 60 days. The attorney general has stated that this is not enough time. The bill contains no provision for conservatorship should there be a suspension or revocation of casino operations. Additionally, if a licensee chooses to give up its license, the state loses jurisdiction over the facility. There is no requirement of an annual audit of each facility by a licensed certified public accountant. There are no restrictions on "complimentary services or items." Oversight and enforcement tools granted in other jurisdictions such as the ability to issue emergency orders, the ability to grant testimonial immunity, or the requirement to report suspicious transactions are not included. The definition of key employees is not as specific as other states. And, there is no severability clause meaning if any provision of the bill is invalidated, the whole bill can be invalidated. These are some, but not all of the issues identified by the majority. No doubt a longer review would reveal even more areas of concern. Licensing revenue projections put forth by the proponents assume that all six facilities will pay for licenses for both slots and table games by January 1, 2012. Given that no proponents have presented letters of credit or other proof of financing, the majority could not determine how many facilities would actually apply for licenses and for what licenses they would apply. There may be a one-time infusion of money from these fees, but it is impossible to know how much of the possible licensing fees will actually be paid. Unlike other jurisdictions, there is no guaranteed level of revenue to the state. Revenue is dependant upon the size and success of each facility. The proponents have put forth gross gaming revenue projections. An examination of revenues in other jurisdictions revealed that in general revenues from gambling are down. The committee heard concerns about cannibalization of other revenues such as the lottery and the rooms and meals tax, but no hard data was presented. (The Governor's commission may make findings on this issue.) In short, the majority did not receive adequate data to conclude if there will be any new net revenue in the current biennium and if so what are realistic projections of that net revenue. The proponents put forth estimates as to the number of jobs that would be created by passage of this bill. As with the revenue projections, these projections assume complete build-out of all six facilities. The proponents project the average annual wage of jobs in the construction phase will be \$43,892. The majority did receive data that would allow them to evaluate these projections. The proponents estimate average annual wages of about \$35,800 a year for jobs in the facilities. This is far in excess of the \$23,000 a year reported by the bureau of labor statistics as the median wage, including tips, for the gambling industry. Even assuming that wages in New Hampshire

are higher than other parts of the country, the proponents' estimates are high. If there is the full build out permitted in this bill, New Hampshire would have the fourth highest per capita concentration of slots in the United States. The majority is concerned that this could materially impact the New Hampshire "brand." The brand is the image of the state built by department of resources and economic development including its division of travel and tourism development. However, the majority was unable to make a determination of the impact of this level of concentration of gambling. The majority is aware that the Governor's commission is examining this issue, but it is not clear if the commission will have adequate data to make a finding on this issue. The majority has other concerns raised by this bill. While the state does award sole source contracts, it does not customarily do so when there are multiple entities interested in providing the service. The bill forbids political donations by the owners or licensees. However the bill does not prohibit such political donations by the spouse or child of an owner or licensee. The majority expect that the soon to be issued report by the New Hampshire gaming study commission, the Governor's commission, will contain important and useful findings. The majority believes that it is appropriate to wait for those findings. Finally, the majority looked at the fiscal health and tax burdens of states with expanded gambling. New Hampshire is in better fiscal health than most if not all of those states. The majority concludes that expanding gambling as proposed in SB 489 does not fix the state's problems. **Vote 13-7.**

Rep. Christine C Hamm for the **Minority** of Local and Regulated Revenues: A minority of the committee believes that SB 489 as presented is flawed but that it should be amended and passed by the House. SB 489, with the minority amendment, is the minority's response to the concerns of many members of our committee as well as many who testified before our committee to offer improvements to the bill as it stands. The amendment reduces both the number of machines and the number of sites called for in the original bill. It also increases the regulatory oversight. It is our desire to pass the best bill possible to authorize gambling, based on our perspective of current reality: 1) that residents of our state already spend nearly \$700 million on gambling annually, this on 1,200 licensed lottery retailers and on instant scratch tickets plus Power Ball, Megabucks, Bingo, and such legally-endorsed charitable table games as Lucky 7, poker, craps, roulette, Texas Hold 'Em, and blackjack; 2) that legalized gambling is currently in place in all but two states and that electronic gambling is currently in place in 40 of the 50 states. (The day before we voted on this bill, that number appears to be increasing to 41 as the Massachusetts House endorsed electronic gambling by a vote of 120-37. If this bill passes in Massachusetts, New Hampshire residents will be spending New Hampshire money, estimated at \$300 million annually, in that nearby state, at the same time importing whatever societal problems they may accrue, all of this to New Hampshire's detriment); and 3) that this is the only politically viable approach to address the historic budget shortfall we are currently experiencing.

SB 490-FN, allowing historical racing. **INEXPEDIENT TO LEGISLATE.**

Rep. Steve Vaillancourt for Local and Regulated Revenues: Although the title of this bill is "allowing historical racing," the majority is convinced that this is in fact expanded gambling, that is to say slot machines, by another name. A company in Arkansas, the only state which currently allows these machines, developed a product with a database of 500,000 horse races which are called up and bet on. However, one need not watch the entire race to bet, merely a few second snippet, the end of the race. Like with a slot machine, one could play several machines at once. A few years ago, there was talk of doing this without legislative approval, but the idea was not approved. In fact, the Wyoming Supreme Court, ruling on a similar attempt, noted, "We are not dealing with a new technology here, we are dealing with a slot machine that attempts to mimic traditional pari-mutuel wagering...although it may be a good try, we are not so easily beguiled." If, in fact, such slot machines are a good idea, they should not be limited to the tracks as is done in this bill. The majority of the committee does not believe this is a good idea. Charitable games of chance are not affected at all by this bill; they would continue to be allowed, including at the three tracks. **Vote 14-5.**

SB 492-FN-L, extending the local property tax exemption for wooden poles and conduits.
MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Mary Beth Walz for the **Majority** of Local and Regulated Revenues: This bill would extend the property tax exemption for wooden poles and conduits owned by the telephone companies until 2012. In 1998, the legislature enacted RSA 72:8-a stating that poles and conduits shall be taxed as real estate. At the same time the legislature enacted a temporary exemption for any pole or conduit owned by a telecommunications company. That "temporary" exemption has been extended five times. The majority does not believe there should be a sixth extension. Under current law, the value of poles and conduits owned by electric companies are fully taxed by the cities or towns where they are located. Identical poles and conduits owned by the telephone companies are exempt from property taxes. Poles and conduits jointly owned by electric companies and telephone companies are taxed on the electric company's share while the telephone company's share is exempt from taxation. The majority believes that identical properties should be treated the same, regardless of the ownership of the property. The phone companies argue that they should not have to pay property taxes on poles and conduits because they pay the communications services tax. But the reality is they do not pay that tax, the customers do. That tax is passed through to the customers in its entirety and appears as a separate line on phone bills. The phone company merely collects the tax and passes it on to the state. This is similar to the consumption tax collected by the power companies. That, too, is a direct tax on the consumers that appears on their bills. In a similar manner, it is collected by the electric companies and passed on to the state. Some have suggested that this is not the best time to end this exemption because the largest of the phone companies is currently in bankruptcy. However, this is just the latest in a long line of reasons put forth by the telephone companies to justify their special treatment. This may, in fact, be the best time to end this exemption since FairPoint will be returning to the marketplace free from much of its previous debt. FairPoint will write off a billion dollars in debt. The three million dollars in taxes that they will pay will not have a noticeable impact on the company. Some have suggested that this tax will just be passed on to consumers. This ignores the fact that both the power companies and the phone companies rent space on their poles to the cable companies and the wireless companies. It is a reasonable assumption that the public utilities commission would demand that all customers of the phone companies, including the cable and wireless companies, share the tax burden. This bill also includes another study of this issue. This exemption has been studied numerous times. The most recent study in 2004 was quite extensive. It is difficult to believe that there is anything else to be learned by yet another study. The ending of the exemption will, for the first time, create fairness for those towns where the utility poles are owned in whole or in part by the telephone companies. Presently, some communities get a tax benefit from the existence of the poles in their rights of way, while other communities get nothing. This means there is a shifting of the tax burden from FairPoint to these local taxpayers. Those communities where the phone companies own the poles and conduits in whole or in part will finally be on equal footing with all other communities in the state in their ability to tax this real property in their communities. At a time when many communities are struggling with reduced revenues, this will be a small but welcome addition to town coffers. **Vote 15-4.**

Rep. Peyton B Hinkle for the **Minority** of Local and Regulated Revenues: Until 1990, the state assessed a personal property tax on telecommunications poles and conduits. This tax was paid to the state. In 1990, the state enacted a communications service tax (CST) instead and repealed the personal property tax so that all communications service would be more fairly taxed. Some municipalities then began trying to tax poles and conduits as real property. In 1996, the NH Supreme Court ruled they could not do this because the poles and conduits were personal property, not real property. So you can't have it two ways- personal property one time and real property another. In the process of extending this exemption, the Senate, in 1997, requested an opinion from the NH Supreme Court as to whether such an exemption would violate the state constitution. In reply, the court gave the opinion that the legislature has the power to grant

reasonable exemptions from taxation, and that an exemption to the proposed tax was just and valid. Thus, it is within the power of the legislature to make poles and conduits exempt from a property tax. In 1998, the legislature enacted RSA 72:8-a, which taxed all telecommunications poles, towers, conduits as real estate. At the same time, the legislature passed RSA 72:8-b which exempted poles and conduits from the tax as long as the CST remained above 4.5% (it is now at 7%). The exemption was to expire in July of 1999. This exemption has been studied and extended five times since then. In October of 2004, a legislative committee established to study the exemption concluded that local communities have never had taxing authority over poles and conduits, and recommended that the exemption continue. If land line companies are required to pay taxes on their poles, they will pass the cost on to their customers since taxes are a part of the cost of doing business. Residents in remote areas who cannot switch to wireless phone service would be required to pay the tax while customers in areas with wireless service would be unaffected. The elderly are more likely to be affected by the tax since they often prefer to keep their land line service. People with land line service are already heavily taxed as a result of the six to seven fees and taxes appearing on their phone bills, including the CST. Those people with land line service would be helping subsidize wireless customers since the signal travels over land lines for part of the distance.

Also, customers who receive TV via satellite would not be taxed, while those who receive such service by cable would. The exception is supported by the Nashua chamber of commerce, the Granite State Telephone Company, FairPoint, the N.E. Cable and Telecommunications Association, and the Business and Industry Association. This tax has been studied and restudied, and the exemption extended and re-extended. It is now time to end the uncertainty for the telecommunications companies and allow for the opportunity to make the extension permanent.

RESOURCES, RECREATION AND DEVELOPMENT

SB 382, relative to the New Hampshire natural plant protection act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jim U McClammer for Resources, Recreation and Development: This bill authorizes the department of resources and economic development to conduct investigations on natural communities in addition to native plant species. It defines natural communities, exemplary natural communities, protected species, and listed species. It authorizes the commissioner to charge fees for services and products based on their costs to the department rather than at a set rate of \$25. It further authorizes the department to receive and expend moneys up to \$5,000, exceeding \$5,000 upon the approval of the governor and council. The amendment clarifies language in the bill. **Vote 16-3.**

SCIENCE, TECHNOLOGY AND ENERGY

SB 73-FN, requiring the state government to reduce energy consumption in state buildings, to develop an energy conservation plan, and to make an annual report on the state's energy consumption. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jacqueline A Cali-Pitts for the **Majority** of Science, Technology and Energy: The bill requires each department to identify cost effective measures in order to reduce reliance on fossil fuel by the stated goal of 25% by 2025. The bill further requires an annual report beginning in 2012 which is being made available to the legislature, and most importantly, to the public detailing measures identified and progress made. The bill further defines "cost effective" as the return on investment based on energy saving and reduced operational costs within the expected lifetime of the measure. This bill puts in statute the necessity of attaining fuel efficiency goals and clarifies the standards by which progress is measured. **Vote 13-4.**

Rep. James M Garrity for the **Minority** of Science, Technology and Energy: This unnecessary, feel-good bill forces state agencies to take on additional administrative and reporting burdens. The energy-reduction identification tasks called for in this bill are largely already being carried out due to a long-standing executive order and resulting coordination among state agencies. In a time when the state budget is under intense pressure, and our state employees are being asked to

do more with less, we feel it is unreasonable to ask them to take on more non-essential administrative and paperwork tasks.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

SB 509, establishing the New Hampshire medal of honor fund and repealing the New Hampshire service award. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kris E Roberts for the **Majority** of State-Federal Relations and Veterans Affairs: In 2007, this body voted to establish the New Hampshire medal of honor which may be awarded on behalf of the people of the state of New Hampshire to men and women who were citizens of New Hampshire or assigned to a military unit based in New Hampshire who were killed in the line of duty in a combat area, training to deploy to a combat area or killed by a terrorist act since November 4th, 1979. The New Hampshire medal of honor in no way detracts from the valor of either the 97 living Medal of Honor awardees or the almost 3,400 deceased awardees. In no manner would any one confuse the New Hampshire medal of honor with the Medal of Honor awarded on behalf of the United States Congress. Numerous other states award the Medal of Honor to law enforcement officers, others to firefighters, others like Hawaii awarded to service members killed in Iraq and Afghanistan only, making them a special class, with Texas being the only state to award a Medal of Honor to military members of the Texas military, National Guard, Air National Guard and State Militia. In the case of Texas, one could easily confuse the medals with the same valor requirements. The only difference is the ribbon awarded by the United States has a blue background and Texas a green background. Three years after being signed into law, no medals of honor have been awarded due to design delays and lack of funding. SB 509 asks that we transfer \$10,000 set aside for issuing of a New Hampshire service award to honor the 125,000 plus New Hampshire citizens that have served since WW2. The major goal of the NH service award was to give public gratitude to many of our citizens that served in Korea and Vietnam but never received the hero's welcome that WW2 veterans and Desert Storm veterans received. However good the intentions were, it would cost about \$500,000 to complete the assigned goal. Furthermore, the youngest Korean War veterans would be over 75 and the youngest Vietnam Conflict veteran would be at least 55. Many have passed on, and even with an unlimited budget it would be almost impossible to locate every veteran or their next of kin. Repealing the New Hampshire service award and transferring the funds would allow the state to fund and issue the medals of honor in a timely fashion, there is no need to force the survivors to have to relive their loss years later. An additional benefit of SB 509 is the creation of a non-lapsing New Hampshire medal of honor fund allowing it to receive monetary gifts, grants and donations. **Vote 12-2.**

Rep. Cynthia P Sweeney for the **Minority** of State-Federal Relations and Veterans Affairs: Six years ago a bill was passed establishing the New Hampshire Service Award. None were ever awarded. Now we want to repeal this award, take the funds and establish a New Hampshire medal of honor. The minority of the committee thinks we need to use this money for the purpose it was intended.

REGULAR CALENDAR – PART II

WEDNESDAY, APRIL 21

COMMERCE AND CONSUMER AFFAIRS

SB 452-FN, relative to jurisdiction over certain health insurers. **INEXPEDIENT TO LEGISLATE.**

Rep. John B Hunt for Commerce and Consumer Affairs: The sponsors' intent was to help New Hampshire citizens to buy health insurance in other states. However, the current law allows New Hampshire citizens to buy individual health insurance products in other states. The bill, as

amended, removes the phrase “or another” state in several sections of the law which to the majority of the committee muddies the waters over New Hampshire insurance department jurisdiction. Therefore, New Hampshire citizens are better off with the current law and this bill is unnecessary. **Vote 15-3.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 500-FN, implementing changes in the probation, parole, and sentencing of certain offenders in an effort to increase public safety, strengthen community supervision, and reduce recidivism. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen J Shurtleff for Criminal Justice and Public Safety: This bill is the product of a study conducted by the Council of State Government's Justice Center under its Justice Reinvestment Project in cooperation with numerous New Hampshire stakeholders representing all three branches of government, including the governor, the speaker of the house, the president of the senate, the attorney general, the department of corrections and the judicial branch. The study was a twofold process consisting of roundtable discussions and interviews with judges, county attorneys, defense attorneys, law enforcement, victim advocates and county superintendents and analysis of data supplied by state and county agencies. The study determined that while New Hampshire's crime rate has remained low and stable over the past ten years, the prison population has increased 31% and spending on corrections has doubled from \$52 million to \$104 million. The study identified the problem as directly attributable to high recidivism rates and inefficiencies in the parole/probation process. SB 500 seeks to correct these issues, while still preserving public safety, in a number of meaningful ways. First, every inmate subject to probation or parole will undergo an individual risk assessment to determine his or her level of supervision after they leave prison; all will be subject to a minimum of 9 months of active supervision and then will transition to administrative supervision. This system of supervision will allow probation and parole officers to manage their caseloads more efficiently by directing their attention to those individuals who require the most supervision. Additionally, those individuals on probation may be subject to a 1 to 5 day swift, certain jail sanction instead of facing revocation of probation; this quick, corrective action will subject the violator to punishment without requiring a much longer stay in a county facility which they would face while awaiting a revocation hearing. The parole system will also undergo a number of reforms, but two very important facts will not change: violent offenders will still be subject to the jurisdiction and discretion of the parole board and New Hampshire's truth in sentencing law will remain intact. Nonviolent offenders will be subject to release after serving 120% of their minimum sentence, including the disciplinary period required by law. This reform retains truth in sentencing as the inmate must serve his entire minimum sentence. The amendment to SB 500 addresses the concerns expressed by domestic violence advocates by exempting crimes related to domestic violence from the nonviolent crime category. Additionally, all inmates subject to parole will undergo 9 months of supervision prior to expiration of their maximum sentence, allowing for a transition from incarceration to release from prison. SB 500 also allows the DOC to adopt an intermediate sanction in lieu of parole revocation; however, if parole is revoked, the individual will face an automatic 90 day prison sentence. The DOC and the Attorney General testified that over \$1 million in federal grants are available to fund the implementation of SB 500. The DOC indicates that SB 500 will decrease state expenditures by \$22,862 in FY 2011, \$779,838 in FY 2012, \$2,513,061 in FY 2013 and \$3,210,247 in FY 2014 and these savings will then be reinvested back into the programs established under SB 500 to keep the new system self-sustaining. Furthermore, the Justice Center will continue to monitor the implementation of SB 500 and will assist the state in ensuring its success. The committee believes that the reforms contained in SB 500 are based on proven data and evidence from other states which have successfully implemented similar programs and represents a necessary solution to many of the issues which face our prison population. For these reasons, a bipartisan majority of the committee strongly urges passage of SB 500. **Vote 16-2.**

EDUCATION

SJR 3, in support of the New England secondary school consortium. **OUGHT TO PASS.**
Rep. Charles B Yeaton for Education: This consortium of five New England states has been operating for three years. It demands no mandates or costs from its members. It allows for pooling of ideas, resources and information. It examines curricula of high schools, looks at results and makes recommendations for positive change. The resolution, already passed by Rhode Island, Connecticut, Maine and Vermont, strengthens the consortium's ability to receive private grant funding. **Vote 9-5.**

RESOURCES, RECREATION AND DEVELOPMENT

SB 411, relative to permitting of large groundwater withdrawals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Judith T Spang for the **Majority** of Resources, Recreation and Development: As amended, this bill makes it clear that the state has jurisdiction over large groundwater withdrawal permits (over 57,600 gallons per day.) It also emphasizes that municipalities still have the authority to enact local regulations protecting water quality and land use including construction of a water withdrawal facility. It reinforces that the issuance of a state groundwater withdrawal permit does not relieve applicants of the need to comply with local regulations. **Vote 16-3.**

Rep. Andrew Renzullo for the **Minority** of Resources, Recreation and Development: This bill tries to better define the role of the state versus the municipality when it comes to large ground water withdrawal. Unfortunately, the bill actually complicates clarification of the roles. The wordings can be interpreted in different ways which can lead to unnecessary litigation.

