

HOUSE RECORD

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

Vol. 34 Concord, N.H.

Friday, February 3, 2012

No. 6

Contains: Reports and Amendments for February 8, Legislative Ethics Advisory Opinion 2011-4 and 2012-1, House Bills Amended by the Senate, Hearings, Meetings and Notices.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will be in Session **Wednesday, February 8, 2012 at 10:00 a.m.** It is anticipated that there will be a session on February 15. There is the possibility of potential future Thursday sessions depending on productivity on the floor on February 8 and 15. Chairmen and members are asked to be vigilant in their debate scheduling on the floor.

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 as much as possible 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, February 7 at 9:00 a.m.** in LOB 305-307.

William L. O'Brien, Speaker

NOTICE

There will be a Republican Caucus on Wednesday, **February 8 at 9:30 a.m.** in Representatives Hall.

D.J. Bettencourt, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, **February 8** at **9:00 a.m.** in Rooms 305-307, LOB.

Terie Norelli, Democratic Leader

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:

February 9

February 16

AVAILABLE FRIDAY:

February 10

February 17

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES 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, FEBRUARY 8

CONSENT CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1706-FN, expanding the applicability of the capital murder statute. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip E Ginsburg for Criminal Justice and Public Safety: The committee heard from concerned citizens, religious leaders, attorneys and family members of murder victims. All opposed this expansion of applicability of the murder statute. The majority agreed unanimously that claims for positive effects of the death penalty, like deterrence and "closure" for families of victims, are false, and there are strong arguments against expanding it; moral (it is wrong for the state, as for a person, to kill; society can't teach that it is wrong to kill by killing); financial (Prosecution can cost up to \$5 million, defense of indigent accused as much again and more). And there is always a real possibility of killing an innocent person. This bill, in particular, is deeply flawed by vagueness (what is "heinous, cruel or depraved"?), and an excessive expansiveness ("engaged....or attempting.... any criminal act.")
Vote 12-0.

ELECTION LAW

HB 1161, establishing a committee to study permitting nonresident property owners to vote in local elections. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter R Leishman for Election Law: The committee did not see a need to study a bill that would be in fact unconstitutional under Article 11 of the NH Constitution which states in part: “all elections are to be free, and every inhabitant of the state of 18 years of age and upward shall have an equal right to vote in any election. Every person shall be considered an inhabitant for the purpose of voting in the town, ward or unincorporated place where he has his domicile.” **Vote 13-0.**

HB 1547, relative to party columns on ballots. **INEXPEDIENT TO LEGISLATE.**

Rep. David M Pierce for Election Law: Because the committee is considering substantially similar legislation, that the prime sponsor supports, he asked the committee to ITL this bill. **Vote 13-0.**

HB 1548, relative to access to ballots. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen M Hoelzel for Election Law: This bill would allow public access to ballots after an election. The bill was opposed by the Secretary of State and the city and town clerks association. Ballots are now sealed with tamperproof tape and stored until a recount. We must protect the right of the voter to keep his/her ballot secret and private. Uninformed and Overseas Citizens Absentee Voting Act (UOCAVA) and accessible voting ballots could be identified allowing public access to ballots that would invade privacy. “Once a voter is handed his or her ballot it is his private ballot” and should not be public. **Vote 11-2.**

HB 1633, relative to a tally requirement on school district warrant articles. **OUGHT TO PASS.**

Rep. David M Pierce for Election Law: This bill puts school districts on the same footing as towns to permit school districts to vote to require that the tally of the budget committee vote on the school district budget be printed alongside the budget warrant article. The committee believes that the tally is information that voters may consider important and we should always endeavor to give voters as much information as possible to cast an educated vote.

Vote 13-0.

HB 1683-FN, relative to political advertising by business organizations. **INEXPEDIENT TO LEGISLATE.**

Rep. William B Smith for Election Law: The majority felt that the bill’s constraints placed an organization exercising their political freedom of speech rights are overly severe, so much so as to potentially suppress the exercise of these rights. There were concerns about 1) defining “political advertising” to include implicit advocating, 2) availability of private right of action by offended parties, 3) severe requirements on timeliness of reporting, and 4) requiring a vote of the board of directors to authorize political advertising. **Vote 11-3.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1378, relative to transfer by pharmacy technicians of prescription drugs between pharmacies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill will allow pharmacy technicians to transport prescription drugs between pharmacies. The original bill asked to have this ability go through rules under 541-A. The amendment codifies the ability in law instead. It falls under the heading of RSA 318:42 that says in part “shall not prevent the following.” That is why the amendment that you read doesn’t seem grammatically correct, but it is when taken into context of the RSA. **Vote 11-0.**

HB 1505-FN, relative to public employee suggestions for cost-saving measures. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L Pilote for Executive Departments and Administration: This bill, as amended, makes three changes to the Suggestion and Extraordinary Service Award Program: 1) it clarifies which state employees are eligible for awards or recognition for extraordinary service. 2) it offers an optional avenue to making cost-saving suggestions by allowing applications to be made directly to the Governor and Executive Council in addition to the current process of making such suggestions to the departmental award evaluation committee. 3) it changes the amount of monetary award for cost-savings suggestions that

are accepted from a maximum of \$5,000.00 to “10% of the savings achieved during the initial 12-month period after implementation.” **Vote 11-0.**

HB 1552-FN, repealing or inactivating certain funds and relative to the reporting of funds. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill as amended requires the administrator of each fund established in RSA 12, 12-b, c & d to report and file with the commissioner of administrative services a report on a standard and searchable electronic form, the funds available in that fund. This report shall be filed within 60 days of the end of the biennium. Currently there is no easy way to find what these fund balances are. **Vote 12-0.**

HB 1622, relative to the adoption of forms under the administrative procedures act by the department of insurance. **OUGHT TO PASS.**

Rep. Carol M McGuire for Executive Departments and Administration: This bill simply exempts insurance rules from the style and formatting requirements of 541-A. Insurance rules are typically based on a national standard that the industry understands, but is slightly different from the style used for other rules. Allowing use of these industry standard forms will make the rules more business friendly and require less effort by the insurance department and the administrative rules attorneys. **Vote 10-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1364, relative to transfers of appropriations in Carroll county. **INEXPEDIENT TO LEGISLATE.**

Rep. James P Belanger for Municipal and County Government: The purpose and intent of this bill is to enact into state law what is already permitted and practiced in some counties. This would mandate how counties conduct their business and remove some of their ability to manage and operate with provisions that are applicable to them and perhaps not to others. **Vote 17-0.**

HB 1404, relative to the election of Hillsborough county commissioners. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen M Stroud for Municipal and County Government: This bill provides that at each state election one of the Hillsborough county commissioners shall be elected to a rotating 4-year term. This insures an overlap in the commissioner’s office by preventing three new commissioners being elected in the same cycle. **Vote 15-1.**

HB 1407, allowing towns to establish a firefighter commission. **INEXPEDIENT TO LEGISLATE.**

Rep. James E Coffey for Municipal and County Government: The sponsor informed the committee that the subject is covered by RSA 154:1 and the bill is not relevant. **Vote 17-0.**

HB 1426-L, relative to employer negotiations for health care coverage. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin W Sterling for Municipal and County Government: The purpose of this bill was to establish a process whereby the negotiation of medical insurance benefits could be separated from other items to be included in a new collective bargaining agreement between municipal employees and a city or town. At the request of the sponsor, who thanked the committee for its time and consideration of this bill, the committee voted to recommend ITL. **Vote 15-0.**

HB 1451, establishing a statewide property tax credit for a resident maintaining a personal vegetable garden. **INEXPEDIENT TO LEGISLATE.**

Rep. John A Burt for Municipal and County Government: This bill establishes a property tax credit for persons maintaining a vegetable garden on their residential property for personal or local consumption. For instance, if 150 land owners had a 100 square foot vegetable garden in your town and received the \$75.00 tax credit for each vegetable garden then the rest of the property owners would share in \$11,250 of increased tax burden. The

bottom line is this would be a new tax and/or shifting wealth from one neighbor to another neighbor. This bill would also exclude renters. **Vote 17-0.**

HB 1491-FN, relative to mileage for members of the county convention for official business. **INEXPEDIENT TO LEGISLATE.**

Rep. Harry Accornero for Municipal and County Government: This bill provides that county convention members be paid mileage for travel of official business. The majority of the committee voted to ITL HB 1491. The committee felt there could be the possibility of abuses that could occur, as there is no definition in the RSAs of what constitutes official business. We felt official would be best defined by the local county. **Vote 15-1.**

HB 1515-FN-L, relative to the assessment of the land use change tax and the use of land use change tax revenues. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L Patten for Municipal and County Government: Current use of land was established in 1968 by the New Hampshire Constitution in Part II, Article 5-b "The general court may provide for the assessment of any class of real estate at valuations based upon the current use thereof." RSA 79-A states that current use "encourage(s) the preservation of open space, thus providing a healthful and attractive outdoor environment for work and recreation of the state's citizens, maintaining the character of the state's landscape, and conserving the land, water, forest, agricultural and wildlife resources." Our current use statute sets up a process for holding land in current use with a lesser assessed value and also sets up a process for when a landowner wants to take the land out of current use to be used differently. Part of HB 1515 would penalize current use landowners harshly if taxes were not paid on time. After being 30 days late in payment of taxes the land would be considered to have changed in use and subject to being deeded to the municipality immediately. The committee felt that this harsh treatment was an unfair seizure of land. Another process in 79A allows for the Land Use Change Tax (LUCT) that is paid when the land comes out of current use to be used for conservation purposes ONLY when voted on by the local legislative body. Part of HB1515 would negate the local votes of 160 towns that have determined to put a percentage into the land use change tax fund and put the revenue into the general fund. The committee unanimously agreed that the harsh penalties imposed by HB1515 and removing any local control regarding the LUCT was not appropriate. **Vote 17-0.**

HB 1563, relative to Greenland's water rights. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Philip L Munck for Municipal and County Government: This bill changes the rights of the city of Portsmouth to operate a water utility in the town of Greenland from exclusive to non-exclusive. **Vote 17-0.**

PUBLIC WORKS AND HIGHWAYS

HB 1203, relative to the membership of the capital budget overview committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A Graham for Public Works and Highways: The primary duty of the Capital Budget Overview Committee (established in RSA 17-J) is to review the status of capital budget projects both during and between legislative sessions. Membership on the committee consists of six members of the House and four members of the Senate. The bill, as amended, would specify that not more than five of the House members, nor more than three of the Senate members, shall be from the same political party, adopting the same guidelines as governs the Long Range Planning and Utilization Committee. **Vote 15-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

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. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank H McCarthy for State-Federal Relations and Veterans Affairs: This house concurrent resolution urges and petitions the general court of the state of New Hampshire, the congress of the United States, and particularly, the legislative delegation to congress from the state of New Hampshire to use all of their efforts, energies, and diligence to protect

all its citizens of this nation by supporting any legislation requiring a comprehensive audit of the federal reserve. **Vote 12-0.**

HR 24, urging relief from the current level of federal nursing home regulation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lynne F Blankenbeker for State-Federal Relations and Veterans Affairs: If ever there was a reason to oppose government run and regulated healthcare this is it. This resolution asks our federal delegation to take measures to reduce the over burdensome paperwork currently required under the Centers for Medicare and Medicaid (CMS) regulations. While the nursing hours reported is based on anecdotal beliefs, there is no doubt that the time required of our county nursing home nurses to fill out this paperwork is more than excessive and takes away from the valuable direct patient care that our nursing home residents need. **Vote 11-1.**

WAYS AND MEANS

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. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick F Abrami for Ways and Means: With the advent of alternative fuel and electric-powered motor vehicles the state is beginning to see a decline in the gasoline tax which is one of the major revenue sources for the maintenance of our roads and bridges. As these and other technologies begin to accelerate the reduction, these revenues will only continue to decline. This bill calls for the formation of a commission to study and make recommendations on the forms of taxation that would be best to deal with these technological advances that are leading to a reduction in gasoline sales and thus a reduction in this revenue stream. The bill calls for an interim report by November 1, 2012 and for the submission a final report of its findings and specific recommendations, if necessary, on or before November 1, 2013. **Vote 20-0.**

HB 1209, establishing a committee to study administration of the business profits tax and the business enterprise tax. **OUGHT TO PASS.**

Rep. Norman L Major for Ways and Means: This bill establishes a committee to study administration of the business profits tax and the business enterprise tax, including step up in basis, Internal Revenue Code applicability, apportionment based on costs of performance, definition of an overseas business organization, and establishing the uniform filing schedule and combined filing of returns, as well as other related matters as determined by the committee. This committee shall report its findings and any recommendations for proposed legislation on or before November 1, 2012. **Vote 20-0.**

HB 1222-FN, relative to protected shoreland permitting fees. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary S Azarian for Ways and Means: The committee determined that the current fee structure does not need to be reduced or modified. The fee provides a service by which developers and ordinary citizens are provided a timely issuance of permits. The cost savings in time is immeasurable in terms of what it would ultimately cost in delays. **Vote 19-1.**

HB 1226-FN-A, directing department of environmental services administrative fine revenue to a special fund for environmental enforcement. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary S Azarian for Ways and Means: Creating another dedicated fund is not the proper avenue to correct a policy issue. The committee is unanimous in its vote against creating more dedicated funds. **Vote 18-0.**

HB 1592, requiring an annual report on business taxes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie J Sanborn for Ways and Means: We support the concept of the bill and believe good tax policy comes from good information. Members of the committee unanimously felt that we needed more time to study the desired data elements and chose to amend the bill,

replacing it with a study committee to be composed of legislators from Ways and Means. The prime sponsor supports our decision. **Vote 19-0.**

WEDNESDAY, FEBRUARY 8

REGULAR CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1375, relative to access to firearms by persons convicted of nonviolent felonies.
INEXPEDIENT TO LEGISLATE.

