



State of
New Hampshire

HOUSE RECORD

First Year of the 163rd General Court

Calendar and Journal of the 2013 Session

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Friday, May 17, 2013

No. 39

Contains: Meetings, Notices, List of House Bills Amended by the Senate,
Committee of Conference Procedures, Reports and Amendments for May 22.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The next House session will be on Wednesday, **May 22nd**, at 10:00 a.m.

Tuesday, May 21, 2013, marks the 100th Anniversary of the passage of the law that created the original New Hampshire Presidential Primary. There will be a celebration to commemorate this milestone and to honor the families of those involved in the creation and passage of the Presidential Primary law on Tuesday, May 21st, at 10:30 a.m. in the Executive Council Chambers. I hope that you can join in this special celebration.

Please remember that the continuing education program noted below will benefit all legislators. I hope you will take advantage of this opportunity to learn more about the General Court Website and how we can use it more effectively.

As a final reminder, there will be a memorial service for former House Speaker Harold Burns at 11:00 a.m. next Saturday, May 25th, at the Trinity United Methodist Church in Whitefield.

Terie Norelli, Speaker

NOTICE

There will be a meeting of chairs and vice chairs on Tuesday, **May 21**, at 8:30 a.m. in Rooms 305-307 of the Legislative Office Building.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on Wednesday, **May 22** at **9:00 a.m.** in Representatives Hall.
Rep. Stephen Shurtleff, Majority Leader

NOTICE

There will be a Republican Caucus on Wednesday, **May 22** at **9:00 a.m.** in Rooms 305-307, LOB.
Rep. Gene G. Chandler, Republican Leader

NOTICE

House Continuing Education

TOPIC: NAVIGATING THE GENERAL COURT WEBSITE

DATE: Thursday, May 23, 2013

TIME: 9:00 a.m. – 10:30 a.m.

PLACE: Rooms 301-303, LOB

Terie Norelli, Speaker

NOTICE

The House Calendar closes at **3:00 p.m. on Wednesdays** for *ALL* 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:

May 23

May 30

June 6

AVAILABLE FRIDAY:

May 24

May 31

June 7

Karen O. Wadsworth, Clerk of the House

HOUSE DEADLINES FOR 2013 SESSION

Thursday, May 30, 2013

Last day to report all remaining Senate Bills

Last day to report list of retained Senate Bills

Thursday, June 6, 2013

Last day to act on Senate Bills

Thursday, June 13, 2013

Last day to form Committees of Conference

Thursday, June 20, 2013

Last day to sign Committee of Conference reports (4:00 pm)

Thursday, June 27, 2013

Last day to act on Committee of Conference reports

WEDNESDAY, MAY 22

CONSENT CALENDAR

COMMERCE AND CONSUMER AFFAIRS

SB 114, regulating guaranteed price plans and prepaid contracts for heating oil, kerosene, or liquefied petroleum gas. **INEXPEDIENT TO LEGISLATE.**

Rep. Pamela Z Tucker for Commerce and Consumer Affairs: This bill would regulate pre-paid contracts for home heating oil. The committee currently has a very similar bill retained and found this bill to be unnecessary as the retained bill will cover the same issues. **Vote 16-2.**

EDUCATION

SB 18, conferring degree-granting authority to the American University of Madaba. **OUGHT TO PASS.**

Rep. Anne C Grassie for Education: The American University of Madaba, in the country of Jordan exists through collaboration with the King of Jordan and the Vatican. In May of 2012, American University of Madaba received approval of the NH higher education commission to operate in New Hampshire and in its Madaba campus offering 18 degree programs. Conferring degree-granting authority is the next step and doing so will have no cost to New Hampshire taxpayers. This university is intended to serve as a landmark for Jordan that will contribute positively to the intellectual and professional human capital of Jordan and the region. **Vote 19-0.**

FISH AND GAME AND MARINE RESOURCES

SB 133-FN, adopting the interstate wildlife violators compact. **OUGHT TO PASS.**

Rep. Joe Duarte for Fish and Game and Marine Resources: The interstate wildlife violator compact was enacted in 1989 in the western states of Colorado, Nevada & Oregon. Since then it has been adopted by 39 other states including our neighbors in Vermont and Maine. Joining the interstate wildlife violator compact is an agreement among states that recognize suspension of hunting, fishing and trapping licenses. This compact gives our conservation officers and license retailers the ability to not issue a license to someone whose privilege to hunt and fish has been suspended in another member state. It also allows our conservation officers to issue a ticket for a violation rather than arresting, booking and bonding. The fish and game department testified that there is an alarming number of wildlife law violators whose licenses have been suspended in other states who come to New Hampshire to hunt and fish specifically because we are not a member of the compact. Without participation in this compact we extend an invitation to people who have demonstrated that they have no desire to follow the laws in their own state or in ours. **Vote 14-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 17, establishing a commission to study palliative care and associated quality of life initiatives. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen J Schmidt for Health, Human Services and Elderly Affairs: Palliative medicine is the most recently recognized subspecialty of medicine focusing on quality of life in the setting of severe, advanced and

terminal illness. The commission's duties shall include but not be limited to assessing the general knowledge of the citizens of New Hampshire regarding palliative care; evaluating the access, effectiveness, utilization and timeliness of palliative care, reviewing options for increasing the knowledge and use of advanced directives and consider requiring continuing education credits for professional relicensing of health care providers. Palliative medicine recognizes that the best care is highly individualized to meet the specific needs of the person and to be consistent with their personal values, preferences and priorities. The amendment to this bill adds the commissioner of insurance to the commission. The amendment also clarifies and provides more specificity to the duties of the commission. **Vote 15-0.**

SB 87, relative to the patients' bill of rights. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan J Ticehurst for Health, Human Services and Elderly Affairs: People who need home health care services and the workers who provide that care are both protected when conditions for discharge are clearly defined. This bill assures that clients will receive fourteen days notice, unless there is no longer a need for therapeutic services, the provider is unable to meet the clients' changing needs, or conditions are unsafe. Under certain circumstances, immediate discharge is allowed to protect the health care of workers' health and safety. Continuing care for the client is assured by setting a plan for removing the threat, obtaining emergency protection if needed, providing alternative care, and notifying the client's support system. Referral to the regulatory agency and information on the appeal process are provided. The amendment to this bill emphasizes safety for home health care providers so that the home is free from sexual or other forms of harassment by the client or others in the home. Thus, both the client who needs home health services and home health care case providers are both protected. **Vote 14-0.**

SB 138-FN, relative to support for certain residents of nursing and assisted living facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles E McMahon for Health, Human Services and Elderly Affairs: This bill came as a result of the recommendations of Chapter 20:1, Laws of 2012 study committee that addressed the continuation of payments to long term care facilities. It provides for a nursing home facility or assisted living facility to pursue recovery of costs for care provided to a resident from entities or persons when a Medicaid application is not timely, or when an asset transfer is made within the five year look back period thereby causing the application to be disqualified. Further, the bill provides for due process protection for fiduciaries, guardians, trustees and, unless otherwise designated, persons who are entrusted with managing the assets of a resident. This means that upon a dispute of the department of health and human services determination that a disqualifying transfer of funds or assets took place, an affirmative defense to prove the transfer was not a disqualifying action shall be available to those entities having financial responsibility of a residents funds and assets as detailed herein. The amendment to this bill is the result of extensive work by a subcommittee. It expands definition of terms used in this bill. It clarifies the role of persons with a fiduciary relationship, asset transfers, Medicaid applications, probate court and other administrative procedures. **Vote 15-0.**

