

HOUSE RECORD

Second Year of the 162nd General Court Calendar and Journal of the 2012 Session

Vol. 34 Concord, N.H.

Friday, January 6, 2012

No. 2

Contains: Reports and Amendments for January 11, Hearings, Meetings and Notices.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will be in Session on **Wednesday, January 11, 2012 at 10:00 a.m.** We will continue work on retained bills

To aid you in your personal planning, please note that the House will take a winter break from business the week of February 27 – March 2, 2012.

In an attempt to keep spending down, **House Calendars are no longer being mailed.** Printed copies will continue to be available at the State House. If you cannot access the Calendar via the website or do not have an email account, please notify the Clerk's office immediately. All members who have internet access are requested to hold down costs by accessing the Calendar online.

Chairmen of legislative committees and subcommittees have been requested to limit their work to Tuesdays, Wednesdays and Thursdays of each week in order to reduce expenditures for mileage reimbursement..

You are reminded that material is not to be placed in members' mailboxes in the anteroom behind the Chamber unless and until it has been approved for such distribution by the House Chief of Staff.

Chairmen and Vice-Chairmen will meet Tuesday, **January 10, 2012 at 9:00 a.m.** in LOB 305-307.

William L. O'Brien, Speaker

NOTICE

There will be a Republican Caucus on Wednesday, **January 11 at 9:30 a.m.** in Representatives Hall.

D.J. Bettencourt, Majority Leader

NOTICE

There will be a Republican Caucus on Tuesday, **January 17 at noon** in Representatives Hall.

William L. O'Brien, Speaker
D.J. Bettencourt, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, **January 11 at 9:00 a.m.** in Rooms 305-307,LOB.

Terie Norelli, Democratic Leader

NOTICE

LEGISLATIVE ETHICS COMMITTEE

Required Disclosure Filing

Copies of the "**2012 Financial Disclosure Form**," have recently been mailed to each member of the House. All legislators and legislative officers are required to complete and file the form with the Legislative Ethics Committee. Please return your completed form to Rich Lambert in **Room 112 of the State House** **no later than January 20, 2012.**

Richard M. Lambert, Executive Administrator
Legislative Ethics Committee

NOTICE

The House Calendar closes at **3:00 p.m. on Wednesdays** for scheduling and notices. It closes at **NOON on Thursdays** for Committee Reports. Please be sure to do your scheduling in order to meet that deadline.

CLOSES NOON THURSDAY:

January 12
January 19
January 26

AVAILABLE FRIDAY:

January 13
January 20
January 27

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES FOR 2012 SESSION

Wednesday, January 11, 2012

Last day to introduce HBs for 2012 session.

Thursday, February 9, 2012

Last day to report HBs going to a second committee.

Thursday, February 16, 2012

Last day to act on HBs going to a second committee.

Thursday, February 23, 2012

Last day to report HBs not in a second committee.

Thursday, March 22, 2012

Last day to report all remaining House bills.

Thursday, March 29, 2012

Last day to act on House bills.
CROSSOVER.

WEDNESDAY, JANUARY 11

CONSENT CALENDAR

COMMERCE AND CONSUMER AFFAIRS

HB 327-FN, relative to health care choice. **INEXPEDIENT TO LEGISLATE.**

Rep. James F Headd for Commerce and Consumer Affairs: The intent of the bill was to allow individuals to get their health insurance plans that are more affordable and flexible from an out of state insurance company that is approved by the insurance commissioner. The assumption is that other state plans are more affordable and flexible. The major problem with this bill is that since the majority of the premium goes to pay for the Doctors and hospitals, for the individual to get the benefits of an outstate insurance company, they would need to get their healthcare needs provided in the state the individual is buying the policy from. Passage of this bill would also establish two sets of rules, but the other issuing state's rules may actually conflict with New Hampshire rules and the individual will be caught in the middle with no protection from abuse. This will also create an uneven playing field between various insurance enforcement agencies and companies offering health plans. Each state has its own insurance department and enforces rules peculiar to their state. This bill creates conflict for the Insurance department because they must generate rules to implement this law, but there no guidelines for which current New Hampshire rule (or law for that matter) should be ignored to keep the cost of the premium down. The only way to address the intent of this bill to lower premiums is to repeal the numerous mandates that New Hampshire has that other states do not. **Vote 15-0.**

HB 328, relative to New Hampshire domestic liquor and wines. **REFER FOR INTERIM STUDY.**

Rep. Jennifer R Coffey for Commerce and Consumer Affairs: The purpose of this bill was to have the state liquor commission provide and better display New Hampshire wines in the state liquor stores. The committee is pleased to report the New Hampshire liquor commission is working with the New Hampshire wineries to address this issue on their own. Evidence of this can be seen currently in multiple locations. For this reason the committee voted to interim study this bill to continue to monitor these efforts and recommend future legislation should the need arise. **Vote 14-1.**

WEDNESDAY, JANUARY 11

REGULAR CALENDAR

JUDICIARY

HB 514, relative to entry on private land. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Brandon Giuda for Judiciary: This bill addresses a growing problem in New Hampshire, namely officials and others trespassing on private property to gather information about the property without landowner permission. The bill clarifies and upholds the natural right guaranteed by Article 2 of the New Hampshire Constitution to exclude others from one's property, while also addressing the realities of our modern society by allowing a small number of exemptions to avoid conflicts with existing laws. Specifically, the bill prohibits any person from entering private property to gather information without written permission from the property owner or a lawfully issued warrant. The bill also prohibits the use of any information gathered in violation of the requirements set forth in this bill. Finally, the bill provides remedies to landowners whose rights have been violated by allowing them to recover their legal expenses, and also allows courts to fine individuals who knowingly violate this law. **Vote 12-4.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 494-FN, relative to tipped employees who deal card and table games at games of chance venues. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William J Infantine for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill will include tipped employees who deal cards and table games at games of chance venues under RSA 279:21. This RSA currently allows tipped employees of a restaurant, hotel, motel, inn, or cabin who receive more than \$30 a month in tips directly from the customer to receive a base rate from the employer of not less than 45% of the applicable minimum wage. This bill simply adds these dealers to what is currently in law for the employees who work in the industry listed above. **Vote 8-7.**

Rep. Jack B Flanagan for the **Minority** of Labor, Industrial and Rehabilitative Services: This bill allows card and game room dealers to be converted from minimum wage employees to tipped wage employees, a \$4.00 per hour reduction in pay. The minority feels that since tips are not guaranteed in games of chance, the employees are not the same as traditional tip waged employees. Additionally, with the number of workers in the state of New Hampshire that may receive tips of some sort, we are setting a dangerous precedent on reducing the wages of other employees in other industries.

HB 582, relative to communication between employers and employees during bargaining negotiations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary L Daniels for Labor, Industrial and Rehabilitative Services: This bill as amended, injects into the collective bargaining process an opportunity for the negotiator for each party to talk directly to the board of the public employer or to the employees, respectively. The benefit to the negotiating parties is that legal costs may be reduced if this direct communication breaks impasse and enables the parties to reach agreement without having to go through mediation and fact finding. **Vote 11-4.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 293-FN, relative to phasing out and repealing the exemption for water and air pollution control facilities from local property taxation. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John A Burt for the **Majority** of Municipal and County Government: This bill would be a new tax on businesses in NH. State of New Hampshire Department of Resources and Economic Development (DRED) said it best and they also oppose this bill, “nearly every state in the U.S. exempts pollution control facilities from local property taxation-to implement this measure in NH will put our state at a competitive disadvantage as we seek to recruit new companies to the state.” Virginia just expanded their laws a year ago on water and air pollution controls to draw business to the state. DRED also said, “in short, the moderate financial gains to be achieved through this legislation would be more than offset by the potential loss of business and the perception that NH offers a less than optimal business atmosphere.” **Vote 9-7.**

Rep. Betsey L Patten for the **Minority** of Municipal and County Government: The original bill proposed to phase out the exemption from local property taxes for the appraised value of water and air pollution control facilities as determined by Department of Environmental Services over a five-year period, and repeals the exemption on March 31, 2016. The amendment changes the baseline of “wholly or partly” for the purpose of pollution control to “solely” for the purpose for pollution control. The amendment then goes on to grandfather all existing exemptions and includes water-to-energy facilities into the exemption. In addition, the amendment allows for a public hearing at the request of a municipality to be held by the department of environmental services. The minority of the committee feels that the amendment is a fairer way to address the issue of one municipality’s taxpayers paying for the exemption of the pollution control facilities that benefits the whole state.

RESOURCES, RECREATION AND DEVELOPMENT

HB 221, establishing a procedure for leasing state parks. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. David H Russell for the **Majority** of Resources, Recreation and Development: This bill simply provides a “road map” for the commissioner of the department of resources and economic development to use in the consideration of any lease proposal. It makes the state park system advisory council (RSA 216-A:3-k) the “lease evaluation committee” to assist the commission in working out the details of a lease. This committee shall prepare a report to the commissioner, who will still have final authority to recommend a proposed lease to the governor and council. The committee has been working on this issue for three years. **Vote 8-7.**

Rep. Thomas J Howard for the **Minority** of Resources, Recreation and Development: This bill was opposed by the newly appointed director of parks. He appeared before the committee and asked that he be allowed time to evaluate the needs of his department and the ramifications of the bill. In addition, the leadership of the state parks advisory council, which is given additional responsibility in the bill, has expressed opposition to the bill. They are presently working on their own version of a leasing procedure.

SCIENCE, TECHNOLOGY AND ENERGY

HB 123, prohibiting an electric utility from disconnecting service from a residence or building in which a person is using life-sustaining medical equipment. **INEXPEDIENT TO LEGISLATE.**

Rep. James Garrity on behalf of former Rep. Sean C Cox for Science, Technology and Energy: This bill was filed in response to a tragic incident which happened in Salem, NH last year. The committee held on to this bill while waiting for the public utilities commission (PUC) to finish writing more strict rules regarding utility disconnection. In September, the committee received a report and briefing from the PUC detailing PUC Rule 1200, medical emergency protections. We were satisfied that the new, approved rules greatly strengthen protections for consumers and clarify policies and procedures which must be followed by utilities and the PUC. As a result of the PUC actions, this bill is longer needed. **Vote 9-2.**

HB 311-FN, relative to solar renewable energy. **REFER FOR INTERIM STUDY.**

Rep. Frank R Holden for Science, Technology and Energy: The purpose of this bill is to refine certain portions of the renewable portfolio standard (RPS) law. The changes are to make it easier for small renewable generators to qualify for renewable energy credits (RECs). Under the current law, it is difficult for smaller renewable generators to qualify for RECs and much of this currently installed renewable generation is not being counted towards the RPS goals. This results in the suppliers having to pay for non-compliance with the RPS law. Additionally, this bill transfers the obligation of compliance with RPS from the suppliers to the distribution utilities. It also makes changes that will keep more REC payments in state. The majority of the committee believes that, while these changes may be improvements, the bill only addresses a small portion of the RPS law and the concepts should be considered as part of a major re-write of the RPS in 2012. **Vote 6-4.**

HB 388-FN, requiring providers of prepaid wireless services and voice over internet protocol services to pay surcharges for deposit in the enhanced 911 system fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank R Holden for Science, Technology and Energy: Presently land line and post pay cellular telephone customers pay \$0.57 per month fee for enhanced 911 service. Other types of phone service such as voice over internet protocol (VoIP) or pre-pay cellular, while being able to benefit from 911 service, do not pay the fee. It is estimated that 20% of phone lines in New Hampshire fall into the latter category and do not pay the fee for 911 service. This bill as amended will require providers of pre-pay cellular and VoIP telephone service to contribute to the 911 system. It also changes the fee to \$0.47 per month for all categories of telephone service. The majority of the committee believes that reducing the fee for the 80% of customers that are paying for 911 and requiring the providers of other types of phone

service to pay their fair share will result in level funding for the New Hampshire enhanced 911 system. **Vote 7-3.**

HB 543-FN, relative to biomass combined heat and electricity facilities. **REFER FOR INTERIM STUDY.**

Rep. Laurence M Rappaport for Science, Technology and Energy: This bill amends the current renewable portfolio standard (RPS) (RSA 362-F) to add biomass combined heat and electricity facilities as eligible for renewable energy credits (RECs). It also defines “useful thermal energy”, and establishes a thermal to electric conversion factor which would be used to establish total megawatt hours of output. The majority feels that this is an interesting concept, but because it is a significant addition to the current RPS, it needs to be considered in the context of a major re-write of the RPS statute in 2012. We prefer to keep this bill alive as a backstop measure in case the RPS re-write becomes stalled. **Vote 6-4.**

HB 649, relative to the Northern Pass Project to construct and operate transmission lines from the Canadian border to a proposed terminal in Franklin, New Hampshire. **REFER FOR INTERIM STUDY.**

Rep. Laurence M Rappaport for Science, Technology and Energy: The committee feels that it's important to keep alive the spirit of HB-648 should that bill be defeated by the Senate. HB-649 reflects much of that bill. We want to keep this bill in our possession in order to keep the concept alive in summer of 2012. The committee feels that protecting individual property rights is more important than promoting corporate development rights. **Vote 8-2.**

TRANSPORTATION

HB 342, relative to boat operation rules. **OUGHT TO PASS.**

Rep. John A Hikel for Transportation: This bill will clarify who gets certified mail notification relative to changes on water restrictions. **Vote 10-1.**

HB 455-FN, authorizing optional enhanced drivers' licenses and optional enhanced non-drivers' picture identification cards. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kyle D Jones for the **Majority** of Transportation: This bill would create an optional REAL ID like license that would have a digital photo, a magnetic strip and a RFID chip attached to it. There were some privacy concerns addressed where the State of New Hampshire would have to share people's personal information with DHS (department of homeland security) if they got this license. While the sponsor did a very fine job trying to address our concerns the majority of committee felt that this bill is unnecessary because people can already get a passport if they wanted to go out of the country, and not needed because this would be opening Pandora's Box with the Federal Government. **Vote 6-5.**

Rep. Raymond G Gagnon for the **Minority** of Transportation: The enhanced driver's license has been developed between the department of homeland security and individual states to provide a lower cost and convenient alternative travel document for U.S. citizen residents of state that choose to issue such a document. This document is accepted as proper identification for surface travel between the U.S. and Canada, Mexico, the Caribbean and Bermuda. HB 455 will allow New Hampshire citizens to choose this type of travel document instead of a full passport or passport card if appropriate for their out of country travel needs. The enhancement option for a New Hampshire driver's license will cost an additional \$30.00 and is projected to bring over 400 thousand dollars in revenue to New Hampshire. The RFID chip within the enhanced driver's license acts as a pointer. It is randomly assigned an encrypted number that is read by the U.S. Customs and Border Protection computer sensors at the border entry station. The computer will receive only the following personal data: Name, DOB, gender, citizenship and a photo image. This is no different than what had been required in the past. HB 455 provides a cost saving option for New Hampshire residents who travel, especially between New Hampshire and Canada.

WAYS AND MEANS

CACR 13, relating to prohibiting any new tax on personal income. Providing that no new tax on personal income shall be levied by the state of New Hampshire. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Keith Murphy for the **Majority** of Ways and Means: It is rare that this body considers any bill, resolution, or amendment so clear and concise that it may be reprinted in full here, but CACR 13 makes that possible. It simply says, "No new tax shall be levied, directly or indirectly, upon a person's income, from whatever source it is derived." The language is very carefully chosen to forbid only new taxes on individual income. Existing taxes on income, such as the interest and dividends tax, will be unaffected unless first repealed. The goal of the amendment is to acknowledge that the income earned by the citizens of our state is theirs and theirs alone, through their hard work and risk and savings. Granite Staters of every profession and income level work hard to feed their families, to save for their children's education, to keep their businesses afloat, to donate to their favored charities, to pay for their rents, their mortgages, their utilities, their medicines, and a multitude of other expenses, and it would be an incredible injustice for the state to demand some portion of that money. As a group, New Hampshire legislators have always known it was wrong to confiscate earnings, and the labor it represents, from our constituents. That's why to date we've remained one of nine states without a general income tax, but we must provide the people the opportunity to safeguard their paychecks from future legislators who may fall for the same temptations that have overcome the legislators of the other 41. Opponents claim that we must not tie the hands of future legislatures, but in reality that is exactly why constitutions and their incorporated amendments exist: to restrict governments from infringing upon the rights of the people. The majority of the committee believes that passing CACR 13 onto the voters for consideration is not only morally just, it would go far to cement the New Hampshire Advantage by sending a strong message to entrepreneurs, small business owners, and working people of all classes that our state will respect your right to keep your earnings. **Vote 15-5.**

Rep. Mary R Cooney for the **Minority** of Ways and Means: This bill may look like it prohibits only a personal income tax, but its actual language freezes our entire tax system in time, with devastating consequences to the state's economy and government. Businesses invent new forms over time, and consumers change their habits. In the past, we have adapted our taxes to this changing world, to avoid taxing any one form of business more than others. In 1970, the BPT was created to replace myriad smaller taxes and sparked an economic miracle in our state. In 1993, the BET was added after a lawsuit by larger businesses, which successfully claimed that it was unfair that they alone bore the cost of supporting the state while partnership groups and smaller businesses were exempt. In this very voting session, the Ways and Means Committee is recommending a measure, SB 168, which would probably be deemed a new tax on some people's personal income by the justices if the affected parties sued using this amendment. If this passes, any future adaptation to changing economic reality will be unconstitutional, because the actual wording of the amendment prohibits any change levying any new tax on any person's income, from whatever source derived, directly or indirectly levied. All taxes are levied at least indirectly on people's income. This would leave us with a dwindling set of state-level taxes that would be highly unfair in their application across different businesses and individuals. History tells us that the overall revenues would decline relative to the cost of essential services: infrastructure, public safety, education and the general welfare. The only options left to pay for these will be increasing existing business taxes, the interest and dividends tax, the real estate transfer tax, and most especially, the property tax. Because this amendment is worded so vaguely, it would generate numerous expensive legal challenges. This amendment guarantees ever-increasing property taxes, vanishing businesses, and fleeing citizens. It will return us to the time 50 years ago when New Hampshire had the worst economy in New England.

HB 242-FN-A, increasing the net operating loss carryover under the business profits tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank V Sapareto for Ways and Means: This bill allows a net operating loss carry over for ten years with a \$10 million cap on loss. This law has already been passed in HB 2. This law has no fiscal impact on the current budget. The committee amendment changes the effective date to January 1, 2013. The committee feels this bill is necessary to help New Hampshire business in a difficult economy. **Vote 16-5.**

HB 564, relative to the adoption of forms by the department of revenue administration for the filing of taxes. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Norman L Major for the **Majority** of Ways and Means: This bill requires that tax forms developed or approved by the department of revenue administration shall be adopted pursuant to RSA 541-A, the administrative procedure act, and repeals the exemption from RSA 541-A for such forms. The bill was amended to apply only to business tax forms developed or approved by the department which relates to the business profits tax under RSA 77-A, the business enterprise tax under RSA 77-E, and the taxation of incomes under RSA 77 (Interest and Dividends tax). The amendment also removes the requirement mandating taxes to be remitted by electronic funds transfer, if prior year taxes were over \$100,000 dollars, and also removes the up to \$5,000 dollars penalty for not remitting the taxes by electronic funds transfer. The cost to the department for processing taxes by checks is less than ten dollars a check. There are less than 150 business taxpayers required to utilize electronic funds transfers still remitting there taxes by checks. The business taxes and the interest and dividends taxes affect the vast majority of our taxpayers and should be subjected to the highest level of transparency and accountability whenever changes to their structure or associated tax forms are contemplated. Therefore, the committee recommends changes be established through the joint legislative committee on administrative rules (JLCAR). Also, the committee felt the mandate relative to electronic funds transfer and the up-to 5,000 dollar fine for not transferring funds electronically are not necessary. **Vote 16-5.**

Rep. Susan W Almy for the **Minority** of Ways and Means: This bill would require all business tax and interest and dividends tax forms to go to JLCAR for approval. This was done until 1996 when the legislature ended the practice; we were and are the only state that requires outside approval for tax agency forms. The reason it is not done is that the process often takes so much time that changes in state or federal law or rules affecting the forms can only be implemented a tax year later. This not only delays the will of the legislature; whenever it involves a federal change, businesses require two sets of books and calculations to pay their taxes. The more closely we are tied to a federal tax, the more likely there will be a permanent time lag – more work for accountants and more expense for business. For the last two years, the department of revenue administration has been working closely with accountants and businesses to simplify forms and evaluate changes. Many other forms are being made more transparent and easier to complete. While JLCAR has several new emergency procedures that will make it quicker to process the department forms, they all require reaffirmation by going through the full process within six months. The first time that JLCAR refuses to agree with a final form six months after the forms had been sent out and the commercial tax software changed to conform, it is very likely that there will be major confusion in the business world. Do they revert to the old form? Do they not pay at all? What if they based business decisions on the legislative policy embedded in the new form, and now find themselves reversed? There are ways to institutionalize the existing advisory council of accountants and external comment process, a system which is working. The recommended JLCAR process will be bad for business.

HB 593-FN-A-L, relative to video lottery and table gaming. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary S Azarian for the **Majority** of Ways and Means: This bill is a bi-partisan pro business bill that will create jobs, grant tax relief, and provide the state with an additional

revenue source. The citizen's of the state overwhelmingly support the idea of expanded gaming. Today, New Hampshire residents spend roughly 80 million dollars a year gambling outside of the state. Expanded gaming will keep those dollars here and expand our economy by attracting residents from our neighboring states. The amendment to this bill provides for charitable gaming, provides 500K for each license application; provides 100K to the attorney general's office for investigation of each application; provides for a 120 day time frame for due diligence which can be extended if needed; provides for two licenses at 50 million each; provides an equitable process by which any entity can submit an application for any location to include the north country; provides revenue to offset business taxes; provides revenue to the host community and abutting community; and makes provision to HHS for those in need. Massachusetts has passed gaming legislation. If we fail to act on this legislation, New Hampshire's economy will be forever negatively impacted. The state will see a decrease in revenues from across a wide spectrum to include liquor, lottery and tourism. We will also be paying for those who may become addicted to gambling out of state with no additional revenue to offset the cost. This bill supports job creation, tax relief, and additional revenue sources. **Vote 14-7.**

Rep. David W Hess for the **Minority** of Ways and Means: As amended, this bill authorizes the exclusive licensing of two casinos in New Hampshire. As compensation for granting these monopolies (or duopolies if you're a stickler for semantics), the State would receive a fixed, flat licensing fee. Thereafter, the licensee is entitled to renew its monopoly every five years, without limit, as long as it is "in good standing under this chapter." Each such renewal, which can go on under this bill in perpetuity, carries an additional fee amounting to just \$300,000 a year. If the licensee sells its license to a third party, the bill prohibits the State from collecting "any additional fee." And the public "take" from these casinos is only 40% of net machine proceeds and 8% of table game proceeds. The amendment to this bill voted on by Ways and Means is almost a complete rewrite of the original bill. It was introduced for the first time in subcommittee. It has had no public hearing, and it was written almost entirely by the lawyer-lobbyists of the casino interests. Not surprisingly, therefore, it is a win-win-win for their gambling-interest clients, but it is a lose-lose-lose proposition for all of the rest of us. This bill is a Great Giveaway to the casino interests. The taxpayers of New Hampshire lose because the licensing fees are fixed at low, arbitrary amounts. Many other states today have adopted a competitive application process requiring a minimum license fee bid. In Massachusetts, the minimum bid will be at least \$85 million. In Illinois it was \$100 million for a relatively suburban location. In New York, it was \$300 million. In both Illinois and New York, higher amounts were bid and collected by the states. No rationale or explanation has been given as to why \$50 million was set as a fixed fee – as opposed to a minimum bid – in this bill, particularly since the market for any casinos in Southern New Hampshire overlap with those in Massachusetts – a market which Millennium has described as perhaps the most potentially-lucrative gambling market in the U.S. Why are the renewal fees so absurdly low? And why doesn't the state get a share of any windfall profits a licensee will harvest if, as will almost certainly happen, it "flips" its license by selling it to a third party for considerably more than the \$50 million it paid? The State of New Hampshire and host municipalities lose because the "take" from the casino operations is arbitrarily set at 40% for VLTs and 8% for table games. The original bill sent 49% of VLT proceeds to our public coffers. Pennsylvania collects 55% and has had no shortage of applicants for its casino licenses, including Millennium. Indeed, in just a few short years, Pennsylvania at 55% is raising the most revenue from gambling of any jurisdiction in the country. Third, New Hampshire jobs and the New Hampshire economy lose because this bill requires no minimum capital investment and no construction build-out time line. Indiana required a minimum of \$100 million per casino; Ohio \$300 million; and Massachusetts is considering \$500 million. We are informed that revenues have a direct correlation with the quality of the gambling venue – and that such venues provide both more and better paying jobs in both construction and operation. Millennium has told us it plans to spend \$450 million in Salem; Green Meadow is promoting

a \$300 million project in Hudson. Let's require a minimum capital investment in the bill, instead of making this just another part of the Great Giveaway. Further, the regulatory framework for effective oversight of this huge industry with incredible cash flows is not in place. In its May 18, 2010 report, the Governor's Gaming Study Commission recommended: "New Hampshire needs to review its regulation of gaming, with or without expansion of legalized gaming. To insure integrity and public confidence, this review should be completed and necessary changes implemented before any expansion is enacted." That has not come about. And this bill imposes absurdly artificial and unreasonable time lines on the Lottery Commission to do just that – requiring it to adopt "interim rules" governing the licensing process for these casinos within 90 days of passage of the bill. And "interim rules" require no public hearing before adoption. Why the rush? Why does this bill circumvent sound public policy and transparency? Finally, there is no turning back if this bill passes. Once casinos are in place, they will be here forever. Many of us believe they will change the culture and tourism brand of New Hampshire forever – and not for the better. This bill is 36 pages long; the two bills under consideration in Massachusetts are 109 and 164 pages long. What are we missing? If we are to have casino gambling here in New Hampshire, let's do it right. This bill doesn't even come close.