Rep. Stephen J Shurtleff for Criminal Justice and Public Safety: This bill would allow convicted felons to purchase and keep firearms. The passage of this bill has the potential of setting up a New Hampshire citizen to be charged with and prosecuted under the Federal Firearms Law. Federal law makes it a felony for any convicted felon to possess a firearm. Furthermore, the bill would allow a convicted felon to possess brass knuckles, sword canes, blackjacks, billy clubs, etc., which would also be a felony under federal law. **Vote 13-2.**

HB 1648-FN, requiring prosecution of a law enforcement officer for failure to enforce the crime of interference with custody. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Laura C Pantelakos for the **Majority** of Criminal Justice and Public Safety: This bill would have required that a law enforcement officer be charged with a Class B felony for not enforcing a civil court order dealing with interference with child custody. A Class B felony is punishable by a period of incarceration in the NH State Prison for a period of a year and a day to seven years. The committee felt this was draconian and not appropriate for our criminal justice laws. **Vote 14-3.**

Rep. Mark Warden for the **Minority** of Criminal Justice and Public Safety: The minority believes the bill has merit. Laws should not be enforced arbitrarily; NH citizens and taxpayers deserve that laws be applied equally to all persons. Removing some discretion from the enforcement of court orders will give aggrieved parties more confidence in the system.

EDUCATION

HB 1413-FN, directing New Hampshire to withdraw from the No Child Left Behind Act.
MAJORITY: OUGHT TO PASS. MINORITY: REFER FOR INTERIM STUDY.

Rep. J.R. Hoell for the **Majority** of Education: Since the inception, concerns have been expressed by all parties, school administrators, school boards, parents and teachers regarding the effectiveness of No Child Left Behind (NCLB). NCLB, currently rewards poor performance by additional money. NCLB has costs that are not captured in the fiscal note that is attached to the bill. The House Education Committee believes that ensuring the best education is the focus of our committee and all costs should be included in the fiscal note and looked at. The majority of the committee felt that waiting another year to pass this bill would only hamper the education of an additional year of students. New Hampshire is a state where we respect and encourage local control of the education system, and NCLB is an unfunded/partially funded set of requirements that were handed down by the federal government. The committee feels that the best outcome for the students in New Hampshire is to restore to the local school boards the control of the education requirements, so that our students will have access to the best possible education system. By withdrawing and clearly cutting the strings to NCLB, the state and local school boards will be empowered to make rules and statutes which will improve the performance of our school systems. **Vote 12-4.**

Rep. Mary Stuart Gile for the **Minority** of Education: The minority agrees that the No Child Left Behind (NCLB) Act has not lived up to the original goals established by the President George W. Bush administration in 2001. However, increased attention to student achievement in reading, writing and mathematics, curriculum, teacher effectiveness and

accountability have resulted in some improvements and helped to raise an awareness of the challenges to educators in ensuring that every child have opportunities to succeed. The minority is also very concerned that the decision to withdraw from NCLB will cost New Hampshire \$61,607,122 in federal funds, most of which is targeted for programs for educationally disadvantaged students. The preferred alternative of refer for interim study for HB 1413 would allow time to explore the positive and negative effects of NCLB and would provide both an empirical and anecdotal basis for developing a New Hampshire model of NCLB that could most effectively meet the needs of New Hampshire students and retain badly needed funding.

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. **MAJORITY: OUGHT TO PASS. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Michael A Balboni for the **Majority** of Education: The federal government is currently in the process of reauthorizing the No Child Left Behind Act (NCLB). Over its 11 year history, we have become very familiar with its intent and its shortcomings. The main complaints against NCLB, from parents, teachers, school administrators, and school boards include: (a) usurped the traditional authority of the state, local school districts, parents, and teachers regarding education policy, (b) failed to ensure that its mandates and regulations were fully funded by the federal government, resulting in significantly increased financial burdens on the state, local school districts, and taxpayers, (c) encouraged the state to lower the minimum threshold on its standardized tests to avoid federal sanctions for not meeting “adequate yearly progress”, (d) failed to increase overall student academic achievement relative to other industrialized nations, (e) failed in its goal to provide significant educational options and to truly empower parents to select for their children the best academic opportunities, including alternatives to the traditional school setting, (f) failed to ensure that taxpayer funds went only to programs proven to increase student mastery of core subjects, (g) failed to improve the state university system whereby the teachers of our future teachers instruct in time proven methods of teaching, (h) expanded an overly burdensome education system while failing to increase our national competitiveness, (i) failed to implement the highest competency and accountability standards for our teachers and students, and (j) failed to ensure assessments of subject mastery by students were easily comparable to international assessments. NCLB is fatally flawed. It has cost us, our children, and our educators greatly in time and money in the hopeless attempt to reach its ever increasing requirement to meet adequate yearly progress. And, most disturbingly, it has cost our children their future by squandering their precious days in school with such a useless narrow focus on a couple of subject areas and on “passing a test” – to the exclusion of other subjects and opportunities that would have provided them with a more rounded and robust educational experience and a better foundation to compete successfully in our global economy. Therefore, HB 1517 declares that all agreements, contracts, and memoranda of understanding involving the state board of education and the federal government regarding the No Child Left Behind Act, are terminated, and requires any future agreements, contracts, or memoranda of understanding entered into by the state of New Hampshire and the United States government regarding any aspect of early childhood, elementary, or secondary education to be approved by an act of the general court before these requirements are imposed on our citizens. **Vote 14-3.**

Rep. Mary Stuart Gile for the **Minority** of Education: HB 1517 is similar to HB 1413 but would allow the state board and state department of education with legislative approval to contract with the Federal Government or others to continue certain programs. The minority agrees that the intent of HB 1413 and 1517 is to decide on behalf of local school districts that they should not participate in NCLB or receive their federal grants. Ultimately if these bills pass, thousands of New Hampshire elementary and middle school students may be denied the programs that could help them succeed. The minority proposed interim study and

combining both HB 1413 and 1517 for a more comprehensive and in-depth assessment of the impact of the NCLB Act on New Hampshire students and the larger education community.

HB 1566, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E Shaw for Education: The process of withdrawal from a school administrative unit and/or an authorized regional enrollment area agreement is clearly defined in law.

Safeguards are in place for both the withdrawing district and remaining districts to ensure a fair and equitable transition for all parties. If conflicts occur within law, in isolated instances, they must be handled at the local level in the best interest of all parties and in adherence to existing law. The majority of the committee recommends upholding existing law. **Vote 12-4.**

HB 1692-FN, making changes to the administration of the university system of New Hampshire. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G Boehm for the **Majority** of Education: The goal is to put more money back into education, back in the pockets of taxpayers, and reduce tuition. Some allege that this proposal is premature, would undermine the current efforts of the University System of New Hampshire Board of Trustees and would risk undermining the quality of the institutions and their financial status. This has not been proven. We believe that more autonomy in the university system would allow each school to best design a product that will serve their students. Not every school is the same or attracts the same clientele. The university system has a twelve million dollar budget, and the tuition cost is among the highest in the country. Shouldn't that money be best spent on tuition? The amendment changes the effective date to July 1, 2013. **Vote 12-4.**

Rep. Mary Stuart Gile for the **Minority** of Education: HB 1692-FN as amended proposes extreme changes in the University System of New Hampshire (USNH), calling for the removal of the chancellor and relocation, if possible, of a substantial number of system employees. In October, 2011, the USNH Board of Trustees passed a resolution calling for "fundamental changes in the structure and governance of the USNH to implement a path to enhanced independence, autonomy and self-governance for each of the component institutions" (UNH, PSU, KSC and GSC). A plan of action has been defined with an anticipated date of completion of May, 2012 with implementation of any changes by July 1, 2012. The Minority agreed that USNH should be permitted to complete the system initiated restructuring process currently underway without legislative interference.

ELECTION LAW

HB 1354, relative to a person's residence for voting and all other legal purposes.

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

Rep. David Bates for the **Majority** of Election Law: This bill clarifies RSA 654:1 so it no longer gives the impression that someone can declare their domicile and vote in New Hampshire without necessarily being required to comply with our state laws that pertain to residents. This bill does not add or change any requirement for voting or registering to vote. The bill changes three words in the current statute to make clear that someone must be a resident of New Hampshire to vote in New Hampshire. **Vote 10-7.**

Rep. David M Pierce for the **Minority** of Election Law: This bill would impose one fixed meaning of the term "resident" for all legal purposes for any citizen who registers to vote in New Hampshire. At first glance, this may seem like a good idea. But it was clear from the testimony and committee discussion that HB 1354 is a bad bill for several reasons. First, this legislature should pass a bill only if it knows how that bill will impact our citizens. The proponents argue that the bill is simple and clear and would help clarify the law. But although the bill will most likely impact state revenues, the bill carried no fiscal note for the committee to judge that impact. Also, there are 398 RSAs that use the word "resident" or "nonresident" and an additional 183 RSAs that use the term "domicile." These statutes

address literally hundreds of issues, many of them having nothing to do with our elections but with rather mundane topics like commercial, transportation, land use and tax matters. The committee discussed at great length the impact this bill would have on a few of those statutes, but failed to reach a consensus understanding on any of them. The committee had a hours-long discussion on this bill, but even then could not agree on what the full impact of this change might be across those dozens of statutes. Second, this legislature should revise the election laws only if it is certain the bill protects the process by which our citizens cast their vote. HB 1354 reverses a change to the voting domicile statute that the secretary of state told the committee in 2009 helped local election officials manage their polling places and the registration process much better. The minority believes the reversal made by HB 1354 will result in chaos and confusion at our polls. Third, but most important, this legislature should revise the election laws only if it is certain the change in the law will not be used to suppress the vote and intimidate voters. Campaign literature and press statements from many prior election cycles have warned about the supposed consequences of voting in New Hampshire, but, very tellingly, targeted those warnings to only very specific groups of our citizens, including college students, low-income residents and members of our military. Those who devote so much effort targeting these populations will no doubt welcome HB 1354 as another weapon in their arsenal to try to target these groups of citizens to suppress their vote. Finally, the meaning of the word “domicile” for voting purposes should not be tied without exception to the hundreds of statutes that have nothing to do with exercising the most fundamental right the constitution guarantees us. But let it be also clear that the minority believes that untangling the meaning of voting domicile from all other non-voting statutes does not excuse anyone who lives in New Hampshire from obeying all of the laws of New Hampshire. All citizens, whether they choose to vote here or not, have an obligation to obey all of our laws. The recognition, though, that voting is the most fundamental constitutional right and certainly not the same as a commercial or land use transaction is a critical recognition of a distinction that has protected our citizens’ most fundamental right and our very form of limited government. We should tread much more lightly before seeking to undo those protections.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1317, relative to certifying electricians as fire suppression equipment and alarm installers. **REFER FOR INTERIM STUDY.**

Rep. John Sytek for Executive Departments and Administration: This bill would extend the scope of electricians' licensure to include installation and servicing of fire extinguisher systems, without demonstrating the specific knowledge and experience normally required for this certification. Industry representatives admitted that the bill overreached. The committee felt that the underlying idea of the bill had merit, but attempting a quick fix was not appropriate because of possible ramifications and unintended consequences, and wished to study the matter more carefully. **Vote 8-4.**

HB 1379, establishing a committee to study the regulation of pharmacy technicians by the board of pharmacy. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration: At present, pharmacy technicians are registered with the state and work under the direct supervision of licensed pharmacists. No evidence of problems was introduced and the board of pharmacy did not express any interest in this bill. Accordingly, the committee felt that the current situation was working and did not need further attention at this time. **Vote 11-1.**

HB 1544-FN, adding state and local government part-time and public employees to employees eligible to participate in the state group insurance coverage. **REFER FOR INTERIM STUDY.**

Rep. Steven J Winter for Executive Departments and Administration: This bill would allow political sub-divisions to join the state employee health plans, if they desire. All costs of the plan would be borne by the city, town or other subdivision with no unreimbursed costs to the state. Early indications are that the costs to political subdivisions would be less than they

are currently paying for an insurance program that is as good as or possibly better than they are currently getting. Information from the department of administrative services, however, pointed to considerable problems with implementation. Nevertheless, the majority of the committee felt that the potential savings to the political subdivisions was worth pursuing. Interim study may provide the answers to the thorny problems brought to our attention and the committee hopes that further discussions with the department may bring the plan to fruition. **Vote 8-3.**

HB 1634, prohibiting the state, counties, towns, and cities from implementing programs of, expending money for, receiving funding from, or contracting with the International Council for Local Environmental Initiatives. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter T Hansen for Executive Departments and Administration: This bill as amended establishes a committee to study the implementation of United Nations Agenda 21 into the state, counties, regional commissions, towns, and cities. The committee voted 9 to 2 in favor of this amendment. A relatively unknown policy, alleged to contain draconian outcomes, would create cynicism within those recently informed of that policy and thus question the validity of the movement, its agenda, and tactics. For this very reason the committee felt the value of a study, including participants from a variety of backgrounds, would prove invaluable and prudent in validating the assertions and making recommendations relative to their findings. **Vote 6-4.**

HB 1647-FN, requiring the department of health and human services to license supervised visitation centers. **REFER FOR INTERIM STUDY.**

Rep. Peter B Schmidt for Executive Departments and Administration: While the committee recognizes a shortfall in supervised child visitation services, the committee also believes that this bill has a number of flaws and inconsistencies. Since these cannot be corrected in the available time, but the issue should not be disregarded, we recommend interim study. **Vote 11-1.**

HB 1710, establishing a commission to identify issues for legislation related to strengthening the role of fathers in families with divorced or unmarried parents. **OUGHT TO PASS.**

Rep. Steven J Winter for Executive Departments and Administration: The majority of the committee considers the issue of fatherless homes to be a significant factor in delinquency, truancy, and other child anti-social behavior. This commission is created to study what issues might be addressed by the New Hampshire legislature to blunt these problems and to recommend legislation that might help rectify the increasingly detrimental effects of the absence of a father-figure in many of our state's households. The commission will have legislators assigned in order to facilitate legislative follow up and will make its first report on or before the fall of 2013. **Vote 8-3.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1189, establishing a committee to study the privatizing of county corrections operations. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James P Belanger for the **Majority** of Municipal and County Government: The committee felt this study would duplicate a similar study done at the state level. The short time allowed for this study was felt to be too short and would beg for extension request for time leading into another legislative term. The committee felt counties have the ability to do this on their own without state legislation. **Vote 15-2.**

Rep. John A Burt for the **Minority** of Municipal and County Government: Hardly a day goes by that you don't pick up the paper and read about privatization of prisons at some level. At a time when government must find efficiencies at every level, all this bill does is establish a study committee to gather information as to whether or not county correctional facilities could be privatized. Nothing in this bill would mandate privatization. In fact, the study committee might well come back with the recommendation that it is not a good idea. Also, nothing in this bill would force any single county to follow any recommendations. We simply would have a report pulling together information that individual counties could use in

making crucial decisions. The minority is convinced that in fact, since savings could be realized from such a study, we are not living up to our fiduciary obligations should we let this opportunity pass us by. After all, except for county nursing homes, which to a large degree generate income to pay for themselves, correctional facilities are the largest expense at the county level. If savings could be realized by moving toward privatization, we ought to know. If not, we ought to know as well. This is a classic example of a bill that can do no harm and could do a great deal of good.