SB 426, relative to the classification of Pleasant Lake. **OUGHT TO PASS.**

Rep. Pamela J Hubbard for Resources, Recreation and Development: This bill reclassifies the waters of Pleasant Lake in Deerfield and its tributaries to Class A. This reclassification is in accordance with the provisions of RSA 485-A:8. **Vote 19-0.**

SCIENCE, TECHNOLOGY AND ENERGY

SB 397-FN, relative to public utilities commission assessments for the expenses of the consumer advocate. **OUGHT TO PASS.**

Rep. Robin P Read for Science, Technology and Energy: This bill gives the office of consumer advocate (OCA) in the public utilities commission (PUC) the ability to access resources to represent the interests of residential ratepayers at the PUC. Both the PUC and the OCA are funded by an assessment on utilities and do not receive any federal funds. Under current law, the PUC can use a special assessment when necessary in large complex cases, but it is not available to the OCA. This bill allows the OCA to access funds through the PUC after approval by the fiscal committee and with approval by the governor and executive council. **Vote 14-3.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

SB 412, relative to the display of the POW-MIA flag. **OUGHT TO PASS.**

Rep. Frank R Emiro for State-Federal Relations and Veterans Affairs: This bill is a very simple bill;. It will clear up a number of misconceptions concerning the proper display of the POW flag. When the governor signed the law directing that the POW flag be flown over all state facilities, many people falsely believed that the state flag was senior to the POW flag. The POW flag is senior to all flags except the national flag and as a result when flown on the same pole the national flag is first, the POW second and the state flag third. If flown on two staffs it will be the national flag first and POW flag second with the state flag being flown separately. SB 412 should ensure that the POW flag is displayed properly throughout the state of New Hampshire, "Lest we forget." **Vote 13-0.**

LAI D ON TABLE

HB 133, requiring employers to report certain information regarding outsourcing to the department of employment security.

HB 1146, eliminating requirements for additional breath tests for blood alcohol content. (Pending

question is Ought to Pass.)

HB 1188, relative to nominating a political organization by nomination papers. (Pending question is the Majority report of Ought to Pass with Amendment.)

HB 1336, relative to health care liability claims. (Pending question is Refer for Interim Study)

HB 1664-FN, making appropriations reductions in the operating budget for fiscal year 2011 and relative to state revenues and expenditures. (Pending question is the adoption of the committee amendment.)

SB 154, naming a certain portion of route 18 in the town of Franconia in honor of Corporal Bruce McKay. (Pending question is the committee report of Inexpedient to Legislate)

HOUSE BILLS AMENDED BY THE SENATE

HB 154, relative to truancy. (House Concurred 4/14/10)

HB 216-FN, relative to fees for legal services rendered to workers' compensation claimants. (House Concurred 4/14/10)

HB 230, relative to the burden of proof for a finding of abuse in domestic violence cases. (House Nonconcurrent; C of C 4/14/10)

HB 587-FN, establishing an information and analysis center within the department of safety. (House Concurred 4/14/10)

HB 598-FN, relative to the regulation of auctioneers by the state board of auctioneers. (SJ 1/6/10)

HB 615, relative to organization, reorganization, or withdrawal from a school administrative unit. (House Concurred 4/14/10)

HB 621, relative to establishing procedures for identifying criminal defendants who may have mental illness. (SJ 1/27/10)

HB 629-FN-A, relative to habitual offenders, relative to implements of husbandry, and relative to registration of vehicles under the Unified Carrier Registration Act of 2005. (SJ 4/7/10)

HB 651-FN, relative to regulations of private investigative agencies and security services. (SJ 1/21/10)

HB 1152, naming a bridge in Wolfeboro in honor of Corporal Matthew J. Stanley. (House Concurred 4/14/10)

HB 1155, relative to water district contracts. (House Concurred 4/14/10)

HB 1280-FN, relative to life and health guaranty limits. (House Concurred 4/14/10)

HB 1418, naming a bridge across the Connecticut River from Hinsdale, New Hampshire to Brattleboro, Vermont the Charles Dana Bridge and correcting the naming of a bridge across the Connecticut River in the town of Chesterfield, New Hampshire from the Judge Harlan Fiske Stone Bridge to the Justice Harlan Fiske Stone Bridge. (House Concurred 4/14/10)

HB 1448, relative to town audits. (SJ 4/7/10)

HB 1516-FN-A, relative to funding the Claremont, Colebrook, Milford and Keene District Courts in fiscal year 2011. (House Nonconcurrent; C of C 4/14/10)

HB 1518-FN, increasing certain OHRV registration fees and fee for transfer of registration of an OHRV or snowmobile. (SJ 4/7/10)

HB 1561-FN, relative to off highway recreational vehicle registration. (SJ 4/7/10)

HB 1563, naming a bridge in Salem in honor of Corporal Nicholas Arvanitis, Staff Sergeant Edmond L. Lo, and Marine Lance Corporal Robert L. Mosillo. (House Concurred 4/14/10)

HB 1651-FN, requiring that current information and reports relative to the state budget be made available on the state website. (House Concurred 4/14/10)

COMMITTEES OF CONFERENCE

HB 230, relative to the burden of proof for a finding of abuse in domestic violence cases. (Reps. Chandley, Stevens, Welch and Shurtleff)

HB 1516-FN-A, relative to funding the Claremont, Colebrook, Milford and Keene District Courts in fiscal year 2011. (Reps. Leishman, Anderson, L. Weber and Keans)

COMMITTEE MEETINGS

MONDAY, APRIL 19

AUTOMATED EXTERNAL DEFIBRILLATOR ADVISORY COMMISSION (RSA 195-I:2), Room 303, LOB

1:30 p.m. Regular meeting.

COMMISSION TO STUDY LAND DEVELOPMENT REGULATIONS AND THE EFFECTS OF LAND DEVELOPMENT WITHIN UPLAND AREAS THAT MAY AFFECT WETLANDS AND SURFACE WATER OF THE STATE (HB 1579, Chapter 294:1, Laws of 2008), Room 305, LOB

1:00 p.m. Regular meeting.

INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14- c), Room 100, State House

9:00 a.m. Regular meeting.

TUESDAY, APRIL 20

ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION (RSA 282-A:128), NH Employment Security, 32 South Main Street, Concord

9:00 a.m. Regular meeting.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

9:00 a.m. Subcommittee work session on **SB 392-FN**, requiring public hearings concerning health care cost increases in health care services and relative to hospital billing for services to uninsured patients.

10:00 a.m. Subcommittee work session on **SB 408**, relative to purchasing alliances.

EDUCATION JOINT WITH SENATE EDUCATION AND STATEWIDE EDUCATION IMPROVEMENT AND ASSESSMENT PROGRAM LEGISLATIVE OVERSIGHT COMMITTEE (RSA 193-C:7), , Rooms 205-207, LOB

10:00 a.m. Interim report by the Department of Education on creating a statewide accountability system.

EDUCATION, Room 207, LOB

1:00 p.m. **SCR 2**, encouraging New Hampshire schools to adopt environmentally sound practices.

ENVIRONMENT AND AGRICULTURE, Room 308, LOB

10:00 a.m. Executive session on **SJR 1**, urging the secretary of agriculture to review the Federal Milk Market Order system, **SB 365**, requiring the sterilization of animals adopted from shelters and rescue groups.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 301, LOB (Please note room change.)

10:00 a.m. Subcommittee work session on **SB 491**, relative to in-state preferences on state vendor contracts and criteria for debarment of vendors, **SB 493-FN**, relative to the use of best value contracting by state agencies and establishing a best value procurement commission, **SB 495-FN**, establishing a task force on state procurement policies and procedures.

Room 306, LOB

10:30 a.m. Subcommittee work session on **SB 478**, relative to the appointments to the board of home inspectors, the administrative attachment of the plumbers' board, and retired status for licensed architects.

- 11:00 a.m. Subcommittee work session on **SB 443**, relative to rulemaking authority of the electricians' board.
- 12:30 p.m. Subcommittee work session on **SB 348**, establishing a committee to study issues relative to the regulation of opticians in New Hampshire.
- 1:00 p.m. Subcommittee work session on **SB 357-FN**, authorizing the judicial retirement plan to deduct a health insurance premium contribution from allowances, **SB 470-FN**, relative to retirement system service credit for employment as a full-time police officer with the university system of New Hampshire, **SB 322**, allowing the director of the division of state police to place an employee on administrative leave in extraordinary circumstances, **SB 504-FN**, relative to the effective date for the implementation of the retirement system employer assessments for excess benefits.
- 2:15 p.m. Subcommittee work session on **SB 414**, relative to the Mount Washington commission.

FINANCE, Rooms 210-211, LOB

- 10:00 a.m. Full committee work session **SB 450-FN**, relative to costs and expenditures at the department of health and human services, establishing a special fund for certain civil fines collected by the department, and relative to the due date for the Medicaid enhancement tax. The work session will include the following:
 - 10:00 a.m. Department of Health and Human Services.
 - 1:00 p.m. Department of Environmental Services.
 - 2:00 p.m. Department of Corrections.
 - 3:00 p.m. Judicial Branch.
- NOTE:** See also Public Works and Highways and Ways and Means.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

- 1:00 p.m. Subcommittee work session on **SB 427**, adding duties to the oversight committee on health and human services.

JUDICIARY, Room 208, LOB

- 10:00 a.m. Executive session on **CACR 32**, relating to clarification of certain language. Providing that all references to people in the constitution shall refer to both male and female, **SB 329**, relative to the bonds of county officers, and relative to the form of constitutional questions on the ballot, **SB 330**, relative to the court accreditation commission and the interbranch criminal and juvenile justice council, **SB 415**, relative to remedies against landlords, **SB 437**, relative to the authority of district court justices to issue emergency orders in any district court, **SB 438**, relative to procedures in small claims actions, **SB 439**, making technical corrections and changes to court sites and names.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

- 10:00 a.m. Subcommittee work session on **SB420**, relative to the use of mail-order pharmacies for prescription drug benefits under accident and health insurance policies and plans, and establishing a committee to study pharmacy benefits management for injured workers covered by the workers' compensation law.

LOCAL AND REGULATED REVENUES, Room 303, LOB

- 10:00 a.m. **SB 391-L**, relative to the payment of certain amounts from the water fund to the town general fund by the town of Hanover.
- 10:30 a.m. **SB 367**, relative to games of chance.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:15 a.m. Full committee work session on **SB 316**, establishing a statewide transportation policy. The Department of Transportation (DOT) will have a representative from Federal Highway to answer questions and give a briefing on the long range

- transportation policy requirement.
- 1:00 p.m. Public hearing on proposed amendment to ***SB 450-FN***, relative to costs and expenditures at the department of health and human services, establishing a special fund for certain civil fines collected by the department, and relative to the due date for the Medicaid enhancement tax. **Section 82** – debt restructuring authorization, **Sections 83 - 85** –Capital budget appropriation for KEEP NH.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 9:15 a.m. Subcommittee work session on ***SB 166-FN***, relative to mineral extraction, mining, and reclamation in New Hampshire.
- 11:00 a.m. Executive session on ***SB 166-FN***, relative to mineral extraction, mining, and reclamation in New Hampshire, ***SB 369***, relative to the effect of changes in local permit status on large groundwater withdrawal permits issued by the department of environmental services, ***SB 370***, relative to sewage disposal systems.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 9:45 a.m. Full committee work session on ***SB 334***, establishing a committee to study methods of encouraging the installation and use of small scale renewable energy resources by homeowners and businesses and relative to investments in photovoltaic renewable energy projects.
- 11:00 a.m. Executive session on ***SB 334***, establishing a committee to study methods of encouraging the installation and use of small scale renewable energy resources by homeowners and businesses and relative to investments in photovoltaic renewable energy projects, ***SB 301***, relative to combustion of untreated wood at municipal transfer stations, ***SB 327***, relative to disclosure of electric service energy sources
- 12:30 p.m. Interim study full committee work session on ***HB 1242***, relative to broadband infrastructure.

TRANSPORTATION, Room 203, LOB

- 10:15 a.m. Executive session on ***SB 404***, relative to towing and disposal of abandoned vehicles, ***SB 405***, relative to grounds for revocation of school bus driver's certificate, ***SB 413***, relative to obstructions on motor vehicle windows, ***SB 477***, relative to driver education school applicants, ***SB 464***, relative to speed limits on Lake Winnepesaukee and reporting vessel operation violations, ***SB 302***, relative to notice of driver's license expiration.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. Public hearing on proposed amendment to ***SB 450-FN***, relative to costs and expenditures at the department of health and human services, establishing a special fund for certain civil fines collected by the department, and relative to the due date for the Medicaid enhancement tax. **Section 99** – pet shop license fee.
- 10:30 a.m. Public hearing on proposed amendment to ***SB 450-FN***, **Section 97** – business tax commission.
- 11:00 a.m. Public hearing on non-germane amendment to ***SB 450-FN*** (Rep. Hatch). The proposed amendment replaces the electric consumption tax with an electric generation tax. Copies of the proposed amendment are available in the Sergeant-at-Arms office and on-line..
- 1:00 p.m. Public hearing on proposed amendment to ***SB 450-FN***, **Section 86-87** – tobacco tax.
- 2:30 p.m. Public hearing on proposed amendment to ***SB 450-FN***, **Section 88** – dedicated funds.

THURSDAY, APRIL 22

ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21),

Department of Education, Walker Building, Room 100, 21 South Fruit Street, Concord

3:00 p.m. Regular meeting.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

10:00 a.m. Executive session on **SB 308**, relative to the price for filling prescriptions, **SB 319**, relative to purchases by on-premises alcoholic beverages licensees and relative to liquor licenses, **SB 390-FN**, relative to health insurance premium only cafeteria plans, **SB 421**, relative to the laws regulating trusts and trust companies in New Hampshire, **SB 459**, relative to medical payments coverage and continued executive session on **SB 368**, relative to notice required under the retail selling statute, **SB 436**, relative to health insurance open enrollment periods and establishing a commission relative to children's health insurance, **SB 455-FN**, relative to New Hampshire HealthFirst, **SB 352**, relative to student insurance, **SB 408**, relative to purchasing alliances, **SB 423**, relative to health insurance coverage for licensed athletic trainer services,.

COMMISSION TO DEVELOP ALTERNATIVES TO THE DISPOSAL OF MEDICAL SHARPS IN HOUSEHOLD WASTE (HB 1502, Chapter 259:2, Laws of 2008), Room 304, LOB

1:30 p.m. Regular meeting.

COMMITTEE TO STUDY THE IMPOSITION OF ASSESSMENTS TO RETIREMENT SYSTEM EMPLOYERS FOR EXCESS BENEFITS PAID TO RETIREES (SB 108, Chapter 304:1, Laws of 2009), Room 103, State House.

1:00 p.m. Regular meeting.

FINANCE, Rooms 210-211, LOB

9:00 a.m. Full committee work session on **SB 344-FN**, relative to employment and retirement benefits of certain non-judicial court employees, **SB 481**, relative to appropriations for certain turnpike system projects.

10:00 a.m. Full committee work session on **SB 402-FN**, relative to state-owned vehicles, **SB 465-FN-L**, relative to the transition period for implementing the adequacy aid formula, **SB 485-FN-A**, relative to ratification of cost items contained in a collective bargaining agreement for court security officers of the judicial branch.

1:00 p.m. Full committee work session on **SB 450-FN**, relative to costs and expenditures at the department of health and human services, establishing a special fund for certain civil fines collected by the department, and relative to the due date for the Medicaid enhancement tax. The work session will include the following.