HB 645-FN-A-L, eliminating various taxes and fees and tax and fee increases enacted in fiscal years 2007 through 2010. **REFER FOR INTERIM STUDY.**

Rep. David W Hess for Ways and Means: This bill identifies all of the new taxes and fees, and increases in taxes and fees, enacted during the previous two legislative sessions (FY 2007 – 2010). It details the additional annual revenue generated by each such new or increased tax and fees, as such, constitutes a single, convenience source for measuring how the repeal of anyone or more of these tax and fee increases will impact state revenues. In this respect, it is an invaluable resource to review all state revenue sources, and is available to roll back one or more of these new or increased taxes and fees in the coming year and next biennium. **Vote 16-4.**

HB 646-FN-A-L, eliminating various taxes and fees and tax and fee increases enacted in fiscal years 2006 through 2010. **REFER FOR INTERIM STUDY.**

Rep. David W Hess for Ways and Means: This bill is identical to HB 645 except that it extends its purview to FY 2006 as well as FY's 2007 through 2010. The committee desires to retain this bill for Interim Study for the same reasons as HB 645. **Vote 16-4.**

SB 168-FN, conforming the interest and dividends tax to federal tax definitions.

MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Gary S Azarian for the **Majority** of Ways and Means: Bringing our state tax definitions into conformity with federal law will significantly simplify tax preparation and predictability thereby reducing preparation costs to the taxpayer. The result would be treating all taxpayers equally regardless of the corporate form that they may be organized under. It also avoids the double taxation that owners of sub-chapter S corporations may experience under current law. The committee was advised that 95% of taxpayers, especially small business owners, will experience no significant change in tax liability with this statute. The DRA advised the committee that the state would receive additional interest and dividend taxes of approximately 22 million over current receipts. However, they also reported that if 10 of the largest 120 I and D taxpayers changed their domicile status, the state could actually lose 10 million dollars. Given the fact that there was no opposition to the bill by the public, the committee felt this to be an unlikely scenario. **Vote 16-4.**

Rep. Susan W Almy for the **Minority** of Ways and Means: Although this bill is good tax policy - it simplifies an antiquated structure, removes constitutional and economic conflicts that have been the source of several lawsuits and failed political attempts at solutions, and makes it easier for businesses to comply – it is not at this time good fiscal policy. The state is struggling to stay within its budget, and federal government cuts and global economic malaise threaten serious budgetary imbalance and further reduction of essential services to

businesses and citizens. The department of revenue administration has done its best to estimate the impact, but does not have a way to measure the impact on those earning under a million dollars in I&D income. From those few mega-earners, they estimate we could lose up to \$20 million in revenue. Accountants with large (not mega) clients tell us that the measure will be roughly revenue-neutral. An accountant with medium-level clients thinks we will lose a considerable amount. The department has been struggling to get underway a new computer system that will allow them to provide the information on the less-than-megas we need, but budget cuts have delayed it. Fiscally, we need to hold off on this bill until we can measure its impact and decide how the state can pay for it within the budget the legislature (or a future one) has set. To do otherwise is the same as spending the rent money on new clothing. The old rags can make do for a bit longer.

BILLS REMOVED FROM CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 415, relative to access to abuse and neglect investigation records pending a child custody dispute. **INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie A Porter for Children and Family Law: This bill would allow a non-accused parent access to third party records (police reports, counseling records) in the possession of DCYF within the context of a parental rights and responsibilities proceeding; under current law, a non-accused parent may petition the court for such records. The committee worked with DCYF to develop language to allow the non-accused parent automatic access to third party records; however, the committee is concerned with the unintended consequences of such a provision, particularly in the area of medical or psychiatric records. The committee notes that the non-accused parent is not without remedy under current law; rather, that he or she must petition the court to do so. The committee further notes that the person involved in the underlying abuse and neglect case which gave rise to this bill would not be remedied by the proposed solution, as he was an accused parent who would have access to the third party records under current law. For these reasons, the committee recommends ITL for this bill. **Vote 12-1.**

HB 587, relative to grounds for divorce for persons with minor children. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia T Lovejoy for Children and Family Law: This bill permits no fault divorce based on irreconcilable differences only if the parties do not have minor children. The number of divorces in NH to parties with minor children has been steadily declining over the last 10 years from 3,218 in 2001 to 2,335 in 2010, a drop of 27.4%. The vast majority of all divorces are based on irreconcilable differences – the average for the last 10 years is 98.7%. This bill would force parents to “blame” one another in order to obtain a divorce or to force couples with minor children to remain married even though the marriage may be irretrievably broken. The committee was concerned about the negative consequences that could arise from the implementation of this bill, most notably being the effect on children of forcing one parent to be labeled “the bad parent”, or conversely, the effects of trauma on the child of continuing to live in a household with two parents who do not want to be together. The committee believes that the bill creates a formula for conflict which might serve as a disincentive to marriage; the committee notes recent studies which employ a number of metrics that confirm that children of unwed parents do not fare as well as those of married parents, thus the bill would encourage poorer outcomes for children. The committee was also concerned about the effect a divorce for fault would have on the awarding of alimony – evidence of fault can affect alimony according to RSA 458:19, IV (b). This bill did not have a fiscal note but information from the courts suggests that there would be a fiscal impact. The average divorce trial in a divorce for cause lasted 364 minutes and incurred \$661 in judge costs. Extrapolating only the cost of the judge time for the average number of cases would amount to \$160,900 per year. The committee supports the goal of strengthening marriages

for the sake of all involved especially the minor children but we believe the unintended consequences of this bill are not in the best interest of children. **Vote 16-0.**

COMMERCE AND CONSUMER AFFAIRS

HB 241, relative to insurance coverage. **REFER FOR INTERIM STUDY.**

Rep. Matt J Quandt for Commerce and Consumer Affairs: The bill allows consumers and insurance carriers to create a free market option in health insurance. The committee believes that this bill needs more study in how it affects the states consumer protection negotiations and insurance business practices. **Vote 13-0.**

HB 244, restricting the collection of biometric data by state agencies and private entities. **REFER FOR INTERIM STUDY.**

Rep. Frederick C Rice for Commerce and Consumer Affairs: The intent of this bill is laudable, but it presents numerous potential problems in terms of definitions, specific exemptions, and applicability. Additional work is needed to clarify these issues so that they will stand up to intense scrutiny when implemented. **Vote 15-1.**

HB 263-FN, relative to the lifetime Medicaid limit. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald H Flanders for Commerce and Consumer Affairs: This bill as amended changes the current law of 60 months limiting payments for the family assistance program by decreasing the number of months to a consecutive 36 month period, and a lifetime limit of 36 months. This will bring New Hampshire in line with other states. The amendment also includes a grandfathering clause of 60 months for persons currently receiving assistance from this program prior to the effective date of this act. **Vote 14-1.**

HB 324, relative to lawful commerce in goods and services sold, made, and retained in the state of New Hampshire. **REFER FOR INTERIM STUDY.**

Rep. Donna C Mauro for Commerce and Consumer Affairs: This bill exempts goods and services sold, made, and retained in New Hampshire from federal law and regulation. The committee is interested in finding a manufacturer who is interested in implementing this law so the committee decided to keep this bill. **Vote 13-0.**

HB 440-FN, requiring that New Hampshire join the lawsuit challenging federal health care reform legislation, and repealing the authority for state implementation of federal health care reform. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris F Nevins for Commerce and Consumer Affairs: After much deliberation, the committee is convinced that the House position is the correct one. While the list of problems with the affordable care act are lengthy it is not the committee's intention to argue these issues, but only to confirm the house position to join the lawsuit challenging federal health care. **Vote 13-2.**

HB 445-FN, relative to the regulation of electronic tracking devices. **REFER FOR INTERIM STUDY.**

Rep. Jennifer R Coffey for Commerce and Consumer Affairs: Per the request of the prime sponsor and with the support of the full committee present to vote the bill is recommended for Interim Study for further review due to many issues raised in multiple meetings throughout the year. **Vote 14-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 138-FN, relative to the cold case homicide unit. **OUGHT TO PASS.**

Rep. Larry G Gagne for Criminal Justice and Public Safety: This bill repeals the session law inserted by HB 690-FN, Chapter 269, of the 2009 legislative session establishing the cold case homicide unit with a prospective repeal date of July 1, 2013, and establishes the cold case homicide unit and a non-lapsing cold case homicide unit fund within the department of justice. This bill repeals the sunset provision in the original bill and allows the cold case unit to continue for as long as funding allows. **Vote 16-1.**

JUDICIARY

HB 574, relative to the taking of private property during a state of emergency. **OUGHT TO PASS.**

Rep. J. Brandon Giuda for Judiciary: The bill repeals the law enacted after September 11, 2001 that allows the government to take private property from citizens during a state of emergency, including such things as food, fuel, vehicles, bedding, medicines, medical supplies, etc. This law represents a tremendous over-reach of government power that contravenes the natural right of citizens to acquire, possess and protect property as guaranteed in Article 2 of the New Hampshire Constitution. This law was passed over the objection of the past-director of the office of emergency management who properly testified that this law represented a major improper transfer of power away from elected leadership to appointed officials. The committee believes that the constitution encourages personal responsibility and as such, believes that citizens who properly prepare for emergencies should not be placed in an inferior position because others, including government officials, have failed to properly anticipate a need. **Vote 16-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 121, establishing a committee to study eligibility for property tax exemptions for the permanently and totally disabled. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James P Belanger for Municipal and County Government: Current statute provides for a municipally approved tax exemption on property taxes based on financial status and disability as determined by the social security system. It is moot on disabled who are not on the social security system. This bill, as amended, uses the social security criteria to determine disability for those who are not on social security. Municipal approval is still required and the financial criteria remain the same. This simply corrects an injustice to those who were not on the social security system during their employment, and allows them to apply for the tax exemption with proof of disability using the social security system criteria. **Vote 16-0.**

SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM

HCR 26, declaring that the Claremont case's mandates that the legislative and executive branches define an adequate education, determine its cost, fund its entire cost with state taxes, and ensure its delivery through accountability, are not binding on the legislative and executive branches. **REFER FOR INTERIM STUDY.**

Rep. Laura J Gandia for the Special Committee on Education Funding Reform: While the majority of the committee echoes the sentiments contained in HCR 26 such as the constitutionality of the Claremont decision, the doctrine of separation of powers, the importance of local control, etc., the committee believes that there other pieces of pending legislation that address the issues raised in HCR 26. Therefore, the committee recommends that this bill be referred for interim study. **Vote 14-1.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 2, in support of the Arizona immigration law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucien A Vita for State-Federal Relations and Veterans Affairs: This resolution expresses New Hampshire's support of the legislation enacted by the State of Arizona in its efforts to reduce the number of illegal aliens in Arizona and to relieve the financial burden of incarceration, education and medical treatment being born by the citizens of Arizona. In so doing, the security and safety of the citizens of Arizona will be increased. **Vote 10-0.**

TRANSPORTATION

HB 354, relative to licensure requirements for retail vehicle dealers. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard W Hinch for Transportation: This bill provides that certain established place of business requirements shall not apply to retail vehicle dealers who do not have a general

distinguishing number. The committee was unanimous in its belief that the changes that this bill seeks to reverse came about after a long study commission; therefore HB 354 is unnecessary. The changes made by HB 354 would allow individuals to be dealers with no normal business hours, no physical structure and no signage. This makes it very difficult for consumers to resolve vehicle issues and complaints. This bill would reverse the ability of smaller dealers to obtain a dealer plate, thus hurting small business in New Hampshire.

Vote 10-0.

LAI D ON TABLE

HB 162-FN, relative to capital murder for purposely causing the death of another. (Pending question: adoption of committee report of ought to pass.)

HB 448-FN, relative to spice incense products. (Pending question: adoption of committee report of inexpedient to legislate.)

HB 475-FN, relative to penalties under the consumer protection act. (Pending question: adoption of committee report of ought to pass.)

HB 591, relative to the determination of parental rights based on the best interest of the child; relative to grounds for modification of an order regarding parental rights and responsibilities, and relative to grandparent and stepparent visitation rights. (Pending question: adoption of majority committee report of inexpedient to legislate.)

COMMITTEE MEETINGS

FRIDAY, JANUARY 6

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 205-207, LOB

9:00 a.m. Continued regular meeting.

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

9:00 a.m. Regular meeting.

SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM, Room 210-211, LOB

10:00 a.m. **HB 1321**, establishing a committee to study the relationship between public funding of postsecondary education and workforce development.

10:30 a.m. **HB 1473-FN-L**, relative to the calculation and distribution of adequate education grants.

Executive session may follow.

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM, Rooms 201-203, LOB

10:00 a.m. **HB 1483-FN**, repealing the retirement system special account.

11:00 a.m. **HB 1460**, establishing a committee to study additional public employee pension reforms.

1:00 p.m. **HB 1306-FN-L**, requiring retirement system employers to make contributions for part-time employment of retired members of the retirement system.

Executive session may follow.

MONDAY, JANUARY 9

COMMISSION TO STUDY BUSINESS TAXES (RSA 77-F:1), Room 202, LOB

10:00 a.m. Public hearing on draft final report.

ECONOMIC STRATEGIC COMMISSION TO STUDY THE RELATIONSHIP

BETWEEN NEW HAMPSHIRE BUSINESSES AND STATE GOVERNMENT (RSA 359-K:2), Rooms 301-303, LOB

10:00 a.m. Organizational meeting.

EMERGENCY MANAGEMENT SYSTEM OVERSIGHT COMMITTEE (RSA 21-P:51), Room 205, LOB

10:00 a.m. Regular meeting.

STATE COMMITTEE ON AGING (RSA 161-F:7), Department of Health and Human Services, Brown Building , Pleasant Street, Concord

10:00 a.m. Regular meeting.

TUESDAY, JANUARY 10

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION, Room 206, LOB

10:15 a.m. Rescheduled public hearing on **HB 1343**, prohibiting employees of parties and political committees from running for state office.

1:00 p.m. **HB 1344**, prohibiting public employees from being candidates for certain offices.

3:00 p.m. **HB 1444**, prohibiting certain state employees from wearing fragrances. Executive session may follow.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 1128**, relative to reports of failed breath tests when using an ignition interlock device.

10:15 a.m. **HB 1330**, establishing a committee to study blood testing of drivers after motor vehicle fatalities.

10:30 a.m. **HB 1168**, requiring the removal of electronic records and information upon entry of an order of annulment.

11:00 a.m. **HB 1184**, relative to the use of videotape evidence of criminal activity.

1:00 p.m. **HB 1421-FN**, requiring a vegetarian diet for inmates in state correctional facilities.

1:30 p.m. **HB 1449**, requiring a search warrant for searches of privately-owned property. Executive session may follow.

EDUCATION, Room 207, LOB

10:00 a.m. **HB 1145**, relative to the New Hampshire public television's affiliation with the university system of New Hampshire.

11:00 a.m. **HB 1268-FN**, requiring the department of education to reimburse the community colleges for the costs of providing remedial courses.

1:00 p.m. **HB 1433**, relative to instruction for pupils on the issues of HIV, AIDS, and sexually transmitted diseases. Executive session may follow.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. **HB 1241**, relative to table wines.

11:00 a.m. **HB 1402**, relative to the sale of homemade food.

1:00 p.m. **HB 1481**, relative to effluent limitations with regard to nitrogen.

2:00 p.m. **HB 1435**, establishing a committee to oversee the department of environmental services.

2:15 p.m. **HB 1234**, establishing a department of environmental services oversight and grievance committee. Executive session may follow.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 10:00 a.m. **HB 1147**, proclaiming March 31 of each year as a day to remember Terri Schiavo.
- 10:45 a.m. **HB 1195**, relative to membership of the joint legislative historical committee.
- 11:30 a.m. **HB 1196**, repealing the task force on state procurement policies and procedures.
- 1:15 p.m. **HB 1430**, designating the Thompson/Center Contender pistol as the official state firearm of New Hampshire.
- 2:00 p.m. **HCR 43**, urging the joint legislative historical committee to move the granite gates Lafayette passed through to the state house grounds.
Executive session may follow.

FINANCE, Rooms 210-211, LOB

- 1:00 p.m. **HB 1534-FN**, repealing the self-funding of the department of labor.
Executive session may follow.

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

- 10:00 a.m. **HB 1197-FN**, requiring the commissioner of the department of health and human services to apply for a state plan waiver.
- 11:30 a.m. **HB 1250**, allowing designated persons to provide emergency medical treatment to another person.
- 1:00 p.m. **HB 1340**, relative to reimbursing chiropractors.
Executive session may follow.

HOME EDUCATION ADVISORY COUNCIL (RSA 193-A:10), Department of Education, Room 15, 101 Pleasant Street, Concord

- 3:30 p.m. Regular meeting.

JUDICIARY, Room 208, LOB

- 9:00 a.m. **CACR 24**, relating to age limitations for judges. Providing that no person shall be eligible to be appointed a judge until such person has reached 60 years of age.
- 9:30 a.m. **HB 1156**, relative to preserving due process in all common law matters.
- 10:00 a.m. **HB 1181**, relative to offers of judgments.
- 10:30 a.m. **HB 1188**, relative to civil actions for defamation.
- 11:00 a.m. **HB 1247**, relative to the duties of jurors as constitutional officers and changing the term "petit jury" to "trial jury."
- 11:30 a.m. Full committee organizational meeting.
- 1:30 p.m. **HB 1311**, changing a statutory reference to reflect the current homestead exemption amounts.
- 2:00 p.m. **HB 1368**, relative to real property held as a joint tenancy with rights of survivorship.
- 2:30 p.m. **HB 1384**, relative to the statute of limitations for complaints against judges.
- 3:00 p.m. **HB 1396**, restoring and reinforcing the exemptions from levy, sale on execution, and liability to be encumbered or taken for the payment of debts of the homestead right.
- 3:30 p.m. **HB 1565**, establishing a committee to study landlord-tenant law and practice.
Executive session may follow.

REDRESS OF GRIEVANCES, Room 307, LOB

- 10:00 a.m. Further hearing on **PETITION 9**, redress of grievance of Frank M. Handibode, with possible executive session to follow.
- 11:00 a.m. Executive session on **PETITION 7**, redress of grievance of Denise-Marie McIntosh.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 10:00 a.m. **HB 1140**, relative to the care of war memorials in Franconia Notch state park.
- 10:45 a.m. **HB 1416-L**, relative to the introduction of substances into the New Hampshire public water supply.
- 1:00 p.m. **HB 1256**, establishing a New Hampshire state register of historic places.
- 1:45 p.m. **HB 1415**, relative to exceptions for proposed sewage waste disposal systems.
- 2:30 p.m. **HB 1166**, relative to the installation of broadband equipment on Cardigan Mountain.
- Executive session may follow.

TRANSPORTATION, Room 203, LOB

- 10:00 a.m. **HB 1299-FN**, relative to permit fee transfer credits.
- 10:45 a.m. **HB 1478**, relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes and relative to vehicle registration and driver's license requirements.
- 11:45 a.m. **HB 1310**, increasing the number of days a motorcycle learner's permit is valid.
- 1:15 p.m. **HB 1328**, relative to vehicle operation with a stuck throttle or runaway engine.
- 1:45 p.m. **HB 1434**, relative to display of antique motor vehicle plates.
- Executive session may follow.

WEDNESDAY, JANUARY 11

ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21), Room 101, LOB

- 3:00 p.m. Regular meeting.

THURSDAY, JANUARY 12

CHILDREN AND FAMILY LAW, Room 206, LOB

- 10:00 a.m. **HB 1331**, relative to termination of employment for a sexual offense or an offense against a child.
- 11:00 a.m. **HB 1465**, relative to criminal records of juvenile offenders.
- 1:00 p.m. **HB 1365**, relative to complaint investigation procedures of the guardian ad litem board.
- 2:00 p.m. **HB 1530-FN**, relative to oversight of guardians ad litem by the guardian ad litem board.
- Executive session may follow.

COMMERCE AND CONSUMER AFFAIRS (INSURANCE/CONSUMER PROTECTION DIVISION), Room 302, LOB

- 10:00 a.m. **HB 1439**, establishing a committee to study sprinkler requirements in nightclubs.
- 10:30 a.m. **HB 1153**, relative to fire protection of floors in certain detached dwellings.
- 11:15 a.m. **HB 1186**, relative to uniform override keys for elevators.
- 1:15 p.m. **HB 1157**, relative to signage at fuel service stations.
- 2:00 p.m. **HB 1182**, prohibiting the sale of baby food products containing bisphenol A in New Hampshire.
- Work sessions on these bills may follow the public hearings.

COMMISSION TO STUDY BUSINESS REGULATIONS IN NEW HAMPSHIRE (RSA 359-L:1), Room 307, LOB

- 3:00 p.m. Subcommittee meeting.

Room 104, LOB

3:00 p.m. Subcommittee meeting.

**CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION JOINT WITH
WAYS AND MEANS, Rooms 210-211, LOB**

3:00 p.m. Joint work session on video lottery and table gaming.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. *HB 1468*, relative to seizure of personal property.

10:30 a.m. *HB 1499-FN*, relative to criminal coercion.

11:00 a.m. *HB 1524-FN*, expanding the definition of official oppression.

1:00 p.m. *HB 1514-FN*, establishing the crime of oppressing an inhabitant's free exercise of rights.

1:30 p.m. *HB 1327*, relative to official oppression.

Executive session may follow.

EDUCATION, Room 207, LOB

10:00 a.m. *HB 1225*, permitting a charter school to incur long-term debt.

10:30 a.m. *HB 1488*, relative to the alternative budget procedure in a school administrative unit.

11:00 a.m. *HB 1325*, relative to school attendance by children of divorced parents.

1:00 p.m. *HB 1382*, including parents in the approval process for alternative learning plans and requiring a truant officer to obtain a warrant or permission of a parent prior to returning a child to school.

Executive session may follow.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. *HB 1235*, establishing a committee to study and propose a recodification of certain environment-related statutes.

1:00 p.m. *HB 1650-FN*, relative to commerce in food in New Hampshire.

Executive session may follow.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

10:00 a.m. *HB 1274-FN*, abolishing the department of cultural resources.

10:45 a.m. *HB 1521-FN*, relative to retired state employees group insurance participation.

11:30 a.m. *HB 1544-FN*, adding state and local government part-time and public employees to employees eligible to participate in the state group insurance coverage.

1:15 p.m. *HB 1285-FN*, repealing the state art fund.

2:00 p.m. *HB 1552-FN*, repealing or inactivating certain funds and relative to the reporting of funds.

Executive session may follow.

FINANCE, Rooms 210-211, LOB

10:00 a.m. *HB 1658-FN*, limiting financial assistance for mothers who have additional children while receiving Temporary Assistance to Needy Families (TANF).

1:00 p.m. *HB 1669-FN-A-L*, requiring the deposit of dedicated fund revenues into the general fund for the 2014 and 2015 fiscal years and requiring non-constitutionally established dedicated funds to be eliminated on June 30, 2015 unless reinstated by the legislature.

Executive session may follow.

FISH AND GAME AND MARINE RESOURCES, Room 307, LOB

10:00 a.m. *HB 1332*, relative to the law enforcement authority of fish and game conservation officers.

10:30 a.m. *HB 1333*, relative to the revocation or suspension of a fish and game license

- for a conviction.
- 11:00 a.m. **HB 1334**, relative to the suspension of a fish and game license by the executive director.
- 11:30 a.m. **HB 1335**, relative to the authority of the fish and game department to refuse to issue a hunting license.
Executive session may follow.

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

- 1:00 p.m. Subcommittee work session on medical sharps.