HB 1200, relative to reduced spending alternatives in proposed county budgets.

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

Rep. James E Coffey for the **Majority** of Municipal and County Government: This bill is an attempt to dictate to every county that each of their departments, in addition to their regular proposed budgets, must produce an alternative budget that is 10% less than the actual expenses of the prior year, excluding debt service. While controlling costs is a laudable goal, this formula driven approach would become an unnecessary exercise that will cost time and money to produce a budget not necessarily based on the reality of the ensuing year. By removing ten percent of a prior year's actual expenses, as a sort of default for the alternate proposed budget, we would always encourage the spending of an entire appropriation, when it might not be necessary, to lessen the ten percent impact. Should the ten percent reduced budget in any department be implemented over a period of successive years the budget would begin to approach zero. This one size or solution fits all approach for our county governments is not needed and is counter productive to the creation of an honest budget. We believe, by a bi-partisan vote, that each county should work to become as efficient as possible without unnecessary dictates from the state. As county delegates, we all have the ability to go back to our respective counties and work to produce the best budgets possible without any need for unnecessary legislation or interference. **Vote 16-1.**

Rep. John A Burt for the **Minority** of Municipal and County Government: This bill, co-sponsored by the finance committee chair and two of the finance division chairs, attempt to do at the county level what we successfully did with Senate Bill 146 last year, namely to provide guidance from department heads in crafting budgets. Sponsored by the senate finance chair, last year's bill passed the Senate 22-1 and the House 257-101 and is in fact now law. The idea is that while we as legislators are responsible for making any cuts (or additions) to proposed budgets, those best in the position to offer guidance are those who must run departments on a day to day basis. When house finance crafted last year's budget, department heads were asked to make recommendations of certain percentage levels. As is often the case, some were better at accomplishing this request than others. At a time when county government budgets need to be inspected every bit as much as the state budget, this bill simply asks that county commissioners present options for cuts. Nothing in this bill says that cuts will in fact be made. Thus, it is purely a red herring when the majority argues that this could result in 10 percent cuts year after year, as was done in committee. All budgetary decision would remain in the hands of representatives who have the final say on county budgets. The noble goal of this bill is simply to provide us with guidance in tough times so that we are not operating in the dark.

PUBLIC WORKS AND HIGHWAYS

HB 1138, naming a bridge in Pelham in honor of Sergeant Daniel R. Gionet. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jonathan S Maltz for Public Works and Highways: This bill is to honor the memory of Sergeant Daniel R. Gionet, who was killed in Baghdad, Iraq on June 4, 2006 by an improvised explosive device. By a unanimous vote the committee agreed to name a bridge in Pelham in his honor. The committee amendment is to specify the DOT inventory number. **Vote 13-0.**

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1229, declaring March 30 as Welcome Home Veterans Day to honor veterans of Vietnam. **OUGHT TO PASS.**

Rep. Robert L Theberge for State-Federal Relations and Veterans Affairs: The Vietnam War was an extremely divisive issue among the people of the United States. Upon their return home, members of the U.S. Armed Forces who served bravely and faithfully during the Vietnam War were caught in the crossfire of public debate about the involvement of the U.S. in the war. The establishment of a Welcome Home Vietnam Veterans Day is an appropriate way to honor those members of the U.S. Armed Forces who served in Vietnam during the Vietnam War. **Vote 10-0.**

HCR 31, commending the work of pregnancy care centers in New Hampshire and across the United States. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jeanine M Notter for the **Majority** of State-Federal Relations and Veterans Affairs: The majority supports this resolution to commend pregnancy care centers and their unique, positive contributions to the individual lives of women, men, and families. They serve thousands of families across the state without using taxpayers' money. **Vote 9-2.**

Rep. Robert L Theberge for the **Minority** of State-Federal Relations and Veterans Affairs: Unfortunately the minority is not concerned with what the agencies do or the issues they represent. However, the resolution opens the door for a large number of agencies and/or organizations which will now request similar "feel-good" legislation.

HR 26, expressing support for admitting the District of Columbia as the fifty-first State of the United States of America. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Frank H McCarthy for the **Majority** of State-Federal Relations and Veterans Affairs: The committee expressed support for the efforts of the District of Columbia to pursue more equitable federal representation. However, the majority of the committee felt that statehood is an over-reach; and that other less questionable and monumental choices and avenues to accomplish their goals are readily available. **Vote 8-3.**

Rep. Robert L Theberge for the **Minority** of State-Federal Relations and Veterans Affairs: The United States is the only nation in the world with a representative, democratic constitution that denies voting representation in the national legislature to the citizens of the capital. The N.H. legislature is a shining example of representational democracy. Far too many assumptions were made by the majority based on a series of "what-ifs," thus playing the fear card. The citizens of D.C. have a constitutional right under the U.S. Constitution to fair and equal representation. Years ago this country fought a war against taxation without representation.

WAYS AND MEANS

SPECIAL ORDER

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 1245-FN, relative to the fee for retail dealer's licenses for lobster and crab.

INEXPEDIENT TO LEGISLATE.

Rep. Joe Osgood for Ways and Means: The majority on this bill felt that taking a revenue from fish and game and continuing to mandate enforcement from a department that relies on fees for its operation would be counter productive. **Vote 16-4.**

HB 1302-FN, relative to underpayment of estimated taxes and equalization of valuations administered by the department of revenue administration. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary S Azarian for Ways and Means: This bill provides clarity for the DRA and the taxpayers. It defines "taxable period" over "taxable year" and corrects the language. It also provides that property subject to the community revitalization tax relief credit process be fair and equitable for surrounding properties and communities. **Vote 20-0.**

HB 1641-FN, requiring the carry forward of certain net operating loss deductions to relate to creation of new jobs. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary S Azarian for the **Majority** of Ways and Means: The committee felt that though the bill sounded good in theory, in practice, it had too many unanswered questions and grey areas to be administered. The bill provided no proof that jobs would be created through the loss deduction carry forward process. Adding the requirement that the carry forward be related to the creation of new jobs creates more costly restriction on business. **Vote 14-5.**

Rep. William A Hatch for the **Minority** of Ways and Means: This bill would require an employer to create a job prior to taking the additional credit for the net operating loss carryover added this biennium. It was noted the stated primary reason for the extension and the added dollar amounts of this credit was to give businesses added money to create additional jobs. The sponsor stated it would only make sense to require employers to create and have those jobs in place if in fact this credit was the determining factor that enabled the employer to make the additional positions. The bipartisan subcommittee agreed with the sponsor and offered an amendment to add provisions that are in other job creating credits to make the application process workable and without a great deal of burden for the employer. The majority of the committee disagreed and considers the credit's current provisions sufficient and did not see the need to reconcile jobs created with the credit taken. The minority disagreed with the majority's belief it would be cumbersome and ask that the fact these provisions are in place in other credits and work for businesses and for those who administer the credits be recognized.

LAID 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 494-FN, relative to tipped employees who deal card and table games at games of chance venues. (Pending question: adoption of majority committee report of ought to pass with amendment.)

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.)

HB 1147, proclaiming March 31 of each year as a day to remember Terri Schiavo. (Pending question: adoption of the committee report of inexpedient to legislate.)

HCO 1, relative to implementing an election pursuant to representative districts established in the order.

SB 168-FN, conforming the interest and dividends tax to federal tax definitions. (Pending question: adoption of the majority committee report of ought to pass with amendment.)

NOTICE

LEGISLATIVE ETHICS COMMITTEE

The Legislative Ethics Committee has voted to issue the following advisory opinion, which is printed below in its entirety.

Advisory Opinion 2011-4

Response to a Request for an Advisory Opinion from Representative Edmond D. Gionet (January 13, 2012)

Representative Edmond D. Gionet has requested an Advisory Opinion whether, consistent with applicable statutes and the Ethics Guidelines, it would be permissible for him to accept complimentary ski tickets offered by Cannon Mountain Aerial Tramway & Ski Area, either in his capacity as a member of the Cannon Mountain Advisory Commission, established by RSA 12-A:29-b, or as a member of the General Court.

According to information provided to the Committee by Rep. Gionet, he is a legislative member of the Cannon Mountain Advisory Commission (CMAC), a body established under RSA 12-A:29-b. He received a communication from John M. DeVivo, General Manager of Cannon Mountain Aerial Tramway & Ski Area, informing him of the opportunity, as a Commission member, to receive five complimentary ticket vouchers, each valid toward a day ski lift ticket at Cannon on any day during the 2011/12 winter season. The same communication informed Rep. Gionet that as a member of the General Court, he was eligible to receive one ski lift ticket for his own use and one ticket for use by a guest on any day that Cannon Mountain is open during the winter season. Mr. DeVivo's communication stated that the offer to CMAC members was authorized by the "2011/12 Cannon Mountain Winter Special Use Policy, as approved in June [2011] by the Fiscal Committee of the General Court." As to the offer to members of the General Court, the communication asserted that the offer was "set by RSA."

Following receipt of Rep. Gionet's Advisory Opinion request, in response to an information request, Mr. DeVivo sought and obtained from the Department of Resources and Economic Development a memorandum advising that:

"The procedure for approval of Cannon's fee package and special use policy is pursuant to RSA 216-A:3-g. Thus, privileges granted to CMAC members were requested by DRED and approved by legislature"; and

"[G]uidelines for season passes are covered in RSA 218-16.... Thus, privileges may be applied to one pass holder and one guest."

The Committee's Executive Administrator determined from publicly available information that the regular price to the public of a day ski lift ticket at Cannon for adults age 18-64 is \$68.00, and for seniors age 65 and over, \$45.00 any time.

At its meeting of January 5, 2012, the Committee considered Rep. Gionet's request in light of the foregoing information, as well as oral presentations from other members of the House, and review of applicable law.

Relevant provisions of applicable law are RSA 15-B:2 (definition of "gift"), RSA 15-B:3 (prohibition of knowing acceptance of gifts by legislators); RSA 12-A:9-b, IV (compensation of CMAC members); NH Constitution, Part II, Art. 15 (compensation of members of the legislature), RSA 216-A:3-g ((Fees for Park System); and RSA 218:16 (Passes).

We advise as follows: It appears from the facts presented that the value of the lift tickets in question is \$25.00 or more, which would classify them as gifts that RSA 15-B:2 would prohibit legislators from receiving unless the tickets were exempted from that classification by applicable provision of law. We find no provision of law that would provide such an exemption.

No provision of law generally exempts items provided to legislators by the State. Significantly, RSA 15-B:2,V(b)(8) provides only a limited exemption, for "wages, salary, benefits, mileage, or payment for expenses paid to the person by the state... related to performance of official duties." This exemption does not apply because RSA 12-A:29-b, IV states that members of CMAC "shall serve without compensation" except for allowable mileage at the legislative rate. Also, Part II, Art. 15 of the NH Constitution states that compensation in full of members of the legislature (other than the presiding officers) is \$200 for the elected term, plus mileage. These provisions limiting compensation appear to prevent complimentary ski lift tickets from qualifying as allowable "wages, salary... or benefits" related to performance of official duties, within the meaning of the cited exemption.

As to the other sources cited by DRED as authorizing issuance of complimentary lift tickets, none of them specifically authorizes or directs issuance of such tickets to legislators, and so do not override the prohibition subsequently enacted in RSA 15-B:3.

We recognize that complimentary lift tickets at Cannon have been made available to legislators for many years, but this custom cannot overcome the definition and prohibition of gifts enacted into law in 2006. Accordingly, we advise that acceptance of complimentary lift tickets by legislators as described in the Request, would be prohibited by RSA 15-B:3. Of course, the legislature is at liberty to amend RSA 15-B, or adopt other appropriate legislation to permit legislators to accept complimentary ski lift tickets, if it concludes that the present program should continue.

We express no opinion about whether the exemption in RSA 15-B:2,V(b)(8) might apply in other circumstances not described in the present Request.

We appreciate the opportunity to be of assistance.