MUNICIPAL AND COUNTY GOVERNMENT

SB 102, relative to the selection of members of the conservation commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Bruce L Tatro for Municipal and County Government: This bill would allow conservation commission members to be elected instead of appointed by the governing body. The committee concluded that conservation commission members need to have unique qualifications for the job and therefore should be appointed by the governing body. **Vote 14-0.**

SB 185, establishing a commission on housing policy and regulation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie A Porter for Municipal and County Government: This bill establishes a commission on housing policy and regulation with a goal of identifying and reducing regulatory impediments to the creation of affordable housing in NH. The commission will be looking at state level, not local, regulations which affect housing. The last study of NH housing was done more than 10 years ago; this bill will allow stakeholders to examine problems which may exist today, and to recommend solutions. The amendment allows for representatives from the New Hampshire community action association and DRED to be part of the commission. **Vote 16-0.**

PUBLIC WORKS AND HIGHWAYS

SB 160-FN-A, relative to turnpikes and electronic toll collection. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David B Campbell for Public Works and Highways: This bill makes several changes to the toll evasion statute and was requested by the department of transportation. Currently, unpaid transactions in the cash lanes are not subject to the same consequences as unpaid transactions in the EZPass lanes at the toll plazas on the NH turnpike system. Violators are increasingly taking advantage of this loophole. SB 160, as amended, allows the department of turnpikes to photograph the license plates of a vehicle in the cash lane

when the transaction is unpaid, for enforcement purposes. It further allows all unpaid transactions, cash or electronic, to be collected via the same enforcement system. The amendment further clarifies that no license plates will be photographed for any paid transaction in the cash lanes. It also addresses all electronic tolling (AET). AET is a newer technology that has no cash lanes and collects tolls from non-EZPass automobiles by taking photographs of their licenses and billing them through their registrations by mail. Current law does not preclude AET. The committee had several concerns about AET, regarding privacy issues, fairness to cash users and the impact on NH as a "tourist friendly" state. The effect of the amendment prohibits any AET pilot programs and requires that any AET tolling must have prior legislative approval. **Vote 18-0.**

TRANSPORTATION

SB 13, relative to hearings in the department of safety. **OUGHT TO PASS.**

Rep. Michael B O'Brien for Transportation: This bill amends the enabling statute of the department of safety bureau of hearings to clarify the legal authority of the bureau to include conducting hearings for the entire department. Since due process requires agencies that conduct adjudicative hearings to provide a right of appeal, this bill clarifies the appeal process. This bill will enhance the efficiency of the department of motor vehicles in the hearing and appellate process. **Vote 16-1.**

SB 21, making technical corrections to the International Registration Plan. **OUGHT TO PASS.**

Rep. Brian K Chirichiello for Transportation: This bill is simply making corrections to the definitions of two terms in the International Registration Plan. The two words changed were "Repository" to the words "Reciprocity." The committee is unanimous in favor of this change. **Vote 16-0.**

SB 22, exempting small trailers from inspection requirements; allowing qualified dealers to inspect trailers; and deleting a reference to highway enforcement officers. **OUGHT TO PASS.**

Rep. Elizabeth B Burtis for Transportation: This bill eases regulations on vehicle trailer registration. It eliminates the requirement for small trailers (10,000 lbs gross vehicle weight rating) to be registered, and also allows qualified dealers to conduct inspections for larger trailers (more than 10,000 lbs gross vehicle weight rating). This bill was requested by the department of safety. It helps the department streamline processes and also reduces regulations and costs to individual small trailer owners. **Vote 16-0.**

SB 85, relative to commercial motor vehicle operation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael B O'Brien for Transportation: This bill, as amended, aligns terminology with an annual audit of the motor carrier safety assistance program (MCSAP) by the federal motor carrier safety administration. Some of our commercial vehicle laws differ from federal terminology and this bill brings our laws in uniformity with current federal regulations. The amendment clarifies that state or any political subdivision of the state is exempt. However public employers are not prevented from establishing internal policies making motor carrier safety rules applicable to its vehicles and drivers. The bill and the amendment was a request by the department of safety. **Vote 15-1.**

SB 159, exempting drivers of eligible agricultural and farm vehicles from certain federal motor carrier regulations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael B O'Brien for Transportation: The main bill would exempt agricultural and farm vehicles operating intrastate and registered in New Hampshire from federal regulations.

A public hearing was held on the non-germane amendment. The amendment will allow military personal and dependents who are deployed outside of New Hampshire or overseas as well as government employees who are deployed overseas to renew their driver licenses by mail. This amendment will help our military families as well as overseas government employees maintain their motor vehicle connection to New Hampshire during deployment. **Vote 16-0.**

WEDNESDAY, MAY 22 REGULAR CALENDAR

COMMERCE AND CONSUMER AFFAIRS

SB 126-FN, relative to business practices between motor vehicle manufacturers, distributors, and dealers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward A Butler for the **Majority** of Commerce and Consumer Affairs: This bill modifies RSA 357-C the “Dealer Bill of Rights” (“DBR”) which has been on the books for 40 years. The DBR already covers off-highway recreational vehicles, snowmobiles, cars, trucks, motorcycles, and RV’s. The DBR governs the relationship and business practices between manufacturers and NH dealers. This law was originally passed out of recognition that the manufacturers were abusing their power in the relationship and that NH businesses and consumers were being harmed as a result. Dealers cannot, of course, simply drop one franchise and add another. This is not a free market that dealer-owners operate in. All 50 states have nearly identical laws and all but one provision (dealer files) in SB 126 are based on those laws. The current law and SB 126, seeks to continue to level the playing field for NH businesses and ensure consumers interests are safeguarded as well. The committee heard extensive testimony showing the dealer-manufacturer relationship is broken: contracts and terms are non-negotiable, programs are dictated, and costs are shifted onto dealers and ultimately consumers. The committee encouraged the two parties to work to compromise on several issues. Some compromise was reached before subcommittees met and more was achieved during extensive subcommittee work. First was moving tractor & equipment dealers from their current RSA 347-A into RSA 357-C. 347-A has been on the books for 18 years and when passed did not result in major changes to business as usual in the state or their contracts. The relationship between equipment dealers and manufacturers is identical to that of car/truck dealers: nearly duplicate one-sided, non-negotiable contracts and an autocratic relationship. Equipment dealers also have business operations that are nearly identical in all respects to car/truck/motorcycle etc. dealers. Three times the committee or subcommittee rejected by large margins amendments to strip out equipment dealers. The last vote was 14-3. The committee was reminded during deliberations that snowmobile and off-road RV dealers were added to RSA 357-C in 2002 without ensuing problems. Second, access to dealer files was heavily scrutinized and amended. It now only allows annual access to routine business reports upon written request. If a dealer is failing it only makes sense that they receive notification, and a chance to improve performance or challenge findings, before significant problems develop or a termination notice arrives in the mail. Third, limiting mandatory facility upgrades to every 15 years was much discussed. The committee kept the 15 year limit, as approved by the Senate, as there was no proof of return on investment for 5 or 10 year upgrades. Average upgrade costs are \$3.6 million; the average loan is 20 years; and depreciation write-off is as much as 39 years. The committee was concerned that consumers would pay more for cars if manufacturers continued to demand short turnaround renovations from some of their dealers. The 15 year limit will be waived if the manufacturer agrees to pay for 65% of the cost. The “buy local” sourcing of goods and services was modified to ensure that manufacturers give final approval of vendors, protect their intellectual property and are able to maintain the same overall design. Measuring the dealer in their performance is made more transparent through the bill. The bill also reaches a solution to eliminate a dealer from being penalized when a vehicle is illegally exported, which we heard from State Police is a serious problem in NH. The amendment requires both parties to work to identify exports happening in a dealer’s marketing region. The committee also heard that some, but not all, manufacturers are following the current UCC which requires manufacturers to appropriately pay for warranty parts. To ensure the current law is followed, the bill adopts a formula used in at least 15 other states. Safeguards were put in place to allow the manufacturer to ensure the right amount is paid. Finally, the committee adopted similar language to the Maine law regarding the surcharge prohibition which was held constitutional in 2004. **Vote 15-2.**