JUDICIARY, Room 208, LOB

- 9:00 a.m. **HB 1263**, repealing the law requiring landlords of restricted residential property provide service of process information.
- 9:30 a.m. **HB 1459**, relative to court proceedings in civil actions.
- 10:00 a.m. **HB 1462**, relative to the eviction process.
- 10:30 a.m. **HB 1463**, relative to abandonment of the tenancy and relative to property abandoned by a tenant.
- 11:00 a.m. **HB 1290**, relative to self-storage facility liens.
- 11:30 a.m. **HB 1395**, revoking amendments to supreme court rules 50 and 50-A.
- 1:30 p.m. **HB 1223-FN**, relative to remedies under the right-to-know law.
- 2:00 p.m. **HB 1308**, relative to the definition of "public body" under the right-to-know law.
- 2:30 p.m. **HB 1506-FN**, relative to the right-to-know exemption for public employee personnel files.
- 3:00 p.m. **CACR 26**, relating to administration of the supreme court. Providing that the article authorizing the chief justice of the supreme court to make rules governing the administration of all the courts of the state shall be repealed.
- 3:30 p.m. **CACR 28**, relating to the allocation of authority between the legislative and judicial branches. Providing that the supreme court shall determine the constitutionality of judicial acts and the legislature shall determine the constitutionality of legislative acts.
Executive session may follow.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. **HB 1271-L**, relative to the penalty for violating ordinances governing hawkers and peddlers.
- 10:20 a.m. **HB 1303**, amending certain requirements to obtain a local vendor license.
- 10:50 a.m. **HB 1507-L**, authorizing towns to enter into agreements with the state for collection of outstanding taxes.
- 11:35 a.m. **HB 1498-FN-L**, repealing dog licensing requirements.
- 12:05 p.m. **HB 1349-L**, relative to services of town health offices.
Executive session may follow.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 10:00 a.m. **HB 1501-FN-L**, establishing a fund to upgrade wastewater treatment plants.
- 10:45 a.m. **HB 1525-FN**, repealing the wetlands and shorelands review fund.
- 1:00 p.m. **HB 1480**, relative to requiring sprinklers in certain buildings
- 1:45 p.m. **HB 1207-FN**, defining the owner of timber rights for purposes of timber tax assessment.
- 2:30 p.m. **HB 1495-FN**, establishing a Purple Heart Trail along U.S. Route 3 and relative to fees for state parks for members of the United States uniformed services.
Executive session may follow.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 8:30 a.m. **HB 1210**, applying the procedures of the eminent domain procedures act to cases of eminent domain concerning public utilities.
- 9:30 a.m. **HB 1558**, requiring a certificate of public need for eminent domain.
- 11:00 a.m. **HJR 22**, supporting the use of an aversive agent in certain engine coolants and antifreeze to render them impalatable.
- 11:30 a.m. **HB 1296**, relative to net energy metering.
- 1:15 p.m. **HB 1288-FN**, relative to protection of private property from the use of eminent domain.
- 2:45 p.m. **HB 1258**, relative to late fees charged by utilities.
Executive session may follow.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 203, LOB

- 9:00 a.m. Full committee work session-NH Veteran's Issues Update.
- 9:30 a.m. **HB 1229**, declaring March 30 as Welcome Home Veterans Day to honor veterans of Vietnam.
- 10:30 a.m. **HR 26**, expressing support for admitting the District of Columbia as the fifty-first State of the United States of America.
- 11:30 a.m. **HB 1277**, requiring federal law enforcement agencies to notify New Hampshire law enforcement agencies prior to investigation or enforcement of federal law in New Hampshire, as all lawful police work is local.
- 1:15 p.m. **HCR 31**, commending the work of pregnancy care centers in New Hampshire and across the United States.
Executive session may follow.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. **HB 1222-FN**, relative to protected shoreland permitting fees.
- 11:00 a.m. **HB 1226-FN-A**, directing department of environmental services administrative fine revenue to a special fund for environmental enforcement.
- 1:00 p.m. **HB 1245-FN**, relative to the fee for retail dealer's licenses for lobster and crab.
- 2:00 p.m. **HB 1607-FN-L**, establishing an education credit against the business profits tax.
Executive session may follow.

WAYS AND MEANS JOINT WITH CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION, Rooms 210-211, LOB

- 3:00 p.m. Joint work session on video lottery and table gaming.

FRIDAY, JANUARY 13

CHARTER SCHOOLS AND OPEN ENROLLMENT LEGISLATIVE OVERSIGHT COMMITTEE (RSA 194-B:21), Room 103, LOB

- 9:00 a.m. Regular meeting.

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 101, LOB

- 1:00 p.m. Regular meeting.

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

- 10:00 a.m. Regular meeting.

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

- 9:00 a.m. Regular meeting.

TUESDAY, JANUARY 17

CHILDREN AND FAMILY LAW, Room 206, LOB

- 10:00 a.m. **CACR 31**, Relating to parental rights. Providing that parents have the natural right to control the health, education, and welfare of their children.
- 11:00 a.m. **HB 1191**, relative to responsibilities of parents of certain minors.
- 1:30 p.m. **HB 1419**, relative to the rights of military parents.
- 2:30 p.m. **HB 1267**, relative to adjustments to the child support guidelines based on child support expenses documented by the parties.
Executive session may follow.

COMMERCE AND CONSUMER AFFAIRS (BANKING/BUSINESS DIVISION), Room 302, LOB

- 10:15 a.m. **HB 1243**, establishing a committee to study the requirements of the deposit of certain checks.
- 10:45 a.m. **HB 1262**, prohibiting banks from requiring blood samples, fingerprints, and DNA samples in order to complete a banking transaction.
- 11:15 a.m. **HB 1319**, limiting credit card interchange fees charged to merchants.
- 1:30 p.m. **HB 1445**, requiring refunds for returns of merchandise.
Work sessions on these bills may follow the public hearings.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. **HB 1372**, requiring prisoners between 17 and 21 years of age to complete the requirements for a high school diploma or a GED certificate prior to release on probation or parole.
- 10:30 a.m. **HB 1388**, relative to speeding in the compact part of cities and towns.
- 11:00 a.m. **HB 1486**, prohibiting the state from accepting federal funds that could be used to enhance the militarization or federalization of law enforcement.
- 1:30 p.m. **HB 1654-FN**, relative to earned time credits for inmates participating in rehabilitative programming.
Executive session may follow.

EDUCATION, Room 207, LOB

- 10:00 a.m. **HB 1360**, relative to the rulemaking authority of the state board of education.
- 11:00 a.m. **HB 1413-FN**, directing New Hampshire to withdraw from the No Child Left Behind Act.
- 1:00 p.m. **HB 1517-FN-L**, prohibiting the state and any political subdivision from entering any agreement implementing any provision of the No Child Left Behind Act without prior approval of the general court.
- 2:00 p.m. Or immediately following the public hearing on HB 1517, executive session on **HB 1488**, relative to the alternative budget procedure in a school administrative unit.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:00 a.m. **HB 1211**, establishing a committee to study the promotion of lease of state-owned land for use for beginning farmers.
- 11:00 a.m. **HR 20**, urging the federal government to allow the cultivation of hemp for industrial purposes.
Executive session may follow.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 10:00 a.m. **HCR 35**, designating Miss New Hampshire, of the Miss America Scholarship Program, the official honorary hostess of the state of New Hampshire during her term as Miss New Hampshire.
- 10:35 a.m. **HB 1505-FN**, relative to public employee suggestions for cost-saving measures.
- 11:00 a.m. **HB 1387**, requiring United States flags purchased with state funds or

- displayed in state facilities to be manufactured in the United States.
- 11:30 a.m. **HB 1272**, establishing a legislative oversight committee to study implementation of the recommendations of the commission on the status of men and solutions to identified problems.
- 1:30 p.m. **HB 1265**, relative to criteria for the government regulation of occupations and professions.
- 2:30 p.m. **HCR 33**, honoring Charlie St. Clair for his contributions to the tourism industry in New Hampshire.
Executive session may follow.

FINANCE, Rooms 210-211, LOB

- 2:00 p.m. Rescheduled public hearing on **HB 1638**, establishing a commission to study and recommend standards for downshifting and cost shifting from the state to counties, cities, towns, and individuals.
Executive session may follow.

FISH AND GAME AND MARINE RESOURCES, Room 307, LOB

- 10:15 a.m. **HB 1455-FN**, relative to special licenses for taking lobster while engaged in recreational scuba diving.
Executive session may follow.

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

- 10:00 a.m. **HB 1322**, establishing a task force to study and recommend options to provide hospitals with the capacity to fund uncompensated care over time.
- 11:00 a.m. **HB 1326**, relative to advance directives pertaining to medically administered nutrition and hydration.
- 1:30 p.m. **HB 1358**, establishing a committee to study the costs of health care.
Executive session may follow.

JUDICIARY, Room 208, LOB

- 9:00 a.m. **HB 1397**, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy.
- 9:30 a.m. **HB 1577**, relative to petitions for reconsideration of court rulings in the judicial branch family division.
- 10:00 a.m. **HB 1597**, relative to taking by eminent domain for certain purposes.
- 10:30 a.m. **HB 1298**, relative to the definition of "public use" under the eminent domain procedure act.
- 11:00 a.m. **HB 1394**, relative to appeals of eminent domain decisions.
- 11:30 a.m. **CACR 22**, relating to the chief justice of the supreme court. Providing that the chief justice shall adopt court rules with the concurrence of the general court.
- 1:30 p.m. **CACR 25**, relating to the supreme and superior courts. Providing that the supreme and superior courts shall not be constitutionally established courts.
- 2:00 p.m. **CACR 30**, relating to limitations on impeachment judgment. Providing that judgment may include forfeiture of pension and retirement benefits.
- 2:30 p.m. **CACR 32**, relating to judicial conduct. Providing that the people of New Hampshire, in a manner established by law, shall be responsible for investigating and evaluating the conduct of members of the judiciary.
- 3:00 p.m. **HB 1612**, requiring the supreme court to adopt uniform rules of evidence for the superior and circuit courts and relative to child support and guardians ad litem.
- 3:30 p.m. **HB 1408**, establishing a commission to study the judicial branch family division.
Executive session may follow.

LEGISLATIVE ADMINISTRATION, Room 104, LOB

- 10:15 a.m. **CACR 20**, relating to meetings of the general court. Providing that the general court shall meet biennially.
- 11:00 a.m. **HB 1183**, relative to access to the galleries in the general court.
- 1:45 p.m. **HB 1213-L**, relative to parking for legislators on official business.
- 2:15 p.m. **HB 1350**, relative to the style and form of new articles and amendments to articles proposed by constitutional amendment concurrent resolutions.
- 2:45 p.m. **HB 1227**, relative to disqualification of certain members of the general court. Executive session may follow.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. **HB 1515-FN-L**, relative to the assessment of the land use change tax and the use of land use change tax revenues.
- 10:30 a.m. Rescheduled public hearing on **HB 1429**, enabling municipalities to adopt a property tax credit based on home renovation costs.
- 11:00 a.m. **HB 1393**, relative to the valuation of property for property tax purposes and procedures for imposing sanctions against appraisers who act in bad faith or violate statutory requirements.
- 11:30 a.m. **HB 1266**, requiring the assessing standards board to recommend standards rather than guidelines.
- 1:30 p.m. Rescheduled public hearing on **HB 1451**, establishing a statewide property tax credit for a resident maintaining a personal vegetable garden.
- 2:00 p.m. Rescheduled public hearing on **HB 1482**, relative to the exemption from property taxation for hospitals. Executive session may follow.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 9:30 a.m. **HB 1204**, relative to matching funds of highway projects.
- 10:30 a.m. **HB 1253**, relative to bridge aid and highway block grants for class V roads in certain village districts.
- 11:15 a.m. **HB 1400-FN-A**, allowing the department of transportation to sell naming rights for certain structures.
- 1:45 p.m. **HB 1314**, establishing a committee to study the maintenance of water and sewer infrastructure.
- 2:15 p.m. **HB 1286**, relative to the installation of sprinklers. Executive session may follow.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 10:00 a.m. **HB 1356**, classifying certain land in Litchfield as land to be retained by the state.
- 10:45 a.m. **HB 1233**, establishing a statute of limitations on wetlands filling and dredging.
- 1:30 p.m. **HB 1373**, relative to the definition of first-in, first-out as it applies to wastewater or public water supply projects.
- 2:15 p.m. **HB 1380**, relative to the development of wetland mitigation banks.
- 3:00 p.m. **HB 1557**, directing the department of resources and economic development to develop a "Live Free or Die Bucks Program" to increase tourism spending. Executive session may follow.

TRANSPORTATION, Room 203, LOB

- 10:00 a.m. **HB 1143**, relative to speed limits on certain residential ways.
- 10:30 a.m. **HB 1193**, relative to requirements for temporary certificates of safe boating education.
- 11:00 a.m. **HB 1278**, relative to obstructions on highways.
- 11:30 a.m. **HB 1287-FN**, relative to nonresident vehicle registration.
- 1:40 p.m. **HB 1307**, relative to agricultural plates.

Executive session may follow.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. **HB 1302-FN**, relative to underpayment of estimated taxes and equalization of valuations administered by the department of revenue administration.
- 11:00 a.m. **HB 1592**, requiring an annual report on business taxes.
- 1:30 p.m. **HB 1641-FN**, requiring the carry forward of certain net operating loss deductions to relate to creation of new jobs.
- 2:30 p.m. **HB 1652-FN-A**, requiring the transfer of insurance premium tax revenue to the revenue stabilization reserve account.
- Executive session may follow.

THURSDAY, JANUARY 19

CHILDREN AND FAMILY LAW, Room 206, LOB

- 10:00 a.m. **HB 1469**, relative to enforcement of parenting plans.
- 11:00 a.m. **HB 1470**, establishing a committee to study administrative orders related to parental visitation.
- 1:00 p.m. **HB 1554**, relative to fire code requirements for licensed foster homes.
- 2:00 p.m. **HB 1567**, establishing a committee to study the federal Youth Corrections Act.
- Executive session may follow.

COMMERCE AND CONSUMER AFFAIRS (INSURANCE/CONSUMER PROTECTION DIVISION), Room 302, LOB

- 10:00 a.m. **HB 1283-FN**, relative to insurance payments for domestics.
- 11:00 a.m. **HB 1297**, relative to health care exchanges.
- 1:15 p.m. **HB 1493-FN**, relative to copayments for certain specialists.
- 2:00 p.m. **HB 1471**, relative to authority for opticians to replace eyeglasses.
- Work sessions on these bills may follow the public hearings.

COMMISSION TO STUDY THE EFFECTS OF SERVICE-CONNECTED POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY (RSA 115-D:1), Room 203, LOB

- 2:30 p.m. Regular meeting.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. **HB 1648-FN**, requiring prosecution of a law enforcement officer for failure to enforce the crime of interference with custody.
- 10:30 a.m. **HB 1581**, relative to procedures for arrest.
- 11:00 a.m. **HB 1608-FN**, relative to the issuance and enforcement of domestic violence protective orders.
- 1:00 p.m. **HB 1611-FN**, repealing certain provisions relative to the sale of pistols and revolvers.
- 1:30 p.m. **HB 1511-FN**, relative to felons possessing firearms.
- Executive session may follow.

EDUCATION, Room 207, LOB

- 10:00 a.m. **HB 1485-FN-L**, relative to funding for chartered public schools established by the state board of education.
- 10:30 a.m. **HB 1383**, relative to residency status for purpose of receiving in-state tuition status within the university system of New Hampshire.
- Executive session may follow.
- 1:00 p.m. Executive session on **HB 1145**, relative to the New Hampshire public television's affiliation with the university system of New Hampshire, **HB 1268-FN**, requiring the department of education to reimburse the community

colleges for the costs of providing remedial courses, **HB 1382**, including parents in the approval process for alternative learning plans and requiring a truant officer to obtain a warrant or permission of a parent prior to returning a child to school, **HB 1433**, relative to instruction for pupils on the issues of HIV, AIDS, and sexually transmitted diseases.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. **HB 1446**, relative to the meat inspection program.
Executive session may follow.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Rooms 305-307, LOB

9:00 a.m. **HB 1163**, relative to the withholding union dues from wages.
9:01 a.m. **HB 1206**, prohibiting the state from withholding union dues from the wages of state employees.
10:00 a.m. **HB 1174**, relative to negotiations for contracts for county employees.
10:30 a.m. **HB 1237**, relative to the membership of the advisory committee appointed to assist the state negotiator in collective bargaining negotiations.
11:30 a.m. **HB 1570**, relative to the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.
1:15 p.m. **HB 1663-FN-L**, relative to payment of union fees by non-members.
3:00 p.m. **HB 1645-FN**, prohibiting all public employees from participating in collective bargaining.
Executive session may follow.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **HB 1170**, allowing municipalities to authorize the inclusion of a statement of the estimated tax impact of the budget and special warrant articles to be voted at annual meeting.
10:30 a.m. **HB 1621**, repealing certain statutes.
11:00 a.m. **HB 1603**, relative to local spending caps.
11:30 a.m. **HB 1591**, relative to the homestead exemption amount.
1:00 p.m. **HB 1294**, relative to applications for abatement of property taxes.
1:30 p.m. **HB 1426-L**, relative to employer negotiations for health care coverage.
2:30 p.m. **HB 1357**, relative to the membership of mosquito control districts.
2:45 p.m. **HB 1289**, relative to agreements between government units.
Executive session may follow.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:30 a.m. **HB 1130**, relative to weighted voting by the Winnepesaukee River advisory board.
10:30 a.m. **HB 1320-FN-L**, relative to law enforcement responsibility for interstate highways.
11:15 a.m. **HB 1138**, naming a bridge in Pelham in honor of Sergeant Daniel R. Gionet.
1:15 p.m. **HB 1165**, naming a bridge in the town of Meredith the POW/MIA Vigil and Freedom Ride bridge.
Executive session may follow.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

8:30 a.m. **HB 1214**, banning corn-based ethanol as an additive to gasoline sold in New Hampshire.
9:30 a.m. **HB 1487**, relative to prior legislative approval for the expenditure of funds for low carbon fuel standards programs.
10:30 a.m. **HB 1324**, establishing a committee to study the public utilities commission.
11:00 a.m. **HB 1295**, establishing a committee to study the potential effects of total deregulation of the telecommunications industry.

1:00 p.m. **HB 1390**, relative to the regulation of incumbent local exchange carriers.
Executive session may follow.

**SHORELAND ADVISORY COMMITTEE (RSA 483-B:21, V), Department of
Environmental Services, 29 Hazen Drive, Concord**

9:00 a.m. Regular meeting.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 203, LOB

9:30 a.m. **HB 1353**, relative to establishing an individual's status as a veteran.

10:00 a.m. **HB 1420**, relative to the disposition of the remains of service members.

11:00 a.m. **HCR 30**, congratulating the Republic of Hungary on the adoption of its first
national constitution.

11:30 a.m. **HCR 38**, urging the United States Congress to extend equal benefits for the
treatment of Agent Orange exposure to Vietnam veterans who served outside
of Vietnam.

Executive session may follow.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. **HB 1144**, establishing a commission to study the taxation of alternative fuel
and electric-powered motor vehicles for the purpose of funding improvements
to the state's highways and bridges.

11:00 a.m. **HB 1209**, establishing a committee to study administration of the business
profits tax and the business enterprise tax.

1:00 p.m. **HB 1221**, relative to the credit for the business enterprise tax against the
business profits tax.

2:00 p.m. **HB 1418-FN-A**, increasing the threshold amounts for taxation under the
business enterprise tax.

Executive session may follow.

FRIDAY, JANUARY 20

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 305-307, LOB

9:00 a.m. Regular meeting.

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Room 201, LOB

1:00 p.m.. Regular meeting.

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

10:00 a.m. Regular business.

**HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13),
Room 303, LOB**

9:00 a.m. Subcommittee meeting to investigate the prevalence and problems associated
with bed bugs and the effect on NH.

**NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF
DIRECTORS (RSA 227-M:4), Dept. of Resources & Economic Development, 172
Pembroke Rd., Concord**

10:00 a.m. Regular meeting. (Snow Date January 27, 2012)

**NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g), Upham Walker House, Park
Street, Concord**

11:00 a.m. Regular meeting.

MONDAY, JANUARY 23

COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), NH

Higher Education Assistance Foundation, 4 Barrell Court, Concord

9:00 a.m. Investment committee meeting.

10:00 a.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, JANUARY 24

COMMERCE AND CONSUMER AFFAIRS (BANKING/BUSINESS DIVISION), Room 302, LOB

10:15 a.m. **HB 1406**, relative to goods in intrastate commerce.

11:00 a.m. **HB 1370**, making technical changes to the New Hampshire real estate practice act.

1:15 p.m. **HB 1348**, relative to playing mind sports for money.

2:00 p.m. **HB 1359**, relative to exceptions for municipal regulation of hawkers and peddlers.

Work sessions on these bills may follow the public hearings.

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION, Room 206, LOB

10:00 a.m. **HB 1560**, relative to the interstate Health Care Compact.

11:00 a.m. **HB 1580**, requiring a reference to the Magna Carta on certain legislation.

1:00 p.m. **HB 1623**, relative to conflicts of interest of a member of the general court.
Executive session may follow.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 1158**, relative to the authority of the superintendant of a county correctional facility.

10:30 a.m. **HB 1179**, imposing an extended term of imprisonment for assault against a health care worker.

11:00 a.m. **HB 1244**, relative to firearms possession while trapping.

11:30 a.m. **HB 1318**, relative to carrying firearms.

1:00 p.m. **HB 1341**, repealing the provision relative to the unauthorized use of firearms in the compact part of a city or town.

1:30 p.m. **HB 1375**, relative to access to firearms by persons convicted of nonviolent felonies.

Executive session may follow.

EDUCATION, Room 207, LOB

10:00 a.m. Executive session on **HB 1225**, permitting a charter school to incur long-term debt, **HB 1284**, authorizing the Concord school district to amend its charter without prior legislative approval, **HB 1325**, relative to school attendance by children of divorced parents, **HB 1360**, relative to the rulemaking authority of the state board of education.

1:00 p.m. Executive session on **HB 1413-FN**, directing New Hampshire to withdraw from the No Child Left Behind Act, **HB 1517-FN-L**, prohibiting the state and any political subdivision from entering any agreement implementing any provision of the No Child Left Behind Act without prior approval of the general court, **HB 1485-FN-L**, relative to funding for chartered public schools established by the state board of education, **HB 1383**, relative to residency status for purpose of receiving in-state tuition status within the university system of New Hampshire.

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

- 10:00 a.m. **HB 1441**, removing the requirement for the reporting of incidents by emergency medical services providers and units.
- 11:00 a.m. **HB 1519-FN**, requiring hospitals to provide Medicaid patient outpatient services at outpatient Medicaid rates for certain hours.
Executive session may follow.
- 1:00 p.m. Executive session on **HB 1250**, allowing designated persons to provide emergency medical treatment to another person, **HB 1322**, establishing a task force to study and recommend options to provide hospitals with the capacity to fund uncompensated care over time, **HB 1326**, relative to advance directives pertaining to medically administered nutrition and hydration.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 9:30 a.m. **HB 1412**, requiring the department of transportation to post signs on roads that cross the border into Massachusetts.
- 11:00 a.m. **HB 1203**, relative to the membership of the capital budget overview committee.
- 11:30 a.m. **HB 1205**, relative to the duty of the long range capital planning and utilization committee.
- 1:15 p.m. **HB 1134**, establishing a committee to study the construction of a permanent memorial to Governor John Gilbert Winant on the state house grounds.
- 2:00 p.m. **HB 1437**, relative to display of certain historical items in the state house.
Executive session to follow.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:15 a.m. **HB 1129**, establishing a committee to study the frequency and financial consequences of erroneously dialed 911 calls.
- 11:15 a.m. **HB 1133**, relative to membership of the enhanced 911 commission.
- 12:00 p.m. **HB 1152**, establishing a committee to study high speed digital subscriber line (DSL) service.
- 1:30 p.m. **HB 1458**, relative to the responsibilities of telecommunications companies that permit third party billing.
- 2:30 p.m. **HB 1477**, relative to the definition of spent materials.
Executive session may follow.

TRANSPORTATION, Room 203, LOB

- 10:00 a.m. **HB 1309-FN-A**, establishing a special number plate to support public elementary and secondary schools.
- 10:45 a.m. **HB 1374-FN**, relative to speed limits approaching toll booths.
- 11:15 a.m. **HB 1398**, relative to lighting on bicycles at night.
- 1:00 p.m. **HB 1414**, relative to revocation or suspension of youth operators' licenses for speeding.
- 1:45 p.m. **HB 1432**, relative to the release of motor vehicle registration information.
Executive session may follow.

WEDNESDAY, JANUARY 25

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 9:30 a.m. **HB 1504**, reinstating the Maine-New Hampshire Interstate Bridge Authority.
Executive session to follow.
- 10:30 a.m. **HB 1576-FN**, requiring construction of a noise barrier along Interstate Route 95 in Portsmouth.
Executive session to follow.