For the Committee,
Martin L. Gross
Chairman

[Vote 4-0]

NOTICE

LEGISLATIVE ETHICS COMMITTEE

The Legislative Ethics Committee has voted to issue the following advisory opinion, which is printed below in its entirety.

Advisory Opinion 2012-1
Response to a Request for an Advisory Opinion
from Senator Jeanie Forrester
(January 23, 2012)

Pursuant to RSA 14-B:3, I (c), Senator Jeanie Forrester has requested an Advisory Opinion whether, consistent with applicable statutes and the Ethics Guidelines, as an appointed member of the Assessing Standards/Current Use Board, she is required to file a "Statement of Financial Interests," as prescribed by RSA 15-A:3, in addition to the "Financial Disclosure Form," prescribed by RSA 14-B:8, for the period covering a given calendar year.

According to the Committee's records, Senator Forrester has submitted to the Committee the Financial Disclosure Form required of legislators by RSA 14-B:8 for the calendar year 2012. Along with such forms submitted by other members of the General Court, in due course the Committee will review them and transmit properly completed forms to the Secretary of State for filing. See RSA 14-B:3, IV.

Specifically, Senator Forrester asks whether under these circumstances, she is excused from filing a separate RSA 15-A:3 form, in light of RSA 15-A:3, II, which reads:

"II. The filing of a financial disclosure form by an elected member of the house of representatives or senate pursuant to RSA 14-B:8 shall satisfy the requirement for filing a statement of financial interest pursuant to this chapter."

An additional relevant statute is RSA 14-B:3, IV which states in part:

"IV. * * * The filing of a financial disclosure form in accordance with RSA 14-B:8 by a representative, senator, or officer of the house of representatives or senate shall satisfy the requirement of filing a statement of financial interest pursuant to RSA 15-A."

We advise as follows: Not just once, but in two distinct RSA Chapters, the General Court has specified that the RSA 14-B:8 Financial Disclosure Form duly filed by a legislator satisfies the requirement for filing the RSA 15-A:3 Statement of Financial Interest Form. The law cannot be more plain or clear, and we assume the General Court meant what it said, both times: Legislators who comply with RSA 14-B:8 by filing a timely and sufficient Financial Disclosure Form need do nothing more to satisfy the filing requirements of RSA 15-A:3. Accordingly, having filed the requisite 14-B:8 form with the Committee, Senator Forrester is not required to file a separate 15-A:3 form with the Secretary of State as an appointed member of the Assessing Standards/Current Use Board.

We appreciate the opportunity to be of assistance.

For the Committee,
Martin L. Gross
Chairman

[Vote 7-0]

HOUSE BILLS AMENDED BY THE SENATE

HB 102, establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state. (SJ 1/18/12)

HB 110, requiring professional safety and security services personnel to report certain criminal offenses. (House Concurred 2/1/12)

HB 146, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy. (SJ 1/18/12)

HB 186-FN, relative to the definition of political communication. (House Nonconcurrent)

2/1/12)

HB 418-FN, relative to the use of open source software and open data formats by state agencies and relative to the adoption of a statewide information policy regarding open government data standards. (House Concurred 2/1/12)

HB 479-FN, relative to receivership of nursing homes and other residential health care facilities.

HB 508-FN, establishing a performance measurement for State agencies. (House Nonconcurrent; C of C 2/1/12)

HB 597, revising the child support guidelines based on an income shares model of calculating child support. (SJ 1/18/12)

HB 627-FN, relative to “essential benefits” under federal health care reform. (SJ 1/18/12)

HB 648, relative to eminent domain petitions by public utilities. (SJ 1/25/12)

COMMITTEE OF CONFERENCE

HB 508-FN, establishing a performance measurement for State agencies. (Reps. Bowers, Moran, Cebrowski and Winter - Subject to Senate agreement.)

COMMITTEE MEETINGS

FRIDAY, FEBRUARY 3

NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS (RSA 125-Q), Northeast Deaf and Hard of Hearing Services, 57 Regional Drive, Concord

1:30 p.m. Regular meeting.

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

9:00 a.m. Full committee work session on **HB 1473-FN-L**, relative to the calculation and distribution of adequate education grants.

9:15 a.m. Continued public hearing on **HB 1321**, establishing a committee to study the relationship between public funding of postsecondary education and workforce development.

9:20 a.m. **HB 1564**, establishing a committee to study and recommend solutions for simplifying the calculation of the cost of public education through the combination of adequate education, school building aid, and catastrophic aid funding.

9:25 a.m. **HB 1649-FN-A-L**, relative to collection of the education property tax and establishing a program to rebate certain excessive property tax payments of eligible taxpayers.

Executive sessions will immediately follow the public hearings on these bills.

SPECIAL COMMITTEE ON REDISTRICTING, Room 308, LOB

10:15 a.m. Subcommittee work session on **HB 1670**, apportioning executive council districts.

MONDAY, FEBRUARY 6

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

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

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION, Room 208, LOB (Please note room change.)

10:00 a.m. Executive session on **HB 1361**, prohibiting generic fiscal notes on bills, **HB 1537-FN**, prohibiting the use of certain devices that intrude on personal

privacy, **HB 1542**, relative to interference with state constitutional rights, **HB 1623**, relative to conflicts of interest of a member of the general court, **HB 1560**, relative to the interstate Health Care Compact.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Executive session on **HB 1128**, relative to reports of failed breath tests when using an ignition interlock device, **HB 1184**, relative to the use of videotape evidence of criminal activity, **HB 1352**, relative to citizen complaints against a police officer, **HB 1611-FN**, repealing certain provisions relative to the sale of pistols and revolvers, **HB 1581**, relative to procedures for arrest, **HB 1179**, imposing an extended term of imprisonment for assault against a health care worker, **HB 1275**, relative to the common law rule of lenity, **HB 1694-FN**, relative to driving under the influence of drugs, **HB 1699-FN**, relative to driving under the influence of drugs, **HB 1158**, relative to the authority of the superintendant of a county correctional facility, **HB 1259-FN**, relative to payment of medical expenses for individuals who surrender themselves to law enforcement or corrections officials.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

11:00 a.m. Executive session on **HB 1603**, relative to local spending caps, **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, **HB 1591**, relative to the homestead exemption amount, **HB 1294**, relative to applications for abatement of property taxes, **HB 1357**, relative to the membership of mosquito control districts, **HB 1289**, relative to agreements between government units, **HB 1498-FN-L**, repealing dog licensing requirements, **HB 1349-L**, relative to the service of town health officers, **HB 1176**, relative to the amendment of warrant articles at official ballot town meetings, **HB 1292**, requiring a 2/3 majority for borrowing by official ballot towns and school districts.

SPECIAL COMMITTEE ON REDISTRICTING, Room 308, LOB

2:00 p.m. Rescheduled executive session on **HB 1670**, apportioning executive council districts, **HB 1718**, relative to judicial review of electoral districts.

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.

TASK FORCE ON WORK AND FAMILY (RSA 276-B:1), Room 206, LOB

1:15 p.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.

1:30 p.m. Rescheduled public hearing on **HB 1500-FN**, relative to on-premises liquor licenses.

2:15 p.m. Rescheduled public hearing on **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 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. Continued public hearing on **HB 1533**, prohibiting bullying in the state house and legislative office building.
Executive session may follow.
- 2:00 p.m. Subcommittee work session on **HB 1541**, repealing the authority of officials to enter and examine the premises of an automotive recycling dealer.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 9:00 a.m. Subcommittee work session on **HB 1654-FN**, relative to earned time credits for inmates participating in rehabilitative programming.
- 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.
- 11:30 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.
- 2:30 p.m. Continued executive session on **HB 1331**, relative to termination of employment for a sexual offense or an offense against a child and executive session on **HB 1675-FN**, relative to location tracking by electronic communications devices, **HB 1690-FN**, prohibiting the use of cell phone data extraction devices by law enforcement agencies, **HB 1654-FN**, relative to earned time credits for inmates participating in rehabilitative programming.

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.
- 2:00 p.m. **HB 1583**, relative to immunity for school personnel using reasonable force to protect a minor.
- 3:00 p.m. **HB 1589**, establishing a committee to study and propose a recodification of the education laws currently in RSA title 15.
Executive session may follow.

ELECTION LAW, Room 308, LOB

- 2:30 p.m. Continued executive session on **HB 1136**, relative to special state elections, **HB 1291**, prohibiting compelled speech.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:00 a.m. Executive session on **HB 1402**, relative to the sale of homemade food, **HB 1435**, establishing a committee to oversee the department of environmental services, **HB 1481**, relative to effluent limitations with regard to nitrogen, **HB 1688-FN**, relative to exempting maple syrup and milk products produced and sold in state from federal regulation, **HB 1241**, relative to table wines.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 10:00 a.m. **HB 1281**, establishing a committee to study alternative medical insurance

- coverage for elected state officials.
- 10:45 a.m. **HB 1154**, establishing a committee to study the management structure of state government.
- 11:30 a.m. **HB 1169**, requiring the secretary of state to make a report of lands over which jurisdiction has been ceded to the federal government.
- 1:15 p.m. **HB 1686-FN**, relative to state contracts.
- 2:00 p.m. **HB 1708-FN**, relative to salaries of state employees.
- 2:30 p.m. **HB 1381**, exempting note finders from licensing requirements for real estate brokers and mortgage brokers.
Executive session may follow.

FINANCE, Rooms 210-211, LOB

- 1:30 p.m. Executive session on **HB 234-FN-A**, relative to food service licensure and establishing a committee to study the regulation of food service establishments, **HB 625-FN-A**, relative to New Hampshire correctional industries, **HB 1534-FN**, repealing the self-funding of the department of labor, **HB 533-FN-L**, establishing a cap on the amount of school building aid grants distributed in each fiscal year, **HB 653-FN**, requiring general fund budget reductions to reimburse Medicaid, **HB 1638**, establishing a commission to study and recommend standards for downshifting and cost shifting from the state to counties, cities, towns, and individuals, **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, **HB 1666-FN**, relative to state employee benefits, **HB 1658-FN**, limiting financial assistance for mothers who have additional children while receiving Temporary Assistance to Needy Families (TANF).

FINANCE – (DIVISION I), Room 212, LOB

- 10:30 a.m. Work session on **HB 234-FN-A**, relative to food service licensure and establishing a committee to study the regulation of food service establishments.
- 11:00 a.m. Work session on **HB 625-FN-A**, relative to New Hampshire correctional industries.

FINANCE – (DIVISION II), Room 209, LOB

- 9:30 a.m. Work session on **HB 533-FN-L**, establishing a cap on the amount of school building aid grants distributed in each fiscal year.

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

- 9:00 a.m. Subcommittee work session on **HB 1680-FN**, requiring the department of health and human services to compile and maintain induced termination of pregnancy statistics.
- 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.
- 1:00 p.m. Subcommittee work session on **HB 1614**, establishing a committee to study the public health implications involved with the imposition of the energy provisions of the state building code.
- 2:00 p.m. Subcommittee work session on **HB 1613**, relative to protected health information.

JUDICIARY, Room 208, LOB

10:00 a.m. Executive session on **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, **HB 1395**, revoking amendments to supreme court rules 50 and 50-A, **HB 1597**, relative to taking by eminent domain for certain purposes, **HB 1394**, relative to appeals of eminent domain decisions, **HB 1298**, relative to the definition of "public use" under the eminent domain procedure act, **HB 1135**, establishing a civil action for certain disruptions of funerals of members or former members of the armed forces, **HB 1368**, relative to real property held as a joint tenancy with rights of survivorship, **CACR 30**, relating to limitations on impeachment judgment. Providing that judgment may include forfeiture of pension and retirement benefits, **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, **HB 1216**, relative to the authority for withholding or withdrawal of life-sustaining treatment, **HB 1217**, relative to the form for executing advance directives for health care decisions, **HB 1273**, relative to the termination of parental rights in cases where the child is born of rape, **HB 1509**, relative to guardianship of elderly persons, **HB 1479**, relative to the definition of "charitable trust" for the purpose of paid solicitors, **HB 1624**, relative to the fiduciary capacity of persons collecting contributions for a nonprofit organization, **HB 1625**, relative to reports of fund raising counsel for charitable trusts, **HB 1657-FN**, relative to petitions for guardianship filed by parents of adult children with disabilities, **HB 1656-FN**, relative to compensation of jurors, **HB 1616**, relative to procedures and standards for expert testimony, **HB 1464**, establishing non-unanimous juries, **HB 1459**, relative to court proceedings in civil actions, **HB 1422**, relative to the applicability of foreign law in cases before New Hampshire courts, **HB 1180**, relative to awards of noneconomic damages, **HB 1386**, relative to offers of judgments.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

10:15 a.m. **HB 1574**, relative to an employee's lunch or eating period.
11:00 a.m. **HB 1323**, requiring employers who offer benefits to full-time employees to offer benefits on a pro-rated basis to part-time employees.
Executive session may follow.

LEGISLATIVE ADMINISTRATION, Room 203, LOB (Please note room change.)

10:15 a.m. Executive session on **HB 1213-L**, relative to parking for legislators on official business, **HB 1183**, relative to access to the galleries in the general court, **CACR 23**, relating to members of the general court. Providing that members of the general court may not vote on or deliberate on matters in which they have a pecuniary interest, **CACR 20**, relating to meetings of the general court. Providing that the general court shall meet biennially, **HB 1227**, relative to disqualification of certain members of the general court, **HB 1350**, relative to the style and form of new articles and amendments to articles proposed by constitutional amendment concurrent resolutions.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **HB 1303**, amending certain requirements to obtain a local vendor license.
10:30 a.m. Continued public hearing on **HB 1522-FN**, reducing the penalty for violating a local vendor ordinance.
11:00 a.m. Rescheduled public hearing on **HB 1224**, allowing municipalities to send tax,

water, and sewer bills electronically and establishing a committee to study municipal functions which could be performed electronically to achieve cost savings.