1:00 p.m. Department of Administrative Services.

2:00 p.m. Treasurer.

2:30 p.m. Department of Resources and Economic Development.

3:00 p.m. Office of Energy and Planning.

3:30 p.m. Department of Education.

4:00 p.m. Office of Information Technology.

JUDICIARY, Room 208, LOB

10:00 a.m. Subcommittee work session on **SB 431**, relative to housing and tenancy protections for victims of domestic violence, sexual assault, or stalking.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Subcommittee work session on **SB 346-FN-L**, relative to sheriffs' fees for service of civil process.

10:30 a.m. Subcommittee work session on **SB 511-FN-A**, relative to an exemption from the tax on gambling winnings.

11:00 a.m. Subcommittee work session on **SB 383-FN**, relative to net operating loss carryovers under the business profits tax and relative to economic revitalization

- zone tax credits.
- 1:00 p.m. Executive session on ***SB 342-FN***, repealing the \$5,000 surety bond requirement for meals and rentals operators, ***SB 346-FN-L***, relative to sheriffs' fees for service of civil process, ***SB 383-FN***, relative to net operating loss carryovers under the business profits tax and relative to economic revitalization zone tax credits, ***SB 511-FN-A***, relative to an exemption from the tax on gambling winnings.

FRIDAY, APRIL 23

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:2), Room 201, LOB

10:00 a.m. Regular meeting.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 307, LOB

9:00 a.m. Regular meeting.

MONDAY, APRIL 26

COMMISSION TO EXAMINE DRIVING WHILE IMPAIRED EDUCATION AND INTERVENTION PROGRAMS (HB 1311, Chapter 256:10, Laws of 2008), Room 202, LOB

1:00 p.m. Regular meeting.

OIL FUND DISBURSEMENT (RSA 146-D:4), Room 305, LOB

9:00 a.m. Regular meeting.

TUESDAY, APRIL 27

FINANCE, Rooms 210-211, LOB

- 9:00 a.m. Executive session on ***SB 402-FN***, relative to state-owned vehicles, ***SB 465-FN-L***, relative to the transition period for implementing the adequacy aid formula, ***SB485-FN-A***, relative to ratification of cost items contained in a collective bargaining agreement for court security officers of the judicial branch.
- 9:30 a.m. Full committee work session on ***SB 344-FN***, relative to employment and retirement benefits of certain non-judicial court employees, ***SB 481***, relative to appropriations for certain turnpike system projects.
- 1:00 p.m. Full committee work session on ***SB 450-FN***, relative to costs and expenditures at the department of health and human services, establishing a special fund for certain civil fines collected by the department, and relative to the due date for the Medicaid enhancement tax.

THURSDAY, APRIL 29

ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a), Office of Energy and Planning, 4 Chenell Drive, Concord

2:00 p.m. Public sector working group.

FINANCE, Rooms 210-211, LOB

- 10:00 a.m. Full committee work session on ***SB 344-FN***, relative to employment and retirement benefits of certain non-judicial court employees, ***SB 481***, relative to appropriations for certain turnpike system projects.
- 1:00 p.m. Full committee work session on ***SB 450-FN***, relative to costs and expenditures at the department of health and human services, establishing a special fund for certain civil fines collected by the department, and relative to the due date for the Medicaid enhancement tax. Please note: The work session on SB 450 will include

reports from the committees on Ways and Means, Public Works and Highways and Local and Regulated Revenues.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

1:00 p.m. Independent System Operator (ISO) update.

MONDAY, MAY 3

COMMISSION TO STUDY APPOINTING OR CONTRACTING WITH A FLEET MANAGER FOR STATE-OWNED MOTOR VEHICLES (HB 1412, Chapter 218:1, Laws of 2008), Rooms 210-211, LOB

1:00 p.m. Regular meeting.

CITIZENS TRADE POLICY COMMISSION (RSA 19-L), Room 307, LOB

9:00 a.m. Regular meeting.

TUESDAY, MAY 4

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:15 a.m. Continued executive session on **SB 316**, establishing a statewide transportation policy.

FRIDAY, MAY 7

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Continued regular meeting.

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 102, LOB

10:00 a.m. Non-public session on the Complaint Review Committee.

1:00 p.m. Regular meeting.

MONDAY, MAY 10

COMMISSION TO STUDY FUTURE SUSTAINABLE REVENUE SOURCES FOR FUNDING IMPROVEMENTS TO STATE AND MUNICIPAL HIGHWAYS AND BRIDGES (HB 2, Chapter 144:291, Laws of 2009), Room 201, LOB

2:00 p.m. Presentation by CSG (Council of State Government).

COMMISSION TO STUDY LAND DEVELOPMENT REGULATIONS AND THE EFFECTS OF LAND DEVELOPMENT WITHIN UPLAND AREAS THAT MAY AFFECT WETLANDS AND SURFACE WATER OF THE STATE (HB 1579, Chapter 294:1, Laws of 2008), Room 305, LOB

1:30 p.m. Subcommittee meeting.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 205, LOB

1:00 p.m. Regular meeting.

TUESDAY, MAY 11

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201, LOB

3:30 p.m. Regular business.

FRIDAY, MAY 14

**ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a), NH
Public Utilities Commission, Room A, South Fruit Street, Concord.**

9:00 a.m. Regular meeting.

FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB

9:00 a.m. Regular business.

**NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS (RSA 125-Q),
Room 205, LOB**

1:30 p.m. Regular meeting.

**STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD PROGRAM (RSA 99-
E), Room 101, LOB**

9:30 a.m. Regular meeting

**TASK FORCE TO DEVELOP A PERFORMANCE-BASED SCHOOL ACCOUNTABILITY SYSTEM
(RSA 193-E:3-c), 101 Pleasant Street, Dept. of Education, State Boardroom, Concord.**

9:00 a.m. Regular meeting.

MONDAY, MAY 17

**COMMISSION TO STUDY LAND DEVELOPMENT REGULATIONS AND THE EFFECTS
OF LAND DEVELOPMENT WITHIN UPLAND AREAS THAT MAY AFFECT WETLANDS
AND SURFACE WATER OF THE STATE (HB 1579, Chapter 294:1, Laws of 2008), Room
305, LOB**

1:00 p.m. Regular meeting.

**INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-
c), Room 100, State House**

9:00 a.m. Regular meeting.

FRIDAY, MAY 21

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Regular meeting.

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 102, LOB

10:00 a.m. Non-public session of the Complaint Review Committee.

1:00 p.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Executive Committee will meet on Monday, **April 26** at 4:00 p.m. at the County Complex to review and vote on the quarterly report and elected officials salaries.

Rep. Alida I. Millham, Chairman
Belknap County Executive Committee

COUNTY DELEGATION NOTICE

Coos County Executive Committee will meet at 1:00 p.m. on Monday, **April 19** in Room 202, LOB.

Rep. Robert L. Theberge, Chairman
Coos County Executive Committee

COUNTY DELEGATION NOTICE

Hillsborough County Executive Committee will meet on Friday, **April 23** at 10:00 a.m. at the Hillsborough County Complex, Bouchard Building, Goffstown.

Rep. Maurice Pilotte, Chairman
Hillsborough County Executive Committee

COUNTY DELEGATION NOTICE

Rockingham County Delegation will meet to vote on salaries and benefits for elected officials for term of office 2011/2012 and other necessary business on Monday, **April 19**, 2010 at 6:00 p.m. at the Hilton Auditorium. The Executive Committee will meet at 5:30 p.m. in the Commissioner's Conference Room, Rockingham County Nursing Home, Brentwood NH

Rockingham County Executive Committee will meet on Monday, **May 10**, 2010 at 9:30 a.m. in the Hilton Auditorium at the Rockingham County Nursing Home in Brentwood for the first quarter budget review.

Rep. David A. Welch, Clerk
Rockingham County Delegation

REVISED FISCAL NOTES

The following House and Senate Bills have revised fiscal notes: HBs 133, 213, 216, 218, 232, 286, 425, 507, 523, 558, 561, 564, 569, 579, 598, 626, 629, 646, 651, 660, 662, 681, 1128, 1149, 1155, 1166, 1168, 1170, 1239, 1240, 1279, 1280, 1281, 1291, 1292, 1293, 1334, 1335, 1367, 1378, 1380, 1428, 1441, 1452, 1495, 1506, 1508, 1513, 1515, 1516, 1519, 1537, 1541, 1544, 1566, 1569, 1572, 1586, 1602, 1603, 1606, 1607, 1609, 1610, 1611, 1613, 16201643, 1649, 1651, 1653, 1655, 1664, 1668, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1683, 1688. SBs 72, 157, 166, 181, 344, 361, 365, 383, 385, 394, 397, 402, 425, 449, 452, 463, 470, 471, 485, 486, 492, 495, 497, 511, 513, 517, 520.

Karen O. Wadsworth, Clerk of the House

MEMBERS' NOTICES

The following notices are published in the House record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or legislative social activities and political meetings or events. Publication should not be construed as support for either the events listed or the views espoused by the individual or organization sponsoring the event.

There are boxes in the legislators' break room on the first floor of the State House for male personal hygiene items, TP, magazines to be sent to a Marine Unit in Afghanistan. Please bring items for our troops.

Rep. Jordan G. Ulery

Bring the whole family to the grounds of the NH Fish and Game Department Headquarters, 11 Hazen Drive in Concord on Saturday, **April 17** from 10:00 a.m. to 3:00 p.m. for Discover WILD New Hampshire Day. The annual community conservation education event is being sponsored in conjunction with the NH Department of Environmental Services. It's a free fun-filled day of activities for the whole family, with lots to see – and even more to do. Try your hand at archery, learn to cast a fishing line, or find your way with a map and compass. Build a duck box, tie a fly,

do a wildlife craft activity, take a nature walk or learn how to landscape for wildlife. The list is endless. Visit the Discovery Room and see if you can discover the various wildlife mounts including a mother moose and her calf. Meet Smokey Bear, trained falcons, live trout and salmon and numerous types of wildlife. More than 35 exhibitors from an array of nature, environmental and conservation organizations will be on hand, rain or shine, to help you learn about NH's wildlife, habitat and natural resources. Remember: Free admission. For more information call 271-3211 or visit www.wildNH.com

Rep. Robert J. L'Heureux

Suncook Valley Republicans are sponsoring a Meet the Candidates event on Sunday, **April 18** at 2:00 p.m. at Circle 9, 39 Windymere Drive, Epsom. Candidates for Congress District 2, Charlie Bass, Bob Guida and Jennifer Horn and candidates for Governor, Jack Kimball, John Stephen, K. Testerman and Frank Emiro, will take part. Small group Q&A with individual candidates. No speeches. Free entry, donations accepted. For more information call 782-4918.

Rep. Carol M. McGuire

On Tuesday, **April 20**, Governor John Lynch and Attorney General Michael Delaney will officially proclaim Victims' Rights Week in New Hampshire. This is a time to pay tribute to those citizens who have been victimized by crime and to celebrate the strides that we have made in recognizing the rights of victims in our state. A press conference will be held at 11:00 a.m. in the Parish Hall of St. Paul's Church on Park Street, Concord. At 5:30 p.m. a memorial service to pay tribute to all those who have been traumatized by violent crime will be held at St. Paul's Church. Following the memorial service, a reception will be held in the Parish Hall. Legislators and members of the general public are invited to join victims of crime and their families and supporters to attend all of these activities.

Rep. Robert R. Cushing

Please join the NH Women's Lobby and Alliance and the Girl Scouts on **April 21st** from 9:00 a.m.-1:00 p.m. for the second annual Girls Day at the State House. Over 50 girls ages 11-14 from programs throughout NH will come together with legislators for an educational, fun event to learn about the legislative process and inspire future female leaders! Legislators can take part in a question and answer lunch with the girls and also participate in "mock hearings." Contact Nikki Murphy, Executive Director of the NH Women's Lobby and Alliance at 603-978-1032 or nikki@nhwomen.org for more information.

Rep. Carla Skinder

All Representatives and staff are invited to the biennial Legislative Health Screening presented by Health Services. This event will be held in the LOB on Tuesday, **April 27th** from 9:00 a.m. to 1:00 p.m. Have your blood pressure and blood sugar taken, have a chair massage, be checked for glaucoma and much more. We look forward to seeing you there.

Reps. Cindy Rosenwald and David W. Hess

All legislators and staff are cordially invited to join members of the New Hampshire Automobile Dealers Association (NHADA) for a Legislative Reception on Wednesday, **April 28th** at 3:00 p.m.

at the Grappone Conference Center – Marriott Courtyard, 70 Constitution Avenue, Concord. NHADA has historically hosted this event which offers legislators a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun, social gathering. This year in particular we want to recognize all of you for your support of New Hampshire dealers and their 13,000 employees.

Reps. Mary Jane Wallner and Sherman A. Packard

Vesta Roy, Excellence in Public Service presents dinner and an evening with Mark Steyn at C.R. Sparks Event Center, 18 Kilton Road, Bedford, NH on Wednesday, **May 5**, 2010. Reception 5:30-6:30 p.m. Dinner at 6:30 p.m. The dinner event (early bird special received by April 26th is \$60.00/per person) \$70/per person thereafter. VIP Reception and Dinner \$100/per person. Table Sponsor is \$600.00 (includes 2 Reception, 8 Dinner tickets and recognition during the dinner). RSVP to Cassidy Koziol at 603 651-3164 or cassidyk1@gmail.com Vegetarian selection is available.

Rep. Nancy Stiles

It is time for another Legislative Orientation Day sponsored by Gun Owners of New Hampshire. This year it will be held the day after Mother's Day, **May 10**. It will start at 10:00 a.m. and end at 3:00 p.m. at Sunset Mountain Fish and Game Club in Canterbury. You will have the opportunity to shoot and learn about muzzle-loading rifles, modern rifles and pistols, as well as shotguns. A Cowboy Action demonstration, Captain Morrill's Company and their cannons, Roland Huber with his elephant gun and a machine gun demonstration, are just a few of the many interesting special events planned. All in all, the day is intended to be a relaxing, informative event centered around shooting and the shooting sports. Firearm instructors and range officers in a variety of disciplines will be present on site and safe firearm practices and procedures will be in place. We will provide shooting and safety instruction, ammunition, targets, eye and ear protection, and loaner firearms. From North or South take Route 93 to exit 18. Left at end of exit. Club will be on the left after the gas station/store. If you need any further information please either call me at 642-4402 or at repdawelch@hotmail.com.

Rep. David A. Welch

Please join Girl Scouts of the Green and White Mountains at our Breakfast with Champions at 7:45 a.m. at the Holiday Inn, Concord, on **May 12**, 2010. At our inaugural event, we are honoring Dr. Virginia Barry plus 2 other nominees who are doing extraordinary work on the behalf of girls throughout New Hampshire. Look for your invitation!

Rep. Peter F. Bergin

All members of the Republican caucus are invited to the House Republican Alliance's weekly meeting. The HRA will meet every Tuesday at 8:30 a.m. at the Upham Walker House, Park Street, Concord.

Reps. Nancy Elliott, Robert Mead and William O'Brien

The Main Street Republicans will meet every Wednesday at 8:00 a.m. in Room 212, LOB. All Republicans are welcome.

Rep. Cynthia J. Dokmo

State House Visitation Schedule

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in **April and May**. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule is tightly booked for the school year and subject to changes.

Please contact the Visitor Center concerning school tour booking information.

Legislators planning to meet with students should notify the Visitor Center. Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director

Deborah Rivers, Public Information Administrator

<u>DATE</u>	<u>TIME</u>	<u>GROUP</u>	<u>Group#/Grade</u>
April 19	11:15/12:15	Little Harbor School – Portsmouth	78/4
April 19	9:15	Presentation of Mary Academy – Hudson	50/4
April 19	10:30	St. Anthony's School – Manchester	20/4
April 20	9:30/11:00	Epsom Central School	60/4
	SH/HM		
April 20	10:00	Portsmouth Christian Academy- Dover	42/4
April 20	11:30	Agape High School	
April 21	9:30	Girls Day at the State House	50
April 21	10:30/12:00	Nottingham West School – Hudson	70/4
	SH/HM		
April 21	1:30	Campton Congregational Church	15
April 22	9:30	Chester Academy	32/8
April 22	10:30/12:00	Nottingham West School – Hudson	70/4
	SH/HM		
April 23	1:00	First Agape Home School – Auburn	20/4-6
April 23	9:00/10:15	Woodland Heights School – Laconia	64/4
	SH/HM		
April 23	10:00	Dondero School – Portsmouth	47/4
April 26	12:30	Hinsdale Elementary School	50/4
April 27	9:00	World Affairs Council Guests from China	10
April 27	9:30/11:00	Henry Wilson School – Farmington	110/4
	SH/HM		
April 27	11:30	The Wells Memorial School- Harrisville	14/4
April 28	9:00	UNH Public Administration Grad Students	20
April 28	9:30/11:00	Canaan Elementary School	64/4
	SH/HM		
April 29	9:00	Derryfield School – Manchester	45/7
April 29	10:00/11:30	Horne St. School – Dover	80/4
	SH/HM		
April 29	10:30	Lebanon High School ESL students	14/HS
April 29	1:30	Brain Injury Assoc. of NH	30
		Leadership Group	
April 30	10:00	Fuller School – Keene	45/4
April 30	11:15	St. Joseph's Regional School- Keene	11/4
April 30	11:30	Charlestown Middle School Student	22/MS
		Council	
May 3	10:00	Alstead Primary School	25/4

May 3	10:00	Sarah Porter School – Langdon	17/4
May 4	9:30/11:00	Deerfield Elementary School	54/4
	SH/HM		
May 5	9:30	Campton Elementary School	40/4
May 5	10:00	Plymouth Elementary School	44/4
May 5	11:00	Ed Fenn School – Gorham	28/4
May 6	9:00	Ashland Elementary School	30/4+6
May 6	10:00/11:30	Peterborough Elementary School	80/4
	SH/Manse		
May 6	11:00	Bridgewater-Hebron Village School	13/4
May 7	9:00	Simonds Elementary School – Warner	33/4
May 7	10:00	Hancock Elementary School	20/3&4

NOTICE

The House Clerk's Office is now accepting orders for the **2009** hardcover Permanent House Journals. Orders will be accepted until Friday, April 23, 2010.