Rep. Catherine Mulholland for the **Minority** of Commerce and Consumer Affairs: By rolling the equipment dealers into the same chapter, 357-C, as the automobile dealers and repealing chapter 347-C which has hitherto governed the contractual relationships between equipment dealers and their manufacturers, this legislation runs the risk of nullifying those contracts and being open to constitutional challenge. The purpose of this amendment is to defer legislation governing equipment dealers by removing them from SB 126 as it stands, with the intention of bringing back a bill in 2014 adapted specifically to those elements of 347-C which equipment dealers feel they need to “level the playing field”. The contention that automobiles and agricultural and construction equipment all belong collectively together because they fall under the same distribution network ignores the fact that automobiles are primarily directed toward the consumer, whereas farm and construction equipment are business investments. The markets are dissimilar although the marketing model may serve both. The economic cycles do not coincide and the economic collapse and consequent bankruptcies of GM and Chrysler in 2009 have put very different pressures on those manufacturers to succeed. New Hampshire wants to be business friendly, but not so protectionist as to kill the goose that lays the golden egg. Ultimately the dealer has a contractual agreement which guarantees an inventory for sale. If he does not like the terms, he had better quit.

FISH AND GAME AND MARINE RESOURCES

SB 89, relative to the definition of lead fishing sinkers and jigs and the penalties for prohibited sales of lead fishing sinkers and jigs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David H Kidder for the **Majority** of Fish and Game and Marine Resources: This bill closes a gap in current lead fishing tackle law by making the standard for lead jigs the same as it is for lead sinkers, in effort to reduce adult loon mortality. We heard six hours of testimony from experts saying that lead does kill loons and that lead fishing sinkers and jigs one ounce in weight and under are still the largest known cause of adult loon mortality. As amended, the bill has a three year phase-in to minimize impact on anglers and tackle retailers by providing them time to switch to non-lead tackle. This bill is a reasonable measure to protect an important part of our state's natural beauty and tourism economy. **Vote 9-6.**

Rep. Elisabeth N Sanders for the **Minority** of Fish and Game and Marine Resources: While the minority acknowledges that lead is toxic, we believe this bill is premature and not warranted at this time. The committee issued an Interim Study report on 10/31/12 stating that, after much discussion, new legislation was NOT recommended in 2013 so a Fish and Game Steering Committee could review all the evidence. Despite last year's interim study report, SB 89 was introduced on January 3, 2013. Adult loon deaths by lead vary from year to year, with an average of 5.3 per year; no one wants to see loons die, but we are not convinced that this bill will reduce that number. A ban on lead sinkers and jigs has been in effect in NH since 2000. The current NH law is the most restrictive of any state. This bill would make NH law even more restrictive and presents significant concerns regarding the impact on our economy and on recreational activities. There are numerous unanswered questions, including the issue of enforcement both in the use and sale of banned lead tackle, and the substantial, additional taxpayer costs associated with this enforcement. The minority, with the support of our fish and game department, would prefer to defeat this bill and see the existing steering committee continue to engage all stakeholders to work together during 2013 to ensure that everyone can enjoy the wildlife resources in our state with effective legislation through a consensus.

SB 122-FN, establishing a commercial shrimp license. **OUGHT TO PASS.**

Rep. Stephen M Ketel for Fish and Game and Marine Resources: New Hampshire, Maine, and Massachusetts, the three states in the Northern Shrimp Section of the Atlantic States Marine Fisheries Commission, are cooperating to manage the Northern Shrimp fishery. The Northern Shrimp fishery is vulnerable and New Hampshire's stake in the fishery is threatened by a large increase in the number of boats coming out of Maine. The commission's management plan involves limiting the number of additional boats beyond historical numbers that harvest northern shrimp. A shrimp license is needed for this plan to work and New Hampshire is the only state that lacks a license specifically for shrimp. Without this bill, New Hampshire's stake in the fishery is likely to decrease significantly. The committee heard testimony that industry is in support of the bill. **Vote 12-1.**

JOINT COMMITTEE OF FINANCE AND WAYS AND MEANS

SB 152-FN-A-L, relative to video lottery and table gaming. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Jane Wallner for the **Majority** of the Joint Committee of Finance and Ways and Means: SB 152 proposes to license one "high end, highly regulated" casino for a one-time \$80 million licensing fee and future tax rate of 30% on up to 5,000 slot machines and a 14% tax rate on up to 150 table games. In exchange for being able to award a license and receive the fee in the next budget cycle, the bill short circuits the regulatory process that would ensure a casino would indeed be "highly regulated" and able to serve the best interests of the people of New Hampshire. In addition, despite the claims of supporters that we need gambling revenues to fund essential safety net services, SB 152 does exactly the opposite, creating restricted revenue streams rather than putting the money in the general fund where it can be spent on the important state programs our constituents care most about. Finally, this bill asks us to balance new jobs with an increase in social problems and costs in ways that are not well-quantified.

The majority believes the bill does not create a meaningful regulatory structure or process necessary for effective checks and balances. The regulatory provision contains numerous significant weaknesses and deficiencies that could not be fully understood or addressed during a month-long subcommittee process. The bill vests the Lottery Commission, a three-person, part time board, with the primary responsibility to provide oversight and adopt regulations and enforce regulations. At the same time, it does not give the Attorney General enough regulatory oversight to ensure the public interest is adequately protected. In order to get the \$80 million fee in the next biennium, it creates an arbitrary and unreasonable timeline, commencing the licensing process before the Lottery Commission has enough time to write rules and adopt them through the JLCAR process. The timing is not long enough to allow for a reasonable expectation of accepting multiple applications to operate a casino, again short-circuiting the robust and competitive process that would increase the probability we

would get the best casino deal. Finally, the bill ignores the recommendations of the Gambling Commission issued in 2010, which stated emphatically that a strong regulatory infrastructure must be in place before the licensing process can begin. SB 152 puts the cart before the horse, thus failing to protect our interests in the way we should expect.