- 11:30 a.m. Rescheduled public hearing on **HB 1626**, establishing a committee to study the current use taxation of farm land and farm structures in which utility lines or services are installed.
- 1:00 p.m. Rescheduled public hearing on **HB 1643**, relative to county appropriations.
- 1:30 p.m. Rescheduled public hearing on **HB 1215-L**, relative to town library budgets.
- 2:00 p.m. Rescheduled public hearing on **HB 1160**, establishing a committee to study the feasibility of allowing towns to split into smaller political subdivisions.
Executive session may follow.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:00 a.m. **HB 1280-FN**, relative to the sale of E-Z Pass transponders and relative to the online New Hampshire E-Z Pass service center.
- 10:45 a.m. **HB 1230-FN**, requiring a listing of state real property.
- 11:15 a.m. **HB 1293**, establishing a rest area gas station and retail opportunities commission.
Executive session may follow.

REDRESS OF GRIEVANCES, Room 104, LOB

- 10:00 a.m. **PETITION 28**, grievance of Ghislain Breton.
Work session may follow.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:00 a.m. Executive session on **HB 1129**, establishing a committee to study the frequency and financial consequences of erroneously dialed 911 calls, **HB 1133**, relative to membership of the enhanced 911 commission, **HB 1152**, establishing a committee to study high speed digital subscriber line (DSL) service, **HB 1210**, applying the procedures of the eminent domain procedures act to cases of eminent domain concerning public utilities, **HB 1214**, banning corn-based ethanol as an additive to gasoline sold in New Hampshire, **HB 1238**, relative to divestiture of Public Service of New Hampshire (PSNH) generation assets, **HB 1258**, relative to late fees charged by utilities, **HB 1288-FN**, relative to protection of private property from the use of eminent domain, **HB 1295**, establishing a committee to study the potential effects of total deregulation of the telecommunications industry **HB 1296**, relative to net energy metering, **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, **HB 1324**, establishing a committee to study the public utilities commission, **HB 1390**, relative to the regulation of incumbent local exchange carriers, **HB 1391**, relative to transmission and distribution utility line extension construction and relative to pole attachments, **HB 1458**, relative to the responsibilities of telecommunications companies that permit third party billing, **HB 1477**, relative to the definition of spent materials, **HB 1487**, relative to prior legislative approval for the expenditure of funds for low carbon fuel standards programs, **HB 1558**, requiring a certificate of public need for eminent domain, **HJR 22**, supporting the use of an aversive agent in certain engine coolants and antifreeze to render them impalatable.
- 10:45 a.m. Rescheduled public hearing on **HB 1346**, relative to the construction of power line extensions.
- 11:30 a.m. Rescheduled public hearing on **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.

Room 203, LOB

2:00 p.m. Executive session on **HB 1299-FN**, relative to permit fee transfer credits, **HB 1693-FN**, relative to motor vehicle inspections, **HB 1328**, relative to vehicle operation with a stuck throttle or runaway engine, **HB 1310**, increasing the number of days a motorcycle learner's permit is valid, **HB 1398**, relative to lighting on bicycles at night, **HB 1503-FN**, relative to motorcycle rider education, **HB 1171**, updating certain references in motor vehicle statutes, **HB 1447**, relative to motorcycle number plates.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Rescheduled public hearing on **SB 153-FN**, relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board.
11:00 a.m. **HB 602-FN-A**, relative to funding the law requiring reporting of health care acquired infections.
1:00 p.m. **HB 1556-FN**, reducing fees related to reporting of charitable trusts.
2:00 p.m. **HB 388-FN**, 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.
3:00 p.m. **HB 1678-FN-A-L**, establishing video lottery and table gaming at certain locations in New Hampshire.
Executive session may follow.

THURSDAY, FEBRUARY 9

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. Continued public hearing on **CACR 31**, relating to parental rights. Providing that parents have the natural right to control the health, education, and welfare of their children.
10:15 a.m. Continued public hearing on **HB 1554**, relative to fire code requirements for licensed foster homes.
10:30 a.m. Executive session on **CACR 31**, relating to parental rights. Providing that parents have the natural right to control the health, education, and welfare of their children, **HB 1267**, relative to adjustments to the child support guidelines based on child support expenses documented by the parties, **HB 1365**, relative to complaint investigation procedures of the guardian ad litem board, **HB 1419**, relative to the rights of military parents, **HB 1469**, relative to enforcement of parenting plans, **HB 1530-FN**, relative to oversight of guardians ad litem by the guardian ad litem board, **HB 1554**, relative to fire code requirements for licensed foster homes.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

10:00 a.m. Executive session on **HB 1406**, relative to goods in intrastate commerce, **HB 1319**, limiting credit card interchange fees charged to merchants, **HB 1445**, requiring refunds for returns of merchandise.
10:30 a.m. Public hearing on proposed amendment to **HB 1172**, authorizing nano brewery licensees to sell their products at farmers' markets. Copies of the proposed amendment are available from the Sergeant-at-Arms office.
Work session may follow.
1:15 p.m. Banking/Business Division subcommittee work session on **HB 1370**, making

technical changes to the New Hampshire real estate practice act, **HB 1348**, relative to playing mind sports for money, **HB 1359**, relative to exceptions for municipal regulation of hawkers and peddlers, **HB 1411**, establishing a committee to study small brewer relationships with distributors, **HB 1208**, relative to restrictions on beverage manufacturers, **HB 1236-FN**, relative to ownership and operation of liquor licensees, **HB 1628-FN-L**, relative to compliance with fire safety and state building code requirements by municipalities, **HB 1600-FN**, relative to collection notification practices, **HB 1500-FN**, relative to on-premises liquor licenses, **HB 1251-FN**, permitting off-premises licensees to sell liquor.

COMMISSION TO STUDY BUSINESS REGULATIONS IN NEW HAMPSHIRE (RSA 359-L:1), Room 104, LOB

3:00 p.m. Subcommittee meeting.

Room 303, LOB

3:00 p.m. Subcommittee meeting.

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION, Room 205, LOB (Please note room change.)

10:00 a.m. Executive session on **HB 1533**, prohibiting bullying in the state house and legislative office building, **HB 1541**, repealing the authority of officials to enter and examine the premises of an automotive recycling dealer.

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, **HB 1583**, relative to immunity for school personnel using reasonable force to protect a minor, **HB 1589**, establishing a committee to study and propose a recodification of the education laws currently in RSA title 15, **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.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

1:00 p.m. Subcommittee work session on **HB 1446**, relative to the meat inspection program.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 10:00 a.m. **HB 1362**, establishing a service animal registration commission.
10:45 a.m. **HB 1550**, relative to conflicts of interest.
11:30 a.m. **HB 1502-FN**, relative to appeal of abatement requests to the board of tax and land appeals.
1:15 p.m. **HB 1496-FN**, relative to the certification of county correctional personnel for purposes of the New Hampshire retirement system.
2:00 p.m. **HB 1668-FN**, relative to an individual's right to access to all state government files concerning the individual.
Executive session may follow.

FISH AND GAME AND MARINE RESOURCES, Room 307, LOB

- 9:30 a.m. Subcommittee work session on **HB 1646-FN**, prohibiting the taking of deer from baited areas.

JUDICIARY, Room 208, LOB

- 9:00 a.m. **HB 1178**, relative to the losing party's payment of the prevailing party's costs in tort actions.
9:30 a.m. **HB 1510-FN**, relative to taxpayer standing for declaratory judgments.
10:00 a.m. **HB 1720-FN**, relative to jury trials under the consumer protection act.
10:30 a.m. **HB 1605-FN**, relative to checking firearms at courthouse entrances.
11:00 a.m. **HB 1655-FN**, relative to the use of superior court facilities in Nashua.
Executive session may follow.
1:30 p.m. Continued executive session from February 7, if needed.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Representatives Hall

- 1:30 p.m. Rescheduled public hearing on **HB 1677-FN**, relative to choice as to whether to join a labor union and eliminating 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.
Executive session may follow.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 9:30 a.m. **HB 1201**, relative to the assessment of property taxes on Pinkerton Academy.
10:30 a.m. **HB 1561-FN**, discontinuing regional planning commissions.
1:00 p.m. **HB 1329**, relative to the default budget in certain towns.
1:30 p.m. **HB 1159**, defining a default budget for a municipality.
2:00 p.m. **HB 1497**, relative to the writing of warrant articles.
2:30 p.m. Continued public hearing on **HB 1588**, recodifying the laws relative to sheriffs, constables, and police officers.
3:00 p.m. Full committee work session 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. Executive session on **HB 1130**, relative to weighted voting by the Winnepesaukee River advisory board, **HB 1385-FN-A**, reducing the rate of the road toll during the 2012 Memorial Day weekend, **HB 1437**, relative to display of certain historical items in the state house, **HB 1504**, reinstating the Maine-New Hampshire Interstate Bridge Authority, **HB 1576-FN**, requiring construction of a noise barrier along Interstate Route 95 in Portsmouth.

REDRESS OF GRIEVANCES, Room 104, LOB

- 10:00 a.m. Rescheduled public hearing on **PETITION 25**, grievance of the Community

- 1:00 p.m. Action Group to Save CMC Again.
Rescheduled public hearing on **PETITION 23**, grievance of Bill and Mary Cloutier, Epping, New Hampshire.
Work session may follow.

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.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 203, LOB

- 8:00 a.m. Subcommittee work session on **HB 1701-FN**, prohibiting New Hampshire from entering into or enforcing reciprocal agreements with other states to deny rights and privileges for nonpayment of taxes owed to another state.
- 9:00 a.m. **HJR 20**, urging Congress to propose an amendment to the United States Constitution to abolish the electoral college.
- 9:30 a.m. **HR 22**, urging recognition of the facts regarding the USS Liberty.
- 9:45 a.m. Executive session on **HB 1701-FN**, prohibiting New Hampshire from entering into or enforcing reciprocal agreements with other states to deny rights and privileges for nonpayment of taxes owed to another state.
- 10:00 a.m. **HR 28**, opposing federal efforts to establish minimum standards for states that allow the carrying of concealed firearms.
- 10:30 a.m. **HJR 21**, informing the United States Congress that it is the desire of the general court of New Hampshire that the New Hampshire national guard shall not serve outside the borders of New Hampshire absent a declaration of war.
- 11:00 a.m. **HCR 42**, supporting the preservation of the electoral college.
- 11:30 a.m. Continued public hearing on **HR 25**, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire.
- 1:00 p.m. Executive session on **HB 1353**, relative to establishing an individual's status as a veteran.
- 1:15 p.m. Rescheduled public hearing on **HCR 36**, urging Congress to amend or repeal legislation expanding the constitutionally delegated powers of federal government.
Executive session may follow.
- 1:30 p.m. Executive session on **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.
- 1:45 p.m. Continued public hearing on **HB 23**, urging the federal government to reduce the federal deficit in proportion to federal aid.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. Rescheduled executive session on **SB 153-FN**, relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board, executive session on **HB 602-FN-A**, relative to funding the law requiring reporting of health care acquired infections, **HB 1556-FN**, reducing fees related to reporting of charitable trusts and rescheduled executive session on **HB 1489-FN**, repealing the decrease of the fuel oil importation fee, **HB 388-FN**, 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, **HB 1678-FN-A-L**, establishing video lottery and table gaming at certain locations in New Hampshire.
- 1:00 p.m. **HB 1697-FN-A**, establishing keno in New Hampshire.
- 2:00 p.m. **HB 1698-FN-A**, establishing keno and providing scholarship money to New

Hampshire students.
Executive session may follow.

FRIDAY, FEBRUARY 10

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 201, LOB

9:00 a.m. Subcommittee meeting to investigate the prevalence and problems associated with bedbugs and the effect in NH.

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

1:00 p.m. Rescheduled subcommittee meeting.

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM, Rooms 306- 308, LOB

9:30 a.m. Full committee work session on *HB 1306-FN-L*, requiring retirement system employers to make contributions for part-time employment of retired members of the retirement system.

10:00 a.m. Dartmouth presentation on colas.

11:00 a.m. NH Retirement System presentation comprehensive annual financial report.

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

9:00 a.m. Subcommittee meeting.

SUNDAY, FEBRUARY 12

LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K), NHTI Community College, Sweeney Crocker Building, Room 225, Concord

1:00 p.m. Regular meeting.

MONDAY, FEBRUARY 13

ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188- E:21), Room 103, LOB

3:00 p.m. Regular meeting.

COMMISSION ON PRIMARY CARE WORKFORCE ISSUES (RSA 126-T:1), Room 303, LOB

10:00 a.m. Regular meeting.

COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND SPECIES (RSA 487:30), Room 308, LOB

10:30 a.m. Regular meeting.

COMMITTEE TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY FUNDING (SB 60, Chapter 245:1, Laws of 2009), Room 100, State House

1:00 p.m. Regular meeting.

ECONOMIC STRATEGIC COMMISSION TO STUDY THE RELATIONSHIP BETWEEN NEW HAMPSHIRE BUSINESSES AND STATE GOVERNMENT (RSA 359-K:2), Rooms 302-304, LOB

10:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

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

10:00 a.m. Regular business.

TUESDAY, FEBRUARY 14

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

10:00 a.m. **HB 1691-FN**, establishing a state bank.

11:00 a.m. **HB 1700-FN**, repealing licensing requirements for money transmitters.
Work session on these bills may follow the public hearings.

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.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Rescheduled public hearing on **HB 1240**, relative to license suspensions for refusal to consent to an alcohol test.

10:30 a.m. Rescheduled public hearing on **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. Rescheduled public hearing on **HB 1584**, relative to the authority of police chiefs.