Anyone who was a **member of the Legislature in 2009**, and all state agencies are entitled to one Journal at no charge, **upon request**. All others interested in obtaining a Journal, as well as any Legislator or state agency requesting additional copies, will be charged for that copy. We estimate this cost to be approximately \$50 each, plus any applicable mailing expenses. Those who order paid copies will be notified *and billed* when the Journals are ready for distribution. **DO NOT** send any money now.

In an effort to contain costs, the number of Journals printed will be determined by the number of advance orders received. Please do not order a Journal if you have no intention of claiming it.

Please clip this form and return it in person or via mail to:

Office of the House Clerk
Room 317, State House
107 North Main Street
Concord, NH 03301

*****Please Print*****

REP/SEN/NAME _____

AGENCY/BUSINESS _____

CONTACT _____

PHONE/EXT. _____

ADDRESS _____

CITY/STATE/ZIP _____

_____ COPY(IES) OF THE **2009** PERMANENT HOUSE JOURNAL

SIGNED _____

NOTICE

The 37th Annual Bill White & Junie Blaisdell Ceremonial & Memorial Legislative Golf Tournament for the benefit of the **American Heart Association** is scheduled for **Friday, June 18** at the Beaver Meadow Golf Club, Concord, NH. The entry fee for this annual tournament is \$50 per legislator and legislative staff and \$100 for all others **if paid by June 2nd**. The entry fee increases to \$75 per legislator and legislative staff and \$125 for all others if paid from June 3rd to June 11th. A continental breakfast and barbeque lunch will be provided.

Registration begins at 7:15 a.m. and the shotgun start is scheduled for 8:30 a.m. The format is "Captain and Crew."

Sign-up as a foursome or sign-up by yourself in order to be placed in a foursome.

Please note that, for planning purposes, payment must be made no later than June 11th. There will be no exceptions to this rule! Cancellation must occur two weeks prior to the tournament date to receive a refund.

Return your entry and payment no later than June 2nd to Bob Blaisdell to receive the discounted rate and reserve your spot **or** no later than **June 11th** to reserve your spot at the regular rate.

Checks should be made payable to: **NH Legislative Golf Committee**. Mailed to: **Bob Blaisdell, The Demers Group, 72 North Main Street, Suite 301, Concord, NH 03301**
Reps. Mary Jane Wallner and Sherman A. Packard

37th Annual Bill White & Junie Blaisdell Ceremonial & Memorial Golf Tournament
Beaver Meadow Golf Course
Concord, NH

Name: 1. _____
2. _____
3. _____
4. _____

Telephone: _____ Amount Enclosed: _____

WEDNESDAY, APRIL 21
AMENDMENTS

Amendment to SB 73-FN

Proposed by the Majority of the Committee on Science, Technology and Energy - R

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

AN ACT requiring the state government to reduce energy use per square foot in state buildings, to develop an energy conservation plan, and to make an annual report on the state's energy consumption.

Amend RSA 21-I:34-c as inserted by section 2 of the bill by replacing it with the following:

21-I:14-c Energy Consumption Reduction Goal; Reports.

I. Each state department shall identify cost-effective measures to reduce fossil fuel consumption by 25 percent by 2025 in state buildings, on a square foot basis, compared to a 2005 baseline. Implementation of any measures shall be subject to the appropriate budgetary process and approval. Cost effectiveness for the purposes of this section shall mean a return on investment based on energy savings and reduced operational costs within the expected lifetime of the measure.

II. Beginning in calendar year 2012, each state department shall submit an annual report to the commissioner of administrative services on or before September 1 which details any cost-effective measures it is utilizing and those potential measures, subject to budgetary approval, to comply with the energy consumption reduction goal established in paragraph I and its annual progress in complying with this goal.

III. Beginning in calendar year 2012, the commissioner shall submit an annual report to be made available to the public on or before December 1 compiling the annual reports submitted under paragraph II, with findings on the departments' annual progress in complying with the energy consumption reduction goal established in paragraph I and problems which may prevent the departments from achieving this goal, to the energy efficiency and sustainable energy board established under RSA 125-O:5-a, the governor, the senate president, the speaker of the house of representatives, the chair of the senate energy, environment, and economic development committee and the chair of the house science, technology and energy committee.

AMENDED ANALYSIS

This bill requires the state government to reduce energy consumption in state-owned buildings on a square foot basis with a goal of reducing fossil fuel energy consumption by 25 percent by 2025 to complement the state goal of obtaining 25 percent of the state's energy use from renewable energy by 2025. Each department is required to submit data and recommendations to the commissioner of administrative services on its compliance with this reduction goal. The commissioner of administrative services shall annually submit a report on the state's energy consumption reduction efforts and, with the assistance of the department of environmental services and the office of energy and planning, shall develop an energy conservation plan to work towards this energy reduction goal, both of which will be submitted to the energy efficiency and sustainable energy board, the governor, and the legislature.

Amendment to SB 382

Proposed by the Committee on Resources, Recreation and Development - R

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

AN ACT relative to The New Hampshire Native Plant Protection Act of 1987.

Amend the bill by replacing section 2 with the following:

2 New Hampshire Native Plant Protection; Definitions. RSA 217-A:3 is repealed and reenacted to read as follows:

217-A:3 Definitions. In this chapter:

I. "Commercial" means all types of activities, uses, and purposes of an industrial or trade nature including, but not limited to, the buying and selling or barter and exchange of commodities and activities conducted for the purpose of such buying and selling or barter and exchange.

II. “Commissioner” means the commissioner of the department of resources and economic development.

III. “Department” means the department of resources and economic development.

IV. “Endangered species” means any species of plant that is in danger of extinction throughout all or a significant portion of its range within the state, or any species determined to be an endangered species pursuant to the Endangered Species Act.

V. “Endangered Species Act” means the Endangered Species Act of 1973, Public Law 93-205, as amended.

VI. “Environmental review” means a natural heritage bureau review of potential impacts to protected species and exemplary natural community occurrences to enable planning, permitting, and funding.

VII. “Exemplary natural community” means a viable occurrence of a rare natural community type or a high quality example of a more common natural community type as designated by the natural heritage bureau based on community size, ecological condition, and landscape context.

VIII. “Fee” means a fee to cover the cost of services rendered or the cost of producing and providing publications and reports.

IX. “Natural area” means an area that is relatively unaffected by human activity and which contains plants, wildlife, natural communities, geological features, or scenic values of state, regional, national, or global significance.

X. “Natural Areas Council” means an association of representatives from state agencies and private conservation groups who meet every other month, or as often as necessary, to exchange information and discuss protection priorities for natural areas in New Hampshire. The administrator of the natural heritage bureau shall be a member and act as chairperson. Member organizations shall include:

- (a) The division of parks and recreation.
- (b) The fish and game department.
- (c) The office of energy and planning.
- (d) The department of agriculture, markets, and food.
- (e) The water resources council.
- (f) The university of New Hampshire department of plant biology.
- (g) The Audubon Society of New Hampshire.
- (h) The New Hampshire Association of Conservation Commissions.
- (i) The Society for Protection of New Hampshire Forests.
- (j) The Nature Conservancy.
- (k) The New Hampshire Timberland Owners Association.
- (l) The U.S. Forest Service.
- (m) The U.S. Fish and Wildlife Service.
- (n) The New Hampshire Association of Natural Resource Scientists.

XI. “Natural community” means a recurring assemblage of plants and animals found in a particular physical environment.

XII. “Natural heritage bureau” means the bureau, administered within the division of forests and lands of the department of resources and economic development which collects and analyzes data on the status, location, and distribution of native plant species and natural communities in the state, and develops and implements measures for the protection, conservation, enhancement, and management of native New Hampshire plants.

XIII. “Natural heritage inventory” means the list of protected species developed in accordance with RSA 217-A:5, I and II.

XIV. “Person” means an individual, corporation, company, association, society, firm, partnership, joint stock company, or any department or instrumentality of the federal government, of any state or its political subdivisions, or of any foreign government.

XV. “Plant” means any member of the plant kingdom, including seeds, roots, and other parts of plants.

XVI. "Protect" and "protection" means to use and the use of all methods and procedures that are necessary to bring any species to the point at which the measures provided pursuant to this chapter are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition, and maintenance.

XVII. "Protected species" and "listed species" means any plant species designated as endangered or threatened under this chapter.

XVIII. "Species" includes any species, subspecies, or variety of plant.

XIX. "Take" means to pick, collect, cut, transplant, uproot, dig, remove, damage, destroy, trample, kill, or otherwise disturb, or to attempt to engage in any such conduct.

XX. "Threatened species" means any species of plant likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range within the state, or any species of plant determined to be a threatened species pursuant to the Endangered Species Act.

Amend RSA 217-A:4 as inserted by section 3 of the bill by replacing it with the following:

217-A:4 Investigation and Research. The department shall conduct investigations on all species of plants **and natural communities** indigenous to and throughout this state necessary to develop information relating to population, distribution, habitat needs, limiting factors, and other biological and ecological data, and to determine protective measures and requirements necessary for their survival. The department may, at its discretion, withhold from any person information about the location and population of a species **or natural community** if it determines that disclosures of such information would threaten the survival of that or another species **or natural community** in any way.

Amend the bill by replacing section 4 with the following:

4 Conservation Programs. Amend RSA 217-A:6, I-III to read as follows:

I. The commissioner shall establish programs for the protection of species listed under RSA 217-A:5 **and for exemplary natural communities**. These programs may include methods for the acquisition of land and interests in land that the commissioner determines is necessary for the protection of such listed species **or exemplary natural communities**.

II. To administer this chapter, the department may enter into agreements with federal agencies, other states, agencies or political subdivisions of this state, or ~~[with]~~ individuals or private organizations for administration and management of any program established under this section or utilized for the protection of listed plant species **or exemplary natural communities**.

III. The department is authorized~~[-, with the approval of governor and council,]~~ to receive and expend funds, donations, grants, or other moneys, gifts, or bequests **not exceeding \$5,000, or exceeding \$5,000 with the approval of the governor and council**, to accomplish the purposes of this chapter.

Amend the bill by replacing section 6 with the following:

6 Natural Heritage Bureau Fund Established. RSA 217-A:7-a is repealed and reenacted to read as follows:

217-A:7-a Natural Heritage Bureau Fund Established.

I. The commissioner may charge a fee for screening department records for instances of protected species or environmental review, for using inventory and information services, and for publications and reports to recover the costs of providing products and services and a reasonable portion of the costs associated with building and maintaining the database.

II. Fees shall be sufficient to cover the costs of providing services and producing and providing products authorized by this chapter.

III. Fees shall be fixed in a schedule prepared and revised as necessary by the natural heritage bureau, approved by the commissioner, and established in rules adopted pursuant to RSA 541-A. The fees charged under this paragraph shall be deposited in the fund established in paragraph IV.

IV. There is hereby established in the office of the state treasurer a fund to be known as the natural heritage bureau fund. Moneys collected under this section and RSA 217-A:6, III shall

be deposited in this fund. The fund shall be nonlapsing and continually appropriated to the commissioner for the purposes of providing environmental reviews, for the costs of providing publications or reports to the public, for the costs of providing inventory and information services, and to accomplish the purposes of this chapter.

Amend the bill by replacing section 7 with the following:

7 Rulemaking. RSA 217-A:8 is repealed and reenacted to read as follows:

217-A:8 Rulemaking. The commissioner of the department shall adopt rules, after public hearing and under RSA 541-A, relative to:

I. Criteria and procedures for listing endangered and threatened species under RSA 217-A:5.

II. Procedures for identifying exemplary natural communities.

III. Procedures for requests by persons or agencies for listing of plant species as endangered or threatened.

IV. Procedures for requests by persons or agencies for designating communities as exemplary.

V. Procedures for releasing information on listed plant species and exemplary natural communities.

VI. Conservation programs to protect endangered or threatened species and exemplary natural communities.

VII. Form and content of agreements with persons to protect endangered or threatened species and exemplary natural communities.

VIII. Procedures for application for and acceptance of funds for programs to protect endangered or threatened species and exemplary natural communities.

IX. Procedures for purchasing or accepting gifts of real property for purposes of this chapter.

X. Purposes for which exemptions may be granted under RSA 217-A:10, III.

XI. Administration of the fund established in RSA 217-A:7-a.

Amend RSA 217-A:9, II as inserted by section 8 of the bill by replacing it with the following:

II. Nothing in this section shall limit the rights of private property owners to take **state** protected species **or exemplary natural communities** on their own lands.

Amend RSA 217-A:10, III as inserted by section 9 of the bill by replacing it with the following:

III. The department may permit, under such terms and conditions as it may prescribe, any act otherwise prohibited by ~~[this section]~~ **RSA 217-A:9** for scientific purposes ~~[or]~~, to enhance the propagation or survival of the affected species, **or for the conservation of exemplary natural communities.**

Amend RSA 215-A:43, I(b)(1) as inserted by section 10 of the bill by replacing it with the following:

~~[(4)]~~ **(1)** Exemplary natural communities **as defined in RSA 217-A:3, VII** as identified by the natural heritage bureau ~~[as defined in RSA 217-A:3, XVI];~~

AMENDED ANALYSIS

This bill:

I. Defines natural communities and exemplary natural communities.

II. Replaces “rare” with “protected” throughout.

III. Modifies language regarding the natural heritage bureau fund to facilitate reimbursement for certain mandated services.

IV. Limits the authority of the department of resources and economic development to receive and expend funds.

2010-1263h

Amendment to SB 394-FN

Proposed by the Committee on Criminal Justice and Public Safety - C

Amend the bill by replacing section 1 with the following:

1 Dealing in Counterfeit Goods. Amend RSA 638:6-b to read as follows:

638:6-b Dealing in Counterfeit Goods.

I. ~~[As used]~~ In this section, “counterfeit mark” means ~~[any unauthorized reproduction or copy of intellectual property, or intellectual property affixed to any goods sold, offered for sale, manufactured, or distributed without the authority of the owner of the intellectual property “Intellectual property” means any trademark, service mark, trade name, label, term, device, design, or word that is adopted or used by a person to identify such person's goods and registered, filed, or recorded under RSA 350-A, or the laws of any other state, or registered in the principal register of the United States Patent and Trademark Office]~~ ***a spurious mark that is:***

(a) Applied to, or attached to, or used in connection with in any way, any goods, or packaging of such goods, or any other component of any type or nature that is designed, marketed, or otherwise intended to be used on or in connection with any goods;

(b) Is identical to, or substantially indistinguishable from, a mark registered under RSA 350-A, or the laws of any other state, or that is recorded on the principal register in the United States Patent and Trademark Office and is in use, whether or not the defendant knew the mark was registered; and

(c) By the application or use of such mark, is likely to cause confusion, to cause mistake, or to deceive.

II. Any person who purposely or knowingly manufactures, ~~[uses,]~~ displays, advertises, distributes, offers for sale, sells or possesses with intent to sell, or distributes any goods bearing or identified by a counterfeit mark shall be guilty of a class A misdemeanor for a first offense and a class B felony for any subsequent offense. Each individual good bearing or identified by a counterfeit mark shall constitute a separate offense.

III. ~~[Any person having possession, custody, or control of more than 25 items bearing a counterfeit mark shall be presumed to possess said items with the intent to sell or distribute. Any state or federal certificate of registration of any intellectual property shall be prima facie evidence of the facts stated therein.]~~ ***Evidence that a person had possession, custody, or control of more than 25 items bearing a counterfeit mark shall be prima facie evidence that the person had possession with the intent to sell or distribute the items.***

IV. Any goods that bear or consist of a counterfeit mark used in committing a violation of this section shall be subject to forfeiture to the state of New Hampshire and no property right shall exist in such property. At the conclusion of all criminal proceedings, the court shall order such items be destroyed or disposed of in another manner with the written consent of the trademark owner.

V.(a) The following property is subject to forfeiture for an offense under this section:

(1) Any property used by the defendant in any manner to facilitate, aid, or abet, a violation of this section; and

(2) Any property constituting or derived from any proceeds obtained by the defendant, either directly or indirectly, as a result of a violation of this section.

(b) Such property may be seized by a law enforcement agency for forfeiture as follows:

(1) Pursuant to a search warrant or seizure warrant on an affidavit under oath demonstrating that probable cause exists for its forfeiture;

(2) Physically, on probable cause to believe that the property is subject to forfeiture; or

(3) Constructively, on probable cause to believe that the property is subject to forfeiture under this section, by recording a notice of pending forfeiture in the registry of deeds in the county where the real property is located or at the town clerk's office where the person's property is located stating that the state intends to seek forfeiture of the identified property pursuant to this section.

(c) A seizure for forfeiture without process under subparagraph (b)(2) or (b)(3) shall be reasonable if made under circumstances in which a warrantless seizure or arrest would be valid in accordance with state law.

(d) The seizing agency shall notify the defendant within 7 days of any seizure of property of its intent to forfeit the property pursuant to this section.