THURSDAY, JANUARY 26

COMMERCE AND CONSUMER AFFAIRS (INSURANCE/CONSUMER PROTECTION DIVISION), Room 302, LOB

- 10:00 a.m. **HB 1409**, relative to definitions under the Uniform Securities Act.
11:00 a.m. **HB 1410**, relative to securities regulation.
1:15 p.m. **HB 1228**, prohibiting the sale of grave markers and memorial markers by funeral directors.
2:00 p.m. **HB 1231**, repealing the prohibition on the sale, gift, or display of certain young birds and rabbits.
Work sessions on these bills may follow the public hearings.

COMMISSION TO STUDY BUSINESS REGULATIONS IN NEW HAMPSHIRE (RSA 359-L:1), Room 308, LOB

- 3:00 p.m. Regular meeting.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. **HB 1249**, relative to the child protection reporting law.
10:30 a.m. **HB 1259-FN**, relative to payment of medical expenses for individuals who surrender themselves to law enforcement or corrections officials.
11:00 a.m. **HB 1275**, relative to the common law rule of lenity.
11:30 a.m. **HB 1304**, relative to the waiver of financial responsibility requirements for certain habitual offenders.
1:00 p.m. **HB 1220**, repealing the criminal history record and protective order check for the sale of firearms.
1:30 p.m. **HB 1246**, permitting resident application for pistol or revolver licenses to be submitted to the state police or the sheriff's department.
2:00 p.m. **HB 1212**, relative to resisting arrest.
Executive session may follow.

EDUCATION, Room 207, LOB

- 10:00 a.m. **HB 1162**, establishing a committee to study the effects of compulsory school attendance on children and families.
10:30 a.m. **HB 1167**, repealing the 180 day school year requirement.
11:00 a.m. **HB 1403**, allowing a parent or guardian to withdraw a child from a school district which adopts the international baccalaureate program.
1:00 p.m. **HB1461**, requiring school officials to notify parents of a class or event involving an outside speaker and allowing parents to opt for their child not to participate in the class or event.
2:00 p.m. **HB 1175**, relative to the membership of the cooperative school district budget committees.
Executive session may follow.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 203, LOB

- 9:00 a.m. **HCR 32**, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces.
10:00 a.m. **HCR 34**, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement.
11:00 a.m. **HCR 37**, urging Congress to pass legislation against losses in value due to money supply by the federal reserve; restoring gold and silver money; and phasing out the federal reserve system.
1:00 p.m. **HR 25**, affirming States' powers based on the Constitution for the United

2:00 p.m. States and the Constitution of New Hampshire.
HR 24, urging relief from the current level of federal nursing home regulation.
Executive session may follow.

FRIDAY, JANUARY 27

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), New Hampshire Department of Revenue Administration, 109 Pleasant Street, Concord
9:30 a.m. Regular meeting.

MONDAY, JANUARY 30

CURRENT USE BOARD (RSA 79-A:3), Department of Revenue Administration, 109 Pleasant Street, Concord
9:30 a.m. Rulemaking hearing.

TUESDAY, JANUARY 31

COMMERCE AND CONSUMER AFFAIRS (BANKING/BUSINESS DIVISION), Room 302, LOB

10:15 a.m. **HB 1172**, authorizing nano brewery licensees to sell their products at farmers' markets.
10:45 a.m. **HB 1208**, relative to restrictions on beverage manufacturers.
11:30 a.m. **HB 1236-FN**, relative to ownership and operation of liquor licensees.
1:15 p.m. **HB 1411**, establishing a committee to study small brewer relationships with distributors.
1:35 p.m. **HB 1500-FN**, relative to on-premises liquor licenses.
2:00 p.m. **HB 1251-FN**, permitting off-premises licensees to sell liquor.
Work sessions on these bills may follow the public hearings.

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION, Room 206, LOB

10:00 a.m. **HB 1361**, prohibiting generic fiscal notes on bills.
11:00 a.m. **HB 1475**, relative to enforcement of interstate compacts.
1:00 p.m. **HB 1146**, requiring pupils to stand during the pledge of allegiance.
2:00 p.m. **HB 1194**, relative to the text of Article 73-a of Part II of the New Hampshire Constitution.
3:00 p.m. **HB 1131**, establishing a committee to study the revisions to laws which would be necessary if the supreme court and superior court were abolished as constitutional courts.
Executive session may follow.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 1240**, relative to license suspensions for refusal to consent to an alcohol test.
10:30 a.m. **HB 1312**, relative to the statute of limitations for violations involving a motor vehicle accident resulting in death or serious bodily injury.
11:00 a.m. **HB 1584**, relative to the authority of police chiefs.
1:00 p.m. **HB 1604-FN**, relative to penalties for motor vehicle accidents involving death or serious bodily injury to a pedestrian.
1:30 p.m. **HB 1610-FN**, relative to lowering the legal drinking age to 19 for active duty members of the armed forces.
2:00 p.m. **HB 1630**, relative to traffic control at public meetings or functions.

Executive session may follow.

EDUCATION, Room 207, LOB

- 10:00 a.m. **HB 1202-FN**, relative to tuition payments for chartered public school students attending out-of-district regional vocational education centers.
- 11:00 a.m. **HB 1516-FN-L**, relative to the instruction of English and mathematics for pupils in kindergarten through grade 3.
- 2:00 p.m. **HB 1139**, making changes to the unique pupil identification system.
Executive session may follow.

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

- 10:00 a.m. **HB 1596** relative to the membership of the advisory council on child care.
- 10:30 a.m. **HB 1599** relative to mammography
- 11:30 a.m. **HB 1614**, establishing a committee to study the public health implications involved with the imposition of the energy provisions of the state building code.
- 1:00 p.m. **HB 1613**, relative to protected health information.
- 2:00 p.m. **HB 1618**, relative to fire safety standards for community living facilities.
Executive session may follow.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:15 a.m. **HB 1305**, reestablishing the exemption from property taxation for telecommunications poles and conduits and establishing a committee to study how utilities are taxed by the state and municipalities.
- 1:15 p.m. **HB 1391**, relative to transmission and distribution utility line extension construction and relative to pole attachments.
Executive session may follow.

TRANSPORTATION, Room 203, LOB

- 10:00 a.m. **HB 1503-FN**, relative to motorcycle rider education.
- 11:30 a.m. **HB 1447**, relative to motorcycle number plates.
- 1:00 p.m. **HB 1171**, updating certain references in motor vehicle statutes.
- 1:20 p.m. **HB 1440**, relative to driver education.
Executive session may follow.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. **HB 1489-FN**, repealing the decrease of the fuel oil importation fee.
- 11:00 a.m. **SB 153-FN**, relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board.
- 1:00 p.m. Executive session on **HB 1144**, establishing a commission to study the taxation of alternative fuel and electric-powered motor vehicles for the purpose of funding improvements to the state's highways and bridges, **HB 1209**, establishing a committee to study administration of the business profits tax and the business enterprise tax, **HB 1221**, relative to the credit for the business enterprise tax against the business profits tax, **HB 1222-FN**, relative to protected shoreland permitting fees, **HB 1226-FN-A**, directing department of environmental services administrative fine revenue to a special fund for environmental enforcement, **HB 1245-FN**, relative to the fee for retail dealer's licenses for lobster and crab, **HB 1302-FN**, relative to underpayment of estimated taxes and equalization of valuations administered by the department of revenue administration, **HB 1418-FN-A**, increasing the threshold amounts for taxation under the business enterprise tax, **HB 1592**, requiring an annual report on business taxes, **HB 1607-FN-L**, establishing an education credit against the business profits tax, **HB 1641-FN**, requiring the carry forward of certain net operating loss deductions to relate to creation of new jobs, **HB 1652-FN-A**, requiring the transfer of

insurance premium tax revenue to the revenue stabilization reserve account, **SB 153-FN**, relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board., **HB 1489-FN**, repealing the decrease of the fuel oil importation fee.

WEDNESDAY, FEBRUARY 1

EDUCATION OF CHILDREN WITH DISABILITIES ADVISORY COMMITTEE (RSA 186-C:3-b), Department of Education, Londergan Hall. Room 15, 101 Pleasant Street, Concord

4:30 p.m. Regular meeting. (Snow Date February 8)

THURSDAY, FEBRUARY 2

COMMERCE AND CONSUMER AFFAIRS (INSURANCE/CONSUMER PROTECTION DIVISION), Room 302, LOB

10:00 a.m. **HB 1590**, requiring the disclosure to patients and prospective patients of the charges for medical procedures.

11:00 a.m. **HR 27**, urging New Hampshire policymakers to declare "brainpower" a state resource.

Work sessions on these bills may follow the public hearings.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 1352**, relative to citizen complaints against a police officer.

10:30 a.m. **HB 1438**, relative to confidentiality of police personnel files.

11:00 a.m. **HB 1452**, prohibiting the establishment of sobriety checkpoints.

11:30 a.m. **HB 1520-FN**, prohibiting law enforcement officers from failing to investigate criminal complaints against public servants.

1:00 p.m. **HB 1526-FN**, decriminalizing possession of less than one ounce of marijuana.

1:30 p.m. **HB 1527-FN**, exempting cultivation of marijuana from manufacturing under the controlled drug act.

2:00 p.m. **HB 1532-FN**, relative to trespass on land which is not posted.

Executive session may follow.

EDUCATION, Room 207, LOB

11:00 a.m. **HB 1199**, relative to school district voting on school building projects.

Executive session may follow.

1:00 p.m. Executive session on **HB 1516-FN-L**, relative to the instruction of English and mathematics for pupils in kindergarten through grade 3, **HB 1202-FN**, relative to tuition payments for chartered public school students attending out-of-district regional vocational education centers, **HB 1461**, requiring school officials to notify parents of a class or event involving an outside speaker and allowing parents to opt for their child not to participate in the class or event, **HB 1162**, establishing a committee to study the effects of compulsory school attendance on children and families.

SCIENCE, TECHNOLOGY AND ENERGY, Representatives Hall

8:30 a.m. **HB 1238**, relative to divestiture of Public Service of New Hampshire (PSNH) generation assets.

Executive session may follow.

FRIDAY, FEBRUARY 3

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 305-307, LOB

9:00 a.m. Continued regular meeting.

MONDAY, FEBRUARY 6

STATE COMMITTEE ON AGING (RSA 161-F:7), Department of Health and Human Services, Brown Building , Pleasant Street, Concord

10:00 a.m. Regular meeting.

TUESDAY, FEBRUARY 7

COMMERCE AND CONSUMER AFFAIRS (BANKING/BUSINESS DIVISION), Room 302, LOB

10:00 a.m. *HB 1628-FN-L*, relative to compliance with fire safety and state building code requirements by municipalities.

11:00 a.m. *HB 1600-FN*, relative to collection notification practices.
Work sessions on these bills may follow the public hearings.

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION, Room 206, LOB

10:00 a.m. *HB 1536*, relative to the preservation of religious freedom.

11:00 a.m. *HB 1546*, recodifying the laws relative to religious societies.

1:00 p.m. *HB 1553*, repealing obsolete and outdated provisions of the Revised Statutes Annotated.
Executive session may follow.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. *HB 1615*, relative to industrial hemp.

10:30 a.m. *HB 1651-FN*, requiring the division of state police to equip special weapons and tactics (SWAT) units or teams with tactical cameras.

11:00 a.m. *HB 1522-FN*, reducing the penalty for violating a local vendor ordinance.

11:30 a.m. *HB 1423*, relative to justification for use of deadly force in defense of another.

1:00 p.m. *HB 1568*, relative to imposition of consecutive sentences.

1:30 p.m. *HB 1494-FN*, relative to verification of immigration status of all persons arrested or detained by law enforcement officers.
Executive session may follow.

EDUCATION, Room 207, LOB

10:00 a.m. *HB 1313*, allowing school districts to offer higher education scholarships to high school pupils.

10:30 a.m. *HB 1377*, requiring postsecondary education institutions to compile and submit reports on remedial education courses.

12:30 p.m. *HB 1389*, relative to the pre-engineering technology curriculum and pre-engineering technology advisory council.

1:00 p.m. *HB 1424-FN*, relative to a parent's conscientious objection to a school, school program, or school curriculum.

1:30 p.m. *HB 1417*, relative to a student's freedom of association.
Executive session may follow.

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

10:00 a.m. *HB 1640*, establishing a committee to study application requirements for nursing home patients seeking respite care.

10:30 a.m. *HB 1642-FN*, relative to destination cancer hospitals.

11:30 a.m. *HB 1644*, relative to the regulation of home health care providers by the department of health and human services.
Executive session may follow.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:15 a.m. **HB 1346**, relative to the construction of power line extensions.
11:00 a.m. **HB 1239**, requiring the site evaluation committee to consider economic impact prior to issuing a certificate for an energy facility.
1:15 p.m. **HB 1401**, relative to site evaluations and certificates for energy facilities.
Executive session may follow.

TRANSPORTATION, Representatives Hall

- 10:00 a.m. **HB 1442**, relative to motorcycle noise emission regulation.
Executive session may follow.

THURSDAY, FEBRUARY 9

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

- 10:00 a.m. Executive session on **HB 1406**, relative to goods in intrastate commerce.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. **HB 1518-FN**, relative to penalties for certain sex offenders.
10:30 a.m. **HB 1523-FN-L**, relative to the return of personal property seized by law enforcement agencies from a person charged with a crime.
11:00 a.m. **HB 1528-FN**, requiring criminal penalties for attorneys in the attorney general's office and the county attorneys' office for failing to prosecute offenses related to falsification in official matters.
1:00 p.m. **HB 1531-FN**, relative to prosecution for victimless crimes.
1:30 p.m. **HB 1562-FN**, establishing a criminal penalty for sending or receiving sexually explicit text messages or images by using a cell phone or other mobile device.
Executive session may follow.

EDUCATION, Room 207, LOB

- 10:00 a.m. **HB 1456**, relative to school district policies on health and sex education.
11:00 a.m. **HB 1457**, relative to scientific inquiry in the public schools.
Executive session may follow.
1:00 p.m. Executive session on **HB 1313**, allowing school districts to offer higher education scholarships to high school pupils, **HB 1377**, requiring postsecondary education institutions to compile and submit reports on remedial education courses, **HB 1389**, relative to the pre-engineering technology curriculum and pre-engineering technology advisory council, **HB 1417**, relative to a student's freedom of association.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 8:30 a.m. **HB 1428**, relative to public utilities commission orders concerning renewable portfolio standards.
Executive session may follow.

MONDAY, FEBRUARY 13

PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1), Room 212, LOB

- 10:00 a.m. Regular business.

TUESDAY, FEBRUARY 14

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION, Room 206, LOB

10:00 a.m. **HB 1131**, establishing a committee to study the revisions to laws which would be necessary if the supreme court and superior court were abolished as constitutional courts.

1:00 p.m. **HCR 41**, urging the United States Congress to find that the Department of Health and Human Services' grant to Planned Parenthood of Northern New England is unconstitutional and void.
Executive session may follow.

EDUCATION, Room 207, LOB

10:00 a.m. **HB 1467**, relative to educational requirements for teacher certification.

11:00 a.m. **HB 1148**, requiring the teaching of evolution as a theory in public schools.
Executive session may follow.

1:00 p.m. Executive session on **HB 1167**, repealing the 180 day school year requirement, **HB 1139**, making changes to the unique pupil identification system, **HB 1403**, allowing a parent or guardian to withdraw a child from a school district which adopts the international baccalaureate program.

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

10:00 a.m. **HB 1617-FN**, repealing the certificate of need law.
Executive session may follow.

SCIENCE, TECHNOLOGY AND ENERGY, Representatives Hall

10:15 a.m. **HB 1490-FN**, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.
Executive session may follow.

THURSDAY, FEBRUARY 16

COMMISSION TO STUDY THE EFFECTS OF SERVICE-CONNECTED POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY (RSA 115-D:1), Room 203, LOB

2:30 p.m. Regular meeting.

EDUCATION, Room 207, LOB

10:00 a.m. Executive session on **HB 1175**, relative to the membership of the cooperative school district budget committees, **HB 1456**, relative to school district policies on health and sex education, **HB 1467**, relative to educational requirements for teacher certification, **HB 1457**, relative to scientific inquiry in the public schools, **HB 1148**, requiring the teaching of evolution as a theory in public schools.

FRIDAY, FEBRUARY 17

GUARDIANS AD LITEM BOARD (RSA 490-C:1), Room 101, LOB

1:00 p.m. Regular meeting.

TUESDAY, FEBRUARY 21

EDUCATION, Room 207, LOB

10:00 a.m. Executive session on **HB 1199**, relative to school district voting on school building projects, **HB 1424-FN**, relative to a parent's conscientious objection to a school, school program, or school curriculum.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Belknap County Delegation will meet on **January 16th** at 4:00 p.m. at the Belknap County Courthouse, Courtroom 1 for a work session on the Administrative budget and any other business.

Rep. Alida I. Millham, Chairman
Belknap County Delegation

COUNTY DELEGATION NOTICE

Cheshire County Executive Committee will meet in the Commissioners' Conference Room, 33 West St., Keene, NH, **January 9, 2012** at 9:00 a.m.

1. To begin review of the 2012 Commissioners Proposed Budget.
2. To discuss any other matters which might come before the committee.

Rep. John Hunt, Chairman
Cheshire County Executive Committee

COUNTY DELEGATION NOTICE

Rockingham County 2012 Budget schedule:

Rockingham County Delegation will hold a public hearing on the Commissioners' Proposed 2012 Budget (RSA 24:23) on Thursday, **January 26** at 7:00 p.m. at the Hilton Auditorium, RCNH, Brentwood. Executive Committee meeting to follow to consider line item transfer request and any other necessary business.

Rockingham County Executive Committee will meet on Friday, **February 10** at 9:30 a.m. at the Hilton Auditorium, RCNH, Brentwood for the Subcommittee Chairs to report budget recommendations and for the Executive Committee to vote on the budget to be presented to the full Delegation.

Rockingham County Executive Committee will meet on Tuesday, **February 21** at 5:30 p.m. at the Commissioners Conference Room, RCNH, Brentwood, to finalize unfinished business prior to the Delegation Meeting.

Rockingham County Delegation (RSA 24:21-b) will meet on Tuesday, **February 21** at 6:00 p.m. at the Hilton Auditorium, RCNH, Brentwood, to adopt the County Budget for 2012. Sandwiches and light refreshments will be provided. (Thursday, February 23 at 6:00 p.m. will be the storm date.)

Rep. David A. Welch, Clerk
Rockingham County Delegation

When the House Clerk's Office is aware of House Members who are hospitalized or homebound by serious illness, we will publish a list of names and addresses as requested.

Rep. Ronald J. Belanger, 220 North Main Street, Salem, New Hampshire 03079-1719.

Rep. Frank G. Case, 44 Beach Head Road, Nottingham, New Hampshire 03290-4921.

Rep. Jennifer R. Coffey, 748 Raccoon Hill Road, Andover, New Hampshire 03216-4040.

Rep. Susan Emerson, Fisher House #5, Room 109, 24 Stokes Road, Bethesda, MD 20814.

Rep. James F. Powers, 135 Bow St., Unit 5, Portsmouth, New Hampshire 03801-5565.

Colleagues who so desire may send cards and greetings to the address listed above.

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.

The General Court is exploring the issue of the disposal of used syringes, needles and any other sharps into proper disposal boxes. During the first phase of exploration, we will have a sharps box for all legislators and employees use on top of the refrigerator in Health Services department to place all sharps in. This will assist us in planning to see if there is any viability for placing other containers in the complex. Please help make this study possible by bringing all your sharps to Health Services.

Rep. J. David Knox

The Sullivan County Republican Committee will have a Debate Watch Party, **January 7**, 2012, Saturday evening, 7:30 p.m., at our office, 12 Main Street, Newport, NH. The televised debate begins at 9:00 p.m. and ends at 11:00 p.m. We will start with a one hour "surrogate debate". Representatives of the various candidates will be present to answer your questions prior to the WMUR debate. Of course there will be pizza, soft drinks, cheering, booing and camaraderie. Come and have a good time. Admission is \$10 and we are limited to 50 attendees. Contact Chairman Steve Cunningham @ 763-4359 or DrSteveC@live.com to register.

Rep. Steven L. Cunningham

Members are invited to meet Bishop Libasei on Wednesday, **January 11** at 7:30 a.m. at the Upham Walker House, Park Street, Concord. A continental breakfast will be served.

Reps. Jordan G. Ulery, John W. Cebrowski and Maurice L. Pilotte

All legislators and state house staff are cordially invited to attend a "Welcome Back Legislators" reception hosted by the Business and Industry Association, New Hampshire's statewide chamber of commerce. The reception will take place at the Holiday Inn, 172 North Main Street, Concord from 4:00 to 6:00 p.m. on Thursday, **January 12**. Legislators and state house staff are guests of the BIA, but please RSVP your attendance by calling the BIA at 224-5388, ext. 113 or by using their online registration at www.nhbia.org and utilizing the "programs and events" link.

Reps. DJ Bettencourt and Terie Norelli

All members are invited to an Interfaith Service for Economic Justice to be held on Thursday, **January 12** at 4:00 p.m., at St. Paul's Church, 21 Centre Street, Concord. The program will feature a message and meditation from Rev. Dr. Paul Sherry, former President and General Minister of the United Church of Christ and currently Policy Director for Interfaith Worker Justice, Washington, DC. This is presented by an ad hoc coalition of Faith and Labor in New Hampshire, in coalition with the Economic Justice Ministry Team of the United Church of Christ, New Hampshire.

Rep. Mary Stuart Gile

All House members are invited to join the Natural Rights Council for a special mock committee hearing on Sen. Fenton Groen's Pension Reform bill, which will create a defined contribution plan (401(k) style) for all new government hires, at 2:00 p.m. on Friday, **January 13, 2012** in Rooms 302 and 304 of the Legislative Office Building (LOB). Natural Rights Council members will sit at the table to serve as a mock committee for Sen. Fenton Groen as he presents his bill for consideration. One half of the table will ask questions opposing Sen. Groen's bill, and the other half will present questions supporting it. After the committee has exhausted its questions, other House members in attendance will be allowed to ask questions of the sponsor. The meeting is intended to be informational and educational for all in attendance.

Rep. Andrew J. Manuse

Come visit the Red Hook Brewery in Portsmouth for its Legislative Educational Seminar of the New Hampshire craft beer industry, a brewery tour, and a food and beer tasting. The event will take place **January 20, 2012** from 2:00 – 7:00 p.m., and is open to all legislators, please RSVP to Ted Lane at ted@lanepr.com.

Rep. Kyle Tasker

During National Eye Health Month, Health Services will have a local eye care professional (Kristin Bryant, O.D.) back to conduct a “brown bag” seminar on eye health. The eye seminars will occur at the State House Annex in Room 411 on Thursday, **January 26** in three repeat sessions each lasting 30 minutes from 11:30 a.m. to 1:00 p.m. An RSVP would be appreciated at 271-2757 or email dianne.bergquist@leg.state.nh.us for each of the three seminars.

Rep. James R. MacKay

All members of the NH House of Representatives are invited to attend the annual Legislative and Business Breakfast sponsored by Bi-State Primary Care Association and New Hampshire's Community Health Centers on Wednesday, **February 1, 2012** (snow date February 2, 2012) from 7:30 a.m. – 9 a.m. at the Holiday Inn, 272 North Main Street, Concord. A delicious hot breakfast buffet will be served followed by a short program.

Rep. John Reagan

The Retail Merchants Association of New Hampshire invites all legislators and staff to its 45th Annual Legislative Reception on Wednesday, **February 8th** at 4:00 p.m. or following the House session, whichever is later, at the Concord Holiday Inn. Please join RMANH members, your colleagues and others for light fare and conversation as RMANH leadership presents the annual “Law Enforcement Partner of the Year”, “Retailer of the Year” and “Legislator of the Year”, awards.

Reps. DJ Bettencourt and Terie Norelli

The annual Water Matters Legislative Breakfast is set for Wednesday, **February 15, 2012** at the Holiday Inn on Main Street in Concord. Check in for the event begins at 7:00 a.m.

with a buffet breakfast. During the breakfast water quality professionals will present information on drinking water, wastewater treatment and stormwater management in New Hampshire with an emphasis on aging infrastructure, sustainable funding, challenging regulations and why maintaining high quality water resources in New Hampshire is critical to our health and economic welfare. All legislators and staff are invited to enjoy a hearty breakfast and learn more about New Hampshire's water infrastructure. Please RSVP to nhwpca.linda@gmail.com by February 8th to reserve your seat at this important breakfast. The breakfast is sponsored by the NH Water Pollution Control Association in conjunction with a wide ranging coalition of other local non-profit water organizations. There is no cost for attending this event.

Rep. Mike L. Kappler

All members of the Republican caucus are invited to the House Republican Alliance's weekly meeting. The HRA will meet Tuesdays at 8:30 a.m. in Rooms 210-211, LOB.