1:00 p.m. Rescheduled public hearing on **HB 1604-FN**, relative to penalties for motor vehicle accidents involving death or serious bodily injury to a pedestrian.

1:30 p.m. Rescheduled public hearing on **HB 1610-FN**, relative to lowering the legal drinking age to 19 for active duty members of the armed forces.

2:00 p.m. Rescheduled public hearing on **HB 1630**, relative to traffic control at public meetings or functions.
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.

2:00 p.m. **HB 1606-FN**, adopting the interstate compact on educational support for military children.
Executive session may follow.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Executive session on **HB 1572**, establishing a commission to study the labeling of genetically modified foods.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

10:00 a.m. **HB 1150**, relative to examinations for licensure as a professional engineer or

- land surveyor.
- 10:30 a.m. **HB 1155**, relative to the regulation of dentists by the board of dental examiners.
- 11:00 a.m. **HB 1190**, relative to the dental hygienists committee of the dental board.
- 1:15 p.m. **HB 1609-FN**, relative to licensure of polysomnographers by the board of respiratory care practitioners.
- 2:00 p.m. **HB 1260-FN**, relative to poker games and charitable gaming.
Executive session may follow.

FISH AND GAME AND MARINE RESOURCES, Room 307, LOB

- 10:15 a.m. Executive session on **HB 1132**, relative to fish and game laws concerning the Blue Mountain Forest Association, **HB 1219**, relative to the definition of wildlife for purposes of regulation by the fish and game department, **HB 1332**, relative to the law enforcement authority of fish and game conservation officers, **HB 1333**, relative to the revocation or suspension of a fish and game license for a conviction, **HB 1334**, relative to the suspension of a fish and game license by the executive director, **HB 1335**, relative to the authority of the fish and game department to refuse to issue a hunting license, **HB 1336**, relative to reciprocity for nonresident trainers of hunting dogs, **HB 1337**, relative to the enforcement of violations of fish and game laws, and establishing a committee to study the disposition of wildlife confiscated by the fish and game department, **HB 1339**, prohibiting agreements to limit or reserve access to hunting, fishing, and trapping on private land, **HB 1392**, relative to oyster aquaculture licenses, **HB 1455-FN**, relative to special licenses for taking lobster while engaged in recreational scuba diving, **HB 1551**, clarifying the liability of landowners, lessees, and occupants of premises who allow other persons to use the premises for hunting, fishing, and other recreational purposes or to remove fuel wood, **HB 1555**, relative to the penalty for firearm use in a state area for propagation of game controlled by the fish and game department, **HB 1646-FN**, prohibiting the taking of deer from baited areas.

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

- 10:00 a.m. **HB 1617-FN**, repealing the certificate of need law.
- 1:00 p.m. Rescheduled public hearing on **HB 1596** relative to the membership of the advisory council on child care.
- 1:30 p.m. Rescheduled public hearing on **HB 1599** relative to mammography
Executive session may follow.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:00 a.m. **HB 1716**, relative to the state 10-year transportation improvement program. This is the 10-year highway plan. The hearing will deal with the 10 year process; schedule and capital funding for highways and bridges.
- 1:00 p.m. Continued public hearing on **HB 1716**, relative to the state 10-year transportation improvement program. The continued hearing will deal with Federal Aid and Highway Program – I-93 widening and GACET and Governor's recommendations.
Executive session may follow.

REDRESS OF GRIEVANCES, Room 104, LOB

- 10:00 a.m. Rescheduled public hearing on **PETITION 20**, grievance of Carl E. Dow.
- 1:00 p.m. Rescheduled public hearing on **PETITION 22**, grievance of Joseph Haas.
Work 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.

TRANSPORTATION, Room 203, LOB

- 9:00 a.m. Subcommittee work session on **HB 1309-FN-A**, establishing a special number plate to support public elementary and secondary schools.
- 10:00 a.m. **HB 1635**, relative to motor vehicle inspections.
- 10:20 a.m. **HB 1578**, relative to the suspension of registration of vehicles.
- 10:45 a.m. **HB 1585-FN**, relative to inspections of trucks and buses.
- 1:00 p.m. **HB 1695-FN**, increasing certain speed limits.
- 1:45 p.m. Continued public hearing on **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.
Executive session may follow.

WAYS AND MEANS, Room 202, LOB

- 1:00 p.m. Executive session on **HB 1697-FN-A**, establishing keno in New Hampshire, **HB 1698-FN-A**, establishing keno and providing scholarship money to New Hampshire students and rescheduled executive session on **HB 1607-FN-L**, establishing an education credit against the business profits tax.

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.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. Rescheduled public hearing on **HB 1468**, relative to seizure of personal property.
- 10:30 a.m. Rescheduled public hearing on **HB 1499-FN**, relative to criminal coercion.
- 11:00 a.m. Rescheduled public hearing on **HB 1524-FN**, expanding the definition of official oppression.
- 1:00 p.m. Rescheduled public hearing on **HB 1514-FN**, establishing the crime of oppressing an inhabitant's free exercise of rights.
- 1:30 p.m. Rescheduled public hearing on **HB 1327**, relative to official oppression.
Executive session may follow.

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.
- 1:00 p.m. **CACR 8**, relating to education. Providing that the legislature shall have the power to authorize schools.
- 1:30 p.m. **HB 1637-L**, authorizing a school district which uses official ballot voting to conduct a special meeting necessitated by changes in adequate education funding.
- 2:00 p.m. **HB 1703-FN**, requiring a course in business or financial literacy as a prerequisite to high school graduation.
- 2:30 p.m. **HB 1715**, relative to authorized regional enrollment area agreements.
Executive session may follow.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 10:00 a.m. **HB 1127**, relative to barbering apprentices.
10:30 a.m. **HB 1431**, relative to requirements to obtain a barber license.
11:15 a.m. **HB 1538**, relative to innovative cosmetic or esthetic treatments.
1:15 p.m. **HB 1631**, allowing persons licensed to provide emergency medical services to work public gatherings and events.
2:00 p.m. Rescheduled public hearing on **HB 1687-FN**, relative to state employee information available on the state transparency website.
Executive session may follow.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Representatives Hall

- 9:00 a.m. Rescheduled public hearing on **HB 1685-FN-L**, relative to collective bargaining under the public employee labor relations statutes.
Executive session may follow.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 9:30 a.m. Continued public hearing on **HB 1716**, relative to the state 10-year transportation improvement program. The 10 year highway plan portion of the hearing will deal with Turnpikes, Betterment Program, State Bridge Aid and State Highway Aid.
1:00 p.m. Continued public hearing on **HB 1716**, relative to the state 10-year transportation improvement program. This part of the hearing will deal with Aeronautics, Rail, Transit, TE and CMAQ.
Executive session may follow.

REDRESS OF GRIEVANCES, Room 104, LOB

- 10:00 a.m. **PETITION 30**, grievance of Bethany Capen.
1:00 p.m. **PETITION 13**, grievance of Hope Nardone.
Work session may follow.

FRIDAY, FEBRUARY 17

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

- 9:00 a.m. Regular meeting.

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

- 10:00 a.m. Regular business.

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.

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

- 11:00 a.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, **CACR 8**, relating to education. Providing that the legislature shall have the power to authorize schools, **HB 1606-FN**, adopting the interstate compact on educational

support for military children, **HB 1637-L**, authorizing a school district which uses official ballot voting to conduct a special meeting necessitated by changes in adequate education funding, **HB 1703-FN**, requiring a course in business or financial literacy as a prerequisite to high school graduation, **HB 1712**, relative to the teaching of the Bible in public schools, **HB 1713-FN**, abolishing the department of education and transferring all functions, duties, and responsibilities to the commissioner of education and the state board of education, **HB 1715**, relative to authorized regional enrollment area agreements.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 10:00 a.m. **HB 1573**, establishing a committee to study the duties and responsibilities of the attorney general which are required in law.
- 10:45 a.m. **HB 1248-FN**, relative to emergency management compacts.
- 11:30 a.m. Rescheduled public hearing on **HB 1255**, relative to the membership of the commission on primary care workforce issues.
- 1:15 p.m. **HB 1254**, establishing a committee to study the effect of illegal immigration on the state and its political subdivisions.
- 2:00 p.m. **HB 1549**, prohibiting the adoption of a requirement that employers participate in the E-Verify system and the use of motor vehicle records for the E-Verify system.
- Executive session may follow.

REDRESS OF GRIEVANCES, Room 104, LOB

- 10:00 a.m. **PETITION 11**, grievance of David D. Vandenberg.
- 1:00 p.m. **PETITION 31**, grievance of Wade Henry.
- Work session may follow.

THURSDAY, FEBRUARY 23

COMMISSION TO STUDY BUSINESS REGULATIONS IN NEW HAMPSHIRE (RSA 359-L:1), Room 303, LOB

- 3:00 p.m. Full committee meeting.

FRIDAY, FEBRUARY 24

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

- 10:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Carroll County Delegation will meet in Executive Committee on Monday, **February 6, 2012** at 9:00 a.m. to work on the 2012 County Budget. The meeting will take place in the Carroll County Administration Building, Delegation Room, at 95 Water Village Road, Ossipee, NH. The delegation will also consider and act upon any other business that may be properly brought before the meeting.

Rep Karen Umberger, Clerk
Carroll County Delegation

COUNTY DELEGATION NOTICES

Rockingham County 2012 Budget schedule:

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

REVISED FISCAL NOTES

The following House Bills and Senate bills have a revised fiscal note: HBs 110, 186, 222, 234, 247, 325, 420, 449, 494, 518, 533, 602, 627, 1274, 1496, 1576, 1607, 1611, 1666, 1673, 1677, 1678, 1679, 1680, 1682, 1685, 1688, 1691, 1692, 1695, 1696, 1698, 1713. SB 153.

Karen O. Wadsworth, Clerk of the House

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. 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. Karen K. Hutchinson, 11 Buttrick Road, Londonderry, New Hampshire 03053-3305.
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

Legislators from Merrimack Country are cordially invited to the fourth Annual Homelessness Awareness Banquet at South Congregational Church in Concord on Monday, **February 6** from 5:30-8:00 p.m. Governor Lynch and Mayor Bouley will join legislators and shelter directors to help serve and share a meal with shelter guests. The purpose of the event is to raise awareness of the need to support family shelters in the Concord area. Please RSVP as soon as possible to Mae Murdoch, at 224-2521 or mmurdoch@southchurchconcord.org. Voluntary donations at the door.

Rep. Mary Stuart Gile

All Representatives are invited to the Upham Walker House on Wednesday, **February 8** at 8:00 a.m. for morning prayer and fellowship. Coffee will be provided.

Rep. Susan C. DeLemus

The New Hampshire Order of Women Legislators (OWLS) will meet during the lunch break from session on Wednesday, **February 8** in the 3rd floor Conference Room. Please bring your lunch.

Rep. Laura Pantelakos

The Retail Merchants Association of New Hampshire invites all legislators and staff to its 45th Annual Legislative Reception on Wednesday, **February 8** 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

Northeast Delta Dental cordially invites all members of the New Hampshire House and the staff to its Thirteenth Annual Legislative Reception to be held Wednesday, **February 8** from 4:00 to 6:30 p.m. at its corporate office at One Delta Drive in Concord.

Reps. DJ Bettencourt and Terie Norelli

On **February 9**, 2012 at 10:00 a.m. the New Hampshire Chapter of American Legislative Exchange Council (ALEC) is sponsoring an informational presentation on health care costs in New Hampshire under the scheduled implementation of the Patient Protection and Affordability Act ("Obamacare"). Christie Herrera, ALEC task Force Director on Health Care will offer her power point discussion. Ms. Herrera is a nationally published expert in the field. Accompanying Herrera will be Charlie Arlinghaus of the Josiah Bartlett Center for the unique New Hampshire perspective on the issue. Again, this presentation is set for February 9, 2012 in Representatives Hall at 10:00 a.m. The public is invited to attend. All Representatives are urged to take advantage of this discussion by a nationally known expert and New Hampshire's own fiscal watchdog to become aware of the now exposed burdens placed upon our state's economy by this federal mandate.

Reps. Gary Daniels and Jordan Ulery

Lunch is offered by ALEC-NH in the State House Café following the health care presentation on **February 9, 2012**. All are invited to come and meet your fellow New Hampshire Representatives and Senators who are part of the oldest **non-partisan** co-operative legislative/business organization in the United States. More than 2000 legislators nationwide belong and you are invited to become part of this growing, vibrant educational organization dedicated to the Jeffersonian principals of small, effective government, low taxation and a healthy free economy.

Reps. Gary Daniels and Jordan Ulery

Representatives Bowers, Howard and Cunningham will be sponsoring “Hot Breakfast and Hot Topics” with Deputy Speaker Tucker, candidate for Republican National Committeewoman on Saturday, **February 11** at the Sullivan County GOP office at 12 Main Street in Newport. All Sullivan County committee members are invited. The doors will open at 8:30 a.m. with hot coffee ready, with hot breakfast and Rep. Tucker ready at 9:00. Please RSVP to 763-4359 or drstevec@live.com

Rep. Steven L. Cunningham

The Pemi Baker Valley Republican Committee is presenting the 4th Annual Lincoln-Reagan Day Dinner on Saturday, **February 11** at the Plymouth Elks Lodge, Route 175 Holderness. Donation \$ 45 per person. Keynote Speaker Senate President Peter Bragdon. Special Guest Jim Miller as President Lincoln. Contact for tickets Reps. Charles Brosseau or William B. Tobin.

Reps. Charles Brosseau and William B. Tobin.

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 **February 11, 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

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. L. Mike Kappler

Please join the NH Association of Regional Planning Commissions and the NH Planners Association for breakfast in the State House Cafeteria on **February 16** from 8:00 a.m. to 9:30 a.m. Come learn about the associations and enjoy a light breakfast.