(e) The forfeiture of any property or item under this paragraph shall be governed by RSA 595-A:6. The state shall have the burden of proving by a preponderance of the evidence that the property is subject to forfeiture. Except in the case of proceeds, upon a finding that the property is subject to forfeiture, the court shall determine whether the forfeiture of the property is not excessive in relation to the underlying criminal offense. In make this determination, the court shall consider whether in addition to any pertinent considerations:

(1) There is a substantial connection between the property to be forfeited and the underlying offense;

(2) Criminal activities conducted by or through the use of the property were extensive; and

(3) The value of the property to be forfeited greatly outweighs the cost of prosecution and the harm caused by the criminal conduct.

(f) Final orders for forfeiture shall be implemented by the seizing agency and all proceeds of the forfeiture shall go to that agency.

VI. The court may order a person convicted under this section to pay restitution pursuant to RSA 651:63 to the trademark owner and to any other person the court may determine. Any restitution ordered by the court shall include, but is not limited to, attorney's fees, court costs, and any other expenses incurred by the trademark owner in the investigation and prosecution of the case.

2010-1354h

Amendment to SB 396-FN

Proposed by the Majority of the Committee on Children and Family Law - R

Amend RSA 126-T:7, I and the introductory paragraph of RSA 126-T:7, II as inserted by section 2 of the bill by replacing them with the following:

I. Unless prohibited by court order, the facility or school shall, within 24 hours, make reasonable efforts to verbally notify the child's parent or guardian and guardian ad litem whenever restraint has been used on the child.

II. A facility employee or school employee who uses restraint, or if the facility employee or school employee is unavailable, a supervisor of such employee, shall, within 5 business days after the occurrence, submit a written notification containing the following information to the director or his or her designee:

Amend RSA 126-T:7, II(l) as inserted by section 2 of the bill by replacing it with the following:

(l) The name and position of the employee completing the notification.

(m) The anticipated date of the final report.

Amend RSA 126-T:7, III as inserted by section 2 of the bill by replacing it with the following:

III. Unless prohibited by court order, the director or his or her designee shall, within 2 business days of receipt of the notification required in paragraph II, send or transmit by first class mail or electronic transmission to the child's parent or guardian and the guardian ad litem the information contained in the notification. Each notification prepared under this section shall be retained by the school or facility for review in accordance with rules adopted under RSA 541-A by the state board of education and the department of health and human services.

Amend RSA 126-T:8 and 126-T:9 as inserted by section 2 of the bill by replacing them with the following:

126-T:8 Review of Restraint Records by Department of Education. The state board of education shall adopt rules, pursuant to RSA 541-A, establishing a process for regular review of records of restraint usage kept by schools, preparation of publicly available periodic summaries of

restraint usage, including publication on the department of education website, and providing a process for complaints and investigations of reports of improper use of restraint in schools. Beginning November 1, 2010, and each November 1 thereafter, the state board of education shall provide an annual report to the chairperson of the children and family law committee of the house of representatives regarding the use of restraint in schools, including the number and location of reported incidents and the status of any outstanding investigations.

126-T:9 Review of Restraint Records by Department of Health and Human Services. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, establishing a process for regular review of records of restraint usage kept by facilities, preparation of publicly available periodic summaries of restraint usage, including publication on the department of health and human services website, and providing a process for complaints and investigations of reports of improper use of restraint in facilities. Beginning November 1, 2010, and each November 1 thereafter, the commissioner of the department of health and human services shall provide an annual report to the chairperson of the children and family law committee of the house of representatives regarding the use of restraint in facilities, including the number and location of reported incidents and the status of any outstanding investigations.

Amend RSA 126-T:10 as inserted by section 2 of the bill by replacing it with the following:

126-T:10 Injury or Death During Incidents of Restraint.

I. In cases involving serious injury or death to a child subject to restraint in a facility, the facility shall, in addition to the provisions of RSA 126-T:7, notify the commissioner of the department of health and human services, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities. Such notice shall include the notification required in RSA 126-T:7, II.

II. In cases involving serious injury or death to a child subject to restraint in a school, the school shall, in addition to the provisions of RSA 126-T:7, notify the commissioner of the department of education, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities. Such notice shall include the written notification required in RSA 126-T:7, II.

Amend RSA 126-T:11, IV as inserted by section 2 of the bill by replacing it with the following:

IV. No period of restraint of a child may exceed 30 minutes unless a face-to-face assessment of the mental, emotional, and physical well-being of the child is conducted by the facility or school director or by a supervisory employee designated by the director who is trained to conduct such assessments. The assessment shall also include a determination of whether the restraint is being conducted safely and for a purpose authorized by this chapter. Such assessments shall be repeated at least every 30 minutes during the period of restraint. Each such assessment shall be documented in writing and such records shall be retained by the facility or school as part of the written notification required in RSA 126-T:7, II.

Amend RSA 126-T:12, III as inserted by section 2 of the bill by replacing it with the following:

III. Whenever a child is transported using mechanical restraints, the director shall document in writing the reasons for the use of mechanical restraints. Such documentation shall be treated as a notification of restraint under RSA 126-T:7.

AMENDED ANALYSIS

This bill restricts the use of restraint practices in schools and treatment facilities and establishes certain notification requirements regarding the use of such practices.

2010-1348h

Amendment to SB 411

Proposed by the Majority of the Committee on Resources, Recreation and Development - R

Amend the bill by replacing section 2 with the following:

2 Preemption. RSA 485-C:20 is repealed and reenacted to read as follows:
485-C:20 Preemption.

I. The regulation of large groundwater withdrawals prescribed under RSA 485-C:21 and associated rules adopted under RSA 485-C:4; XII are delegated and reserved exclusively to the department, and municipalities and any other local authorities are expressly preempted from enacting regulation with the same effect under this or any other statute.

II. Except as prohibited by paragraph I, municipalities may exercise any authority under this or other statutes to enact local ordinances or regulations affecting groundwater, provided, however, that any requirements imposed under this chapter shall be considered as minimum.

III. Any regulatory decision made by the department under RSA 485-C:21 or any associated rule adopted under RSA 485-C:4, XII shall not abrogate or affect any applicant's obligation to comply with or obtain all applicable and lawful local ordinances, codes, regulations, and approvals not otherwise prohibited by this chapter.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 6:

3 Definitions. Amend RSA 485-C:2, IX-a to read as follows:

IX-a. "Large groundwater withdrawal" means any withdrawal from groundwater of 57,600 gallons or more of water in any 24-hour period at a single property or place of business ***except withdrawals associated with short-term use.***

4 New Paragraph; Definitions. Amend RSA 485-C:2 by inserting after paragraph XIII-a the following new paragraph:

XIII-b. "Short-term use" means the temporary, non-seasonal withdrawal of groundwater at a specific geographical location over a period of one year or less, and withdrawal of groundwater for contaminated site remediation where the duration of the withdrawal may exceed one year and corresponds with the objectives of the remediation.

5 New Sections; Temporary Exemptions for Large Groundwater Withdrawals Required for Emergency Purposes; Short-Term Use Groundwater Withdrawals; Exemptions for Certain Large Groundwater Withdrawals Associated with Geothermal Processes. Amend RSA 485-C by inserting after section 22 the following new sections:

485-C:23 Temporary Exemptions for Large Groundwater Withdrawals Required for Emergency Purposes.

I. The department may approve a new large groundwater withdrawal without compliance with RSA 485-C:14, RSA 485-C:21, or RSA 485-C:22 to protect human health and the environment in the event that circumstances beyond the control of the person requesting the withdrawal occurs, such as fire, flood, drought, other acts of God, or infrastructure failure.

II. A large groundwater withdrawal approved for emergency purposes under paragraph I shall only be allowed to operate for 2 years unless it is approved by the department in accordance with RSA 485-C:21.

III. No withdrawal that the department approves in accordance with paragraph I shall result in an unmitigated impact as described in RSA 485-C:21, V-c. The department shall require that monitoring and mitigation plans be implemented when necessary to identify and mitigate the occurrence of such impacts.

IV. Any party may appeal from the decision of the department to approve a withdrawal in accordance with paragraph I to the superior court of the county in which the large groundwater withdrawal is to be made to determine the validity and the reasonableness of the department's action. The appeal shall be filed within 60 days after the approval of the department.

485-C:24 Short-Term Use Groundwater Withdrawals. The department shall require a short-term use groundwater withdrawal to cease and desist if such withdrawal causes unmitigated impacts as described in RSA 485-A:21, V-c.

485-C:25 Exemption for Certain Large Groundwater Withdrawals Associated with Geothermal Processes. A geothermal system as defined by RSA 485:1-a, I-b and RSA 485:1-a, XI-a shall not be considered a large groundwater withdrawal if the volume of groundwater extracted minus the volume of water returned to the same aquifer does not exceed 57,600 gallons over any 24-hour period.

AMENDED ANALYSIS

This bill:

I. Prohibits the issuance of large groundwater withdrawal permits other than by the department of environmental services.

II. Provides exemptions from the requirements for large groundwater withdrawals for emergency purposes and for certain geothermal processes.

2010-1342h

Amendment to SB 424

Proposed by the Committee on Science, Technology and Energy - C

Amend RSA 363:28, VI as inserted by section 1 of the bill by replacing it with the following:

VI. The filing party shall provide the consumer advocate with copies of all confidential information filed with the public utilities commission in adjudicative proceedings in which the consumer advocate is a participating party and the consumer advocate shall maintain the confidentiality of such information.

AMENDED ANALYSIS

This bill requires a filing party to provide the consumer advocate with copies of all confidential information provided to the public utilities commission in adjudicative proceedings in which the consumer advocate is a party.

2010-1282h

Amendment to SB 433

Proposed by the Committee on Science, Technology and Energy - C

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Elimination of Classified Position. The classified position of safety director of the public utilities commission is hereby eliminated. The initial appointment to the position of director of safety and security shall be filled by the person serving as safety director immediately prior to the effective date of this act. Any funds appropriated for the compensation of the safety director shall be used for the compensation the director of safety and security.

2010-1309h

Amendment to SB 440

Proposed by the Committee on Executive Departments and Administration - C

Amend RSA 21-G:29, VI as inserted by section 1 of the bill by replacing it with the following:

VI. Committee members shall serve terms of 3 years and until their successors are appointed and qualified. ~~[However, initially, the governor shall nominate one member for a one-year term, one member for a 2-year term and one member for a 3-year term; the secretary of state shall nominate one member for a 2-year term, and one member for a 3-year term; the treasurer shall nominate one member for a one-year term and one member for a 2-year term. Initial nominations to the committee shall be made no later than 90 days after the effective date of this section. The initial appointments shall begin on July 1, 2006 and end on June 30 of the appropriate year.]~~ Vacancies shall be filled for the remainder of any unexpired term. During their term of appointment, members may not hold or campaign for elective office, serve as an officer of any political party or political committee, permit their names to be used in support of or in opposition to any **state or local** candidate or proposition, participate in any way in any **state or local** election campaign, make a contribution as defined in RSA 664:2 to any **state or local** candidate for office or political committee, or act as or assist a lobbyist required to be registered under RSA 15:1.

Amend the introductory paragraph of RSA 21-G:31, I as inserted by section 3 of the bill by replacing it with the following:

I. Each complaint shall be submitted in writing and signed under oath by the complainant. The sworn complaint shall be filed confidentially with the committee and shall contain the name and address of the complainant. ***After first examination by the committee,***

and unless the complaint is discharged under subparagraph (a), before any other action is taken by the committee, the executive branch official complained against shall be furnished with a copy of the complaint and a copy shall be sent to each member of the committee for review. **All information identifying the complaint shall be removed.** The committee may initiate a complaint on its own motion against any individual the committee has reason to believe has violated any law, guideline, rule, or regulation within the committee's jurisdiction. The committee shall promptly examine each sworn complaint and:

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

IV. On or before September 1, 2010, the commissioner of the department of administrative services, the commissioner of the department of safety, the commissioner of the department of corrections, the commissioner of the department of environmental services, the commissioner of the department of resources and economic development, the commissioner of revenue administration, the commissioner of transportation, and the commissioner of the department of health and human services shall report to the committee on the feasibility, potential advantages, and disadvantages of implementing a 10-hour per day, 4-day week for the employees of their respective departments.

2010-1373h

Amendment to SB 441

Proposed by the Committee on Resources, Recreation and Development - C

Amend RSA 483-A:2, IV as inserted by section 3 of the bill by replacing it with the following:

IV. "Valued characteristics" means the uses and values that lakes provide including, but not limited to: passive and active recreational activities such as swimming, fishing, and use of appropriate watercraft; aesthetic values such as scenic beauty, wilderness experiences, and educational opportunities; public uses such as drinking water supplies and flood control; ecosystem values such as providing ecological diversity and wildlife habitat; economic values such as revenue generated for the local, regional, and state economies; and social experiences and the opportunity to use our lakes for public enjoyment.

Amend the introductory paragraph of RSA 483-A:5, I as inserted by section 4 of the bill by replacing it with the following:

I. The lakes coordinator, in consultation with the advisory committee, ~~[and upon consideration of recommendations]~~ **with cooperation and assistance** from each of the relevant divisions and bureaus within the department of environmental services, shall prepare ~~[and submit to the legislature for consideration proposed]~~ **every 10 years** state level management ~~[criteria to be provided for the state's lakes. The management criteria upon adoption shall provide the basis for state agency decisions]~~ **recommendations for consideration by state agencies in their decision-making** regarding lakes management and protection. The purpose of such ~~[criteria]~~ **recommendations** shall be to ensure that:

Amend RSA 483-A:7 as inserted by section 6 of the bill by replacing it with the following:

483-A:7 Lakes Management and Protection Plans.

I. The lakes coordinator, in consultation with the advisory committee and ~~[with the cooperation and assistance of]~~ the office of energy and planning, shall ~~[develop detailed]~~ **monitor and oversee** guidelines for coordinated lake management and shoreland protection plans together with recommendations for implementation, **if necessary**. Upon acceptance of the guidelines **or substantive changes to the guidelines** by the advisory committee, the lakes coordinator and members of the advisory committee shall hold public hearings regarding the guidelines **or changes to the guidelines**. At least one hearing shall be held in each ~~[counselor]~~ **executive council** district.

II. The lakes coordinator ~~[and]~~ **in consultation with** the office of energy and planning, with the help of appropriate council on resources and development agencies, shall provide technical assistance and, within the limits of legislative appropriations, award financial grants to regional planning commissions established under RSA ~~[36:45-53]~~ **36:45 through RSA 36:53** in support of lake management and shoreland protection planning. The commissioner, with the

advice of the lakes coordinator and the advisory committee, shall adopt rules, pursuant to RSA 541-A, relative to awarding financial grants under this paragraph.

III. The lakes coordinator ~~and~~ **in cooperation with** the office of energy and planning, ~~in cooperation with~~ regional planning agencies, and appropriate council on resources and development agencies, shall provide technical assistance and information in support of lake management and local shoreland planning ~~efforts~~ consistent with the guidelines established under RSA 483-A:7, I ~~and~~, compatible with the ~~criteria established~~ **recommendations** under RSA 483-A:5, **and consistent with state and federal water quality laws.**

IV. Whenever more than one municipality borders a lake, all such municipalities shall be encouraged to cooperate in the development **and implementation** of a coordinated lake management and shoreland protection plan.

V. Lake management and shoreland ~~management~~ **protection** plans developed pursuant to paragraphs I, II, and III shall address, but not be limited to, the following:

- (a) ~~Permitted~~ Recreational uses and activities.
- (b) ~~Permitted~~ Non-recreational uses and activities.
- (c) Existing and future land uses.
- (d) Protection of wetlands, wildlife, fish habitats, and other significant natural areas.
- (e) Dams, bridges, and other water structures.
- (f) Public access by foot and vehicle.
- (g) Setbacks and other location requirements.
- (h) Dredging, filling, mining, and earth moving.
- (i) Prohibited uses.
- (j) Factors controlling water levels and flowage rights.
- (k) Facilities appropriate to support approved lake uses.
- (l) Water safety.
- (m) Other factors affecting water quality.

2010-1276h

Amendment to SB 448

Proposed by the Committee on Municipal and County Government - C

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Local Land Use Boards; Alternate Members. Amend RSA 673:6 by inserting after paragraph IV the following new paragraph:

V. An alternate member of a local land use board may participate in meetings of the board as a nonvoting member pursuant to rules adopted under RSA 676:1.

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

2 Rules of Procedure. Amend RSA 676:1 to read as follows:

676:1 Method of Adopting Rules of Procedure. Every local land use board shall adopt rules of procedure concerning the method of conducting its business. Rules of procedure shall be adopted at a regular meeting of the board and shall be placed on file with city, town, village district clerk, or clerk for the county commissioners for public inspection. ***The rules of procedure shall include when and how an alternate may participate in meetings of the land use board.***

AMENDED ANALYSIS

This bill allows alternate members of land use boards to participate in meetings of the board as nonvoting members and requires that the procedural rules of the board include when and how the alternate may participate.

2010-1255h

Amendment to SB 457-FN

Proposed by the Committee on Transportation - C

Amend the bill by replacing section 1 with the following:

1 New Section; Motor Vehicles; Words and Phrases Defined; Custom Vehicle. Amend RSA 259 by inserting after section 17 the following new section:

259:17-a Custom Vehicle. "Custom vehicle" shall mean any motor vehicle that is at least 30 model years old and has been altered from the manufacturer's original design or has a body constructed from non-original materials, but which is not a street rod and does not weigh more than 6,000 pounds.