The majority is also concerned about the bill's revenue provisions. If the purpose of casino gambling is to create a robust, sustainable revenue stream into the future, SB 152 probably does not achieve that goal since it appears to sacrifice long term revenue for a one-time payment. Specifically, a lower licensing fee combined with higher tax rates would likely maximize revenue for the state. Other states have used a bidding process to find the highest rate and employed consultants to help create a financial structure. SB 152 does neither. In addition, the minimum required investment is not high enough to generate the highest revenues we could reasonably expect. SB 152 grants a "forever" license for a low renewal fee due every 10 years. A more prudent approach would be to increase the length of the license and then require a higher fee through a competitive re-licensing process. The bill also misses an opportunity to share some of the profits if the casino's ownership changes hands, allowing all potential profit to be tax-free. The majority is also disturbed by the bill's failure to make future revenues available in the operating budget, instead creating only restricted revenues. The funds are dedicated to support highway debt (a proposal that the State Treasurer says is not feasible), an ill-conceived North Country Economic Development Fund with absolutely no oversight or accountability, the university system, millions to the local communities and, finally, a dedicated funding stream to treat gambling addiction that is either too high or too low but certainly not based on any facts.

Part of the argument for a casino is that it would be just one. We should remember the potato chip example; no state has stayed with just one casino. Proliferation is not just certain; it is actually contemplated in the bill through the creation of a study commission with members without specific qualification but with a charge to evaluate whether "additional licenses should be issued for gaming locations." The lure of jobs is a key selling point for supporters, but there is no guarantee that these jobs would go to NH residents, especially with a location on the southern border, and a neighboring state with a more densely concentrated population and a higher unemployment rate. The majority is concerned about the cannibalization of existing local businesses. The total amount of entertainment spending is finite, and, unlike with local businesses, the majority of business profits of this new venture will be sent out of state and out of our economy. Finally, the number of NH residents with gambling addiction will rise, and with it the cost to government and families.

For all these reasons, the majority of the committee believes that, while no bill is perfect, SB 152 is not good enough. There are still too many unknowns. The state made a short-sighted decision when it did not spend money appropriated in the last budget to hire experienced consulting assistance that could have answered many of the questions. This bill does not have the regulatory infrastructure to ensure protection of the public interest, it does not maximize revenues or put them in the right place, and it affects New Hampshire's brand and quality of life in ways that are impossible to measure and, therefore, impossible to adequately protect. **Vote 23-22.** Rep. Peter Leishman for the **Minority** of the Joint Committee of Finance and Ways and Means: SB 152 will strengthen New Hampshire's (NH's) economy, generate millions of dollars in new revenue, reduce the outflow of NH dollars to other states, and create thousands of NH jobs by authorizing the licensing of one highly regulated, high-end destination casino through a competitive bidding process. A recent poll shows that 63% of our citizens support expanded gambling. They prefer job creation and a voluntary tax on those who choose to gamble over any other alternative revenue source.

If the ITL is overturned, an amendment crafted by the minority that will significantly strengthen the bill will be offered. Changes will ensure that appropriate regulations are in place when needed, the application process is fair to all prospective bidders, stringent background checks are completed, close oversight and enforcement is provided to deter criminal activity, and any undue influence is prevented. Additional changes will also encourage the hiring of NH residents, enhance protections for charitable gaming and existing entertainment venues, and encourage energy efficient construction and the provision of child care.

If SB 152 as Amended does not pass, NH will not receive \$130 million per year in gaming revenue, existing NH revenue will decline by \$24 M per year due to reduced room and meals tax and lottery sales, our citizens will spend their gaming dollars in Massachusetts rather than NH, some of them will return home to NH suffering negative social consequences, and our charities will suffer a major decline in contributions.

With Massachusetts aggressively moving forward with expanded gambling, if New Hampshire does not develop a plan, the New Hampshire Center for Public Policy Studies concluded that the state will lose \$75 million a year to Massachusetts in rooms & meals, lottery and social costs.

The legislation as amended will provide new monies for the General Fund and support basic safety net and other critical services such as school building aid, higher education, uncompensated hospital care, and economic development assistance to the North Country. If an amended casino bill is not passed, the House will have little or no leverage to support the House Budget position when the committee of conference process moves forward with its priorities for major (i.e., \$140 M to \$300 M) cuts in the House Budget.

The minority urges you to give New Hampshire the chance to move forward now, before the opportunity to maximize revenue while reducing unfunded social costs is lost.

JUDICIARY

SB 96, relative to vexatious litigants. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Woodbury for the **Majority** of Judiciary: This bill as amended expands upon RSA 507:15 by defining a “vexatious litigant” as a person found by a judge as having filed three or more frivolous lawsuits with the purpose of harassment. The court may require a vexatious litigant to either retain an attorney or person of good character or to post a bond to cover all attorney fees and anticipated damages. Furthermore, this bill makes clear that the inherent power of courts to grant other appropriate relief, as they have in the past, is unimpeded. **Vote 11-6.**

Rep. Gary S Hopper for the **Minority** of Judiciary: If this bill passes, a person who is found by the judge to have filed three or more frivolous law suits can be found to be vexatious and required to hire or find an attorney or person of good character to represent him or post cash or a bond before he may engage in further litigation. Although the intent of the bill is noble, in the opinion of the minority it runs afoul of the New Hampshire Constitution. Part I, Article 14 clearly says, “Every subject of this state is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character; to obtain right and justice freely, without being obliged to purchase it;”

A person in New Hampshire can be denied his or her constitutional right but that is only after they have been tried and found guilty. The proper way to achieve these ends would be finding someone guilty through the trial process and then have them punished accordingly.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 100, authorizing electronic payment of payroll. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Douglas A Ley for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill authorizes employers to limit pay options to either direct deposit or issuance of digital payroll cards. It thereby reduces employee wage payment options, eliminating payment via a paper check. At present, nothing prevents employers from incentivizing payroll choice options and thereby encouraging employees to choose electronic methods over paper checks. Consequently, the majority prefer incentives and choice rather than mandate. Finally, there were repeated concerns expressed before the committee regarding hidden and excessive fees tied to payroll card usage and the vulnerability of less digitally savvy groups to incur such fees imposed by “brand” cards such as Visa or MasterCard. As for small employers, their cost savings would likely be minimized with a change over to payroll cards, as they will not be in as strong a position to negotiate lower costs with the companies issuing payroll cards. Therefore, on grounds of choice, incentive, and costs to employees, the majority support ITL. **Vote 13-7.**

Rep. Gary L Daniels for the **Minority** of Labor, Industrial and Rehabilitative Services: This bill allows employers to pay via electronic payroll cards instead of issuing paper checks for cost saving purposes. In considering the benefits of this proposal, the committee did not dispute that there were only two things that could be done with a paper check - deposit it or cash it. The minority ensured that both of these options were available with a payroll card and recognized that any cost savings to the employer could potentially enhance the benefits to employees.