Rep. James E. Coffey

The Vesta Roy Excellence in Public Service Series mixer will be held on Thursday, **February 16** at 5:00 p.m. at The Draft. Donation is \$10. Speaker will be Charlie Arlinghaus. For more information please contact Rep. Joanne Ward.

Rep. Joanne Ward

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 Room 308 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
Feb. 3	9:00	Ruhr – University of Bochum, Germany	10
Feb. 3	9:15	Henry Moore School – Candia	36/4
Feb. 3	11:30	Pembroke Bridge Program	10/5-8th
Feb. 6	10:30	World Affairs Council – Montenegro	8
Feb. 8	11:00	Leadership Greater Concord	25/adults
Feb. 9	9:00	St. John's Regional School – Concord	30/4
Feb. 9	10:30	Dept. Of Information Technology	

Feb. 10	9:00	St. Benedict Academy – Manchester	25/4
Feb. 10	10:30	Peter Woodbury School – Bedford	40/4
Feb. 13	11:15	Moultonborough Central School	49/4
Feb. 14	11:30	ELL Civics Concord High School	20/9
Feb. 15	9:45	Haigh School – Salem	34/4
Feb. 15	9:00	UNH Policy group	25/Col
Feb. 15	10:15/11:30 SH/HM	Swasey Central School – Brentwood	67/4
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. 17	11:30	Sandwich Central School	17/4
Feb. 17	11:30	Nashua Christian Academy	15/4
Feb. 17	1:00	Phoenix House Academy – Dublin	12/HS
Feb. 21	8:30	Concord High School Civics class	25/HS
Feb. 21	9:45/11:00 SH/HM	Hooksett Elementary School	89/4
Feb. 22	9:45/11:00 SH/HM	Hooksett Elementary School	89/4
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
Feb. 24	10:00	Concord High School Civics class	50/HS
Feb. 28	2:00	Boy Scout Troop #123- Goffstown	10
Feb. 29	10:00	Portsmouth Christian Academy @ Dover	9/HS
March 1	10:00	Derry Girl Scouts	20/1-3rd
March 2	9:30/11:00 SH/HM/SC	Hanover St. School – Lebanon	62/4
March 2	3:00	Cub Scouts – Concord	10/2
March 5	9:00	Broken Ground School – Concord	25/4
March 5	10:00/11:30 SH/HM	Idlehurst School – Somersworth	100/4

WEDNESDAY, FEBRUARY 8

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

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.

Floor Amendment to HB 593-FN-A-LOCAL (2012-0560h)

Proposed by Reps. Stepanek, Bettencourt and Weyler

Amend RSA 284-B:8, I(a)(1) as inserted by section 2 of the bill by replacing it with the following:

(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 education trust fund and used first to reduce the rate of the business enterprise tax for the succeeding year to a minimum of 1/4 of one percent as provided under RSA 77-E:2. Any balance remaining after the business enterprise tax rate has been reduced to 1/4 of one percent shall be deposited into the general fund of the state to be used to reduce the rate of the business profits tax for the succeeding year. Notwithstanding any other provision of law, 3/5 vote of those present and voting of each house of the general court shall be required to change the allocation of net machine income under this subparagraph.

Amend the bill by inserting after section 14 the following and renumbering the original section 15 to read as 19:

15 Business Enterprise Tax; Imposition of Tax. Amend RSA 77-E:2 to read as follows:

77-E:2 Imposition of Tax.

I. For tax years prior to the tax year beginning July 1, 2013, a tax is imposed at the rate of 3/4 of one percent upon the taxable enterprise value tax base of every business enterprise. Beginning July 1, 2013, the commissioner shall annually establish a tax rate at a maximum of 3/4 of one percent and a minimum of 1/4 of one percent upon the taxable enterprise value tax base of every business enterprise based on the amount allocated to the education trust fund under RSA 284-B:8, I(a)(1).

II. The commissioner shall notify the governor, the speaker of the house, and the senate president of the tax rate established under paragraph I prior to July 1 of each year.

16 Business Enterprise Tax; Distribution of Funds. Amend RSA 77-E:14 to read as follows:

77-E:14 Distribution of Funds.

I. The commissioner shall determine the ~~[additional amounts]~~ **amount** of revenue produced by ~~[an increase of]~~ .50 percent ~~[in]~~ **of** the rate of tax imposed by RSA 77-E:2 for each fiscal year and shall certify such amounts to the state treasurer by October 1 of that year for deposit in the education trust fund established by RSA 198:39.

II. The commissioner shall make quarterly estimates of the amount of ~~[additional]~~ revenues that will be produced by ~~[the increase in]~~ **.50 percent of the** tax rate for the next fiscal year and shall certify such amounts to the state treasurer for deposit in the education trust fund established by RSA 198:39. Such estimates shall be certified on June 1, September 1, December 1, and March 1 of each year.

17 Business Profits Tax; Imposition of Tax. Amend RSA 77-A:2 to read as follows:

77-A:2 Imposition of Tax.

I. For tax years prior to the tax year beginning July 1, 2013, a tax is imposed at the rate of 8.5 percent upon the taxable business profits of every business organization. Beginning July 1, 2013, the commissioner shall annually establish a tax rate not to exceed 8.5 percent upon the taxable business profits of every business organization based on the amount allocated to the education trust fund and general fund under RSA 284-B:8, I(a)(1).

II. The commissioner shall notify the governor, the speaker of the house, and the senate president of the tax rate established under paragraph I prior to July 1 of each year.

18 Business Profits Tax; Distribution of Funds. Amend RSA 77-A:20-a to read as follows:

77-A:20-a Distribution of Funds.

I. The commissioner shall determine the ~~[additional amounts]~~ **amount** of revenue produced by ~~[an increase of]~~ 1.5 percent ~~[in]~~ **of** the rate of tax imposed by RSA 77-A:2 for each fiscal year and shall certify such amounts to the state treasurer by October 1 of that year for deposit in the education trust fund established by RSA 198:39.

II. The commissioner shall make quarterly estimates of the amount of ~~[additional]~~ revenues that will be produced by ~~[the increase in]~~ **1.5 percent of the** tax rate for the next fiscal year and shall certify such amounts to the state treasurer for deposit in the education trust fund established by RSA 198:39. Such estimates shall be certified on June 1, September 1, December 1, and March 1 of each year.

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 education trust fund and 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 HB 1138
(2012-0292h)**

Proposed by the Committee on Public Works and Highways - R

Amend the bill by replacing section 1 with the following:

1 Town of Pelham; Bridge Named in Honor of Sergeant Daniel R. Gionet. Pursuant to RSA 4:43, the Main Street Bridge crossing Beaver Brook in the town of Pelham, being designated as bridge number 110/090 in the state bridge inventory, is hereby named the Sergeant Daniel R. Gionet Memorial Bridge. Appropriate signage or markers may be placed at the site.

**Amendment to HB 1144
(2012-0378h)**

Proposed by the Committee on Ways and Means - C

Amend RSA 21-J:47, II-V as inserted by section 1 of the bill by replacing it with the following:

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

(1) Three members of the house of representatives, appointed by the speaker of the house of representatives.

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

(3) The commissioner of the department of revenue administration, or designee.

(4) The commissioner of the department of safety, or designee.

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

(6) The commissioner of the department of transportation, or designee.

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

III. The commission shall study the form of taxation of alternative fuel and electric-powered motor vehicles and may study the form of taxation of hybrid motor vehicles for the purpose of ensuring that all motor vehicles contribute to funding improvements to the state's highways and bridges.

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

V. The commission shall submit an interim report of its findings and specific recommendations for proposed legislation that address the issues identified in paragraph III to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2012, and shall submit a final report of its findings and specific recommendations, if necessary, on or before November 1, 2013.

**Amendment to HB 1203
(2012-0352h)**

Proposed by the Committee on Public Works and Highways - C

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Capital Budget Overview Committee; Party Membership. Amend RSA 17-J:2 by inserting after paragraph I the following new paragraph:

I-a. Of the 6 house members on the committee, not more than 5 shall be members of the same party, and of the 4 senate members on the committee, not more than 3 shall be members of the same party.

AMENDED ANALYSIS

This bill requires that not more than 5 house members and not more than 3 senate members appointed to the capital budget overview committee can be from the same party.

**Amendment to HB 1302-FN
(2012-0449h)**

Proposed by the Committee on Ways and Means - R

Amend the bill by replacing section 2 with the following:

2 Applicability. Section 1 of this act shall apply for taxable periods ending on or after December 31, 2012.

Amend the bill by replacing section 4 with the following:

4 Effective Date.

I. Section 1 of this act shall take effect December 31, 2012.

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

**Amendment to HB 1378
(2012-0486h)**

Proposed by the Committee on Executive Departments and Administration - C

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

1 New Paragraph; Regulation of Pharmacies; Possessing Prescription Drugs; Exception for Pharmacy Technicians. Amend RSA 318:42 by inserting after paragraph XII the following new paragraph:

XII-a. A registered or certified pharmacy technician from performing transport for the authorized transfer of prescription drugs between pharmacies.

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

AMENDED ANALYSIS

This bill excepts pharmacy technicians performing transport for the authorized transfer of prescription drugs between pharmacies from the prohibition on possessing prescription drugs.

**Amendment to HB 1404
(2012-0408h)**

Proposed by the Committee on Municipal and County Government - C

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect June 1, 2012.

**Amendment to HB 1505-FN
(2012-0392h)**

Proposed by the Committee on Executive Departments and Administration - C

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

1 State Extraordinary Service Award Evaluation Committee. Amend RSA 99-E:1, III to read as follows:

III. In addition to such other communications to governor and council as are provided in this chapter, the state suggestion and extraordinary service award evaluation committee shall submit to the governor and council, the speaker of the house of representatives, and the president of the senate an annual report of its activities, including employees recognized and rewarded *for extraordinary service* ~~and~~, the reasons for recognition or recommended award, ~~[together with a]~~ *and, notwithstanding any provision of RSA 91-A, an anonymous* list or copy of all ~~[proposals]~~ *cost-saving or*

revenue-producing employee suggestions submitted to it, whether or not implemented or recommended. The report shall be submitted by October 1 of each year.

2 Eligible Employees. Amend RSA 99-E:3 to read as follows:

99-E:3 Eligible Employees.

I. State employees eligible for awards or recognition **for extraordinary service** under this chapter shall be classified executive branch employees.

II. All state employees except commissioners and directors, judicial appointees, and executive and legislative branch elected officials shall be eligible for the employee suggestion awards. Any employee who is eligible for such award at the time the suggestion is made shall remain eligible, even if he or she leaves state employment.

3 Suggestion Award Standard. RSA 99-E:5 is repealed and reenacted to read as follows:

99-E:5 Suggestion Award Standard.

I. Any employee may make a cost-saving suggestion to the departmental award evaluation committee or to the governor and the executive council.

(a) A suggestion made to the governor and council shall be assigned an identifying number. The governor and council shall forward the numbered suggestion to the state suggestion and extraordinary award evaluation committee. The governor and executive council shall not reveal the identity of the employee until an award is made under this section.

(b) The departmental award evaluation committee shall recommend monetary recognition as it deems appropriate to the state suggestion and extraordinary service evaluation committee.

II. The state suggestion and extraordinary service award evaluation committee shall investigate all suggestions and determine the estimated savings. All accepted suggestions shall be submitted to the governor and council for final approval. Any employee who makes a suggestion that is accepted and implemented shall receive a one-time award equal to 10 percent of the savings achieved during the initial 12-month period after implementation.

III. If an award is issued by the governor and council under paragraph II, such award may, in the discretion of the governor and council, be paid from the budget of the department or unit believed to have received the benefit of the suggestion or from the special fund established under RSA 99-E:7, V. If the unit from which the award is paid is self-funding, the award shall be paid from the unit's operating budget. The commissioner of a department from which an award is to be paid under this paragraph shall certify any amounts so appropriated to the director of personnel for transfer and payment to the employee.

IV. If the state suggestion and extraordinary service award evaluation committee, in its discretion, concludes that a suggestion that has been successfully implemented in a single department, division, office, or other subdivision of the state may result in additional benefit if implemented on a larger scale, the committee may so state to the governor and executive council. In such a case, an employee may, on one additional occasion, be considered for additional award for the suggestion.

V. A suggestion shall not be eligible for award or recognition if the state extraordinary service award evaluation committee determines, in its discretion, that the suggestion was under consideration by the state prior to the time that the suggestion was made by the employee.

4 Amount of Monetary Awards for Extraordinary Service. Amend RSA 99-E:7, to read as follows:

99-E:7 Amount of Monetary Awards **for Extraordinary Service.**

I. The amount of any monetary award recommended by a committee in regard to ~~[any one suggestion or]~~ **extraordinary** service shall not be greater than \$5,000.

II. If an award evaluation committee determines, in its discretion, that an appropriate measure of award would be the amount of any savings or increase in revenue

realized by the state as the result of a service performed by an employee~~[-or as the result of a suggestion which has been implemented,]~~ the amount of a monetary award recommended by the committee may not exceed 10 percent of the amount of the savings or increase in revenue to the state during the ~~[first fiscal year of the implementation of the suggestion, or the]~~ fiscal year in which the service was performed, nor may it exceed the amount of \$5,000.

III. If a monetary award is issued by the governor and council based upon the amount of savings or increase under paragraph II, an amount equal to the monetary award may, in the discretion of the governor and council, be paid from the budget of the specific department or the departments believed to have received the benefit of the ~~[suggestion or]~~ service during the ~~[first fiscal year of implementation of a suggestion, or during the]~~ fiscal year in which the service was performed. Any remaining savings or increases resulting from the ~~[suggestion or]~~ service shall lapse to the general fund. If the unit from which the award is paid is self-funding, the award shall be paid from the unit's operating budget. The commissioner of a department from which an award is to be paid under this paragraph, shall certify any amounts so appropriated to the director of personnel for transfer and payment to the employee.