Reps. Dan McGuire, Marilinda Garcia and Stephen Palmer

The Main Street Republicans will meet every Tuesday, prior to a Wednesday session, at 9:00 a.m. in Room 209, LOB. All Republican House members are welcome.

Reps. David H. Kidder and Rick M. Ladd

The Natural Rights Council will hold its weekly meeting at 8:00 a.m. Wednesdays at Caffenio, 84 North Main Street. All House members are welcome. NRC is a bi-partisan group dedicated to upholding principles outlined in Article 2, Part I of the NH Constitution.

Reps. Mark Warden, Andrew Manuse and Seth Cohn

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 **2012**. 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

DATE	TIME	GROUP	Group#/Grade
Jan. 9	9:30/11:00	Hollis Brookline High School	120/HS
	SH/SC		
Jan. 9	10:00	Relaxed Home Schoolers – Concord	20
Jan. 10	3:00	World Affairs Council – World Wide	25
		Reporters Group	
Jan. 13	10:00	Mount Lebanon School	45/4
Jan. 24	10:00/11:30	Ellis School – Fremont	58/4
	SH/HM		
Jan. 26	10:00	Portsmouth Christian Academy – Dover	43/4
Jan. 27	9:30	Mount Lebanon School	45/4

Jan. 27	10:00/11:30 SH/SC	Stratham Memorial School	90/4
Feb. 1	12:30	KA Brett School – Tamworth	25/4
Feb. 3	9:15	Henry Moore School – Candia	36/4
Feb. 8	9:30	Leadership Greater Concord	25/adults
Feb. 9	9:00	St. John’s Regional School – Concord	30/4
Feb. 10	9:00	St. Benedict Academy – Manchester	25/4
Feb. 10	10:30	Peter Woodbury School – Bedford	40/4
Feb. 16	9:30/11:00 SH/HM	Webster Elementary School – Manchester	90/4
Feb. 17	9:00/10:30 SH/Manse	Peter Woodbury School – Bedford	80/4
Feb. 22	1:00	Kimball Walker School – Concord	46/4
Feb. 23	10:15/11:30 SH/HM	New Searles Elementary School – Nashua	64/4

WEDNESDAY, JANUARY 11

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to HB 121 (2011-1540h)

Proposed by the Committee on Municipal and County Government - C

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

AN ACT relative to eligibility for the property tax exemption for the disabled.

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

1 Exemption for the Disabled; Eligibility; Social Security Act. Amend RSA 72:37-b, I- I-b to read as follows:

I. Upon its adoption by a city or town as provided in RSA 72:27-a, any person who is ***or would be determined to be*** eligible under Title II or Title XVI of the federal Social Security Act for benefits to the disabled shall receive a yearly exemption in an amount to be chosen by the town or city.

I-a. Upon the adoption of this paragraph by a city or town as provided in RSA 72:27-a, a person who is ***or would be determined to be*** eligible under Title II or Title XVI of the federal Social Security Act on his or her sixty-fifth birthday shall remain eligible for a yearly exemption either in the amount of the exemption applicable under paragraph I or the amount of the elderly exemption granted to the person under RSA 72:39-b, whichever is greater.

I-b. Upon the adoption of this paragraph by a city or town as provided in RSA 72:27-a, any person who at any time previously was ***or would have been determined to be*** eligible under Title II or Title XVI of the federal Social Security Act for benefits to the disabled, but who is no longer eligible for such federal benefits due to reasons other than the status of that person’s disability, shall be eligible for the exemption under paragraph I or I-a, or both as may be applicable, provided that the person submits an affidavit from a physician licensed in New Hampshire that attests to the fact that the person continues to meet the criteria for disability that are used under Title II or Title XVI of the federal Social Security Act.

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

AMENDED ANALYSIS

This bill allows municipalities to adopt a provision to grant the property tax exemption for the disabled to persons who would qualify under Title II or Title XVI of the federal Social Security Act.

**Amendment to HB 221
(2011-2756h)**

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

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

1 New Subdivision; Lease of State Parks. Amend RSA 216-A by inserting after section 6-a the following new subdivision:

Lease of State Parks

216-A:6-b Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of resources and economic development.

II. "Director" means the director of the division of parks and recreation, department of resources and economic development.

III. "Division" means the division of parks and recreation, department of resources and economic development.

IV. "Lease" means a written instrument to which the state and a lessee are parties which provides for the development, management, or operation of a state park and the payment of rent to the state.

V. "Lease evaluation committee" or "committee" means the state park system advisory council, established in RSA 216-A:3-k. Only for the purpose of performing its duties under this subdivision relative to the evaluation of proposed leases of state parks and the monitoring of leases of state parks, the membership of the state park system advisory council shall also include the following individuals:

(a) If state historical sites or facilities are involved, the commissioner of the department of cultural resources or designee.

(b) The executive director of the fish and game department, or designee.

(c) The commissioner of the department of environmental services or designee.

(d) The director of the appropriate regional planning commission as determined by the commissioner of the department of resources and economic development.

(e) A representative from each local community who shall be appointed by the governing body of the local community.

VI. "Lease proposal" means a written document defining the scope of the proposed lease.

VII. "Local community" means any municipality or unincorporated place:

(a) In which the state park which is the subject of the proposed lease is located, whether in whole or in part; or

(b) That abuts the state park which is the subject of the proposed lease; or

(c) That provides services to, or is affected by, the operation of the state park which is the subject of the proposed lease, as determined by the commissioner in consultation with the appropriate regional planning commission.

VIII. "State park" means any land or infrastructure, whether in whole or in part, owned by the state and managed by the division for recreational, cultural, historical, or educational purposes.

216-A:6-c Lease of State Parks.

I. Except as provided in this section, no state park land or infrastructure shall be leased to any private entity without legislative authorization and subsequent approval of the lease by the governor and council.

II. This section shall not apply to operations related to souvenir and food service concessions, ski instruction, rental, or repair, or to any other similar type of auxiliary activity where the management and overall operations of the state park remains with the state.

216-A:6-d Evaluation of Proposed Lease.

I. The commissioner shall review all lease proposals, with the advice of the state park system advisory council established in RSA 216-A:3-k, and determine which proposals shall be submitted to the lease evaluation committee.

II. If the commissioner submits a lease proposal to the committee, the committee shall first determine if the lease proposal contains sufficient information to be evaluated under paragraph III. If the committee determines additional information is needed, it may request the lease applicant to provide such additional information as the committee determines is reasonably necessary to properly evaluate the proposal. The additional cost of providing such information to the committee shall be borne by the lease applicant.

III. The committee shall evaluate the proposed lease of a state park using the following criteria:

(a) The effect on the current 10-year strategic plan for the specific state park and the role of the state park in the state park system.

(b) The proposed lessee possesses the financial, technical, and managerial capabilities to ensure that the state park shall be managed and operated in accordance with any conditions the committee may deem necessary.

(c) The financial benefit of the proposed lease to the state park system. The commissioner shall retain the services of a public or private entity with relevant financial expertise to conduct a financial analysis of the lease proposal. If the lease proposal is approved by the legislature, the total cost of the financial analysis shall be paid by the lease applicant and shall be added to the lease payment in the first year of the lease. If the lease proposal is rejected by the legislature, one-half of the cost of the financial analysis shall be paid by the lease applicant within 30 days of receiving notice of rejection and the balance shall be paid by the state.

(d) The benefits of the proposed lease to the public using the state park, to the public using the state park system, and to local communities and businesses in the area of the state park, and in the state as a whole.

(e) The environmental effects of the proposed lease.

(f) Any relevant issues in local communities which may be caused by the proposed lease, including land use, infrastructure issues, and emergency and other community services.

(g) Whether the activities in the proposed lease would be permitted under state or federal law.

(h) The proposed lessee agrees to the retention of as many state employees as is practicable under the proposed lease.

(i) The proposed lease will have a minimal net adverse impact on the economy, aesthetics, historical sites, public health or safety, or quality of life in a local community or in the state as a whole.

(j) The proposed lease shall specifically address any additional financial impacts to local communities in the areas of public safety and infrastructure maintenance and improvement and provide a means to meet and fund such additional needs.

(k) The proposed lease shall contain a 10-year development plan detailing proposed expansion and improvements on the land which is the subject of the lease.

(l) The proposed lease provisions shall not result in any disturbance to a burial site, memorial, or designated historic site, nor shall the lease provisions cause such sites be restricted to the general public.

IV. The committee shall hold at least one public hearing in a local community on the proposed lease prior to the preparation of its written report. The commissioner shall post notice of the date, time, and place of the hearing at least 10 days in advance on the Internet site of the division of parks and recreation, in the town hall of each local community, and in at least one publication of general circulation in each local community.

V. Upon completion of the evaluation, the committee shall prepare a written report of its findings and recommendations on the proposed lease. Copies of the report shall be

submitted to the commissioner, the speaker of the house of representatives, the president of the senate, the chairperson of the house resources, recreation and development committee, the chairperson of the senate energy, environment and economic development committee, and to the members of the governing body in each local community.

VI. The committee shall hold an informational meeting in a local community, to occur not more than 30 days after completion of the written report. The commissioner shall post notice of the date, time, and place of the meeting at least 10 days in advance on the Internet site of the department of resources and economic development, in the town hall of each local community, and in at least one publication of general circulation in each local community.

VII. Notwithstanding the committee's report, the commissioner shall have final authority to recommend a proposed lease to the governor and council pursuant to RSA 216-A:3.

VIII. The state park system advisory council established in RSA 216-A:3-k shall periodically review approved leases in accordance with RSA 216-A:3-k, VI(d) for the duration of the lease period to ensure compliance with lease terms.

IX. No lease proposal which has been rejected shall be resubmitted for 5 years.

216-A:6-e Lease Payments. Lease payments to the state, less any payments required in accordance with the lease terms, shall be deposited in the state park fund established in RSA 216-A:3-i.

216-A:6-f Applicability. This subdivision shall not apply to any leases validly executed before the effective date of this subdivision or to the renewal of such leases.

2 New Paragraph; State Park System Advisory Council; Members. Amend RSA 216-A:3-k by inserting after paragraph I the following new paragraph:

I-a. In addition to the members listed in paragraph I, the council membership shall include the individuals set forth in RSA 216-A:6-b, V(a)-(e) only for the purpose of evaluating and monitoring leases of state parks pursuant to RSA 216-A:6-b through RSA 216-A:6-f.

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

Amendment to HB 242-FN-A (2011-2568h)

Proposed by the Committee on Ways and Means - R

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

AN ACT relative to the net operating loss carryover under the business profits tax.

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

1 Net Operating Loss Carryover. Amend 2011, 224:363 to read as follows:

363 New Subparagraph; Business Profits Tax; Net Operating Loss Carryovers. Amend RSA 77-A:4, XIII by inserting after subparagraph (d) the following new subparagraph:

(e) On or after ~~July~~ **January** 1, 2013, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$10,000,000.

2 Effective Date Change. Amend 2011, 224:413, V to read as follows:

V. Sections 19[,] ~~and 221[-, and 363]~~ of this act shall take effect July 1, 2013.

3 New Paragraph; Effective Date Change. Amend 2011, 224:413 by inserting after paragraph XII the following new paragraph:

XII-a. Section 363 of this act shall take effect January 1, 2013.

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

AMENDED ANALYSIS

This bill changes the effective date of the increased amount of net operating loss in a tax year that may be carried forward.

Floor Amendment to HB 244 (2012-0085h)

Proposed by Rep. Kurk

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

AN ACT restricting the collection of biometric data by state agencies, municipalities, and political subdivisions.

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

1 New Chapter; Regulation of Biometric Information. Amend RSA by inserting after chapter 359-L the following new chapter:

CHAPTER 359-M

REGULATION OF BIOMETRIC INFORMATION

359-M:1 Definitions. In this chapter:

I. "Biometric data" includes, but is not limited to, the following:

- (a) Fingerprints, palm prints, and other methods for measuring or recording ridge pattern or fingertip characteristics.
- (b) Facial feature pattern characteristics.
- (c) Behavior characteristics of a handwritten signature, such as shape, speed, pressure, pen angle, or sequence.
- (d) Voice data used for comparing live speech with a previously-created speech model of a person's voice.
- (e) Iris recognition data containing color or texture patterns or codes.
- (f) Keystroke dynamics, measuring pressure applied to key pads.
- (g) Hand geometry, measuring hand characteristics, including the shape and length of fingers, in 3 dimensions.
- (h) Retinal scans, reading through the pupil to measure blood vessels lining the retina.
- (i) DNA/RNA.
- (j) Photograph or computerized or other image of an individual.

II. "Government agency" includes, but is not limited to, any employee, agent, elected official or entity of the state, a municipality, or any other political subdivision of the state of New Hampshire.

359-M:2 Collection of Biometric Information Prohibited.

I. No government agency shall:

- (a) Issue an identification card, other than an employee identification or access card, device or system, or use an identification device or system, that requires the collection or retention of an individual's biometric data.
- (b) Require an individual to disclose or provide biometric data as a condition of doing business with, engaging in any business activity or relationship with, or obtaining services from, that agency.
- (c) Obtain, retain or provide, directly or indirectly, any individual's biometric data except as set forth in this chapter.

II. Any biometric data collected for an employee identification or access card shall be destroyed when the individual terminates employment with the agency. No biometric data collected under this section shall be subject to a subpoena.

359-M:3 Exemptions.

I. The prohibition in RSA 359-M:2 shall not apply to:

- (a) Photographs of motor vehicle drivers license applicants and fingerprints of commercial drivers license applicants, collected by the division of motor vehicles under RSA 260:10-b, II.
- (b) Blood, urine, and breath samples collected to determine alcohol concentration and controlled drug content of a person's blood under RSA 265-A:4.
- (c) Biometric data of prisoners collected pursuant to RSA 593:2.
- (d) Biometric data of sexual offenders and offenders against children, collected pursuant to RSA 651-B:4.
- (e) Biometric data of criminal offenders, collected pursuant to RSA 651-C.

(f) Biometric data retained under RSA 651-F:1, as part of the criminal information and analysis center.

(g) Fingerprints taken by law enforcement in conjunction with an arrest or to eliminate a suspect.

(h) Biometric data gathered by law enforcement at a crime scene or as part of a criminal investigation.

(i) Urine samples taken for the purpose of conducting drug tests of prisoners, probationers, and parolees.

(j) Fingerprints of prospective adoptive parents, collected for the purpose of performing a criminal background check under RSA 170-B:18.

(k) Fingerprints taken for the purpose of conducting a criminal background check as a condition of employment or volunteer service with a government agency.

(l) The biometric data collection practices of airports to the extent mandated by federal law.

II. Nothing in this chapter is intended to prohibit a government agency from requiring an individual to disclose or provide fingerprints, photographs and computerized images (i) for the purposes of conducting a criminal background check as a condition of being employed by, doing business with, engaging in any business activity with, or obtaining services from, that agency, or in employee access control to secure facilities or secure rooms in a government facility or (ii) as specifically required by New Hampshire statute. Any such fingerprints, photographs and computerized images in their possession shall be destroyed when the purpose for which they were obtained has been fulfilled.

359-M:4 Violation; Civil Action. Any individual aggrieved by a violation of this chapter, including the loss or misuse of biometric data lawfully collected under RSA 359-M:2 or 359-M:3, may bring a civil action under this section to obtain the following:

I. An injunction of the agency practice;

II. Actual damages or \$2,500 for each violation, whichever is greater; and

III. Reasonable attorney's fees and court costs.

2 Effective Date. This act shall take effect January 1, 2013.

AMENDED ANALYSIS

This bill restricts the collection of biometric data by state and local government agencies and provides a private right of action for the misuse or unlawful collection of biometric data.

Amendment to HB 263-FN (2011-2694h)

Proposed by the Committee on Commerce and Consumer Affairs - C

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

AN ACT relative to the time limits for assistance from the Temporary Assistance for Needy Families Program (TANF).

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

1 Temporary Assistance for Needy Families Program (TANF); Family Assistance Program. Amend RSA 167:83, II(p) to read as follows:

(p) ***Establishing a limit for assistance for the family assistance program at the number of months in a consecutive 36-month period and a lifetime limit of 36 months for assistance from such programs and similar programs administered by other states.***

(q) Any other matters necessary to implement the program in a manner that promotes the purpose and goals of this subdivision.

2 Applicability. RSA 167:83, II(p) as inserted by section one of this act shall not apply to persons currently receiving assistance from the family assistance program on the effective date of this act.

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

AMENDED ANALYSIS

This bill revises the law regarding the time limits for assistance from the Temporary Assistance for Needy Families Program (TANF).

**Amendment to HB 293-FN
(2011-2685h)**

Proposed by the Minority of the Committee on Municipal and County Government - R

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

AN ACT relative to limiting the exemption for water and air pollution control facilities from local property taxation to facilities installed solely for pollution control purposes.

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

1 Property Tax Exemption; Water and Air Pollution Control Facilities. Amend RSA 72:12-a to read as follows:

72:12-a Water and Air Pollution Control Facilities.

I. Any person, firm, or corporation which builds, constructs, installs, or places in use in this state any treatment facility, device, appliance, or installation ~~[wholly or partly]~~ for the **sole** purpose of reducing, controlling, or eliminating any source of air or water pollution shall be entitled to have the value of said facility and any real estate necessary therefore ~~[- or a percentage thereof determined in accordance with this section,]~~ exempted from the taxes levied under this chapter for the period of years in which the facility, device, appliance, or installation is used in accordance with the provisions of this section.

I-a. ~~[This]~~ Paragraph ***I*** shall not apply to privately-owned ***waste-to-energy facilities***, landfills, or ***their*** ancillary facilities located at such ***facilities or*** landfills, or to sewage disposal systems installed pursuant to RSA 485-A:29 through RSA 485-A:44 and rules adopted pursuant thereto, except that any exemption for a sewage disposal system granted prior to January 1, 2010 shall remain in effect.

I-b. ***Paragraph I shall not affect partial exemptions and the exemption percentages determined by the department of environmental services granted prior to January 1, 2012, which shall remain in effect under the terms and conditions of the granting of the partial exemption.***

II. The party seeking the exemption shall file an application with the department of environmental services if the exemption sought is for a water pollution control facility or an air pollution control facility, with a copy to the taxing authorities in the municipality where the facility is situated. ***Within 30 days of receipt of the copy of the application such municipality may request a hearing on the application as provided in paragraph III-a.*** Said application shall describe the facilities and their function or functions and shall state the applicant's total investment therein and the portion allocable to each function.

III. The department shall investigate and determine whether the purpose of the facility is solely ~~[or only partially]~~ **for** pollution control. ~~[If the department finds that the purpose of the facility is only partially pollution control it shall determine by an allocation of the applicant's investment in the facility what percentage of the facility is used to control pollution.]~~ In making its investigation, the department may inspect the facility and request such other information from the applicant as is reasonably necessary to assist it in making its determination.

III-a. ***If requested by the municipality, the department shall hold a hearing on the application no earlier than 90 days after receiving said request and the municipality shall have the right to examine the supporting information for the application, request additional relevant information from the applicant, and submit written and/or oral testimony.***

IV. Upon making its determination, the department shall notify the applicant and the taxing authorities of the municipality where the facility is situated whether the purpose of the facility is solely pollution control ~~[- or, if not, what percentage of the applicant's investment in the facility should be allocated to pollution control].~~

V. The taxing authorities shall each year separately appraise and describe the facility and related real estate and cause such appraisal and description to appear in their inventory. In accordance with the provisions of this section, the taxing authority shall exempt from the taxes levied under this chapter the appraised value of the facility and any real estate necessary therefor~~[- or the exempt percentage thereof,]~~ determined by the department. The exemption period shall begin as of the April 1 next following the receipt of the department's determination.

VI. Either the municipality or the owner of the facility may request a rehearing or appeal from such determination in accordance with the provisions of RSA 541.

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

AMENDED ANALYSIS

This bill limits the exemption from property taxes for the appraised value of water and air pollution control facilities as determined by the department of environmental services to where the sole purpose of the installation of the facility is pollution control, and allows for a hearing at the request of the municipality in which the facility is located.

Floor Amendment to HB 342 (2012-0079h)

Proposed by the Committee on

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Operating Restrictions. Amend RSA 270:12 by inserting after paragraph II the following new paragraphs:

III. Persons petitioning the commissioner requesting a change of use or restriction of the use of any public waters shall notify, by certified mail, all abutters with deeded waterfront property or deeded water access rights of the proposed change or restriction and the department shall post the petition on its official website at least 2 weeks prior to a public hearing scheduled by the department.

IV. In this section, "abutter" means any person who owns property immediately adjacent and contiguous to the area on which the change of use or restriction of use will take place. If the change of use or restriction of use is located in an area which by its configuration would cause the change or restriction to affect noncontiguous properties, owners of those properties are considered as abutters. The term does not include the owner of a parcel of land located more than 1/4 mile from the limits of the proposed change or restriction.

Amendment to HB 388-FN (2011-2773h)

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

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

AN ACT establishing the amount of the enhanced 911 services surcharge and requiring providers of voice over Internet protocol services to pay surcharges for deposit in the enhanced 911 system fund.

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

1 New Paragraph; Definitions. Amend RSA 106-H:2 by inserting after paragraph XIV the following new paragraph:

XV. "VoIP" means voice over internet protocol which is a technology to deliver voice communications over internet protocol networks such as the Internet.

2 Coordination by Provider of Telephone Service. Amend RSA 106-H:8, I to read as follows:

I. Every telephone utility authorized to do business in the state pursuant to RSA 374:22, I, ~~and~~ every entity which provides commercial mobile radio service, as defined in 47 C.F.R. 20.3, and required by the Federal Communications Commission (**FCC**) to provide 911 service, **and every VoIP provider required by the FCC to provide 911 service** shall

make available the universal emergency telephone number 911 for use by the public in seeking assistance from fire, police, and other related safety agencies through a single public safety answering point. Each telephone service provider shall assure that all requests for police, fire, medical, or other emergency services received by the provider or the provider's operator services shall be transferred to the public safety answering point. Such transfer shall include the calling party's telephone number in American Standard Code for Information Interchange (ASCII) in a format recommended for data exchange by the National Emergency Number Association (NENA).

3 Funding; Surcharge. Amend RSA 106-H:9, I to read as follows:

I. **(a)** The enhanced 911 system and the statewide emergency notification system shall be funded through a surcharge **of \$0.47** to be levied upon each residence and business telephone exchange line, including PBX trunks and Centrex lines, each individual commercial mobile radio service number, ***each VoIP service number with a New Hampshire address registered to it for enhanced 911 system purposes***, and each semi-public and public coin and public access line. No such surcharge shall be imposed upon more than 25 business telephone exchange lines, including PBX trunks and Centrex lines, or more than 25 commercial mobile radio service exchange lines per customer billing account.

(b) In the case of local exchange telephone companies, the surcharge shall be contained within tariffs or rate schedules filed with the public utilities commission and shall be billed on a monthly basis by each local exchange telephone company.

(c) In the case of an entity which provides commercial mobile radio service the surcharge shall be billed to each customer on a monthly basis and shall not be subject to any state or local tax; the surcharge shall be collected by the commercial mobile radio service provider, and may be identified on the customer's bill.

(d) In the case of a VoIP provider, the surcharge shall be billed to each customer on a monthly basis and shall not be subject to any state or local tax; the surcharge shall be collected by the VoIP provider, and may be identified on the customer's bill.

(e) In the absence of a monthly billing arrangement between a service provider identified in subparagraphs (b) – (d) and a customer, the service provider shall deduct the surcharge from the customer's account in the required monetary amount, or its time equivalent, or assume responsibility for payment of the surcharge.

(f) Each local exchange telephone company, VoIP provider, or entity which provides commercial mobile radio service shall remit the surcharge amounts on a [monthly] quarterly basis, as prescribed by the commissioner, to the enhanced 911 services bureau, which shall be forwarded to the state treasurer for deposit in the enhanced 911 system fund. The state treasurer shall pay expenses incurred in the administration of the enhanced 911 system and the statewide emergency notification system from such fund. Such fund shall not lapse. If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the enhanced 911 system or the statewide emergency notification system, the department of safety may request, with prior approval of the fiscal committee of the general court, the transfer of funds from the enhanced 911 system fund to the department of safety for such purposes. The moneys in the account shall not be used for any purpose other than the development and operation of enhanced 911 services and the statewide emergency notification system, in accordance with the terms of this chapter. [Surcharge amounts shall be reviewed after the budget has been approved or modified, and if appropriate, new tariffs or rate schedules shall be filed with the public utilities commission reflecting the surcharge amount.]

4 Repeal. RSA 106-H:9, II, relative to the requirement that the enhanced 911 services surcharge provided adequate funding for enhanced 911 system operations and the statewide emergency notification system, is repealed.

5 Effective Date. This act shall take effect January 1, 2013.

AMENDED ANALYSIS

This bill establishes by statute the amount of the enhanced 911 services surcharge and requires providers of voice over Internet protocol services to pay such surcharge. The bill repeals a requirement that the enhanced 911 services surcharge provide adequate funding for enhanced 911 system operations and the statewide emergency notification system.