SB 143-FN, relative to benefits for unemployed persons who are attempting to establish a business. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE**

Rep. Sally H Kelly for the **Majority** of Labor, Industrial and Rehabilitative Services: This bill, the “Pathway to Work” promotes and encourages new business development in our state by enabling qualified unemployed workers to commit full time to developing their own small businesses while continuing to receive their earned unemployment benefits. No more than 2.5% of NH workers receiving regular unemployment compensation can qualify for “Pathway to Work” at one time. Those selected will work closely with NH Small Business Administration Development Center to create a viable business plan, receive business counseling, training, etc to help ensure a more successful outcome. After 5 years, 80% of SBDC counseled businesses are still in business; this contrasts with the 44% survival rate of non-assisted businesses. In addition, the “Pathway to Work” program must not result in any cost to the unemployment trust fund in excess of the cost that would be incurred if the state had not participated in the “Pathway to Work” program. There are currently 9 other states with similar job creation programs, to the one this legislation will provide. **Vote 11-9.**

Rep. Jack B Flanagan for the **Minority** of Labor, Industrial and Rehabilitative Services: SB 143 is a bill that affects about 12 unemployed workers a year. It also allows them to continue to collect unemployment benefits even though they can make unlimited money while collecting unemployment. Additionally, a laid off worker could potentially compete with his previous employer with the state's help. SB 143 is redundant, in that all opportunities available in the bill are available to the employee already. SB 143 grows government even though services are already available at no cost.

SB 153-FN, relative to legislative approval of collective bargaining agreements entered into by the state. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Charles F Weed for the **Majority** of Labor, Industrial and Rehabilitative Services: The majority of the committee believes that the general court currently has general oversight in monitoring cost items negotiated between the state and public employees through the budget process. Additionally, this bill has the potential of politicizing the bargaining process and of enabling micro-management of carefully negotiated contract items that had been deliberated by experienced negotiators over a period of many months. In addition, the language of SB 153 gives authority to the Fiscal Committee to approve "cost items" of every contract negotiated by public employees and the state. This could nullify parts of previous contracts negotiated in good faith in historical bienniums. Finally, neither the sponsor nor any other testimony heard claimed there was a problem that needed fixing. **Vote 11-9.**

Rep. J. Tracy Emerick for the **Minority** of Labor, Industrial and Rehabilitative Services: Currently there is no check and balance at the state level for legislative approval of collective bargaining agreement. All other levels of government (county, city, town, and schools) require legislative approval. The state should use the same approach to maintain the integrity of the process.

MUNICIPAL AND COUNTY GOVERNMENT

SPECIAL ORDER

SB 11-L, relative to water and sewer utility districts and water or sewer utility districts. **OUGHT TO PASS.**

Rep. Kris E Roberts for Municipal and County Government: The General Court has recognized that that New Hampshire's water supply is a limited and precious public resource. To ensure that our water supplies are to be protected, conserved, and managed in the interest of present and future generations, the state has enabled municipalities to protect water supplies and provide sewer utility services in compliance with federal, state, and local requirements by entering into agreements that provide for efficient means of collectively financing and operating such services. There are nearly a dozen different New Hampshire statutes that address mechanisms to expand water and sewer systems and service, assessing for those services, providing a clear and unified method of appealing those assessments, development of separate funds or combined utility funds that are non-lapsing or what type of governing body, to name a number of important issues. However, many of the existing statutes have their origins in the 1800's and have been amended to address the clean water act. As a result of federal budget deficits, federal funding has been greatly reduced for water and sewer projects but not the legal and public health and safety requirements. Municipalities such as Stratham need to make upgrades, others need to replace their water and sewer systems, some over a hundred years in age, with limited federal and state funding thus requiring them to fund the majority of the cost through local users. Tinkering with the patchwork of existing statutes (RSA 31:120, 35:7, 38, 38-C, 53, & 149-1) will only serve to frustrate the communities abilities to be pro-active. SB 11 is enabling legislation allowing municipalities, particularly municipalities that have no legacy of providing these services, to choose a more concise and unified statutory framework that meets their need as a community rather than forcing towns and cities to adapt their needs to conform to an outdated statutory framework. SB 11 will enable municipalities to establish water and/or sewer utility districts to provide services at a more intensive level than is provided in the balance of the municipality. By doing so, it will provide funds for capital expenditures towards constructing, operating, and maintaining those utilities; and authorizes the establishment a system of fair charges to owners and users of property within such water and/or sewer utility districts. The bill also fosters regional approaches to providing these utility services in multiple municipalities should they mutually agree to do so by enabling municipalities to enter into inter-municipal agreements detailing the regional effort." **Vote 18-0.**

SCIENCE, TECHNOLOGY AND ENERGY

SB 31, relative to a ban on the incidental combustion of untreated wood at municipal transfer stations. **OUGHT TO PASS.**

Rep. Marjorie J Shepardson for Science, Technology and Energy: Since 2007, towns have implemented alternative management methods (other than burning) for most of their construction and demolition debris, but they were allowed to temporarily continue burning incidental amounts of untreated wood. This bill would allow municipal solid waste transfer stations to continue to burn small amounts of untreated wood since it does not appear to be an impediment to alternative C & D management methods. **Vote 18-1.**

SB 179, clarifying the definition of "renewable generation facility" for purposes of payments in lieu of property tax payments. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Aboul B Khan for the **Majority** of Science, Technology and Energy: This bill amends RSA 72:73 to include a definition of what qualifies as a primary energy source for "renewable generation facilities" for the purpose of entering into a payment in lieu of taxes agreement between the owner of a renewable generation

facility and the governing body of a municipality. The majority agreed on an amendment that creates a new definition to be written into session law that differentiates “waste to energy facilities” (that combust municipal waste, including plastics) from “renewable generation facilities”. The amendment would allow the two currently operating waste to energy facilities in New Hampshire to continue participating in payment in lieu of taxes agreements. Members of the committee felt that incineration of trash for electric power generation could not reasonably be defined as “renewable” since it creates a disincentive for the recycling of many energy dense plastics, which are derived from non-renewable petroleum. **Vote 14-4.**

Rep. Jacqueline A Cali-Pitts for the **Minority** of Science, Technology and Energy: The minority of the committee felt that the close ties to renewable energy was inappropriate. The committee was not in favor of trash to energy being considered renewable and the reference to RSA 72:74 is too close. This particular provision was written for two plants and will be difficult to find as it will not appear in RSAs.

TRANSPORTATION

SB 20, making modifications to the DWI ignition interlock program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gladys Johnsen for the **Majority** of Transportation: This bill was a request from the department of safety to make various modifications to the existing DWI ignition interlock program. The bill amends RSA 265-A:37 with the following:

Upon satisfactory proof that a person who is restricted by law to drive only a motor vehicle equipped with an ignition interlock device while having an alcohol concentration of greater than .02, the department, after a hearing, may impose for each occurrence an additional period of up to one year following the expiration of the original interlock order during which the person shall be restricted to driving only a vehicle with an ignition interlock device.

In addition, the bill amends RSA 265-A:37 to add to the crime of ignition interlock circumvention to knowingly assisting a person to circumvent an interlock. Moreover, it will be an offense to violate an administrative interlock order or the person subject to an interlock drives a vehicle with an interlock device that has been tampered with.