Amend RSA 266:115, II(b) as inserted by section 5 of the bill by replacing it with the following:

(b) Sealed beam or halogen headlamps or headlamps complying with Federal Motor Vehicle Safety Standard Number 108.

Amend RSA 266:115, II(e) as inserted by section 5 of the bill by replacing it with the following:

(e) Safety glass or polycarbonate resin thermoplastic.

2010-1267h

Amendment to SB 484

Proposed by the Committee on Children and Family Law - C

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

AN ACT allowing the New Hampshire children's trust fund to become a nonprofit entity.

Amend the bill by replacing sections 1 and 2 with the following:

1 Statement of Intent. The general court intends that the New Hampshire children's trust fund, established by RSA 169-C:39-c and administratively attached to the office of the attorney general, be reestablished as a nonprofit corporation to be known as the "New Hampshire Children's Trust" and that all assets, operations, and functions of the New Hampshire children's trust fund be transferred to the New Hampshire Children's Trust.

2 Transfer of Assets, Operations, and Functions. All assets, operations, and functions of the New Hampshire children's trust fund, established in RSA 169-C:39-a through RSA 169-C:39-i, are hereby transferred to the New Hampshire Children's Trust, a New Hampshire voluntary corporation qualified by the Internal Revenue Service as a section 501(c)(3) entity. The transfer shall include any and all funds held by the New Hampshire Charitable Foundation and the state treasurer on behalf of the New Hampshire children's trust fund.

AMENDED ANALYSIS

This bill repeals the New Hampshire children's trust fund and transfers the fund's assets, operations, and functions to a nonprofit corporation to be known as the New Hampshire Children's Trust.

2010-1386h

Amendment to SB 486-FN

Proposed by the Majority of the Committee on Education - R

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

II. The commissioner of the department of education, upon recommendation of the state fire marshal, may grant a waiver to the suspension of school building aid under paragraph I if the state fire marshal or designee determines, based on reasonable information and belief, that the condition of such school building or portion thereof constitutes a clear and imminent danger to the life or safety of occupants or other persons that requires attention prior to July 1, 2011. Any school building aid provided under a waiver granted pursuant to this paragraph shall be limited to the costs associated with the remediation of the conditions that are determined either to pose a clear and imminent danger to the life or safety of persons.

Amend the bill by replacing section 3 with the following:

3 Committee to Study the School Building Aid Grant Program; Membership. Amend 2009, 144:13, I(a)-(b) to read as follows:

(a) ~~Two~~ **Three** members of the senate, ***one of whom shall be a member of the senate education committee***, appointed by the president of the senate.

(b) ~~[Three]~~ **Four** members of the house of representatives, **2 of whom shall be members of the house education committee**, appointed by the speaker of the house of representatives.

AMENDED ANALYSIS

This bill:

I. Provides that no school building aid or alternative school building aid grants shall be made to school districts for projects approved on or after June 30, 2010 through June 30, 2011.

II. Provides that the commissioner of the department of education, upon recommendation of the state fire marshal, may grant a waiver to the suspension of school building aid if the state fire marshal or designee determines, based on reasonable information and belief, that the condition of such school building or portion thereof constitutes a clear and imminent danger to the life or safety of occupants or other persons, which requires attention prior to July 1, 2011.

III. Amends the membership and duties of the committee to study the school building aid grant program established in 2009, 144:13.

2010-1395h

Amendment to SB 489-FN-A-LOCAL

Proposed by the Minority of the Committee on Local and Regulated Revenues - R
Amend the bill by replacing section 1 with the following:

1 New Chapter; Video Lottery Machines. Amend RSA by inserting after chapter 284 the following new chapter:

CHAPTER 284-A VIDEO LOTTERY MACHINES

284-A:1 Definitions. In this chapter:

I. "Applicant" means any person, officer, director, or key employee, who on his own behalf or on behalf of another, is applying for permission to engage in any act or activity which is regulated under the provisions of this chapter. In cases in which the applicant is a corporation, foundation, organization, business trust, estate, limited liability company, trust, partnership, limited partnership, association or any other form of legal business entity, the lottery commission shall determine the associated persons whose qualifications must be provided and reviewed as a precondition to the licensing of the applicant.

II. "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.

III. "Central facility license" means the license issued to a central facility licensee by the lottery commission pursuant to RSA 284-A.

IV. "Central facility licensee" means one facility licensed by the lottery commission pursuant to this chapter, which shall be located more than 6 miles from the Massachusetts border with New Hampshire and shall not be located in Grafton or Coos county.

V. "Central facility licensee location" means the facility which is issued a central facility license in accordance with this chapter.

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

VII. "Destination golf resort and convention center" means the facility which is issued a resort gaming facility license in accordance with this chapter. The destination golf resort and convention center shall include a minimum of 300 new hotel rooms, restaurants, entertainment facilities, convention and meeting space, and other amenities typical of resorts and convention centers. The facility shall have adequate floor space, which is separate from the conference areas, for gaming. It shall be located in a town along the Massachusetts border in Hillsborough county.

VIII. "Facility licensee" means a north country facility licensee, central facility licensee, destination golf resort and convention center licensee, or any pari-mutuel licensee.

IX. "Facility licensee location" means a pari-mutuel licensee location, north country facility licensee location, central facility licensee location or destination golf resort and convention center, and the portion of such facility approved for video lottery machine operations.

X. "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 operations, including the general manager and assistant manager of the operator licensee or technology provider, director of operations, director of cage and/or credit operations, director of surveillance, director of marketing, director of management information systems, director of security, comptroller, 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 as non-key employees.

XI. "Licensee" means any applicant licensed by the lottery commission under this chapter.

XII. "Net machine income" means all cash or other consideration utilized to play a video lottery machine at a facility licensee, less all cash or other consideration paid to players of video lottery machines as winnings. Non cashable promotional credits shall be excluded from the calculation.

XIII. "North country facility license" means the license issued to a north country facility licensee by the lottery commission pursuant to RSA 284-A.

XIV. "North country facility licensee" means one facility licensed by the lottery commission pursuant to this chapter, which shall be located in Grafton or Coos county.

XV. "North country facility licensee location" means the facility which is issued a north country facility license in accordance with this chapter.

XVI. "Operator applicant" means the applicant applying for an operator's license to operate video lottery machines in accordance with this chapter.

XVII. "Operator's license" means the license issued by the lottery commission to an operator licensee which allows the operator licensee to possess, conduct, and operate video lottery machines in accordance with this chapter.

XVIII. "Operator licensee" means an operator applicant who is issued a license by the lottery commission to procure and operate video lottery machines pursuant to this chapter.

XIX. "Pari-mutuel licensee" means an entity 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 that is located within 5 miles of the Massachusetts border with New Hampshire.

XX. "Pari-mutuel licensee location" means the facility at which a pari-mutuel licensee is located and where a pari-mutuel licensee was authorized to conduct live horse racing or live dog racing as of January 1, 2009 for at least the number of days as required in RSA 284:22-a, II(a)(3) or made the election as provided in RSA 284:22-a and such election was approved by the racing and charitable gaming commission, and any real estate in which a pari-mutuel licensee had an interest as of January 1, 2009 which is adjacent to the real estate at which the pari-mutuel licensee was authorized to conduct live horse racing or live dog racing as of January 1, 2009.

XXI. "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.

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

XXIII. "Resort gaming facility license" means the license issued by the lottery commission to the destination golf resort and convention center pursuant to RSA 284-A.

XXIV. "Resort gaming facility licensee" means the holder of the destination golf resort and convention center license issued by the lottery commission.

XXV. "Table game" means games authorized pursuant to RSA 287-H.

XXVI. "Technology provider" means any person or entity which designs, manufactures, installs, distributes, or supplies video lottery machines for sale or lease to the operator licensees, and which are for use by an operator licensee for conducting video lottery games in accordance with this chapter.

XXVII. "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 for sale or lease to the operator licensees.

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

XXIX. "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 facility licensee or paid to a player of a video lottery machine, which can be exchanged for cash at the facility licensee.

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

XXXI. "Video lottery" means any lottery conducted with a video lottery machine or linked video lottery machines with an aggregate progression prize or prizes. Video lottery conducted pursuant to this chapter shall not be considered a state-run lottery.

284-A:2 Video Lottery Oversight and Facility Location Licensure.

I. No license shall be issued to any person under this chapter without prior approval of the lottery commission pursuant to this chapter and RSA 284:21-w. The lottery commission shall only issue licenses to persons who operate video lottery machines at a facility licensee after meeting the requirements of RSA 284-A:6. The lottery commission shall have the authority to license and regulate the installation, operation, and conduct of video lottery machines at a facility licensee.

II. The lottery commission shall have general responsibility for the implementation of this chapter and shall adopt rules that include as a minimum guidance from the North American Gaming Regulators Association under RSA 541-A relative to:

(a) Hearing and deciding all license applications or recommendations for the suspension or revocation of any license issued under this chapter.

(b) Conducting all investigations 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 and a reasonable fee structure for the licensing and renewal of licenses for employees and operators, technology providers, and operator licensees consistent with RSA 284-A:5, I(e) and II(e).

(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 standards for licensing under RSA 284-A:6.

(g) Establishing standards for reviewing any structure at a facility location.

(h) 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.

(i) Ensuring that any facility licensee seeking to host or operate table games at a facility licensee location has appropriate approvals from the racing and charitable gaming commission pursuant to RSA 287-H.

(j) Prescribing the methods and forms of application which any applicant shall follow and complete prior to consideration of the application by the commission.

(k) Prescribing the methods, procedures, and form for delivery of information concerning any person's family, habits, character, associates, criminal record, business activities, and financial affairs.

(l) Prescribing procedures for the fingerprinting of an applicant, employee of a licensee, or registrant, or other methods of identification which may be necessary in the judgment of the commission to accomplish effective enforcement of restrictions to access to the licensed facility.

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

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

(o) 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.

(p) Prescribing grounds and procedures for the revocation or suspension of licenses.

(q) Governing the manufacture, distribution, sale, and servicing of gaming devices and equipment.

(r) Prescribing minimum procedures for the exercise of effective control over the internal fiscal affairs of a 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 commission.

(s) 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.

(t) 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.

(u) Governing the gaming-related advertising of licensees, their employees and agents, with the view toward assuring that such advertisements are in no way deceptive; provided, however, that such regulations shall require the words "Bet with your head, not over it," or some comparable language approved by the 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 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 casino operation.

III. Pending the adoption of rules under RSA 541-A, the lottery commission shall adopt interim rules pursuant to RSA 541-A:19 after public hearing and within 90 days the effective date of this chapter. Such interim rules shall implement the provisions of this chapter, including an approval process for selecting the provider of the central computer system and a process for reviewing, selecting, and granting a facility license for one destination golf resort and convention center.

IV. The lottery commission shall provide and operate a single central monitor and control system into which all licensed video lottery machines shall be connected.

(a) The central monitor and control system shall be capable of:

- (1) Continuously monitoring, retrieving, and auditing the operations, financial data, and program information of all video lottery machines;
 - (2) Allowing the lottery commission to account for all money inserted in and payouts made from any video lottery terminal;
 - (3) Disabling from operation or play any video lottery machine as the lottery commission deems necessary to carry out the provisions of this chapter;
 - (4) Supporting and monitoring a progressive jackpot system capable of operating one or more progressive jackpots; and
 - (5) Providing any other function that the lottery commission considers necessary.
- (b) The central monitor and control 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 statewide system.

(1) Except as provided in subparagraph (2), the lottery commission shall not allow an operator licensee to have access to, or obtain information from, the central monitor and control system.

(2) If the access does not in any way affect the integrity or security of the central monitor and control system, the lottery commission may allow an operator licensee to have access to the central monitor and control system that allows the licensee to obtain information pertinent to the legitimate operation of its video lottery.

V. The lottery commission may issue subpoenas and compel the attendance of witnesses, and may administer oaths and require testimony of witnesses under oath.

VI. No later than November 1 of each calendar year, the lottery commission shall submit a report to the fiscal committee of the general court, regarding the operation of video lottery machines. Such report may include recommendations for future legislation.

VII.(a) The lottery commission shall keep a written record of all proceedings of public meetings of the commission.

(b) 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 actions taken with respect to such applicants. Subject to RSA 284-A:2, VII(d) and (e), a file and record of the actions by lottery commission shall be open to public inspection provided, however, that the information regarding any applicant whose license or registration has been denied, revoked, or not renewed shall be removed from such list after 5 years from the date of such action.

(c) The lottery commission shall maintain such other files and records as the commission determines is 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.

(d) All information and data required by the lottery commission to be furnished to it, or which may otherwise be obtained, shall be considered to be confidential and shall not be revealed 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.

(e) All information and data pertaining to an applicant's or key employee's finances, family, and background furnished to or obtained by the lottery commission from any source shall be considered confidential and shall be withheld in whole or in part. Such information shall be released upon the lawful order of a court of competent jurisdiction or to a duly authorized law enforcement agency. Notwithstanding the above, the criminal record of an applicant or a key employee shall be available for review as a public record of the lottery commission.

(f) Notice of the contents of any information or data to be released, except to a duly authorized law enforcement agency pursuant to subparagraphs (d) or (e), shall be given to any applicant, registrant, or licensee in a manner prescribed by the rules adopted by the lottery commission so that the applicant, registrant, or licensee has the opportunity to object to such release.

VIII. The lottery commission, the attorney general, and 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 the lottery commission deems necessary for the discharge of its duties.

IX. The lottery commission shall establish standards for reviewing, selecting, and granting licenses for one north country facility location and one central facility location. Standards shall specify the process for licensure and the criteria which shall be met by such applicants shall include:

(a) The availability of local resources to support services and amenities necessary to accommodate projected guest volume in the form of transportation, rooms and meals, utilities, law enforcement, and mental health services.

(b) The immediate and long range financial feasibility of the applicant's proposed project.

(c) The character and fitness of the owners of the facility.

(d) Whether the applicant has obtained the approval of the municipality in which the project is proposed by local referendum.

(e) A minimum capital investment of \$10,000,000 in the construction or renovation of the facility location.

(f) An agreement with an operator to operate video gaming at the proposed north country facility location or central facility location consistent with this chapter.

(g) The availability of space in the facility for charitable gaming to take place under RSA 287-D.

(h) A floor plan suitable for the operation of video lottery consistent with this chapter.

X. The lottery commission shall establish standards for reviewing, selecting, and granting a resort gaming facility license for one destination golf resort and convention center which shall be located in a town along the Massachusetts border in Hillsborough county. Standards shall specify the criteria which shall be met by applicants, which shall include:

(a) The availability of local resources to support services and amenities necessary to accommodate projected guest volume in the form of transportation, rooms and meals, utilities, law enforcement, and mental health services.

(b) The immediate and long range financial feasibility of the applicant's proposed project.

(c) The character and fitness of the owners of the facility consistent with RSA 284-A:6.

(d) Whether the applicant has obtained the approval of the municipality in which the project is proposed by local referendum.

(e) The process for licensure of a destination golf resort and convention center as a facility licensee.

(f) A requirement for a location that will:

(1) Provide additional economic opportunities for the surrounding region including job creation and increased revenue;

(2) Provide additional tax revenue to the state, including increased meals and rooms tax revenue, business profits tax revenue, and business enterprise tax revenue;

(3) Be reasonably accessible to and from one of the major interstate highway corridors connecting Massachusetts with New Hampshire; and

(4) Be in a city or town sharing a common border with the Massachusetts border and in Hillsborough county.

(g) As required construction, a minimum of 150,000 square feet of new building space, where a minimum of 33 percent of the space is used for non-gaming purposes such as food, entertainment, conventions, and meetings.

(h) As required construction, a minimum of 50,000 square feet of convention and meeting space.

(i) An 18-hole championship golf course associated with the facility where the total recreational amenities on site shall comprise a minimum total of 150 acres of land in addition to the land allocated for buildings and parking.

(j) A minimum of 5,000 square feet of space in the main facility for use by charities for charitable gaming.

(k) A floor plan suitable for the operation of video lottery consistent with this chapter.

(l) A commitment to operate or an agreement with an operator to operate video lottery machines at the destination golf resort and convention center consistent with this chapter.

XI.(a) The resort gaming facility licensee shall commence the local planning approval process for construction of the facility within 6 months of:

(1) Being issued a license by the lottery commission; and

(2) The racing and charitable gaming commission allowing games pursuant to RSA 287-H.

(b) If construction is not commenced within 6 months of final land use approvals, the lottery commission may revoke the license.

XII. A north country facility location or central facility location shall commence construction of the gaming facility within 12 months of receiving approval of the facility location pursuant to paragraph IX, and a pari-mutuel licensee location shall commence any necessary construction or renovation of the area intended for operation of video lottery machines within 12 months of the pari-mutuel licensee or its operator applicant filing an application for an operator's license pursuant to RSA 284-A:5.

XIII. A facility licensee may install, operate, and conduct video lottery machines at its licensee location in accordance with the provisions of this chapter.

284-A:3 Authorization for Video Lottery Machines.

I. An operator licensee may install, operate, and conduct video lottery machines at a facility licensee in accordance with the provisions of this chapter.

II. A facility licensee may enter into one or more agreements with an operator licensee to manage or participate in the operation of video lottery machines at its licensed facility location in accordance with the provisions of this chapter.

III. A north country facility location or central facility location shall commence construction of the facility licensee location within 12 months of receiving a facility license pursuant to paragraph IX, and a pari-mutuel licensee location shall commence any necessary construction or renovation of the area intended for operation of video lottery machines within 12 months of the pari-mutuel licensee or its operator applicant receiving an operator's license pursuant to RSA 284-A:5.

284-A:4 Licenses; Number of Video Lottery Machines.