Amendment to HB 440-FN (2011-2718h)

Proposed by the Committee on Commerce and Consumer Affairs - C

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

AN ACT requiring that New Hampshire join the lawsuit challenging federal health care reform legislation.

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

1 Lawsuit Challenging the Federal Patient Protection and Affordable Care Act. The attorney general shall, as soon as practicable, join the lawsuit (State of Florida et al. v. United States Department of Health and Human Services et al.) challenging the constitutionality of the Patient Protection and Affordable Care Act.

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

AMENDED ANALYSIS

This bill requires that New Hampshire join the lawsuit challenging federal health care reform legislation.

Floor Amendment to HB 445-FN (2012-0084h)

Proposed by Rep. Kurk

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

1 New Chapter; Regulation of the Use of Electronic Tracking Devices. Amend RSA by inserting after chapter 358-S the following new chapter:

CHAPTER 358-T

REGULATION OF THE USE OF ELECTRONIC TRACKING DEVICES

358-T:1 Definitions. In this chapter:

I. "Electronic tracking device" means any item, application, or mark that is passively or actively capable of transmitting electronically an individual's location, or is capable of following or plotting the path of an individual, including, without limitation, devices using global position satellites. An electronic tracking device shall not include the following:

(a) Bar codes or similar markings that do not transmit information.

(b) Locating technology used by the enhanced 911 system or to facilitate an emergency response.

(c) Commercial mobile radio service as described in 47 U.S.C. section 332 when used to provide such service.

II. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability corporation, association, foundation, joint venture, government, government subdivision, agency or instrumentality, public corporation, or any other legal or commercial entity.

III. "Reasonable notice" means notice provided:

(a) In plain English.

(b) In a type size that may be read by an average individual, considering the physical location of the individual in relation to the type.

(c) In person, by a label attached to the personal property containing the electronic tracking device, by electronic means, or by poster at the entrances to real property.

IV. "Track" means to locate, follow, or plot the path of an individual or personal property owned by, or in the lawful possession of, the individual by means of an electronic tracking device.

358-T:2 Use of Electronic Tracking Devices Prohibited. Except as otherwise provided in this chapter, no person shall use an electronic tracking device to track an individual without the consent of the individual or the parent or legal guardian of the individual, or a valid court order.

358-T:3 Exceptions. This chapter shall not apply to:

I. An electronic tracking device that tracks personal property exclusively and is activated solely for that purpose in order to locate the property in cases, such as rental cars, where the owner has reason to believe the property is being used in violation of a contract governing its use; provided, however, that where such activation occurs and an individual has been tracked, the burden of proving that the purpose of the activation was to locate the property shall fall on the owner.

II. An electronic tracking device that tracks personal property and is used on real property by the owner or lessee of that real property.

III. An electronic tracking device used by an employer on or within the employer's personal or real property, in connection with an employment relationship or work-related functions, during or after working hours, upon reasonable notice to the employee.

IV. An electronic tracking device used by a nursing facility, assisted living facility, the state, or a political subdivision, department, or agency:

(a) To locate a person who is a resident of a nursing facility or assisted living facility, incarcerated in the state prison or county jail, housed in a mental health facility pursuant to a court order after having been charged with a crime, subject to court-ordered electronic monitoring, or resident of a state or county hospital.

(b) To collect funds for the use of a toll road or bridge it owns and operates in accordance with the provisions of RSA 236:31 and RSA 237:16-e.

V. An electronic tracking device that is affixed to products for use in supply chain security or to ensure product integrity, regardless of whether such device incidentally allows tracking of employees, contracted distribution agents, or other persons who may accompany the products. This provision shall not be construed to permit the tracking of consumer purchases at the retail level.

VI. An electronic tracking device the use of which is activated by or at the request of an individual, relates to the individual, and locates the individual but does not follow or plot the path of the individual or personal property owned by or in the lawful possession of the individual. For the purpose of this subparagraph, the consent of one individual in a motor vehicle shall be considered consent by all individuals in that motor vehicle.

358-T:4 Penalties.

I. Any person convicted of violating this chapter shall be guilty of a class A misdemeanor. Each such act shall constitute a separate offense.

II. An aggrieved individual or the state may bring suit for \$1,000 or actual damages, whichever is greater, plus court costs and reasonable attorney's fees, for each violation of this chapter.

2 Effective Date. This act shall take effect January 1, 2013.

Floor Amendment to HB 494-FN (2012-0111h)

Proposed by Rep. Infantine

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

1 Minimum Hourly Rate; Tipped Employees. Amend the introductory paragraph of RSA 279:21 to read as follows:

Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended.

Tipped employees of a restaurant, hotel, motel, inn or cabin, ***or primary game operator as defined by RSA 287-D:1, V(a)***, who customarily and regularly receive more than \$30 a

month in tips directly from the customers will receive a base rate from the employer of not less than 45 percent of the applicable minimum wage. If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage. The limitations imposed hereby shall be subject to the following exceptions:

2 Minimum Hourly Rate; Tipped Employees. Amend the introductory paragraph of RSA 279:21 to read as follows:

Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended.

Tipped employees of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receive more than \$30 a month in tips directly from the customers will receive a base rate from the employer of not less than 45 percent of the applicable minimum wage. If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage. The limitations imposed hereby shall be subject to the following exceptions:

3 Effective Date.

I. Section 2 of this act shall take effect June 30, 2014.

II. The remainder of this act shall take effect July 1, 2012.

Amendment to HB 514 (2011-2638h)

Proposed by the Committee on Judiciary - R

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

1 New Chapter; Entry on Private Property. Amend RSA by inserting after chapter 7-B the following new chapter:

CHAPTER 7-C ENTRY ON PRIVATE PROPERTY

7-C:1 Entry on Private Property.

I. Absent a lawfully issued warrant, no person shall enter private property to gather data about the property, whether or not authorized by federal, state, or municipal agencies, boards, commissions, or any nongovernmental organization, without first giving written notice to the property owner and obtaining the prior written permission of the property owner.

II. No information gathered without permission or a lawfully issued warrant shall be recorded, made public, or used for studies or grants, including information gathered without property owner permission prior to enactment of this section.

III. Information gathered with permission may only be used for the specific purpose stated in the notification.

7-C:2 Notification Requirements. Notice to the landowner shall include:

I. The purpose of the data gathering.

II. The date and duration of the data gathering.

III. The specific land and features of the land that will be evaluated.

IV. The manner in which the person gathering the data will record and retain the information.

V. The method by which the person gathering the data will share the information, and who the person gathering the data will share the information with.

VI. A full disclosure of the potential restrictions that may be placed on the property, and on abutters, as a consequence of such information being recorded.

7-C:3 Property Owner Response. If written permission is not received from the property owner within 15 days of the request, permission to enter the property shall be deemed denied.

7-C:4 Effect on Land Use Board Decisions. No state or municipal agency, board, commission, or other governmental entity shall use data from abutting land as a factor in the denial of any permit or approval.

7-C:5 Exemptions. The requirements of this chapter shall not apply to:

I. State officials acting under statutory authority explicitly authorizing entry upon private property without permission; however written notification shall be sent to the property owner prior to entry upon the private property.

II. Federal, state, or local officials conducting inspections related to permits, licenses, or certifications applied for by the property owner.

III. Federal, state, or local law enforcement responding to an emergency, or who have been called to the property, or who are inquiring about a report of activity on the property.

IV. Land surveyors conducting standard property surveys of abutting property.

V. Emergency responders responding to an emergent public health threat or who have been called to the property.

VI. Municipal assessing officials provided they receive verbal permission from the property owner prior to gathering any data.

VII. Public utility workers in the course of their normal duties or when responding to an emergency.

7-C:6 Remedies.

I. If any public body or public agency or officer, employee, or other official thereof, violates any provisions of this chapter, such public body or public agency shall be liable for reasonable attorney's fees and costs incurred in a lawsuit under this chapter, provided that the court finds that such lawsuit was necessary in order to enforce compliance with the provisions of this chapter or to rectify a purposeful violation of this chapter. Fees shall not be awarded unless the court finds that the public body, public agency, or person knew or should have known that the conduct engaged in was in violation of this chapter or if the parties, by agreement, provide that no such fees shall be paid.

II. The court may award attorney's fees to a public body or public agency or employee or member thereof, for having to defend against a lawsuit under the provisions of this chapter, when the court finds that the lawsuit is in bad faith, frivolous, unjust, vexatious, wanton, or oppressive.

III. The court may invalidate an action of a public body or public agency taken in part due to data gathered in violation of this chapter.

IV. If the court finds that an officer, employee, or other official of a public body or public agency has knowingly violated any provision of this chapter, the court shall impose against such person a civil penalty of not less than \$250 and not more than \$2,000. Upon such finding, such person or persons shall also be required to reimburse the public body or public agency for any attorney's fees or costs it paid pursuant to paragraph I.

V. The court may also enjoin future violations of this chapter, and may require any officer, employee, or other official of a public body or public agency found to have violated the provisions of this chapter to undergo appropriate remedial training, at such person or person's expense.

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

**Floor Amendment to HB 514
(2012-0093h)**

Proposed by Rep. Giuda

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

1 New Chapter; Entry on Private Property. Amend RSA by inserting after chapter 7-B the following new chapter:

CHAPTER 7-C
ENTRY ON PRIVATE PROPERTY

7-C:1 Entry on Private Property.

I. Absent a lawfully issued warrant, no person shall enter private property to gather data about the property, whether or not authorized by federal, state, or municipal agencies, boards, commissions, or any nongovernmental organization, without first giving written notice to the property owner and obtaining the prior written permission of the property owner.

II. No information gathered without permission or a lawfully issued warrant shall be recorded, made public, or used for studies or grants, including information gathered without property owner permission prior to enactment of this section.

III. Information gathered with permission may only be used for the specific purpose stated in the notification.

7-C:2 Notification Requirements. Notice to the landowner shall include:

I. The purpose of the data gathering.
II. The date and duration of the data gathering.
III. The specific land and features of the land that will be evaluated.
IV. The manner in which the person gathering the data will record and retain the information.

V. The method by which the person gathering the data will share the information, and who the person gathering the data will share the information with.

VI. A full disclosure of the potential restrictions that may be placed on the property, and on abutters, as a consequence of such information being recorded.

7-C:3 Property Owner Response. If written permission is not received from the property owner within 15 days of the request, permission to enter the property shall be deemed denied.

7-C:4 Effect on Land Use Board Decisions. No state or municipal agency, board, commission, or other governmental entity shall use data from abutting land as a factor in the denial of any permit or approval.

7-C:5 Exemptions. The requirements of this chapter shall not apply to:

I. State officials acting under statutory authority explicitly authorizing entry upon private property without permission; however written notification shall be sent to the property owner prior to entry upon the private property.

II. Federal, state, or local officials conducting inspections related to permits, licenses, or certifications applied for by the property owner.

III. Federal, state, or local law enforcement responding to an emergency, or who have been called to the property, or who are inquiring about a report of activity on the property.

IV. Land surveyors conducting standard property surveys of abutting property.

V. Emergency responders responding to an emergent public health threat or who have been called to the property.

VI. Municipal assessing officials.

VII. Public utility workers in the course of their normal duties or when responding to an emergency.

7-C:6 Remedies.

I. If any public body or public agency or officer, employee, or other official thereof, violates any provisions of this chapter, such public body or public agency shall be liable for reasonable attorney's fees and costs incurred in a lawsuit under this chapter, provided that the court finds that such lawsuit was necessary in order to enforce compliance with the provisions of this chapter or to rectify a purposeful violation of this chapter. Fees shall not be awarded unless the court finds that the public body, public agency, or person knew or

should have known that the conduct engaged in was in violation of this chapter or if the parties, by agreement, provide that no such fees shall be paid.

II. The court may award attorney's fees to a public body or public agency or employee or member thereof, for having to defend against a lawsuit under the provisions of this chapter, when the court finds that the lawsuit is in bad faith, frivolous, unjust, vexatious, wanton, or oppressive.

III. The court may invalidate an action of a public body or public agency taken in part due to data gathered in violation of this chapter.

IV. If the court finds that an officer, employee, or other official of a public body or public agency has knowingly violated any provision of this chapter, the court shall impose against such person a civil penalty of not less than \$250 and not more than \$2,000. Upon such finding, such person or persons shall also be required to reimburse the public body or public agency for any attorney's fees or costs it paid pursuant to paragraph I.

V. The court may also enjoin future violations of this chapter, and may require any officer, employee, or other official of a public body or public agency found to have violated the provisions of this chapter to undergo appropriate remedial training, at such person or person's expense.

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

**Floor Amendment to HB 514
(2012-0118h)**

Proposed by Rep. Giuda

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

1 New Chapter; Entry on Private Property. Amend RSA by inserting after chapter 7-B the following new chapter:

**CHAPTER 7-C
ENTRY ON PRIVATE PROPERTY**

7-C:1 Entry on Private Property.

I. Absent a lawfully issued warrant, no person shall enter private property to gather data about the property, whether or not authorized by federal, state, or municipal agencies, boards, commissions, or any nongovernmental organization, without first giving written notice to the property owner and obtaining the prior written permission of the property owner.

II. No information gathered without permission or a lawfully issued warrant shall be recorded, made public, or used for studies or grants, including information gathered without property owner permission prior to enactment of this section.

III. Information gathered with permission may only be used for the specific purpose stated in the notification.

7-C:2 Notification Requirements. Notice to the landowner shall include:

I. The purpose of the data gathering.

II. The date and duration of the data gathering.

III. The specific land and features of the land that will be evaluated.

IV. The manner in which the person gathering the data will record and retain the information.

V. The method by which the person gathering the data will share the information, and who the person gathering the data will share the information with.

VI. A full disclosure of the potential restrictions that may be placed on the property, and on abutters, as a consequence of such information being recorded.

7-C:3 Property Owner Response. If written permission is not received from the property owner within 15 days of the request, permission to enter the property shall be deemed denied.

7-C:4 Effect on Land Use Board Decisions. No state or municipal agency, board, commission, or other governmental entity shall use data from abutting land as a factor in the denial of any permit or approval.

7-C:5 Exemptions. The requirements of this chapter shall not apply to:

I. State officials acting under statutory authority explicitly authorizing entry upon private property without permission; however written notification shall be sent to the property owner prior to entry upon the private property.

II. State, county, or local officials for the purpose of perambulation; however written notification shall be sent to the property owner prior to entry upon private property.

III. Federal, state, or local officials conducting inspections related to permits, licenses, or certifications applied for by the property owner.

IV. Federal, state, or local law enforcement responding to an emergency, or who have been called to the property, or who are inquiring about a report of activity on the property.

V. Land surveyors conducting standard property surveys of abutting property.

VI. Emergency responders responding to an emergent public health threat or who have been called to the property.

VII. Municipal assessing officials.

VIII. Public utility workers in the course of their normal duties or when responding to an emergency.

7-C:6 Remedies.

I. If any public body or public agency or officer, employee, or other official thereof, violates any provisions of this chapter, such public body or public agency shall be liable for reasonable attorney's fees and costs incurred in a lawsuit under this chapter, provided that the court finds that such lawsuit was necessary in order to enforce compliance with the provisions of this chapter or to rectify a purposeful violation of this chapter. Fees shall not be awarded unless the court finds that the public body, public agency, or person knew or should have known that the conduct engaged in was in violation of this chapter or if the parties, by agreement, provide that no such fees shall be paid.

II. The court may award attorney's fees to a public body or public agency or employee or member thereof, for having to defend against a lawsuit under the provisions of this chapter, when the court finds that the lawsuit is in bad faith, frivolous, unjust, vexatious, wanton, or oppressive.

III. The court may invalidate an action of a public body or public agency taken in part due to data gathered in violation of this chapter.

IV. If the court finds that an officer, employee, or other official of a public body or public agency has knowingly violated any provision of this chapter, the court shall impose against such person a civil penalty of not less than \$250 and not more than \$2,000. Upon such finding, such person or persons shall also be required to reimburse the public body or public agency for any attorney's fees or costs it paid pursuant to paragraph I.

V. The court may also enjoin future violations of this chapter, and may require any officer, employee, or other official of a public body or public agency found to have violated the provisions of this chapter to undergo appropriate remedial training, at such person or person's expense.

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

**Floor Amendment to HB 514
(2012-0087h)**

Proposed by Rep. Itse

Amend RSA 7-C:3 as inserted by section 1 of the bill by replacing it with the following:

7-C:3 Exemption. The requirements of this chapter shall not apply to emergency services, real estate boundary surveys, emergency response to a public health threat, or animal control.

**Amendment to HB 564
(2011-2745h)**

Proposed by the Majority of the Committee on Ways and Means - R

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

AN ACT relative to the adoption of forms by the department of revenue administration for the filing of taxes and removing the requirement for electronic tax payments.

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

1 New Paragraph; Department of Revenue Administration; Rulemaking Authority; Business Tax Forms Added. Amend RSA 21-J:13 by inserting after paragraph XIII the following new paragraph:

XIV. The requirements for business tax forms developed or approved by the department which relate to the business profits tax under RSA 77-A, the business enterprise tax under RSA 77-E, and the taxation of incomes under RSA 77.

2 Rulemaking; Forms. Amend RSA 21-J:13-a to read as follows:

21-J:13-a Exemption From Rulemaking Requirement. The commissioner shall be exempt from adopting, as rules pursuant to RSA 541-A, the requirements on all forms ***except as provided in RSA 21-J:13, XIV.***

3 Rulemaking; Reference Removed. Amend RSA 21-J:13, X to read as follows:

X. A method for collecting taxes by electronic transfer [~~under RSA 21-J:3, XXI~~].

4 Repeal. The following are repealed:

I. RSA 21-J:33, III, relative to the penalty for failure to comply with electronic payment requirements.

II. RSA 21-J:3, XXI, relative to the authority of the commissioner of revenue administration to require electronic payment.

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

AMENDED ANALYSIS

This bill requires that business tax forms relating to the business profits tax, the business enterprise tax, and the interest and dividends tax, developed or approved by the department of revenue administration, shall be adopted pursuant to RSA 541-A, the administrative procedure act. The bill also repeals the penalty for failure to make electronic payments and the authority of the department of revenue administration to require electronic payments.

**Amendment to HB 582
(2011-2761h)**

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

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

1 Public Employee Labor Relations; Resolution of Disputes. Amend RSA 273-A:12 to read as follows:

I. ***(a)*** Whenever the parties request the board's assistance or have bargained to impasse, or if the parties have not reached agreement on a contract within 60 days, or in the case of state employees 90 days, prior to the budget submission date, ***and if not otherwise governed by ground rules:***

(1) The chief negotiator for the bargaining unit may request to make a presentation directly to the board of the public employer. If this request is approved by the board of the public employer, the chief negotiator for the board of the public employer shall in turn have the right to make a presentation directly to the bargaining unit. The cost of the respective presentations shall be borne by the party making the presentation.

(2) The chief negotiator for the board of the public employer may request to make a presentation directly to the bargaining unit. If this request is approved by the bargaining unit, the chief negotiator for the bargaining unit shall in turn have the right to make a presentation directly to the board of the public employer. The cost of the respective presentations shall be borne by the party making the presentation.

(b) If the impasse is not resolved, a neutral party chosen by the parties, or failing agreement, appointed by the board, shall undertake to mediate the issues remaining in dispute. If the parties so choose, or if mediation does not result in agreement within 45 days, or in the case of state employees 75 days, prior to the budget submission date, a neutral party chosen by the parties, or failing agreement, appointed by the board, shall make and report findings of fact together with recommendations for resolving each of the issues remaining in dispute, which findings and recommendations shall not be made public until the negotiating teams shall have considered them for 10 days.

2 Effective Date. This act shall take effect January 1, 2013.

AMENDED ANALYSIS

This bill establishes a procedure for communication between employers and employees during bargaining negotiations if an impasse has occurred.

Amendment to HB 593-FN-A-LOCAL (2011-2812h)

Proposed by the Majority of the Committee on Ways and Means - R

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

1 Statement of Purpose. The general court finds that:

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

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

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

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

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

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

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

CHAPTER 284-B

VIDEO LOTTERY MACHINES AND TABLE GAMES

284-B:1 Definitions. In this chapter:

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

II. "Applicant" means any person, officer, director, or key employee, who on his or her 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 affiliated persons whose qualifications must be provided and reviewed as a precondition to the licensing of the applicant.

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

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

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

(a) Travelers checks.

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

(c) Personal checks or drafts.

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

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

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

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

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

IX. “Count room” means the room designated for counting, wrapping, and recording of table game receipts.

X. “Gaming applicant” means the person or entity applying for approval by the lottery commission as a gaming licensee.

XI. “Gaming license” means the license issued to a gaming licensee to operate up to 150 table games and up to 5,000 video lottery machines at a gaming location pursuant to this chapter and for which license the gaming licensee pays an initial license fee of \$50,000,000.

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

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

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

(1) Cash or cash equivalents paid out to patrons as a result of playing a table game;

(2) Cash paid to purchase annuities to fund prizes payable to patrons over a period of time as a result of playing a table game;

(3) Any personal property distributed to a patron as a result of playing a table game; and

(4) Any promotional credits provided to patrons.

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

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

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

XVII. "Lottery commission" or "commission" means the commission created pursuant to RSA 284:21-a.

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

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

XX. "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.

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

XXII. "Request for application" means a request for applications to be submitted by applicants to the lottery commission pursuant to RSA 284-B:3.

XXIII. "Table game" means any banking or percentage game in which there is an opportunity for the player to use his or her reason, foresight, or other strategy to increase the expected return, including roulette, baccarat, blackjack, poker, craps, big six wheel, mini-baccarat, red dog, pai gow, casino war, Asia poker, Boston 5 stud poker, Caribbean stud poker, Colorado hold 'em poker, double attack blackjack, double cross poker, double down stud poker, fast action hold 'em, flop poker, four card poker, let it ride poker, mini-craps, mini-dice, pai gow poker, pokette, Spanish 21, Texas hold 'em bonus poker, 3-card poker, 2-card joker poker, ultimate Texas hold 'em, winner's pot poker, and sic bo or any multi-station electronic version of the games described in this paragraph, and any other games approved by the lottery commission. The term includes any variations or composites of approved games, provided that the lottery commission determines that the new table game, variations, or composites are suitable for use after an appropriate test or experimental period under such terms and conditions as the lottery commission may deem appropriate, and any other game which the lottery commission determines to be suitable for use in a gaming location after an appropriate test or experimental period as the lottery commission may deem

appropriate. The term shall also include gaming contests or tournaments in which players compete against one another in any table game authorized for use in a gaming location by the lottery commission. The term shall not include wagering on pari-mutuel racing regulated by the racing and charitable gaming commission pursuant to RSA 284, raffles regulated pursuant to RSA 287-A, lotteries regulated by the lottery commission pursuant to RSA 284:21-h and RSA 287-F, and bingo and lucky 7 games regulated by the racing and charitable gaming commission pursuant to RSA 287-E. Table games which are operated as games of chance pursuant to RSA 287-D shall not be subject to the provisions of this chapter.

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

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

XXVI. "Table game operator" means:

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

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

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

XXVIII. "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 gaming licensees.

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

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

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.

XXXII. "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 647:2 or video poker machines or other similar machines used for amusement purposes only.

284-B:2 Gaming Oversight and Regulation.

I. The lottery commission shall only issue licenses to persons who operate video lottery machines and table games at a gaming location meeting the requirements of this

chapter. The lottery commission shall have the exclusive authority to license and regulate the authorization, installation, operation, and conduct of video lottery machines and table games.

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) Issuing requests for applications, and reviewing and deciding all license applications and renewals, and making recommendations for the suspension or revocation of any license issued under this chapter.

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

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

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

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

(f) Establishing a process for the review of gaming applicants pursuant to RSA 284-B:4.

(g) Establishing an approval procedure for table game operation certificates including the classification of primary game operators and secondary game operators.

(h) Establishing a process for verifying the training and experience of nonkey gaming employees.

(i) 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.

(j) Prescribing the methods and forms of application which any applicant shall follow and complete prior to consideration of the application by the lottery commission and the information to be included in or submitted with the application.

(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, key employee or employee of a licensee, or other methods of identification which may be necessary in the judgment of the lottery commission to accomplish effective enforcement of restrictions to access to the gaming location.

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

(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 issuing of sanctions, including but not limited to, the revocation or suspension of licenses.

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

(r) Prescribing minimum procedures for the exercise of effective control over the internal fiscal affairs of a gaming licensee, including provisions for the safeguarding of assets and revenues, the recording of cash and evidence of indebtedness, and the maintenance of

reliable records, accounts, and reports of transactions, operations, and events, including reports to the lottery commission.

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

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

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

(x) Regulating the operation of table games consistent with RSA 284-B:12, including requiring proper accountability controls to ensure game integrity.