This bill also removes periodic reports from being provided to the probation office or arresting agency and requires this be sent to the director of the division of motor vehicles, interlock coordinator, and the court of jurisdiction.

Finally, the amendment to RSA 265-A:40 will allow an out of state resident convicted of DWI to complete the required treatment in their home state. Such counseling must comply with certain requirements and be monitored by a NH impaired driver care management program.

The purpose of an interlock program is to provide an alternative to a longer jail sentence, keeps offenders licensed and insured, allow offenders to work, support families, and remain productive members of society, plus encourages participation in treatment and separates drinking from driving, and thereby, enhances public safety. **Vote 15-1.**

Rep. Tim O'Flaherty for the **Minority** of Transportation: Although this bill addresses an error in current law regarding the ignition interlock device, the committee in its haste neglected several issues. This bill authorizes the department of safety to have a camera installed in private vehicles in order to monitor compliance with the law. Passengers as well as drivers can be photographed and tracked via GPS, perhaps without the knowledge of the passengers. Photographs and location data will be stored for an excessively long 36 months on the servers of a private company and by the DOS. Access to this information is not restricted in the bill and could extend to anyone in the employ of the interlock contractor or DOS. The state could face liability issues should this sensitive information be made public, or, perhaps used for malicious purposes. More troubling is the amount of discretion given the DOS to call for hearings in which it acts as judge and prosecutor. In current practice the department of safety reports violations to the police or court officials who will decide whether or not to prosecute the matter, as it should be. This bill, requested by the DOS, reaches too far for power that could be abused. Should the participant in the interlock program feel the DOS verdict is unjust, his or her only recourse is to appeal to the state Supreme Court. Proponents of this bill from the DOS ask us to trust their discretion and impartiality while also revealing a bias, saying that this bill will only affect “bad” people. The department admits that due to lax enforcement the common practice among interlock participants is to test the device by repeatedly trying to start the vehicle while over the legal blood alcohol level. The fault here is with the DOS which has had little enforcement oversight and only recently hired an interlock coordinator. New legislation empowering the DOS to hold hearings is not required to resolve this problem. Better enforcement of current law which respects the divisions between the judicial and executive branches is needed.

SB 47, relative to a surviving spouse's right to retain a Purple Heart plate. **OUGHT TO PASS.**

Rep. Candace C W Bouchard for Transportation: The majority of the committee voted to honor and respect the request from the Region 1 Commander and Adjutant of the Military Order of the Purple Heart (MOPH). Region 1 is the order that represents New Hampshire. Also, the voting member representing MOPH on the State Veterans' Advisory Council voted in favor of passing this bill.

Passing this bill will not set a unique precedent. Currently the spouses of Prisoners of War and Pearl Harbor survivors are allowed, upon death of their spouse for as long as he/she lives, unless he/she remarries, to keep the veteran's license plate. Passing this bill would allow the surviving spouse of a Purple Heart Veteran the same respect.

The surviving spouse would still have to pay all required registration fees.

New Hampshire is the only New England state that does not allow the surviving spouse to retain the Purple Heart license plate.

Nationwide there are more than 30 states that allow the surviving spouse to keep the plate. Passing this bill is an honorable show of support to our state's combat wounded. **Vote 13-4.**

SB 67, establishing a committee to examine the issue of statutory authority for all terrain vehicles, off highway recreational vehicles, and low speed utility vehicles to access public highways for food, fuel, and lodging. **OUGHT TO PASS.**

Rep. William J O'Neil for Transportation: This bill would create a committee to address several existing statutes that have caused confusion for several agencies with the registrations of low speed utility vehicles and OHRVs. This bill is supported by the department of safety (DOS) and the department of resources and economic development (DRED). **Vote 12-4.**

SB 165, repealing a prohibition relative to auxiliary state troopers. **OUGHT TO PASS.**

Rep. Karel A Crawford for Transportation: This bill repeals a prohibition relative to auxiliary state troopers. The state police auxiliary force is an important branch of the department of safety. The repeal would allow the retired law enforcement community to assist in certain fields of expertise, i.e. state house security, cold case files; and would do so in such a manner as the director may deem appropriate. The auxiliary state troopers force would be limited to 16 persons. The part time auxiliary trooper would be limited to 25 hours per week. **Vote 13-3.**

LAID ON TABLE

HB 116, relative to the powers of an executor or administrator to take control of a decedent's social networking websites. (Pending question: adoption of the Majority committee report of Inexpedient to Legislate.)

HB 344-FN-L, relative to aid to school districts for the cost of special education. (Pending question: adoption of the committee report of Inexpedient to Legislate.)

HB 420, establishing orange, red, and yellow as the state colors. (Pending question: adoption of the committee report of Ought to Pass.)

HB 576, establishing Franklin Pierce Day. (Pending question: adoption of the committee report of Inexpedient to Legislate.)

HB 615-FN-A, relative to the New Hampshire national guard recruitment and retention scholarship fund and making an appropriation therefor. (Pending question: adoption of the majority committee report of Inexpedient to Legislate.)

HB 619-FN, prohibiting images of a person's residence to be taken from the air. (Pending question: adoption of the committee report of Ought to Pass with Amendment.)

HB 638, recognizing the original Thirteenth Amendment to the United States Constitution. (Pending question: adoption of the majority committee report of Inexpedient to Legislate.)

HB 678-FN-A-L, relative to games of chance and establishing a gaming oversight authority and video lottery gaming. (Pending question: adoption of the report of Inexpedient to Legislate.)

HB 683-FN, relative to the retirement system status of the director and assistant director of the division of homeland security and emergency management. (Pending question: adoption of the report of Inexpedient to Legislate.)

HCR 3, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire.

HR 6, commemorating the 40th anniversary of the *Roe v Wade* Supreme Court decision and affirming support for its holding and principles.

HR 7, urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by entities created by law. (Pending question: adoption of the Majority committee report of Inexpedient to Legislate.)

HR 8, affirming revenue estimates for fiscal years 2013, 2014, and 2015. (Pending question: adoption of Ought to Pass.)

SCR 1, relative to special use permits in the White Mountain National Forest. (Pending question: adoption of the floor amendment (2013-1554h).)

2013 HOUSE BILLS AMENDED BY THE SENATE

HB 115, relative to the procedure for filling vacancy on a cooperative school district budget committee. (SJ 3/28/13)

HB 134, relative to contingency funds in towns. (SJ 3/28/13)