~~[IV. If a suggestion which has previously been submitted or nominated for award is again submitted or nominated under RSA 99 E:4, X as the result of larger scale implementation, the amount of any additional monetary award recommended shall be in such amount as the committee, in its discretion, believes is proper, but shall not, in any event, exceed \$5,000.~~

~~V.]~~ IV. The total amount of monetary awards *for extraordinary service* recommended by the state suggestion and extraordinary service award evaluation committee between October 1 of one year and September 30 of the following year shall not exceed \$10,000.

~~[VI.]~~ V. There is hereby established in the office of the governor a special fund in the amount of \$10,000, which shall be used for employee suggestion and extraordinary service awards, if any. ***Monies in the special fund shall not lapse.*** If the entire appropriation is not used for employee suggestion and extraordinary service awards in any fiscal year, the amount appropriated for the fund in the next fiscal year shall be only such amount as is necessary to bring the total amount of the fund to \$10,000.

~~[VII.]~~ VI. This chapter shall not be construed to limit the availability of any employee award or recognition not arising pursuant to this chapter

~~[VIII.]~~ VII. The governor, with the consent of council, is hereby authorized to draw a warrant for monetary awards under this ~~[chapter]~~ **section** out of any money contained in the fund established under paragraph ~~[VI]~~ V. The governor and council shall not approve expenditures from the fund in excess of \$10,000 in any fiscal year, shall not issue any single award in excess of the amount indicated in paragraph I~~[-or, in case of additional awards under paragraph IV, shall not issue any award in excess of the amount set forth in paragraph IV]~~. In issuing awards or recognition, the governor and council shall not be limited by any recommendation of the state suggestion and extraordinary service award evaluation committee. The decision of whether to issue a monetary award for ~~[suggestions and]~~ services under this chapter, and the amount thereof, if any, shall, with the foregoing limitations, be solely within the discretion of the governor and council.

~~[IX.]~~ VIII. Award evaluation committees recommending monetary awards may consider, but shall not be required to make recommendations according to, the following suggested ranges of award for the following types of ~~[suggestions or]~~ services:

~~(a) For suggestions to improve government cost savings, \$500 to \$2,500, or a percentage of the amount of savings as specified under paragraph II.~~

~~(b) For suggestions to improve government efficiency, \$250 to \$1,500, or a percentage of the amount of savings or revenue increase as specified under paragraph II.~~

~~(e) For suggestions to increase revenue to the state by a means other than the establishment of a new, or an increase in an existing, tax, \$250 to \$1,500 or a percentage of the amount of increase as specified under paragraph II.]~~

~~[(d)]~~ **(a)** For services outside of or beyond the scope of an employee's regular job responsibilities or functions involving circumstances where only immediate action by the employee could avoid or avert probable harm to an individual, to property, or to the financial interests of the state, \$500 to \$2,500, or a percentage of the amount of increase or savings as specified under paragraph II.

~~[(e)]~~ **(b)** For services within the scope of an employee's regular job responsibilities or functions involving the demonstration of abilities or efforts greatly above and beyond any standard of performance expected of the employee, \$250 to \$1,500 or a percentage of the amount of increase or savings as specified under paragraph II.

5 Nonmonetary Recognition. Amend RSA 99-E:8 to read as follows:

99-E:8 Nonmonetary Recognition *for Extraordinary Service*. A departmental award evaluation committee may, in its discretion, recommend, and the state suggestion and extraordinary service award evaluation committee may, in its discretion, issue or recommend, nonmonetary recognition in lieu of, or in addition to, recommending a monetary award *for extraordinary service* under this chapter. Nonmonetary recognition shall be in such form as the committee, in its discretion, believes is appropriate for the service rendered ~~[or suggestion made]~~.

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

Amendment to HB 1552-FN (2012-0273h)

Proposed by the Committee on Executive Departments and Administration - C

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

AN ACT relative to the reporting of funds.

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

1 Annual Reporting Requirement for Certain Dedicated Funds. Amend the introductory paragraph of RSA 6:12-e to read as follows:

The definitions established in RSA 6:12 shall apply to this section. The administrator of each fund, account, or trust listed in RSA 6:12, RSA 6:12-b, RSA 6:12-c, and RSA 6:12-d shall complete and file *with the commissioner of administrative services within 60 days of the end of each biennium* ~~[an annual]~~ a report on *a standard, searchable, electronic form to be prescribed by the department of administrative services*, ~~[with the commissioner of administrative services on or before September 15, 2009, and each year thereafter]~~ *using the best data available at that time*. The commissioner of administrative services shall compile these reports into a ~~[single document on or before November 15 of each year]~~ *comprehensive annual financial report* and forward it to the governor, the president of the senate, the speaker of the house of representatives, and the legislative budget assistant. The commissioner of administrative services shall also forward the reports to the relevant legislative policy committees of the house and senate as indicated on said reports by the administrator of each fund, account, or trust ~~[by November 15. Each annual report]~~. *If, as a result of audit, the comprehensive annual financial report is found to be materially in error, a corrected report shall be submitted within 60 days. Each report shall be made available in an electronic format capable of being sorted and extracted and shall include, but not be limited to:*

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

AMENDED ANALYSIS

This bill modifies the method of reporting certain funds.

Amendment to HB 1563 (2012-0383h)

Proposed by the Committee on Municipal and County Government - C

Amend the bill by replacing section 2 with the following:

2 Extension of Waterworks into Greenland. The following shall apply to the extension of the city of Portsmouth's system of waterworks into the town of Greenland pursuant to 1899, 205:

I. Any exercise of eminent domain and any excavation, construction, or improvement of property for operation of the waterworks is subject to prior written notice to and approval by the board of selectmen of the town of Greenland, except in the case of an emergency.

II. Any excavation or construction on public rights-of-way of the town of Greenland shall be subject to existing permit requirements, except in the case of an emergency.

AMENDED ANALYSIS

This bill expands the authority of the town of Greenland over the activities in the town of the city of Portsmouth's waterworks.

**Amendment to HB 1592
(2012-0468h)**

Proposed by the Committee on Ways and Means - C

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

AN ACT establishing a committee to study the reporting of business tax revenues collected by the state.

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

1 Committee Established. There is established a committee to study the reporting of business tax revenues collected by the state.

2 Membership and Compensation.

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

(a) Four members of the house of representatives, each of whom shall be members of the ways and means committee, appointed by the speaker of the house of representatives.

(b) One member of the senate, who shall be a member of the ways and means committee, appointed by the president of the senate.

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

3 Duties. The committee shall study the reporting of business tax revenues collected by the state. The committee shall solicit input and advice from the commissioners of the departments of revenue administration, resources and economic development, and information technology, or their designees, and from other sources the committee deems relevant.

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

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

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

AMENDED ANALYSIS

This bill establishes a committee to study the reporting of business tax revenues collected by the state.

**Amendment to HB 1634
(2012-0489h)**

Proposed by the Committee on Executive Departments and Administration - R

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

AN ACT establishing a committee to study the implementation of United Nations Agenda 21 into the state, counties, regional commissions, towns, and cities.

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

1 Committee Established. There is established a committee to study the implementation of United Nations Agenda 21 into the state, counties, regional commissions, towns, and cities.

2 Membership and Compensation.

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

(a) Four members of the house of representatives, one of whom shall be a member of the municipal and county government committee and one of whom shall be a member of the constitutional review and statutory recodification committee, appointed by the speaker of the house of representatives.

(b) One members of the senate, appointed by the president of the senate.

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

3 Duties. The committee shall study procedures to prevent the implementation of United Nations Agenda 21 into the state, counties, regional commissions, towns, and cities; other implementation by nongovernmental organizations; the clarification of constitutional issues relevant to the study; and any related concerns with the implementation of United Nations Agenda 21.

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

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

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

AMENDED ANALYSIS

This bill establishes a committee to study the implementation of United Nations Agenda 21 into the state, counties, regional commissions, towns, and cities.

Amendment to HB 1641 (2012-0540h)

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

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

1 Business Profits Tax. Net Operating Loss Carryovers; Reference Added. Amend RSA 77-A:4, XIII(d) to read as follows:

(d) On or after July 1, 2013, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$10,000,000, ***and may be taken only to the extent the taxpayer meets the requirements of paragraph XIX.***

2 New Paragraph; Net Operating Loss Carryovers; Requirements Added. Amend RSA 77-A:4 by inserting after paragraph XVIII the following new paragraph:

XIX. For any net operating loss carryover amount whenever generated, the amount in excess of \$1,000,000 shall only be a deduction under this section as follows:

(a) Each net new job created by the taxpayer during the tax year shall permit a deduction by the taxpayer of \$100,000.

(b) Each net new job created shall only permit a deduction in one tax year.

(c) The deduction for each net new job created shall only be permitted if the \$100,000 deduction was a significant factor in the decision to create the net new job.

(d) For purposes of this paragraph, "net new job" means:

- (1) A position that is full time and year round in accordance with the taxpayer's personnel policy;
- (2) A position that increases the taxpayer's total number of full-time positions by one between the first and last day of the taxpayer's fiscal year;
- (3) A position that, at the time it is created, is expected to be permanent.
- (e) The determinations made by the taxpayer pursuant to subparagraphs (c), (d), and (g) and the bases therefor, shall be documented contemporaneously.
- (f) The commissioner of the department of revenue administration shall develop forms with which taxpayers may claim the tax deductions under this paragraph.
- (g) The provisions of this paragraph shall not apply to net operating loss carryovers generated in this state by a business created in this state during the business' next 5 fiscal years in which it does business in this state.

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

**Amendment to HB 1692-FN
(2012-0475h)**

Proposed by the Majority of the Committee on Education - R

Amend the bill by replacing section 13 with the following:

13 Effective Date. This act shall take effect July 1, 2013.

**Floor Amendment to HB 1692-FN
(2012-0556h)**

Proposed by Rep. St. Cyr

Amend the bill by replacing sections 7 and 8 with the following:

7 State College and University System; Administration. Amend RSA 187-A:13 to read as follows:

187-A:13 Trustees of University System. The general government of the university system and its constituent divisions and institutions shall be vested in a single board of [27] trustees composed as follows and in accordance with the following conditions:

I. ~~[Eight]~~ **Seven** ex-officio members: the governor of the state, ~~[the chancellor of the university system,]~~ the commissioner of agriculture, markets, and food, the commissioner of education, the president of the university of New Hampshire, the president of Plymouth state university, the president of Keene state college, the president of the Granite state college[s].

II. ~~[Eleven]~~ **Nine** members appointed by the governor with the advice and consent of the council[s].

III.(a) Two members shall be students enrolled at Keene state college, Plymouth state university, Granite state college, or the university of New Hampshire who shall serve as student trustees, for the term indicated in this paragraph, on a rotating basis in the order listed below:

(1) One student each from the university of New Hampshire and Plymouth state university.

(2) One student each from Plymouth state university and Granite state college.

(3) One student each from Granite state college and Keene state college.

(4) One student each from Keene state college and the university of New Hampshire.

(b) The student trustees shall be elected by the student body at the school responsible for providing the student trustees. The term of the student trustees shall be for one year commencing July 1 of the year for which the student was elected and ending June 30 of the next year. Student trustees shall be expected to serve the full duration of their elected term. In the event that a student trustee ceases for any reason to attend the school from which the student was elected, the chancellor of the university system shall declare a

vacancy in that student trustee position, and the school causing the vacancy shall elect a replacement student trustee who shall serve for the remainder of the predecessor's term. Graduation of a student trustee shall not constitute a vacancy under this paragraph.

IV. ~~[Four members]~~ **Two members** elected by the alumni of the university of New Hampshire[;].

V. One member elected by the alumni of Keene state college[;].

VI. One member elected by the alumni of Plymouth state university.

VII. One member elected by the alumni of Granite state college.

At all times, 2 members of the board shall be farmers and both major political parties shall be represented on the board.

8 State College and university System; Operation of the Board of Trustees. Amend RSA 187-A:15, IV to read as follows:

IV. ~~[Fourteen]~~ **Twelve** members shall constitute a quorum for the transaction of business, but not less than ~~[14]~~ **12** affirmative votes shall be required to elect ~~[the chancellor of the university system or]~~ a college or university president;

Amendment to HCR 37 (2012-0417h)

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

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

A RESOLUTION urging the New Hampshire delegation to support any legislation requiring a comprehensive audit of the Federal Reserve.

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

Resolved by the House of Representatives, the Senate concurring;

That the general court of the state of New Hampshire, the Congress of the United States, and particularly, the legislative delegation to Congress of the state of New Hampshire, are hereby urged and petitioned to use all of their efforts, energies, and diligence to protect all the citizens of this nation from potential, unprecedented losses in the value of take-home pay, retirement income, insurance policies, and investments as a result of the Federal Reserve's ongoing inflation of our unbacked paper money by supporting any legislation requiring a comprehensive audit of the Federal Reserve; and

That copies of this resolution be forwarded by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the New Hampshire congressional delegation.

AMENDED ANALYSIS

This house concurrent resolution urges the New Hampshire delegation to support any legislation requiring a comprehensive audit of the Federal Reserve.

Amendment to HR 24 (2012-0344h)

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

Amend the resolution by replacing the second paragraph after the title with the following:

Whereas, despite expensive computerization of documentation, registered nurses in county nursing homes are now spending 75 to 90 percent of their time completing federal forms rather than providing the care for which they were hired and trained, up from 33 percent a decade ago; and