III. Pending the adoption of rules under RSA 541-A, the lottery commission shall adopt interim rules pursuant to RSA 541-A:19 relative to the licensing process within 90 days of the effective date of this chapter. Notwithstanding any law to the contrary such interim rules shall remain in effect until final rules relative to standards set forth in RSA 284-B:2, II are adopted pursuant to RSA 541-A, which shall be no later than June 1, 2013.

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

(a) The central computer 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 machine;

(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 computer system shall employ a widely accepted gaming industry communications protocol, as approved by the Gaming Standards Association, to facilitate the ability of video lottery machine manufacturers to communicate with the central computer system.

(1) Except as provided in subparagraph (b)(2), the lottery commission shall not allow a gaming licensee to have access to, or obtain information from, the central computer system.

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

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 year, the lottery commission shall submit a report to the fiscal committee of the general court, regarding the operation of video lottery machines.

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

(c) The lottery commission shall maintain such other files and records as the commission determines are necessary. All records maintained by the lottery commission may be maintained in digital or other format, provided that such information can be produced in written form upon the request of the commission.

(d) All personal and financial proprietary information and data of an applicant, its officers, directors, partners, members, shareholders or key employees, other than their criminal records, required by the lottery commission to be furnished to it, or which may otherwise be obtained, shall be considered confidential and shall not be disclosed in whole or in part except in the course of the necessary administration of this chapter, or upon the lawful order of a court of competent jurisdiction, or, with the approval of the attorney general, to a duly authorized law enforcement agency. Notwithstanding this subparagraph, the state police may share information with the lottery commission and the attorney general as is appropriate under this chapter.

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

VIII. Each of 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 it deems necessary for the discharge of its duties.

284-B:3 Number of Gaming Licenses.

I. The lottery commission shall review, select, and grant licenses for up to 2 gaming locations. A gaming licensee must operate up to 150 table games consistent with RSA 284-B:12 and up to 5,000 video lottery machines each at its respective gaming locations.

II. In order to facilitate the timely and orderly deployment of licensed gaming operations in this state, the lottery commission shall adopt a schedule by which applications for gaming licenses and technology provider licenses shall be filed, considered, and resolved in accordance with the provisions of this section.

III. The lottery commission shall issue a request for applications for gaming licenses pursuant to the process set forth in this section. The lottery commission shall approve,

approve with condition, or deny all applications submitted. The first request for applications shall be issued within 30 days of the adoption of interim rules by the lottery commission pursuant to RSA 284-B:2, III. Such first request for applications shall be for one gaming license. The request for applications shall require all applications in response to the first request for applications to be submitted by no later than January 15, 2013. The lottery commission shall issue a request for applications for the second gaming license no earlier than 2 years and no later than 3 years after the date the first request for applications was issued.

284-B:4 License Requirements for Gaming Licensees.

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

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

(b) The applicant shall include information regarding:

(1) The applicant's criminal history background including authorization for a criminal background and records check, and an attested disclosure of all arrests and citations for nontraffic offenses;

(2) Civil judgments;

(3) Financial affairs;

(4) The full name, address, date of birth, and other personal identifying information of the applicant and all key employees;

(5) If a corporation or other form of business enterprise, the information listed in subparagraphs (b)(1)-(4) shall be provided with respect to each partner, trustee, officer, and director, and any shareholder or other holder who owns more than 10 percent of the legal or beneficial interests of such entity; and

(6) The identity of the owners of the gaming location along with information listed in subparagraphs (b)(1)-(4) shall be provided with respect to each owner, partner, principal, trustee, officer, and director, and any shareholder or other holder who owns more than 10 percent of the legal or beneficial interest of such gaming location. If the owner of the gaming location is not an affiliate of the applicant, the applicant shall also submit a copy of the proposed lease agreement and executed letter of intent between the gaming location and the applicant.

(c) The lottery commission shall not accept applications from applicants except within the timeframe prescribed by the request for applications issued by the lottery commission.

(d) If the applicant or any principal has held or holds a gaming or video lottery machine license in a jurisdiction where video lottery machine activities are permitted, the applicant shall so state and may produce either a letter of reference from the gaming or lottery enforcement or control agency in such jurisdiction which sets forth the experience of that agency with the applicant, the applicant's associates, and gaming 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.

(e) The application shall be accompanied by a complete description of the proposed project including a description of the gaming location and all supporting amenities, type and number of video lottery machines, and type and number of table games.

(f) The application shall include information explaining how the proposed project meets the following criteria:

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

(2) The immediate and long range financial feasibility of the applicant's proposed project including a projection of the revenues to be produced by the operation of the

video lottery machines and table games at the gaming location, as supported by an expert experienced in the field of gaming.

(3) A licensing fee payment bond, letter of credit, or guaranty on private equity or other fund with demonstrated cash and reserve availability supporting the applicant's ability to pay the licensing fee.

(4) The ability of the applicant's proposed gaming location to provide new and sustainable jobs for the community.

(5) The ability of the applicant's proposed gaming location to efficiently generate and sustain an acceptable level of revenue and revenue growth.

(6) The ability of the applicant to comply with statutory, regulatory, and technical standards applicable to the design of the proposed location.

(7) The demonstrated experience of the owners of the gaming applicant in developing, constructing, and managing a similar enterprise.

(8) The character and fitness of the principals and key employees of the gaming applicant.

(9) The accessibility of the proposed gaming location to public access and public highway infrastructures.

(10) The suitability of the proposed gaming location and facility design for tourism and development, including compatibility of local zoning, commercial development opportunities, and the applicant's plan to meet community needs.

(11) Whether the applicant has support of the municipality in which the project is proposed by local referendum consistent with RSA 284-B:9.

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

(13) A proposed system of internal security and accounting controls.

(g) The application shall be accompanied by a petition for a table game operation certificate consistent with RSA 284-B:12.

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

III. Every application shall contain such information as is required pursuant to RSA 284-B:4 and such information as the lottery commission requires by rule. In addition to the information required for submission to the lottery commission, any applicant may submit, and the commission shall duly consider, any other information.

IV.(a) The lottery commission shall examine every application for form and completeness, and the information required by RSA 284-B as well as any specifications and standards outlined in the request for application. If an application is determined incomplete by the lottery commission, it shall notify the applicant by certified mail within 30 days of receipt of the application. Such notification shall include a full explanation of the reasons for incompleteness. If no request for additional information is made by the commission within the 30 days, the application shall be considered complete. All applications and accompanying submissions shall be maintained as confidential during completeness review.

(b) An applicant whose application is incomplete shall be allowed a maximum of 15 business days from the date of receipt of notification of incompleteness to provide the required additional information. The applicant shall not provide more than the required additional information. The lottery commission shall then review the additional information provided by the applicant; and, if satisfactory, the application shall be considered complete and the applicant shall be notified by certified mail. If the application is still found to be incomplete, the commission shall mail the applicant a notification within 10 business days of receipt of the additional information. If no such notification is mailed to the applicant by the commission within the 10 business days' period, the application shall be considered complete. Within 5 business days of the receipt of any information submitted pursuant to the second completeness notice, the commission shall notify the applicant as to whether such information is satisfactory and the application shall be considered complete, or the applicant

shall be provided 3 business days to provide any additional information, however, the applicant shall not provide more than the required additional information. The commission shall review and notify the applicant whether the application is complete within 2 business days of receipt of any additional information.

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

(d) An applicant may withdraw an application at any time thereby terminating the review process.

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

V.(a) Upon a request by the lottery commission, the attorney general shall conduct a background review of each gaming applicant and any of its principals, owners, and key employees. The background review may be conducted through any appropriate state or federal law enforcement system and the authorized reviewers may seek information as to the subject's financial, criminal, or business background, or any other information which the attorney general, in his or her sole discretion, may find relevant to the subject's fitness to be associated with the ownership or management of 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 licensed and authorized to conduct racing, whether live, simulcast, or both, as provided in RSA 284:16 or RSA 284:16-a at a pari-mutuel licensee location, and the attorney general has conducted a background investigation pursuant to RSA 284:15-b within the 12 months prior to the application filing, the attorney general may rely on the results of the previous investigation to the extent the applicant's circumstances have not materially changed. The attorney general shall also take into consideration as evidence of fitness a letter of reference or sworn statement of good standing produced pursuant to subparagraph I(d). The attorney general shall report the results of the background review to the lottery commission within a reasonable time not to exceed 120 days unless a request for additional time has been granted by the lottery commission for good cause. 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 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 gaming applicant or gaming licensee, or any person or entity upon whom the gaming applicant or gaming licensee relies for financial support.

(b) In any review conducted pursuant to subparagraph (a), the attorney general or any duly authorized member of the attorney general's staff may require by subpoena or otherwise the attendance of witnesses and the production of such correspondence, documents, books, and papers as he or she deems advisable, and for purposes of this section, may administer oaths and take the testimony of witnesses.

VI.(a) Upon receipt of the report of the attorney general on any and each applicant who has been notified of a complete gaming application, the lottery commission shall make a determination as to whether the gaming applicant demonstrates it meets the standards for licensure in RSA 284-B:6 according to the time line set forth in this subparagraph (b) or (c).

Such a determination shall be made by majority vote of eligible commission members. Any commission member who has a personal or business conflict with any application shall not vote on such application. The decision shall be in the form of an approval, denial, or an approval with conditions. The decision of the lottery commission approving the application is a final, binding, non-appealable determination which is not subject to legal challenge except by a competing applicant whose application was denied consistent with RSA 284-B:6, XIV.

(b) If there is only one complete application pending, the lottery commission shall make its licensing determination within 60 days of receiving the report of the attorney general.

(c) If there is more than one complete application pending, the lottery commission shall consider competing applicants in relationship to each other. The lottery commission shall schedule a hearing within 30 days of receiving the final attorney general's report pursuant to the hearing process set forth in RSA 541-A regarding adjudicative proceedings. Competing applicants shall serve prehearing memoranda as prescribed by the lottery commission which shall include at a minimum a summary of evidence each applicant intends to present in support of its application for licensure. Competing applications shall be heard separately by the lottery commission at one hearing. There will be no right for an applicant to cross-examine witnesses of a competing applicant. Upon conclusion of the hearing, based on the evidence submitted, the lottery commission shall determine which applicant demonstrates superiority in meeting the standards in RSA 284-B:6.

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

VIII.(a) The lottery commission shall impose an application fee of \$500,000 which shall be used to defray the cost of processing the application. If the cost of processing the application exceeds \$500,000, the applicant shall pay the difference.

(b) The attorney general shall impose an investigation fee of \$100,000 which shall be used to defray the cost of the background investigation. If the cost of the background investigation exceeds \$100,000, the applicant shall pay the difference.

(c) Upon approval of a gaming licensee, the lottery commission shall charge an initial license fee of \$50,000,000 for a gaming licensee seeking a gaming license. The license shall expire after 5 years. The lottery commission shall charge a license fee of \$1,500,000 to renew a gaming license; 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 gaming license. Notwithstanding any other provision of this chapter, all funds received by the lottery commission pursuant to this subparagraph, less expenses of the commission related to establishing regulations and the acquisition of a central computer system, shall be deposited in the revenue stabilization reserve account established in RSA 9:13-e.

284-B:5 Technology Provider Licensee Applications. A technology provider licensee applicant shall obtain a technology provider license from the lottery commission, as follows:

I. An applicant shall complete and sign an application on forms and in a manner prescribed by the lottery commission.

II. The applicant shall include information regarding:

(a) The applicant's criminal history background including authorization for a criminal background and records check, and an attested disclosure of all arrests and citations for nontraffic offenses;

(b) Civil judgments;

(c) Financial affairs using a multi-jurisdictional personal history disclosure form;

(d) The full name, address, date of birth, and other personal identifying information of the applicant and all key employees; and

(e) If the applicant is a corporation or other form of business enterprise, the same information shall be provided with respect to each partner, trustee, officer, director,

and any shareholder or other holder who owns more than 10 percent of the legal or beneficial interests of such entity.

III. If the applicant or any owner has held or holds a technology provider, manufacturer, or supplier's license in a jurisdiction where video lottery machine activities are permitted, the applicant shall so state and may produce either a letter of reference from the gaming or lottery enforcement or control agency in such jurisdiction which sets forth the experience of that agency with the applicant, the applicant's associates, and gaming operation, or a statement under oath that the applicant is or was during the period the activities were conducted in good standing with the agency.

IV. Upon a request by the lottery commission, 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. The attorney general shall report the results of the review to the lottery commission within a reasonable time not to exceed 120 days unless a request for additional time has been granted by the lottery commission for good cause. 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 technology provider applicant or licensee, or any person or entity upon whom the technology provider applicant or licensee relies for financial support.

V. In any review conducted pursuant to paragraph IV, the attorney general or any duly authorized member of the attorney general's staff may require by subpoena or otherwise the attendance of witnesses and the production of such correspondence, documents, books, and papers as he or she deems advisable, and for purposes of this section, may administer oaths and take the testimony of witnesses.

VI.(a) The lottery commission shall charge the technology provider applicant an application fee of \$100,000 which shall be used to defray the cost of processing the application. If the cost of processing the application exceeds \$100,000, the applicant shall pay the difference.

(b) The attorney general shall charge the technology provider applicant an investigation fee of \$25,000 which shall be used to defray the cost of the background investigation. If the cost of the background investigation exceeds \$25,000, the applicant shall pay the difference.

(c) Upon approval of a technology provider licensee, the lottery commission shall charge an initial license fee of \$50,000. Licenses shall expire after 5 years. The lottery commission shall charge a fee of \$50,000 to renew a license to a technology provider licensee provided, however, such person seeking renewal of its license shall pay all costs incurred by the attorney general to conduct an investigation with regard to such application to renew the technology provider's license.

284-B:6 Licensure Requirements for All Licenses.

I. No license shall be issued by the lottery commission unless the applicant demonstrates it meets the standards set forth in this section. The lottery commission shall consider the applicant's ability to meet the criteria set forth in RSA 284-B:4, I(f) and (g), and any letter of reference or sworn statement of good standing from the gaming or lottery enforcement or control agency in any jurisdiction where the applicant has held or holds a gaming license.

II. The applicant must demonstrate the following:

(a) The applicant's financial stability, integrity, and responsibility, considering, without limitation, bank references, business and personal income and disbursement schedules, tax returns, and other reports filed with governmental agencies, business and personal accounting records, check records, and ledgers.

(b) The trustworthiness of all financial backers, investors, mortgagees, bondholders, and holders of indentures, notes, and other evidences of indebtedness of the applicant, its affiliated persons, subsidiaries, or holding companies that bears a relation to the application.

(c) The applicant's good character, honesty, and integrity, considering, without limitation, information pertaining to family, habits, character, reputation, criminal and arrest record, business activities, financial affairs, and business, professional, and personal associates, covering at least the 10-year period immediately preceding the filing of the application.

(d) The applicant's business ability and experience in the operation of video lottery machines and table games, so as to establish the likelihood of a successful and efficient operation.

(e) Disclosure of any material administrative or enforcement actions pending against the applicant in other jurisdictions.

III. The lottery commission shall not issue a license to any applicant unless the applicant proves that each owner, director, officer, and key employee of the applicant, its principals, subsidiaries, and affiliated entities complies with the criteria for licensure contained in this section. The lottery commission may waive the requirements of this section for a person directly or indirectly holding ownership of securities in a publicly traded corporation if the board determines that the holder of the securities is not significantly involved in the activities of the corporation and does not have the ability to control the corporation or elect one or more directors thereof. The lottery commission may determine whether the licensing standards of another jurisdiction within the United States or Canada in which an applicant, its affiliated entity, intermediary, subsidiary, or holding company for a gaming license or technology provider license is similarly licensed are comprehensive and thorough and provide similar adequate safeguards as those required by this chapter. If the lottery commission makes that determination, it may determine that the gaming applicant or technology provider meets the standards set forth in RSA 284-B:6, II if an applicant holds a similar license in such other jurisdiction after conducting an evaluation of the information relating to the applicant from such other jurisdiction, as updated by the lottery commission, and evaluating other information related to the applicant received from that jurisdiction and other jurisdictions where the applicant may be licensed. The lottery commission may incorporate such information, in whole or in part, into its or the attorney general's evaluation of the applicant.

IV. The lottery commission shall not issue a license to any applicant if the applicant, any key employee, or any individual who has an ownership or financial interest in or with the applicant or its gaming location or an affiliated entity, is an elected official of the general court or executive branch of the state of New Hampshire or employee of the attorney general's office or the lottery commission on a full or part-time or contractual basis 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 or employee, the applicant shall be subject to sanctions pursuant to RSA 284-B:18.

V. If the lottery commission finds that an individual who is a principal or has an interest in the applicant does not meet the eligibility requirements of paragraph II, and on this basis the applicant shall be denied a license, the lottery commission may afford the individual the opportunity to completely divest his or her interest in the applicant and after such divestiture reconsider the applicant's suitability for licensure in an expedited proceeding and may, after such proceeding, issue the applicant a license.

VI. No license shall be issued to a gaming applicant unless the applicant has obtained local approval as provided in RSA 284-B:9.

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

VIII.(a) The lottery commission shall approve, approve with conditions, or deny each application according to the time frames set forth in RSA 284-B:4. No gaming licensee may begin operations until the lottery commission has adopted final rules. Once final rules have been adopted, a gaming licensee may commence operations in a temporary gaming location while completing construction of the permanent gaming location. Upon issuance of a license, the gaming licensee shall commence construction of the permanent gaming location within 6 months thereafter.

(b) The lottery commission may impose reasonable requirements upon a gaming licensee with respect to the completion of construction of the permanent gaming location, provided that the lottery commission may amend, modify, or waive such conditions upon good cause shown by the gaming licensee and determined by the lottery commission.

IX. The lottery commission shall not consider an incomplete application and shall notify the applicant in writing if an application is incomplete consistent with RSA 284-B:4, IV. An application shall be considered incomplete if it does not include all applicable fees and all information and accompanying documentation required by the commission, including, but not limited to, a current tax lien certificate issued by the department of revenue administration at the time of filing the application. Any unpaid taxes identified on the tax lien certificate shall be paid before the application is considered complete. A notification of incompleteness shall state the deficiencies in the application that must be corrected prior to consideration of the merits of the application.

X. Notwithstanding any law to the contrary, the lottery commission shall not consider any application for a license if the applicant or any person affiliated with or directly related to the applicant is a party in any ongoing civil proceeding in which the party is seeking to overturn or otherwise challenge a decision or order of the lottery commission pertaining to the approval, denial, or conditioning of a license to operate video lottery machines. This paragraph shall not be interpreted to affect the rights of applicants to seek judicial enforcement of mandatory obligations of boards or commissions as may be required by this chapter.

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

XII. Following approval of an application for a license and receiving notice from the lottery commission that the decision is final and not subject to an appeal pursuant to RSA 284-B:6, XIV, the applicant shall pay any applicable licensing fee. The applicant shall provide formal notification to the commission as soon as it fulfills all required conditions for issuance of the license. Upon receipt of such formal notification, upon conducting any necessary verification, and payment of the license fee, the lottery commission shall issue a license to the applicant.

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

XIV. Applicants may appeal the denial of a license to the New Hampshire supreme court, pursuant to RSA 541. Such appeal shall be filed with the clerk of the supreme court within 5 days after the lottery commission has denied any request for reconsideration. Such appeal shall be limited to questions of law. Findings of fact made by the commission shall be final. The supreme court may hold a special session to consider such appeal if it considers such action necessary.

284-B:7 Exclusion of Minors.

I. No person under 21 years of age shall play a video lottery machine or table game authorized by this chapter. Each violation of this paragraph shall be punishable by a fine of no more than \$2,400 and shall be payable by such person who violates this section.

II. No gaming licensee shall knowingly permit any person under 21 years of age to play or participate in any aspect of the play of a video lottery machine or table game. Each violation of this paragraph shall be punishable by a fine of no more than \$20,000 and shall be payable by the gaming licensee.

284-B:8 Distribution of Net Machine Income.

I.(a) Forty percent of the net machine income generated by video lottery machines operated by a gaming licensee shall be paid as follows:

(1) Thirty-five 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, and the operation of the central computer system, and the balance shall be deposited in the general fund of the state and used first to offset reductions in the business profits tax and the business enterprise tax.

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

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

(4) One percent of the net machine income generated by all video lottery machines shall be paid to the state treasurer and credited to the commissioner of the department of health and human services to support programs established by RSA 172 to treat problem gambling.

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

II. The gaming licensee shall deliver the amounts payable to the state or municipality as provided in paragraph I in immediately available funds of the United States on a daily basis. At the time payment is delivered, the gaming licensee shall provide a written accounting of net machine income generated from the video lottery machines by the gaming licensee on an aggregate basis and the calculation of amounts due to the state separately for distribution pursuant to subparagraphs I(a)(1) and (5), the amount due the municipality pursuant to subparagraph I(a)(2), the amount due certain municipalities pursuant to subparagraph I(a)(3), and the balance of net machine income retained by the

gaming licensee. The gaming licensee shall pay a penalty of \$1,000 for each day that payment or the accounting is not delivered on time to the state, and a penalty of \$1,000 for each day that payment or the accounting is not delivered to the municipality on time.

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

I. Any municipality in which a gaming location is or proposes to be situated may adopt the provisions of RSA 284-B to allow the operation of video lottery machines and table games at a specific location in the following manner:

(a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the questions shall be placed on the warrant of an annual or special town meeting, by the governing body or by petition pursuant to RSA 39:3.

(b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, upon request of a gaming applicant to authorize the operation of video lottery machines and table games at a specific location within the municipality in accordance with the provisions of RSA 284-B, the governing body shall place the question on the ballot to be voted upon at the next regularly scheduled municipal or biennial election unless such election is more than 90 days from the request. In such circumstance, the governing body shall place the question on the ballot for a special election called for the purpose of voting on said question and which special election shall occur within 75 days after the request is made. Such special election shall be held at the usual ward polling places by the regular election officials.

(c) In any unincorporated place, and notwithstanding any other provision of law to the contrary, upon the request of a gaming applicant to authorize the operation of video lottery machines and table games at a specific location within the unincorporated place to either the moderator of the unincorporated place if the unincorporated place is organized to vote pursuant to RSA 668:1, or the clerk of the designated town if the unincorporated place is not organized for voting as provided in RSA 668:2, and the moderator or the clerk shall place the question on the ballot to be voted upon at the next regularly scheduled biennial election. The ballot shall be given to the individuals who are domiciled in such unincorporated place who are registered to vote.

(d) If a majority of those voting on the question vote "Yes," RSA 284-B shall apply in such town or city and the operation of video lottery machines and table games shall be permitted at a specific location within such town, city, or unincorporated place in accordance with RSA 284-B. If a majority of those voting on the question vote "No" the question may be voted on at a subsequent time in accordance with this section provided, however, the town may consider the question at no more than one special meeting and the annual town meeting in the same calendar year after a "No" vote. A city or town subject to paragraph I(b) may consider the question at no more than one special election and a regular municipal or biennial election in the same calendar year after a "No" vote.

(e) The wording of the question shall be substantially as follows: "Shall we adopt the provisions of RSA 284-B allowing the operation of video lottery machines and table games at [insert the name of the proposed gaming location] located within the [insert name of town, city, or unincorporated place]"?

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

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

I. The lottery commission shall periodically test video lottery machines installed at any gaming location. In conducting such tests, the lottery commission shall use the services of an independent laboratory, and the cost of such independent laboratory shall be paid by the technology provider.

II. Any person who purposely manipulates the outcome, payoff, or operation of any video lottery machine or table game by physical, electronic, or mechanical means, shall be guilty of a felony.

284-B:11 Video Lottery Machines.

I.(a) A gaming licensee shall provide to the lottery commission prior to commencing operations of any video lottery machines, by diagram or narrative, a description of:

- (1) The location of each video lottery machine available for play by the public.
- (2) The location of all areas for the storage, maintenance, or repair of video lottery machines.
- (3) A description of all security measures to be taken for the safeguarding of video lottery machines.
- (4) The location and security measures taken for the safeguarding of all moneys, tokens, or other items of value utilized in the use of video lottery machines.
- (5) All procedures for the operation, maintenance, repair, and inserting or removing of moneys, tokens, or other items of value from video lottery machines.
- (6) All internal control systems as required by RSA 284-B:15.

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

II. No video lottery machine shall be possessed, maintained, exhibited, brought into, or removed from a gaming location by any person unless such machine has permanently affixed to it an identification number or symbol authorized by the lottery commission and prior notice of any such movement has been given to the lottery commission.

III. Each gaming licensee shall maintain secure facilities for the counting and storage of all moneys, tokens, or other items of value utilized in the conduct or operation of video lottery machines.

IV. The drop boxes and other devices shall not be brought into a gaming location or removed from a video lottery machine, locked or unlocked, except at such specific times and such places and according to such procedures as the lottery commission may require to safeguard such boxes and devices and their contents.