I. No person shall own, possess, or operate a video lottery machine unless:

(a) Such person is licensed in accordance with the provisions of this chapter;

(b) Local approval as provided in RSA 284-A:9 has been obtained; and

(c) Such person provides adequate space to accommodate charitable gaming as permitted under RSA 287-D.

II. Any operator or technology provider shall be licensed by the lottery commission prior to engaging in any operation of video lottery machines.

III. The operator licensee operating video lottery machines at a pari-mutuel licensee location which is within 5 miles of the Massachusetts border with New Hampshire at which live dog racing was authorized to be conducted as of January 1, 2009 and where dog racing, whether live or simulcast, and/or simulcast horse racing is conducted shall be limited to a maximum of 1,500 video lottery machines at such pari-mutuel licensee location.

IV. The operator licensee operating video lottery machines at a pari-mutuel licensee location which is within 5 miles of the Massachusetts border with New Hampshire at which live horse racing was authorized to be conducted as of January 1, 2009 and where horse racing, whether live or simulcast, is conducted shall be limited to a maximum of 3,750 video lottery machines in operation at such pari-mutuel licensee location.

V. The operator licensee operating video lottery machines at a north country facility licensee shall be limited to a maximum of 750 video lottery machines in operation at such approved location.

VI. The operator licensee operating video lottery machines at a resort gaming facility licensee shall be limited to 3,250 video lottery machines at the licensed location.

VII. The operator licensee operating video lottery machines at a central licensee location shall be limited to 750 video lottery machines at the approved location.

284-A:5 License Requirements for Operators and Technology Vendors.

I.(a) A facility licensee or other operator applicant shall obtain an operator's license from the lottery commission to possess, conduct, and operate video lottery machines. In the event that a facility licensee enters into an agreement with another person or entity to manage and operate video lottery machines at its location, that person or entity shall apply as the operator licensee applicant. An applicant shall complete and sign an application on forms prescribed by the lottery commission, and include information regarding the applicant's criminal history background, civil judgments, and financial affairs. The application shall include the full name, address, date of birth, and other personal identifying information of the applicant and all key employees, and if 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. The lottery commission shall not accept applications from a pari-mutuel licensee location operator applicant or resort gaming facility licensee location operator applicant after December 31, 2011; from the central facility licensee applicants after July 1, 2012; and from the north country facility licensee applicants after July 1, 2012; unless the operator applicant has an agreement with a facility licensee that has previously maintained video lottery machine operations consistent with this chapter.

(b) If the applicant or any owner 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 may produce either a letter of reference from the gaming or lottery enforcement or control agency 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 the activities were conducted in good standing with the agency.

(c) The attorney general shall conduct a background review of each operator applicant and any of its owners and key employees consistent with RSA 284-A:6. 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 the operation of video lottery machines 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 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-A:5, I(b). The attorney general shall report the results of the background review to the lottery commission within 60 days. 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; provided, however, that whenever the attorney general conducts such an 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 participation in the ownership or management of the operation of video lottery machines in this state. The attorney general may conduct such review on the attorney general's motion into the background of the license applicant or holder, or any person or entity upon whom the license applicant or holder relies for financial support.

(d) In any review conducted pursuant to 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.

(e)(1) The lottery commission shall impose 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. In the event that a pari-mutuel licensee makes an agreement pursuant to RSA 284-A:3, II and the operator applicant applies for the operator's license, then the amount of the fee shall be the greater of \$100,000 or the actual costs incurred by the lottery commission.

(2) The attorney general shall impose an investigation fee of \$50,000 which shall be used to defray the cost of the background investigation. If the cost of the background investigation exceeds \$50,000, the applicant shall pay the difference. In the event that a pari-mutuel licensee makes an agreement pursuant to RSA 284-A:3, II and that the operator applicant applies for the operator's license, then the amount of the fee shall be the greater of \$50,000 or the actual costs incurred by the attorney general.

(3) Upon approval of an operator licensee, the lottery commission shall charge an initial license fee of \$50,000,000 for an operator licensee seeking to operate at a pari-mutuel licensee location where live horse racing was authorized as of January 1, 2009 or at a destination golf resort and convention center; \$20,000,000 for an operator licensee seeking to operate at a pari-mutuel licensee location where live dog racing was authorized as of January 1, 2009; \$10,000,000 for an operator licensee at a central facility licensee, and \$10,000,000 for an operator licensee at a north country facility licensee. The lottery commission shall charge a license fee of \$1,000,000 to renew a license for an operator's license at the pari-mutuel licensee location where live horse racing was authorized as of January 1, 2009 or a destination golf resort and convention center; \$500,000 to renew a license for an operator's license at a pari-mutuel licensee location where live dog racing was authorized as of January 1, 2009; and \$500,000 for renewal of an operator license at a north country facility licensee or central facility licensee; however, such person seeking renewal of such license shall pay all costs incurred by the attorney general to conduct an investigation with regard to such application to renew the operator's license. Notwithstanding any other provision of this chapter, the first \$50,000,000 received by the lottery commission pursuant to this subparagraph shall be dedicated to the department of health and human services for the purposes of restoring programming and rate reductions.

II.(a) A technology provider licensee applicant shall secure a technology provider license from the lottery commission. An applicant shall complete and sign an application on forms prescribed by the lottery commission, and include information regarding the applicant's criminal history background, civil judgments and financial affairs. The application shall include the full name, address, date of birth, and other personal identifying information of the applicant and all key employees, and if 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.

(b) If the applicant or any owner 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 may produce either a letter of reference from the gaming or lottery enforcement or control agency 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.

(c) 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 the subject's fitness to be associated with the distribution of video lottery machines 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 produced pursuant to RSA 284-A:5, II(b). The attorney general shall report the results of the review to the lottery commission within 60 days. 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; provided, however, that 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. The attorney general may conduct a background review on the attorney general's motion into the background of the license applicant or holder, or any person or entity upon whom the license applicant or holder relies for financial support.

(d) In any review conducted pursuant to 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.

(e)(1) 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.

(2) 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.

(3) Upon approval of a technology provider licensee, the lottery commission shall charge an initial license fee of \$50,000. 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 operator's license.

284-A:6 Licensure Requirements.

I. No license shall be issued by the lottery commission unless the applicant demonstrates it complies with the provisions of this section. The lottery commission shall consider as evidence of compliance any letter of reference or sworn statement of good standing submitted pursuant to RSA 284-A:5, I(b) or RSA 284-A:5, II(b) and:

(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.

(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) For operator applicants and/or technology providers, the applicant's business ability and experience in the operation of video lottery machines, as appropriate, so as to establish the likelihood of a successful and efficient operation.

II. No license shall be issued by the lottery commission to any applicant unless the applicant proves that each director, officer, or key employee and each direct or indirect owner complies with the criteria for licensure contained in this section.

III. No license shall be issued by the lottery commission 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 facility location is an elected official of the general court or executive branch of the state of New Hampshire or the attorney general's office or the lottery commission on a full or part-time or contractual basis 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 such an elected official, the applicant shall be subject to sanctions pursuant to RSA 284-A:14.

IV.(a) No license shall be issued by the lottery commission to an operator applicant at a pari-mutuel license location unless the operator applicant is a pari-mutuel licensee seeking to operate video lottery machines at a pari-mutuel licensee location, or, if not a pari-mutuel licensee, the operator applicant submits proof of an agreement to manage and operate video lottery machines at a pari-mutuel licensee location.

(b) No license shall be issued by the lottery commission to an operator applicant at a north country facility licensee location unless the operator applicant is the owner of the north country facility location seeking to operate video lottery machines at the north country facility licensee location, or, if not the owner of the north country facility licensee location, the operator applicant submits proof of an agreement to manage and operate video lottery machines at the north country facility licensee location.

(c) No license shall be issued by the lottery commission to an operator applicant at a resort gaming facility licensee unless the operator applicant is the owner of the destination golf resort and convention center seeking to operate video lottery machines at the resort gaming facility licensee, or, if not the owner of the resort gaming facility licensee, the operator applicant submits proof of an agreement to manage and operate video lottery machines at the destination golf resort and convention center.

V. No licensee or any individual or entity that is an owner of, or has a financial interest in or with, the licensee or facility licensee shall be permitted to make a political contribution as defined by RSA 664:2, VIII.

VI. The lottery commission shall grant or deny a license under this chapter within 180 days of receiving a completed application, notwithstanding the adoption of interim or final rules.

VII. The lottery commission may determine whether the licensing standards of another jurisdiction within the United States or Canada in which an applicant, its affiliate, intermediary subsidiary, or holding company for an operator or technology vendor 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 issue an operator or technology vendor license to an applicant who 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 whole or in part, into its or the attorney general's evaluation of the applicant.

284-A:7 Exclusion of Minors.

I. No person under 21 years of age shall play a video lottery machine authorized by this chapter. Each violation of this section 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 operator 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 section shall be punishable by a fine of no more than \$20,000 and shall be payable by the operator licensee.

284-A:8 Distribution of Net Machine Income.

I. Distribution of Net Machine Income.

(a) Thirty nine percent of the net machine income generated by video lottery machines at a facility licensee shall be paid as follows:

(1) Thirty percent of the net machine income generated by video lottery machines shall be paid to the state from which the state shall pay for the costs of regulation administration, enforcement of this chapter under RSA 21-P:11-b, and the operation of the central computer system, and the balance shall be deposited in the general fund of the state.

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

(3) Two percent of the net machine income generated by video lottery machines operated by an operator licensee shall be paid to the state treasurer to be divided equally amongst each county in the state for property tax relief in each county.

(4) One percent of the net machine income generated by video lottery machines operated by an operator licensee shall be paid in equal portions to each of the municipalities of New Hampshire which abut and are contiguous to a municipality in which that operator licensee operates video lottery machines. Except that if a municipality abuts and is contiguous to more than one municipality in which an operator licensee operates video lottery machines, such municipality will only receive net machine income pursuant to this subsection from the operator licensee who operates video lottery machines in the same county as the abutting municipality.

(5) 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.

(6) One-half of one percent of the net machine income generated by video lottery machines shall be paid to the state treasurer and credited to the division of travel and tourism development, department of resources and economic development for the purpose of promoting tourism in the state.

(7) One-half of one percent of the net income generated by all video lottery machines shall be paid equally to the police standards and training council training fund established in RSA 188-F:30 and the fire standards and training and emergency medical services fund established RSA 21-P:12-d to be used for reimbursement of expenses incurred for certification training and salaries.

(8)(A) One percent of the net machine income generated by all video lottery machines at pari-mutuel licensee locations, central facility licensee and north country facility licensee shall be paid to the state treasurer and credited to the racing and charitable gaming commission for the purpose of enhancing live racing purses at pari-mutuel licensees. The racing and charitable gaming commission shall adopt rules under RSA 541-A to implement this subparagraph. In the event that no live racing is conducted in the state, such amount shall be distributed to the state pursuant to subparagraph I(a)(1).

(B) One percent of the net machine income generated by all video lottery machines at a resort gaming facility licensee shall be dedicated directly to the annual operations of the Nashua to Boston commuter rail service. If there is no such rail service, the amount shall be distributed to the state to be used in accordance with subparagraph I(a)(1).

II. The balance of the funds from the net machine income from video lottery machines shall be retained by the operator licensee that operates such video lottery machines.

III. The operator licensee shall deliver the amounts payable to the state or municipality as provided in paragraph I or II in immediately available funds of the United States on a weekly

basis on the third business day following the end of each week. At the time payment is delivered, the operator licensee shall provide a written accounting of net machine income generated from the video lottery machines by the operator licensee on an aggregate basis and the calculation of amounts due to the state separately for distribution pursuant to subparagraphs I(a)(1), (5), (6), (7) and (8), the amount due the municipality pursuant to subparagraph I(a)(2), the amount due to the county pursuant to subparagraph I(a)(3), the amount due certain municipalities pursuant to subparagraph I(a)(4), and the balance of net machine income retained by the operator licensee. The operator licensee shall pay a penalty of \$1,000 for each day that payment or the accounting is not delivered on time to the state, a penalty of \$1,000 for each day that payment or the accounting is not delivered to the municipality on time, and a penalty of \$1,000 for each day that payment or the accounting is not delivered to the county on time.

284-A:9 Procedures for Adoption by Local Community.

I. Any municipality in which a facility licensee is or will be situated may adopt the provisions of RSA 284-A to allow the operation of video lottery machines 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 facility licensee to authorize the operation of video lottery machines within the municipality in accordance with the provisions of RSA 284-A, 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) If a majority of those voting on the question vote "Yes," RSA 284-A shall apply in such town or city and the operation of video lottery machines shall be permitted within such town or city in accordance with RSA 284-A. 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 paragraph II 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.

(d) The wording of the question shall be substantially as follows: "Shall we adopt the provisions of RSA 284-A allowing the operation of video lottery machines at [insert the name of the facility licensee] located within the town?"

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

284-A:10 Inspection of Video Lottery Machines; Penalty for Tampering or Manipulating.

I. The lottery commission shall periodically test video lottery machines installed at any 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-A:11 Video Lottery Machines.

I. An operator of video lottery machines shall provide to the lottery commission, by diagram or narrative, a description of:

(a) The location of each video lottery machine available for play by the public.

(b) The location of all areas for the storage, maintenance, or repair of video lottery machines.

(c) A description of all security measures to be taken for the safeguarding of video lottery machines.

(d) 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.

(e) All procedures for the operation, maintenance, repair, and inserting or removing of moneys, tokens, or other items of value from video lottery machines.

(f) All internal control systems as required by RSA 284:21-w.

(g) The provisions of subparagraphs (a)-(f) shall be approved by the lottery commission prior to commencing the operation of any video lottery machines.

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

IV. The drop boxes and other devices shall not be brought into a facility licensee or removed from an 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.

VI. Video lottery machines in operation at a facility licensee shall provide a payoff of an average of at least 90 percent, except that progressive jackpots must have a payoff of an average of at least 87 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 operator licensee.

VIII. An operator 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 locations. No automatic teller machines shall be located within 50 feet of video lottery machines.

X. All table games operated by a facility licensee shall be approved in advance by the racing and charitable gaming commission consistent with RSA 287-H and operated consistent with the approval.

284-A:12 Term of License. Any license issued 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 that take into consideration whether the applicant has been previously licensed in good standing under this chapter. No license issued by the lottery commission may be transferred to a separate entity without approval by the lottery commission consistent with this chapter.

284-A:13 Presence of the Lottery Commission. The lottery commission and the division of state police gaming enforcement unit may be present at any facility licensee at which video lottery machines are operated at all times when the facility is open to the public. The 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-A:14 Sanction Powers of the Lottery Commission.

I. The lottery commission shall have 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 lottery 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) Restitution of any moneys or property unlawfully obtained or retained by a person.
- (d) Issue a cease and desist order which specifies the conduct which is to be discontinued, altered, or implemented by the person.
- (e) Issue letters of reprimand or censure, which shall be made a permanent part of the file of each person so sanctioned.
- (f) Impose any or all of the foregoing sanctions in combination with each other.

II. In determining appropriate sanctions in a particular case, the lottery commission shall consider:

- (a) The risk to the public and to the integrity of video lottery machine 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 racing and charitable gaming commission or the lottery 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 lottery commission may subject such person to enhanced fines or other disciplinary action.

284-A:15 Declaration of Limited Exemption from Operation of Provisions of 15 U.S.C. section 1171-1172. 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," approved January 2, 1951, being Chapter 1194, 64 Stat 1134, and also designated as 15 U.S.C. sections 1171-1177, 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-A:16 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, approved January 2, 1951, being chapter 1194, 64 Stat. 1134, and also designated as 15 U.S.C. sections 1171-1172, shall be deemed legal shipments into this state. Amend RSA 284:21-w, I as inserted by section 2 of the bill by inserting after subparagraph (e) the following new subparagraph:

- (f) Require all holders of licenses issued by the lottery commission pursuant to RSA 284-A 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.

Amend RSA 287-H:1, IX as inserted by section 14 of the bill by replacing it with the following:

IX. "Licensed facility" means a north country facility licensee, central facility licensee, destination golf resort and convention center licensee, or pari-mutuel licensee licensed by the lottery commission pursuant to RSA 284-A.

Amend RSA 287-H as inserted by section 14 of the bill by inserting after section 20 the following new sections:

287-H:21 Commission to Study Regulatory Oversight Commissions.

I. There is established a commission to study and review the regulatory oversight of licensees and to make recommendations on how to streamline, consolidate, or modify the regulatory oversight process and commissions.

II. The members of the commission shall be as follows:

(a) One member of the lottery commission, appointed by governor.

(b) One member of the racing and charitable gaming commission, appointed by the governor.

(c) The commissioner of safety, or his or her designee.

(d) One individual who is a licensee under RSA 284-A, appointed by the governor.

(e) Two members of the public, appointed by the governor.

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

(g) Two members of the house, appointed by the speaker of the house of representatives.

(h) The attorney general, or designee.

III. The commission shall study the role of the existing regulatory commissions and recommend any changes that would streamline, consolidate, modernize, or improve the regulatory process and role of the existing regulatory commissions.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be held within 90 days of the effective date of this section. Six members of the commission shall constitute a quorum.

V. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before September 1, 2012.

287-H:22 Live Dog Racing Prohibited. Nothing in this chapter shall be construed to permit live dog races to be held in the state.

Amend the bill by inserting after section 14 the following and renumbering the original section 15 to read as 16:

15 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-A:7.

AMENDED ANALYSIS

This bill:

I. Allows the construction of one destination golf resort and convention center in the southern tier of the state, one gaming facility in the north country, and one gaming facility in the central part of the state.