- HB 138**, permitting a town that has adopted official ballot voting to use a topical description of the substance of a warrant article for the adoption of ordinances on the official ballot. (SJ 4/18/13)
- HB 139**, relative to the time towns that have adopted official ballot voting have to approve bonding in solid waste management districts. (SJ 4/18/13)
- HB 142**, relative to teacher evaluation systems. (SJ 5/2/13)
- HB 155**, relative to the use of open source software by state agencies; including the department of information technology in the uniform electronic transactions act; and repealing the information practices act. (SJ 4/18/13)
- HB 160**, relative to a school district's transportation responsibility for pupils of divorced parents with joint decision making responsibility. (SJ 3/21/13)
- HB 161**, relative to school district policies on health and sex education. (SJ 4/18/13)
- HB 174**, prohibiting the department of safety from providing motor vehicle records for the purpose of creating or enhancing a federal identification database. (SJ 4/18/13)
- HB 177**, relative to licensing requirements for homestead food. (SJ 4/18/13)
- HB 183**, relative to processing absentee ballots. (SJ 5/2/13)
- HB 193**, relative to registration of vehicles by residents without a permanent street address. (SJ 3/21/13)
- HB 195**, relative to commercial driver learner permits. (SJ 3/21/13)
- HB 196**, relative to weight of commercial vehicles with idle reduction devices. (SJ 3/21/13)
- HB 204-FN-L**, relative to the removal of social security and other numbers from registry of deeds documents available on the Internet. (SJ 5/2/13)
- HB 232**, relative to the membership of the governor's commission on alcohol and drug abuse prevention, intervention, and treatment. (House Concurred 5/8/13)
- HB 235**, allowing counties to contract for professional real estate services for the sale or lease of county property. (SJ 3/21/13)
- HB 242**, relative to child passenger restraint requirements. (SJ 4/18/13)
- HB 252**, consolidating the property appraisal division and the municipal services division of the department of revenue administration. (SJ 5/2/13)
- HB 265**, relative to procedures by absentee voters. (SJ 5/2/13)
- HB 305**, establishing a committee to study the apportionment formula for cooperative school districts for towns with electric generation facilities. (SJ 5/2/13)
- HB 308**, relative to technical changes to election laws. (SJ 4/18/13)
- HB 313**, relative to the regulation of the compounding of drugs by pharmacists. (SJ 5/2/13)
- HB 327-FN**, relative to payment of attorneys' fees for indigent parents in termination of parental rights cases. (SJ 5/2/13)
- HB 353**, relative to the regulation of private investigators and security guards. (SJ 5/2/13)
- HB 361**, relative to worksharing. (SJ 5/2/13)
- HB 383**, relative to operation of OHRVs on the traveled portion of public highways, where permitted. (SJ 3/28/13)
- HB 391-FN**, establishing a committee to study options for mitigation of damages associated with highway noise. (SJ 4/18/13)
- HB 450-FN**, relative to the annulment of criminal records. (SJ 5/2/13)
- HB 488-FN**, changing the definition of "cigarette" under the tobacco tax to match the definition of "cigarette" under the Master Settlement Agreement. (House Concurred 5/8/13)
- HB 505**, relative to the economic development advisory council. (SJ 5/2/13)
- HB 513**, relative to the shoreland protection act. (SJ 5/2/13)
- HB 521**, establishing a committee to study New Hampshire election laws and procedures. (SJ 4/18/13)
- HB 522**, relative to duties of town treasurers. (SJ 4/18/13)
- HB 551**, relative to the composition and duties of the task force on work and family. (SJ 5/2/13)
- HB 556**, establishing a committee to study the resolution of barriers to the use of telehealth technology in New Hampshire. (House Concurred 5/8/13)
- HB 574**, increasing the size limitations for OHRVs operating on state-owned trails in Coos and Grafton counties. (House Concurred 5/8/13)
- HB 644-FN**, relative to parole procedures and relative to sanctions for violations of probation. (SJ 5/2/13)

2013 HOUSE COMMITTEE OF CONFERENCE PROCEDURES

The Chairmen of the policy committees will receive bills amended by the Senate and should check with their committees to determine whether to recommend that the House concur, non-concur, or non-concur and request a Committee of Conference.

When a committee requests that the bill be sent to a Committee of Conference, the Chairman will recommend members for appointment. If the bill has gone to more than one committee, the members may come from the different committees as determined by the Speaker. Chairmen should recommend only those members from their policy committees. The Speaker shall make the final decision of Conference committee members, and the committee choices are generally limited to those who support the House position.

The **first named House member shall serve as Chairman of the House Conferees.** For House bills in Committee of Conference, **the House Conferee Chairman shall set the time and place of the first meeting with the Clerk's Office** and shall chair each meeting of the Committee of Conference. **Each meeting shall be posted in the Clerk's Office and outside the committee room at least 24 hours in advance.** [House Rule 43 (c)]. If a Committee of Conference meeting recesses, the reconvening time shall be posted in the Clerk's office and outside the committee room.

The House and Senate Conferees on a bill shall meet jointly but vote separately while in conference.

The Committee of Conference may not change the title of the bill. The Committee also may not add amendments that are not germane to the subject matter of the bill or contain subject matter that has been indefinitely postponed. A non-germane amendment is one in which the subject matter is not contained in either the House or Senate version of the bill. [House Rule 49 (g)]

The sponsor of a bill that is in Committee of Conference shall, upon request, be provided an opportunity to be heard.

A unanimous vote of both the House and Senate Conferees, voting separately, is necessary for an agreed upon report to be sent to the House and Senate.

Reports of all Committees of Conference **must be filed with the Office of Legislative Services by the June 20, 2013 deadline adopted by the House.** All Committee of Conference members **must sign their reports in the Office of Legislative Services by June 20, 2013 by 4:00 p.m.**

The **first-named House member on all bills in Committee of Conference must prepare an analysis of the report.** This "blurb" should contain a complete explanation of all changes made to the bill since it was passed by the House and must be submitted to the House Clerk for printing in the calendar.

All Committee of Conference reports shall be distributed in seat pockets to be acted on some subsequent day. [House Rule 49 (f)].

See House Rule 49 for more information

COMMITTEE MEETINGS

FRIDAY, MAY 17

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

9:00 a.m. Regular meeting.

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue Administration, 109 Pleasant Street, Concord

9:30 a.m. Regular meeting.

COMMITTEE TO STUDY LAWS RELATING TO CONDO AND HOMEOWNERS' ASSOCIATIONS (RSA 356-B:70), Room 202, LOB

1:00 p.m. Regular meeting.

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

11:00 a.m. Non-public session of the Complaint Review Committee.

1:00 p.m. Regular meeting.

SUNDAY, MAY 19

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

1:00 p.m. Regular meeting.

MONDAY, MAY 20

COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), NH Higher Education Assistance Foundation, 4 Barrell Court, Concord

10:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

RESOURCES, RECREATION AND DEVELOPMENT, Meet in LOB Lobby

8:30 a.m. Department of Environmental Services (DES) field trip to Franklin.

TUESDAY, MAY 21

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

- 10:00 a.m. Subcommittee work session on **SB 41**, revising the New Hampshire business corporations act, RSA 293-A.
- 10:30 a.m. Subcommittee work session on **SB 92**, prohibiting multiple prescription drug failures.
- 11:00 a.m. Executive session on **SB 41**, revising the New Hampshire business corporations act, RSA 293-A.
- 11:30 a.m. Executive session on **SB 92**, prohibiting multiple prescription drug failures.
- 1:15 p.m. Subcommittee work session on retained **HB 227**, relative to property and casualty insurance.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. **SB 198**, relative to the authority of county correctional officers.
- 11:00 a.m. **SB 173**, relative to criminal background checks for individuals volunteering or applying for employment at licensed child care facilities.