V. No video lottery machine shall be used to conduct gaming unless it is identical in all electrical, mechanical, and other aspects to a model which has been specifically tested by the lottery commission and licensed for use by the lottery commission. In conducting such tests, the lottery commission shall use the services of an independent laboratory, and the cost of such independent laboratory shall be paid by the technology provider.

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

VIII. A gaming licensee shall not be restricted in the days of operation of video lottery machines.

IX. Video lottery machines shall be operated only at times when the public is allowed access to the gaming locations.

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

XI. All table games operated by a gaming licensee shall be approved in advance by the lottery commission consistent with RSA 284-B:12 and operated consistent with such approval.

284-B:12 Table Game Certificates.

I. The lottery commission shall have general and sole regulatory authority over the conduct of table games described in this chapter. The lottery commission shall ensure the integrity of the acquisition and operation of table game devices and associated equipment

and shall have sole regulatory authority over every aspect of the authorization and operation of table games.

II.(a) The lottery commission shall:

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

(2) Determine at its discretion the suitability of any person, including technology vendors not licensed pursuant to this chapter, who furnishes or seeks to furnish to a certificate holder directly or indirectly any services or property related to the table games or associated equipment or through any arrangements under which that person receives payment based directly or indirectly on earnings, profits, or receipts from table games and associated equipment. Any criminal background checks shall be conducted by the division of state police, gaming enforcement unit, and any other background investigations shall be conducted by the attorney general's office. The commission may require any such person to comply with the requirements of this chapter and the rules of the commission and may prohibit the person from furnishing the services or property.

(3) Publish on the commission's Internet website a complete list of all persons or entities who applied for or held a license, certificate, or approval pursuant to this chapter, or racetrack license at any time during the preceding calendar year and all affiliates, intermediaries, subsidiaries, and holding companies thereof and the status of the application or license, however, information regarding any applicant whose approval or certificate has been denied, revoked or not renewed shall be removed from such list after 5 years from the date of such action.

(b) The certificate shall only permit the operation of table games at a gaming location that operates or permits the operation of games of chance for or on behalf of charitable organizations pursuant to RSA 287-D, provided that the space allocated for games of chance at the facility be at least 5,000 square feet within the principal gaming area of the gaming location, and the number of tables used for table games shall be limited to not more than 150 tables.

(c) The certificate shall not be transferable.

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

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

(b) A petition shall include the following:

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

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

(3) Information and authorizations sufficient to allow the commission to confirm that any person providing services as a table game operator has not, in any jurisdiction, been convicted of a felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, or a class B misdemeanor within the previous 5 years which has not been annulled by a court, or has violated any statutes or rules governing gambling or gaming of any kind.

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

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

reviewed by the lottery commission to determine the adequacy of the proposed internal controls and external security and proposed surveillance measures and submit a finding regarding adequacy to the commission.

V. The applicant shall certify under oath that:

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

(b) Information and authorizations sufficient to allow the lottery commission to confirm that any person providing services as a table game operator has not, in any jurisdiction, been convicted of a felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, or a class B misdemeanor within the previous 5 years which has not been annulled by a court, or violated any statutes or rules governing gambling or gaming of any kind.

(c) The applicant who will be participating in the operation of the games of chance is aware of all statutes and rules applicable to the operation of table games.

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

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

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

(2) Provide for reliable records, accounts, and reports of any financial event that occurs in the operation of a table game, including reports to the commission related to the table games.

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

(4) Establish procedures for all the following:

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

(B) Check cashing.

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

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

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

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

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

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

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

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

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

(12) Establish procedures for the collection and recording of revenue from poker when it is a nonlicensee bank game, including the type of rake utilized, the methodology for calculating the rake, and the amount of maximum permissible rake.

(13) Ensure that any wagering governing the operation of a table game is implemented only in accordance with the management's general or specific authorization, as approved by the lottery commission.

(14) Ensure that there is proper and timely accounting of gross table game revenue and the calculation of gross table game revenue, fees, and taxes and maintain accountability for assets.

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

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

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

VI.(a) Each gaming licensee shall, prior to being approved for a table game operation certificate, submit to the commission a detailed description of its administrative and accounting procedures related to table games, including its written system of internal controls. Each written system of internal controls shall include:

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

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

(3) The record retention policy of the applicant.

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

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

(c) A gaming licensee with a table game operation certificate may accept a check from a patron in exchange for cash or chips, provided that each check is deposited with the financial institution upon which the check is drawn within 10 days of receipt by the gaming licensee.

(d) A gaming licensee with a table game operation certificate may make credit card advances and debit card withdrawals available to table game patrons at a gaming location. All fees charged for cash advances, check cashing, and debit card withdrawals shall be disclosed. Notwithstanding any other provision of law, a gaming licensee with a table game operation certificate may provide credit to patrons for the purpose of playing table games in accordance with this section. No third party checks shall be permitted.

VII. A certificate holder shall maintain all books, records, and documents pertaining to the certificate holder's table game operation in a manner and location as approved by the lottery commission. All books, records, and documents related to table game operations shall:

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

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

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

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

(a) Eight percent of daily gross table revenue to the state to be deposited into the general fund; and

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

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

be held in trust by the certificate holder until the funds are paid or transferred and distributed by the certificate holder. Unless otherwise agreed to by the lottery commission, a certificate holder shall establish a separate bank account to maintain table gaming proceeds until such time as the proceeds are paid or transferred under this section.

X. Any person seeking to supply table game devices for use at a gaming location shall obtain approval by the commission for authority to manufacture or supply table games, table game devices, or other equipment associated with table games, and shall pay such fees as the commission deems reasonable and appropriate. Upon approval, the manufacturer or supplier shall pay a fee of \$50,000. A fee of \$25,000 shall be paid for the annual renewal of an approval.

XI.(a) No table games shall be conducted with any equipment except such as is owned or leased from a supplier or manufacturer of such equipment who has been approved by the commission pursuant to RSA 284-B:12 and who has registered with the secretary of state in such manner and on such form as the secretary of state prescribes.

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

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

284-B:13 Term of License; Limits on Transfer.

I. 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.

II. No license issued by the lottery commission may be transferred to a separate person or entity without the prior approval of the lottery commission consistent with this chapter. Any proposed transferee of a license issued pursuant to this chapter shall pay an application fee to the lottery commission and an investigation fee to the attorney general as specified in RSA 284-B:4 or RSA 284-B:5, as applicable. Any transfer of a license approved by the lottery commission shall be for the balance of the term of the license. The transferee approved by the lottery commission shall not pay any additional fee at the time of the approval. The transferee shall be subject to the provisions of this chapter with regard to renewal of the license.

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

284-B:14 Presence of the Lottery Commission. The lottery commission and the division of state police gaming enforcement unit may be present at any gaming location at which video lottery machines and table games are operated at all times when the gaming location is open to the public. The gaming licensee may be required by the lottery commission or gaming enforcement unit to provide such office space and equipment which the commission or unit shall determine is reasonably necessary or proper.

284-B:15 Duties and Authority of the Lottery Commission.

I. The lottery commission, with the assistance and cooperation of the attorney general and the division of state police gaming enforcement unit, shall administer and enforce the provisions of this chapter. The lottery commission shall have the authority to request any and all records maintained by local, municipal, state, or federal agencies relative to gaming applicants or gaming licensees.

II. The lottery commission shall:

(a) Collect all license fees imposed upon any applicant and all taxes imposed by RSA 284-B.

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

(c) Establish a central computer system located at the office of the lottery commission linking all video lottery machines to insure control over video lottery machines. The lottery commission shall establish a selection procedure for such contracts and ensure that the central computer system uses a widely adopted communications protocol approved by the Gaming Standards Association.

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

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

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

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

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

(4) Provide for accurate and reliable financial records.

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

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

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

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

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

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

(g) Require all holders of licenses issued by the lottery commission pursuant to RSA 284-B to comply with any exclusion program established by the lottery commission and maintained pursuant to RSA 284-B:2, II(v) and to establish and implement a self-exclusion program whereby a person who acknowledges that he or she is a problem gambler and who requests to be placed on a self-exclusion list shall be excluded or ejected from a licensed facility.

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

received by the lottery commission pursuant to RSA 284-B. No employee of the lottery commission shall have any pecuniary or other interest whatsoever in any supplier or agent to the commission or in any gaming location or license licensed under RSA 284-B.

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

V. No later than November 1 of each calendar year, the lottery commission shall provide a report to the fiscal committee of the general court regarding the generation of revenues of video lottery machines and table games by licensees.

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

(a) The lottery commission shall notice all proceedings and shall make and keep a record of all proceedings held at public meetings of the lottery commission. A verbatim transcript of those proceedings shall be prepared by the lottery commission upon the request of any commissioner or upon the request of any other person and the payment by that person of the costs of preparation. A copy of the transcript shall be made available to any person upon request and payment of the costs of preparing the copy.

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

(c) All information and data required by the commission, to be furnished to the commission, or which may otherwise be obtained, shall be maintained as confidential consistent with RSA 284-B:2, VII.

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

284-B:16 Declaration of Limited Exemption from Operation of Provisions of 15 U.S.C. sections 1171-1178. Pursuant to section 2 of an act of Congress of the United States entitled "An Act to Prohibit Transportation of Gambling Devices in Interstate and Foreign Commerce," designated as 15 U.S.C. sections 1171-1178, the state of New Hampshire, acting by and through the duly elected and qualified members of its legislature, does hereby, in accordance with and in compliance with the provisions of that section 2 of that act of Congress, declare and proclaim that it is in the state's best interest to benefit from limiting gambling device revenues but prevent the proliferation of gambling devices by limiting approved facility locations and therefore that section 2 of that act of Congress shall not apply to any gambling device in this state where the transportation of such a device is specifically authorized by and done in compliance with the provisions of this chapter and any rules adopted pursuant to it, and that any such gambling device transported in compliance with state law and rules shall be exempt from the provisions of that act of Congress.

284-B:17 Legal Shipment of Gaming Devices into New Hampshire. All shipments into this state of gaming devices, the registering, recording, and labeling of which has been duly made by the manufacturer or dealer in accordance with sections 3 and 4 of an act of Congress of the United States entitled "An Act to Prohibit Transportation of Gambling Devices in Interstate and Foreign Commerce," designated as 15 U.S.C. sections 1171-1172, shall be deemed legal shipments into this state.

284-B:18 Sanction Powers of the Lottery Commission.

I. The lottery commission shall have the sole and exclusive authority following appropriate hearings and factual determinations, to impose sanctions against any person for any violation of this chapter or any rule of the commission adopted under the provisions of this chapter as follows:

(a) Revocation or suspension of a license.

(b) Civil penalties as may be necessary to punish misconduct and to deter future violations, which penalties may not exceed \$50,000 for each violation.

(c) Order restitution of any moneys or property unlawfully obtained or retained by a person.

(d) Issuance of a cease and desist order which specifies the conduct which is to be discontinued, altered, or implemented by the person.

(e) Issuance of letters of reprimand or censure, which shall be made a permanent part of the file of each person so sanctioned.

(f) Imposition of any or all of the foregoing sanctions in combination with each other.

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

(a) The risk to the public and to the integrity of video lottery machine or table game operations created by the conduct of the person.

(b) The seriousness of the conduct of the person and whether the conduct was purposeful or with knowledge that it was in contravention of the provisions of this chapter or the rules of the commission.

(c) Any justification or excuse for such conduct.

(d) The prior history of the person involved.

(e) The corrective action taken by the person to prevent future misconduct of a like nature from occurring.

(f) In the case of a monetary penalty, the amount of the penalty in relation to the misconduct and the financial means of the person.

(g) In the event that a person receives 3 civil penalties during the term of such person's license, the commission may subject such person to enhanced fines or other disciplinary action.

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

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

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

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

I. There is established within the division of state police a gaming enforcement unit under the supervision of the commissioner of the department of safety. Notwithstanding RSA 106-B:15, the unit shall:

(a) Investigate violations of RSA 284-B and the rules adopted under the provisions of RSA 284-B, and initiate proceedings before the lottery commission for such violations. The unit shall report the results of any investigation conducted to the lottery commission.

(b) Participate in any hearing conducted by the lottery commission.

(c) Investigate crimes which may involve a violation of RSA 284-B that occur at a gaming location.

II. The commissioner of the department of safety shall organize the unit as the commissioner deems necessary. The commissioner of safety may employ such state police personnel as the commissioner deems necessary to fulfill the responsibilities of the unit.

21-P:7-e Enforcement Expenditures. The governor and council with the prior approval of the fiscal committee of the general court, upon request from the commissioner of the department of safety, may authorize the transfer of general funds as authorized in RSA 284-B:8, I(a)(1) to the department of safety to implement and enforce RSA 21-P:7-d and RSA 284-B.

5 New Section; Racing and Charitable Gaming Commission; Duties. Amend RSA 284 by inserting after section 6-a the following new section:

284:6-b Duties of the Racing and Charitable Gaming Commission. The racing and charitable gaming commission shall:

I. Provide to the lottery commission, attorney general, or division of state police gaming enforcement unit, all records pertaining to the licensing of a pari-mutuel licensee to the extent a pari-mutuel licensee is an applicant or gaming location relevant to the lottery commission's approval process under RSA 284-B within 30 days after the racing and

charitable gaming commission receives a request. All records provided to the lottery commission shall be confidential in accordance with RSA 284-B:15, VI.

II. Notice of the contents of any information or data released, except to a duly authorized law enforcement agency pursuant to paragraph I, shall be given to any applicant, registrant, or licensee in a manner prescribed by the rules adopted by the racing and charitable gaming commission.

III.(a) The racing and charitable gaming commission shall determine the total dollars awarded to charities pursuant to RSA 287-D and RSA 287-E during the fiscal year ended June 30, 2013 ("FY 13"), and deduct from that total any amount awarded to charities pursuant to RSA 287-D and RSA 287-E during FY 13 at a charitable gaming facility that becomes licensed as a gaming licensee location pursuant to RSA 284-B. This adjusted amount shall be referred to as the "adjusted FY 13 charitable benefit."

(b)(1) Within 60 days after the close of any fiscal year during which fiscal year a gaming licensee has operated video lottery machines and table games pursuant to RSA 284-B, the racing and charitable gaming commission shall determine the aggregate amount actually awarded to all charities throughout the state from the operation of games during that fiscal year pursuant to RSA 287-D and RSA 287-E, which aggregate amount shall be referred to as the "annual charitable benefit." The racing and charitable gaming commission shall deduct from the annual charitable benefit the amount awarded to charities by any gaming licensee at any gaming location during the same year. This amount shall be referred to as the "adjusted annual charitable benefit."

(2)(A) The racing and charitable gaming commission shall determine whether the adjusted FY 13 charitable benefit exceeds the adjusted annual charitable benefit, and such excess, if any, shall be referred to as the "adjusted charitable benefit amount." The racing and charitable gaming commission shall notify the lottery commission and each gaming licensee of the adjusted charitable benefit amount.

(B) If there is only one gaming licensee, the gaming licensee shall pay the adjusted charitable benefit amount to the racing and charitable gaming commission within 30 days of receipt of the notice. If two gaming licensees are in operation, then each gaming licensee shall pay its pro rata share of the adjusted charitable benefit amount within 30 days of receipt of the notice.

(C) A gaming licensee's pro rata share shall be determined by the racing and charitable gaming commission by multiplying the charitable benefit amount by a fraction; the numerator of which is the net machine income produced by such gaming licensee for such fiscal year and the denominator of which is the total net machine income produced by both gaming licensees for such fiscal year.

(D) The racing and charitable gaming commission shall notify the lottery commission in writing that the racing and charitable gaming commission has received the payments due hereunder in accordance with this paragraph.

(3) To the extent a gaming licensee has operated video lottery machines and table games for only a portion of a fiscal year, its share of any adjusted charitable benefit amount for that year shall be proportionally prorated.

(c)(1) In the event that the gaming location of a gaming licensee was licensed as a charity gaming facility for FY 13, the racing and charitable gaming commission shall determine the amount awarded to charities at such gaming location in FY 13. This amount is referred to as the "gaming location FY 13 charitable benefit."

(2)(A) Within 60 days after the close of any fiscal year, the racing and charitable gaming commission shall compare the gaming location FY 13 charitable benefit to the amount actually awarded to charities at such gaming location in a fiscal year. The amount by which the gaming location FY 13 charitable benefit exceeds the amount actually awarded to charities at such gaming location in a fiscal year shall be referred to as the "gaming location charitable benefit amount." The racing and charitable gaming commission

shall notify the lottery commission and the gaming licensee of the gaming location charitable benefit amount.

(B) The gaming licensee at such gaming location shall pay the gaming location charitable benefit amount to the racing and charitable gaming commission within 30 days of receipt of notice by such gaming licensee. The obligation of a gaming licensee hereunder is in addition to the obligation of the licensee under subparagraph III(b).

(C) The racing and charitable gaming commission shall notify the lottery commission that the racing and charitable gaming commission has received the payment due hereunder.

(3) The payment due under this paragraph is subject to no credits or offsets. This paragraph shall apply to the gaming licensee at whose gaming location the facility was licensed pursuant to RSA 287-D or RSA 287-E as a charitable gaming facility for FY 13.

(d) The racing and charitable gaming commission shall adopt rules with respect to the calculation, collection, and distribution of any adjusted charitable benefit amount and any gaming location charitable benefit amount, consistent with this paragraph.

6 Restriction on Gambling. RSA 284:17-c is repealed and reenacted to read as follows:

284:17-c Restriction on Gambling. Except as provided in the introductory paragraph of RSA 284:22, RSA 284:22-a, and RSA 284-B, no licensee who holds running horse races shall at the same facility hold any other kinds of races or permit any other type of gambling except harness horse races and activities licensed by the lottery commission or the racing and charitable gaming commission.

7 New Paragraph; Facility Licensee; Cocktail Lounge License. Amend RSA 178:22 by inserting after paragraph V the following new paragraph:

VI. The commission may issue a special license to a person holding a gaming license under the provisions of RSA 284-B, provided the gaming location has an existing liquor license. Such special license shall allow the sale of liquor and beverage within the gaming location, including dining room, function room, gaming room, lounge, or any other area designated by the commission, without regard to whether meals are served therein, but only during the time gaming is being conducted under RSA 284-B.

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

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

9 Rehabilitation of Problem Gaming. Amend RSA 172:2-a to read as follows:

172:2-a Program Established. The commissioner shall provide for the scientific care, treatment, and rehabilitation of **gambling**, alcohol, and drug abusers, and work towards the prevention of, and assist in the control of, alcohol and drug abuse within the state through education, treatment, community organization, and research.

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

172:8 Duties of Commissioner. The commissioner shall:

I. Study the problems presented by **gambling**, alcohol, and drug abuse, including methods and facilities available for the care, treatment, custody, employment, and rehabilitation of persons who are **problem gamers**, inebriates, alcohol abusers, drug dependent, or drug abusers.

II. Promote meetings and programs for the discussion of **gambling**, alcohol, and drug dependency and abuse for the guidance and assistance of individuals, schools, courts, and other public and private agencies.

III. Conduct, promote, and finance, in full or in part, studies, and other appropriate facilities dealing with the physical, psychological, and/or social aspects of **gambling**, alcohol, and drug abuse.

IV. Have the authority to accept or reject for examination, diagnosis, guidance, and treatment, insofar as funds and facilities permit, any resident of the state who comes to the commissioner voluntarily for advice and treatment.

V. [Repealed.]

VI. Render biennially to the governor and council a report of his *or her* activities including recommendations for improvements therein by legislation or otherwise.

VII. Coordinate community medical resources for the emergency medical care of persons suffering acute mental or physical reaction to **gambling**, alcohol, or drugs and of persons suffering from drug dependency.

VIII. Employ such assistants as may be necessary to carry out the purposes of this chapter, in accordance with state personnel regulations, and within available appropriations and funds.

IX. Disseminate information on the subjects of **gambling**, alcohol, and drug abuse for the guidance and assistance of individuals, schools, courts, and other public and private agencies.

X. [Repealed.]

11 Problem Gaming Added. Amend RSA 172:8-a to read as follows:

172:8-a Confidentiality of Client Records. No reports or records or the information contained therein on any client of the program or a certified **gambling**, alcohol, or drug abuse treatment facility or any client referred by the commissioner shall be discoverable by the state in any criminal prosecution. No such reports or records shall be used for other than rehabilitation, research, statistical, or medical purpose, except upon the written consent of the person examined or treated. Confidentiality shall not be construed in such manner as to prevent recommendation by the commissioner to a referring court, nor shall it deny release of information through court order pursuant to appropriate federal regulations.

12 Problem Gaming Added. Amend RSA 172:8-b to read as follows:

172:8-b Rulemaking. The commissioner shall adopt rules under RSA 541-A relative to the following:

I. The acceptance, care, and treatment of **gambling**, alcohol, or drug dependent persons and alcohol or drug abusers who are clients of the program established under this chapter or a certified substance abuse treatment facility.

II. A fee schedule and collection of fees under RSA 172:14, IV.

III. Certification of substance abuse treatment facilities including, but not limited to:

- (a) Program content;
- (b) Qualifications of program staff; and
- (c) Type of substance abuse treatment offered.

IV. Certification and recertification of **gambling**, alcohol, and drug abuse counselors including, but not limited to:

- (a) Peer review of applicants.
- (b) Minimum qualifications and competency.
- (c) Education and continuing education.
- (d) Experience required.
- (e) Required knowledge of **gambling**, alcohol, and drug abuse counseling.
- (f) Such other matters as the commissioner may deem necessary to carry out the purposes of this chapter.

V. Voluntary admissions under RSA 172:13.

13 Acceptance of Funds; Treatment of Problem Gamblers. Amend RSA 172:9 to read as follows:

172:9 Acceptance of ~~[Grants]~~ **Funds**. The commissioner is authorized to accept in the name of the state special grants or money or services from the federal or state governments or any of their agencies and may accept gifts to carry on the functions provided for in this chapter.

14 New Subparagraph; Gambling Offenses; Minors. Amend RSA 647:2, I by inserting after subparagraph (c) the following new subparagraph:

- (d) Violates the provisions of RSA 284-B:7.

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

AMENDED ANALYSIS

This bill:

- I. Allows video lottery machines and table games at 2 gaming locations in the state pursuant to a competitive application process.
- II. Distributes proceeds of video lottery machines and table games to the municipalities where the facility is located and abutting communities, and to the general fund to offset business taxes.
- III. Establishes a gaming enforcement unit in the division of state police.
- IV. Requires the lottery commission to regulate, license, and enforce the provisions for video lottery and table games operated at a gaming location.

**Amendment to HCR 2
(2011-2270h)**

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

Amend the resolution by replacing all after the resolving clause with the following:

Whereas, the people of the State of Arizona have the right of security in their persons, freedoms, employment, financial future, and practice of religion; and

Whereas, the Constitution of the State of Arizona provides the people of Arizona with the right of security in their persons and freedoms; and

Whereas, Arizona did join with the several states in The Constitution for the United States of America to enjoy the security, prosperity, and liberty afforded by such an agreement; and

Whereas, The Constitution for the United States of America guarantees to the several states protection against invasion and domestic violence, those protections being expected of the Federal Government by the people of the State of Arizona; and

Whereas, the borders of the United States of America are being compromised by the illegal entry of immigrants from adjacent countries, that entry compromising the security and prosperity of the several states comprising The United States of America; and

Whereas, it is in the best interest of the State of Arizona to protect its borders and provide security and a strong economy for its citizens; and

Whereas, the security of the several states, of which the State of Arizona is a part, is being threatened by 4 to 10 million illegal aliens that crossed our southwestern border, of which as many as 19,500 illegal aliens are from terrorist countries, the millions of pounds of drugs, cocaine, methamphetamine, heroin, and marijuana that have crossed into the United States from the southern border; and

Whereas, the northward surge of illegal immigrants has now reached the States of Washington, Colorado, Kansas, North Carolina, Massachusetts and New Hampshire; and

Whereas, the financial future of the several states, of which the State of Arizona is a part, is being threatened by billions of dollars spent on welfare, healthcare, education, and incarceration of illegal aliens each year by state governments; and

Whereas, the intent of this resolution is to support Arizona's Immigration Law SB1070, that achieves attrition of the presence of illegal aliens through enforcement of their public policy; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the state of New Hampshire fully supports the State of Arizona's right to protect its borders and citizens; and

That the clerk of the New Hampshire House of Representatives shall forward signed copies of this resolution to the President of the United States of America, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the New Hampshire congressional delegation so that they may be apprised of the sense of the citizens of New Hampshire in this matter.

**Amendment to SB 168-FN
(2011-2644h)**

Proposed by the Majority of the Committee on Ways and Means - R

Amend the bill by replacing section 12 with the following:

12 Applicability. Sections 2-11 of this act shall apply to taxable periods ending on or after December 31, 2012.

Floor Amendment to SB 168-FN

(2012-0104h)

Proposed by Reps. Cooney, Almy and Hatch

Amend the bill by replacing section 12 with the following:

12 Applicability. Sections 2-11 of this act shall apply to taxable periods ending on or after December 31, 2014.