II. Allows table gaming and video lottery machines at a destination golf resort convention center and at the north country facility, and at the facility located in the central part of the state.

III. Establishes a permit process for table gaming and video lottery machines.

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

V. Distributes proceeds of video lottery machines to the general fund, municipalities where the facility is located, the alcohol and drug abuse treatment program, the fire standards and training and emergency medical services fund, the police standards and training council training fund, the department of transportation, and the gaming operator.

VI. Distributes a percentage of the proceeds from table gaming to the general fund and the gaming operation.

2010-1295h

Amendment to SB 492-FN-LOCAL

Proposed by the Minority of the Committee on Local and Regulated Revenues - R

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

AN ACT permanently extending the local property tax exemption for wooden poles and conduits.

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

1 Repeal. The following are repealed:

I. 1998, 304:5, relative to the repeal of RSA 72:8-b, the exemption from local property taxes for wooden poles and conduits.

II. 1998, 306:6, I, as amended by 1999, 163:7, 2001, 158:2, 2003, 270:8, 2004, 35:1, and 2005, 146:1, relative to the effective date of the repeal.

2 Effective Date. This act shall take effect June 30, 2010.

AMENDED ANALYSIS

This bill permanently extends the local property tax exemption for wooden poles and conduits by repealing the prospective repeal of RSA 72:8-b.

2010-1262h

Amendment to SB 494

Proposed by the Committee on Legislative Administration - C

Amend RSA 14:49, I as inserted by section 1 of the bill by replacing it with the following:

I. The statutory authorization for every study committee which is established by the general court shall be repealed ~~[on the date on which the committee is required to file its report. In the event that there is no report date, the statutory authorization for the study committee shall be repealed at 12:01 a.m. on the first Wednesday of December]~~ ***either upon the filing of a final report or on November 1*** in the even-numbered year prior to the beginning of the ~~[legislative]~~ ***subsequent biennial session, whichever is earlier.***

2010-1245h

Amendment to SB 500-FN

Proposed by the Committee on Criminal Justice and Public Safety - R

Amend RSA 651-A:2, VI as inserted by section 5 of the bill by replacing it with the following:

VI. "Nonviolent offense" shall include all criminal offenses, except those defined as violent crimes in RSA 651:5, XIII and the following:

- (a) RSA 173-B:9, violation of protective order.
- (b) RSA 631:2, second degree assault.
- (c) RSA 631:3, felony reckless conduct.
- (d) RSA 631:4, criminal threatening involving the use of a deadly weapon.
- (e) RSA 633:3-a, stalking.
- (f) RSA 635:1, burglary.
- (g) RSA 641:5, tampering with witnesses and informants.
- (h) RSA 650-A:1, felonious use of firearms.

2010-1330h

Amendment to SB 501-FN

Proposed by the Committee on Labor, Industrial and Rehabilitative Services - R

Amend RSA 282-A:31-b, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) The employees in the affected unit are identified by name, social security number, the normal weekly hours of work, and proposed weekly wage and hour reduction.

Amend RSA 231-A:31-b, I(d) as inserted by section 1 of the bill by replacing it with the following:

(d) The plan provides that health benefits shall continue to be provided to the employees in the affected units as though their normal weekly hours of work had not been reduced, that contributions to a defined benefit pension plan, as defined in section 3(35) of the

Employee Retirement Income Security Act of 1974 (ERISA), shall continue to be provided to the employees in the affected units for each hour worked by the employees, and that for individual account plans and defined contribution plans including those provided under section 401(k) of the Internal Revenue Code as defined in section 3(34) or ERISA, employer contributions shall be made to the defined contribution plan for each hour worked by the employees in the affected units, and specifies the effect, if any, the reduction in the normal weekly hours of work will have on other fringe benefits provided by the employer.

Amend RSA 282-A:31-b, I(f) as inserted by section 1 of the bill by replacing it with the following:

(f) The written approval by the collective bargaining representative for each affected unit is included in the plan.

2010-1329h

Amendment to SB 505-FN-A

Proposed by the Committee on Commerce and Consumer Affairs - C

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

1 New Chapter; Commission on Health Care Cost Containment. Amend RSA by inserting after chapter 21-R the following new chapter:

CHAPTER 21-S

COMMISSION ON HEALTH CARE COST CONTAINMENT

21-S:1 Findings and Purpose.

I. The health and well being of the people of this state is dependent on the implementation of health care payment reforms that contain costs while maintaining and improving health care quality.

II. Federal health care reform holds promise to improve health care coverage and access to care for New Hampshire citizens, and to bring about health care payment reforms that will improve efficiency and reward quality.

III. It is imperative that New Hampshire take action to implement payment reforms that will complement the federal reforms, and that will contain health care costs.

21-S:2 Commission on Health Care Cost Containment Established. There is established a commission on health care cost containment to make recommendations to contain costs and improve quality. The commission shall examine current contracting and reimbursement practices with regard to hospital services, ambulatory surgical facilities, and health insurance carriers, as well as health care cost reimbursement by public payers and the uninsured to make recommendations for changes in the system for financing these health care services. The commission's recommendations shall take into account and be coordinated with H.R. 3590, the Patient Protection and Affordable Care Act of 2010, and H.R. 4872, The Health Care and Education Affordability Reconciliation Act of 2010.

21-S:3 Definitions. In this chapter:

I. "Ambulatory surgical facility" means "ambulatory surgical facility" as defined in RSA 151-C:2, I.

II. "Commission" means the New Hampshire commission on health care cost containment, established in RSA 21-S:2.

III. "Health carrier" means any entity subject to the insurance laws and rules of this state, or subject to the jurisdiction of the commissioner, that contracts or offers to provide, deliver, arrange for, pay for, or reimburse any of the costs of health services; including an insurance company, a health maintenance organization, a nonprofit health services corporation, or any other entity providing health coverage.

IV. "Hospital" means "hospital" as defined in RSA 151-C:2, but not including governmental facilities.

V. "Hospital services" means:

(a) Inpatient hospital services as enumerated in Medicare regulation 42 C.F.R. section 409.10, as amended;

(b) Emergency services; and

(c) Outpatient services that are billed to commercial payers or individual purchasers as hospital services.

21-S:4 Membership; Compensation; Consultations.

I. The members of the commission shall represent the public interest, shall not have a present connection with any hospital, ambulatory surgical facility, or health carrier, and shall consist of the following members:

(a) Two members of the senate, one of whom shall be a member of the majority party, appointed by the president of the senate and one of whom shall be a member of the minority party, appointed by the minority leader of the senate.

(b) Two members of the house of representatives, one of whom shall be a member of the majority party, appointed by the speaker of the house of representatives and one of whom shall be a member of the minority party, appointed by the minority leader of the house of representatives.

(c) One representative of the Citizens' Health Initiative, appointed by the governor.

(d) The commissioner of the department of health and human services, or designee.

(e) The insurance commissioner, or designee.

(f) A public member with a background in health care policy, appointed by the governor.

(g) A public member with a background in health care economics, appointed by the governor.

(h) A public member with sufficient knowledge and expertise to represent the interests of health care consumers, appointed by the governor.

(i) A representative of the small business community with knowledge of health care issues for businesses, appointed by the governor.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission shall elect a chair from its members at its first meeting.

IV. The commission shall hold public hearings and consult with hospital representatives, insurer representatives, consumers and consumer representatives, health care economists, and other available individuals and organizations with expertise or interest in hospital cost containment and federal health reform initiatives. The commission may consider state or national research and reports relative to health care cost containment and payment reform initiatives designed to improve the efficiency and quality of care. In addition, in developing its recommendations, the commission shall review and consider the report of the committee appointed pursuant to 2009, 77 to study the certificate of need process, and review and consider the report of the commission appointed pursuant to 2009, 265 to study hospital billing practices of health care providers.

21-S:5 Initial Meeting; Final Report. The commission shall have its initial meeting by September 1, 2010. The initial meeting shall be called by the first-named senate member. The commission shall submit its final report, with findings and recommendations, including recommendations for 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 July 1, 2012.

21-S:6 Duties. The commission shall examine the existing health care cost reimbursement system, in cooperation with and furtherance of any changes under federal health care reform. The commission's investigation shall include examination of the following issues:

I. The impact of the existing system of cost reimbursement on the availability and access to health care services for persons in rural and underserved parts of the state.

II. The impact of the existing system of payment on access to health care services by the uninsured.

III. The impact of hospital subsidy of other community health care services on hospital pricing.

IV. The relationship between the price of specific services and the costs of providing those services.

V. The relationship between a health care facility's pricing and the amount of free and subsidized care provided, as well as the amount of care sponsored by public payers.

VI. The effect of managed care contracting and network contracting requirements on the competitiveness of New Hampshire's health insurance market.

VII. Options for increasing transparency about the price of health care services.

VIII. Options for reimbursement system change that would create and/or increase incentives to contain unit costs and utilization and to reward the delivery of efficient and effective care.

IX. Options for implementing a common payment system and including public payers, Medicaid and Medicare, in such a system.

X. Options for the establishment of a publicly administered program to disseminate health care cost data to consumers, health care providers, and insurers that would provide meaningful cost comparison information.

21-S:7 Recommendations. Upon completion of its examination of the existing health care payment system, federal health reform, and options for containing costs in the system, the commission shall issue a report with recommendations for effecting changes to the system that will:

I. Promote price transparency and provide consumers with sufficient information to make informed health care choices.

II. Allow for the coordination of health care payment reforms across all private and public payers to create uniform incentives to improve the efficiency and quality of care.

III. Contain the increases in health care costs and utilization to a level that is consistent with the best performing systems, states, or regions.

IV. Provide incentives for containing unit costs and utilization and reward the delivery of efficient and effective quality care.

V. Reduce or eliminate payment discrimination against the uninsured who lack the financial resources to obtain health insurance.

VI. Promote more affordable health insurance and encourage competition in the health insurance market.

21-S:8 Commission on Health Cost Containment Fund.

I. There is hereby established in the state treasury a special fund to support the operations of the commission on health care cost containment that shall consist of moneys from the assessment on hospitals, ambulatory surgical facilities, and health carriers authorized under this chapter. Moneys from any other source may also be deposited in the fund. The fund shall be non-lapsing and continually appropriated to the commission. The fund shall be invested and reinvested in the same manner as other state funds. Any investment earnings shall be retained to the credit of the fund. The fund shall be used only to provide funding for the commission and for the purposes authorized under this chapter. Subsequent to submitting its final report and prior to the repeal of this chapter, any money remaining in the fund shall be refunded to hospitals, ambulatory surgical facilities, health carriers, or other contributors in proportion to each entity's original contribution to the fund.

II. The fund shall be capitalized through a one-time assessment administered by the department of administrative services. The assessment shall be allocated 50 percent to health carriers, as defined in RSA 420-G:2, with at least 1,000 covered lives in the state, in proportion to gross premiums written, and 50 percent to hospitals, as defined in RSA 151-C:2, XX, and ambulatory surgical facilities, as defined in RSA 151-C:2, I, in proportion to net operating revenue. The total amount of the assessment shall be \$250,000. The department of health and human services and the insurance department shall each certify to the department of administrative services the allocated assessment for each affected health carrier, hospital, and ambulatory surgical facility by August 1, 2010.

21-S:9 Powers of the Commission. The commission may accept and expend moneys from the fund or as otherwise made available for its purposes. The commission may retain experts or administrative support, may enter into memoranda of understanding with other state agencies to obtain staff support, information, or data, may solicit relevant information from insurance carriers, hospitals, ambulatory surgical facilities, and other health care providers, and may hold hearings to fulfill its responsibilities. The commission shall be administratively attached, pursuant to RSA 21-G:10, to the department of administrative services. No action of the commission shall be considered official unless approved by a majority vote of the commission. The commission shall have all other powers reasonably necessary to accomplish its purposes under RSA 21-S:1, including the power to deem documents received and reviewed by it to be proprietary and subject to confidentiality protection.

2 New Subparagraph; Commission on Health Cost Containment Fund Amend RSA 6:12, I(b) by inserting after subparagraph (299) the following new subparagraph:

(300) Moneys deposited into the commission on health cost containment fund, established in RSA 21-S:8.

3 Repeals. The following are repealed:

I. RSA 6:12, I(b)(300), relative to a special fund for the commission on health cost containment.

II. RSA 21-S, relative to the commission on health cost containment.

4 Effective Date.

I. Section 3 of this act shall take effect July 1, 2012.

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

2010-1256h

Amendment to SB 507

Proposed by the Committee on Commerce and Consumer Affairs - C

Amend the bill by replacing section 4 with the following:

4 Masonic Home; Officers. Amend 1883, 194:4, as amended by 1935, 274:1 and 1941, 271:1 to read as follows:

SECT. 4. The officers of this corporation shall be a president, a vice-president, a clerk, a treasurer, with such duties respectively as usually attach to those offices, and a board of sixteen trustees, ~~[four]~~ **nine** of whom shall be ~~[the Grand Master, the Deputy Grand Master, the Senior Grand Warden and the Junior Grand Warden of the Grand Lodge of Free Masons ex officio. The Grand Master of the Grand Lodge of Free Masons shall be president ex officio of the corporation. Twelve]~~ **Freemasons in good standing of a regular Masonic Lodge in the state of New Hampshire. The** members of the board of trustees shall be elected by the corporation, and shall hold their offices for such time as may be provided for in the bylaws. The board of trustees shall have the management and control of all the affairs of the corporation and shall have and be vested with all its powers, **and shall operate through the provisions of its president, who will act as the executive officer. The president of the corporation, appointed by the board, shall be a compensated professional and a regular full-time employee of the corporation, who shall have all the executive powers and rights with which to make operating decisions in the best interests of the corporation.** ~~[They]~~ **The board** shall elect annually a chairman, who shall be also the vice-president of the corporation, a clerk, who shall be also the clerk of the corporation, and be sworn to the faithful discharge of his **or her** duty, and a treasurer of the corporation, who shall give bond with sufficient sureties to the satisfaction of the board~~[-and]~~. All of said elective officers shall continue in office until their successors are chosen and qualified. In case of vacancy, said trustees may at any meeting fill the same~~[-and no officer named in this section shall receive any salary or compensation for any service or duty he may perform]~~.

2010-1312h

Amendment to SB 510

Proposed by the Committee on Commerce and Consumer Affairs - C

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

AN ACT establishing a committee to evaluate the parity between oral and intravenous chemotherapy.

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

1 Committee Established. There is established a committee to study the parity between oral and intravenous chemotherapy.

2 Membership and Compensation.

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

(a) One member of the senate who shall be from the senate health and human services committee, appointed by the president of the senate.

(b) Two members of the house of representatives, one of whom shall be from the house finance committee and one of whom shall be from the house commerce and consumer affairs committee, appointed by the speaker of the house of representatives.

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

3 Duties. The committee shall:

I. Collect, compile, and analyze data to determine whether a disparity between coverage for chemotherapy treatments exists.

II. Receive, if applicable, testimony from patients, providers, and other persons deemed necessary by the commission.

III. Determine, to the extent possible, the cost to insurers of requiring parity.

IV. Survey how other jurisdictions have addressed this issue.

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

5 Report. The committee shall make an interim report on or before November 1, 2010 and a final report on or before November 1, 2011 together with 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.

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

AMENDED ANALYSIS

This bill establishes a committee to evaluate the parity between oral and intravenous chemotherapy.

2010-1285h

Amendment to SCR 1

Proposed by the Committee on State-Federal Relations and Veterans Affairs - C

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

A RESOLUTION urging Congress to fund the development and implementation of a comprehensive health care delivery system to enhance the level of specialty care for New Hampshire's veterans.

Amend the resolution by replacing all after the title with the following:

Whereas, New Hampshire is a proud and patriotic state with approximately 131,000 veterans with the majority over the age of 65 who have served their country bravely and risked their lives to preserve our country's freedom and democracy, and their sacrifices on our behalf are deserving of an ungraded medical delivery system to meet their health care needs; and

Whereas, New Hampshire is largely a rural state with limited access to the interstate highway system requiring veterans residing in many rural communities who may be ill and elderly to travel many miles to appointments for even minor procedures often placing undue and unnecessary stress on sick or injured veterans and their families; and

Whereas, many New Hampshire veterans residing in rural communities frequently miss essential checkups and therapies due to inclement weather and lack of proper transportation; and

Whereas, timely medical treatment would improve the overall health and quality of life of veterans by preventing numerous strokes, by-passes, amputations, and other costly but preventable conditions; and

Whereas, many New Hampshire veterans over the age of 65 do not have access to a primary care provider; and

Whereas, veterans residing in rural communities deserve the same level of care as veterans residing in other areas of the state; and

Whereas, New Hampshire is the only state in the nation without a full-service hospital, requiring veterans to travel to Vermont, Massachusetts, Maine, and Rhode Island for medical treatment; and

Whereas, adequate care of our veterans should be the concern of all Americans; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That the New Hampshire legislature respectfully urges the Congress of the United States and the Department of Veterans Affairs to fulfill the Department's goal of providing excellence in patient care by increasing the types of and access to specialty care at a full service VA Manchester Medical Center, providing better care to veterans residing in rural areas by the establishment of additional community based outpatient clinics, outpatient clinics or vet centers as justified by veterans' medical and mental health needs along with greater use of mobile clinics, and where cost effective, enter into contract services with the goal of increasing services and reducing travel time to ensure access to health care is available when it is needed; and

That the senate clerk forward official copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of Veterans Affairs, and to all the members of the New Hampshire congressional delegation with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

AMENDED ANALYSIS

This resolution urges Congress to fund the development and implementation of a comprehensive health care delivery system to enhance the level of specialty care for New Hampshire's veterans.