EDUCATION, Room 207, LOB

- 10:00 a.m. Executive session on **SB 27-FN**, relative to monitoring by the department of education of programs for children with disabilities, **SB 48**, relative to school performance and accountability and continued executives session and continued executive session on **SB 82**, establishing a commission to identify strategies needed for developing and implementing a competency-based public education system, **SB 97**, relative to high school equivalency and relative to illiteracy.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:00 a.m. Full committee work session on retained **HB 660-FN**, requiring the labeling of genetically engineered foods and agricultural commodities.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 1:30 p.m. Executive session on **SB 44**, relative to the disposal of controlled drugs by law enforcement officers, **SB 90**, establishing a committee to study developing a policy for veteran preference for government hiring, **SB 135-FN**, relative to the regulation of the practice of genetic counseling.

FINANCE – (DIVISION I), Room 212, LOB

- 10:00 a.m. Work session on **SB 119-FN-A**, directing the joint legislative historical committee to conduct a study of state house flag restoration and preservation.
- 10:30 a.m. Work session on **SB 124-FN**, establishing an integrated land development permit.

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

- 10:00 a.m. Subcommittee work session on retained **HB 494**, relative to the administration of glucagon injections for pupils.

Room 208, LOB

- 10:00 a.m. Subcommittee work session on retained **HB 476**, relative to medical care price disclosure and transparency, **HB 329-FN**, requiring purchasers of medical equipment to be notified of the actual cost of such equipment at time of sale.
- 10:45 a.m. Subcommittee work session on retained **HB 597-FN**, relative to mandatory drug testing for certain health care workers.

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

- 3:30 p.m. Regular meeting.

LONG-RANGE CAPITAL PLANNING AND UTILIZATION (RSA 17-M), Room 201, LOB

- 1:00 p.m. Continuation of the May 14 meeting.

RULES COMMITTEE, Room 307, LOB

- 2:00 p.m. Regular meeting.
Executive session to follow.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:00 a.m. Full committee work session on **SB 99-FN**, requiring the site evaluation committee to direct a study of site evaluation criteria and establishing a committee to study the criteria for siting of wind powered electric generating facilities, other electric generating facilities, and transmission facilities.
- 1:00 p.m. Continued executive session on **SB 98**, authorizing group net metering for limited electrical energy procedures and establishing a committee to study reimbursement rates for excess electricity generated by customer-generator groups, **SB 191-FN-A**, establishing a state energy strategy and executive session on **SB 99-FN**, requiring the site evaluation committee to direct a study of site evaluation criteria and establishing a committee to study the criteria for siting

of wind powered electric generating facilities, other electric generating facilities, and transmission facilities, **SB 123-FN-L**, relative to the use of proceeds from the regional greenhouse gas initiative program.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Meet in LOB Lobby

- 9:15 a.m. Transportation will be provided for meeting and tour at the NH Veterans' Home.
- 10:00 a.m. Meeting to discuss various Veterans' issues.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. **SB 14**, relative to the rulemaking authority and administrative fine authority for the department of resources and economic development.
- 10:30 a.m. **SB 155-FN-A**, requiring revenue from commemorative liquor bottles to be used for the preservation of state house Civil War battle flags.
- 11:00 a.m. **SB 189-FN**, relative to the licensure of fuel gas fitters and plumbers by a mechanical licensing board established within the department of safety and transferring regulation of plumbers to the mechanical licensing board.
- 11:30 a.m. **SB 134-FN**, relative to the division of higher education and the higher education commission.

WEDNESDAY, MAY 22

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 12:00 p.m. Or during the lunch break from session, executive session on **SB 3-FN**, eliminating certain ramp tolls on the Everett turnpike in the town of Merrimack, **SB 19-FN**, repealing provisions relative to the sale of the former Laconia state school property and eliminating a ramp toll on the Everett turnpike in the town of Merrimack.

THURSDAY, MAY 23

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

- 10:30 a.m. Subcommittee work session on retained **HB 585**, relative to insurance parity for optometrists.
- 11:30 a.m. Subcommittee work session on retained **HB 562**, relative to the interest rate on title loans.
- 1:15 p.m. Subcommittee work session on retained **HB 343-FN**, relative to laws regarding pawnbrokers.

COMMISSION ON PRIMARY CARE WORKFORCE ISSUES (RSA 126-T:1), NH Medical Society, 7 North State Street, Concord

- 2:00 p.m. Regular meeting.

FINANCE – (DIVISION III), Rooms 210-211, LOB

- 10:30 a.m. Public hearing on proposed amendment to **SB 129-FN**, relative to court-ordered placements in shelter care facilities and at the Sununu youth Services Center, relative to the children in need of services (CHINS) program, and establishing a committee to study programs for children in need. The proposed amendment (2013-1655h) adds the House-passed language for the Children in Need of Services program as contained in HB 260 as amended by the House. Copies of the proposed amendment are available from the Sergeant-at-Arms office.
- Public hearing on proposed amendment to **SB 129-FN**, relative to court-ordered placements in shelter care facilities and at the Sununu youth Services Center, relative to the children in need of services (CHINS) program, and establishing a committee to study programs for children in need. The proposed amendment (2013-1656h) adds \$5.3 million federal funds from the Consumer Assistance Grant awarded to the Department of Insurance to the operating budget for Fy '14. Copies of the proposed amendment are available from the Sergeant-at-Arms office.
- 11:15 a.m. Or immediately following the hearing, work session on **SB 129-FN**, relative to court-ordered placements in shelter care facilities and at the Sununu youth Services Center, relative to the children in need of services (CHINS) program, and establishing a committee to study programs for children in need.

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

- 10:30 a.m. Rescheduled long term care subcommittee regular meeting. Presentation and discussion: Care management of complex clients in a managed care environment. Ann Quemere, RN, Well Sense Health Plan.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Rooms 201-203, LOB

- 9:00 a.m. Full committee discussion with the Congressional Delegation.
- 1:00 p.m. Executive session on **SB 88**, relative to the Honor and Remember Flag as an official symbol to recognize and honor fallen members of the armed forces.

WAYS AND MEANS, Room 202, LOB

10:30 a.m. Subcommittee work session on **SB 75**, relative to games of chance.

FRIDAY, MAY 24**NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:2), Room 203, LOB**

10:00 a.m. Regular meeting.

TUESDAY, MAY 28**CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB**

10:00 a.m. Executive session on **SB 173**, relative to criminal background checks for individuals volunteering or applying for employment at licensed child care facilities, **SB 198**, relative to the authority of county correctional officers.

1:00 p.m. Full committee work session on retained **HB 480-FN**, relative to solitary confinement.

ELECTION LAW, Room 308, LOB

10:00 a.m. Executive session on **SB 76**, relative to disqualification of candidates, **SB 112**, requiring constitutional amendment concurrent resolutions to contain the language for the voter's guide, **SB 196-FN**, relative to the definition of push-polling.

FINANCE – (DIVISION II), Room 209, LOB

10:00 a.m. Work session on **SB 162-FN**, repealing the student tuition guaranty fund and making provisions for the disbursement of remaining funds, and relative to the membership of the higher education commission.

10:30 a.m. Work session on **SB 184-FN**, excluding conservation officers of the fish and game department from requirements for emergency medical and trauma services.

11:00 a.m. Work session on **SB 192-FN-L**, establishing a committee to study the establishment of a state infrastructure bank.

WEDNESDAY, MAY 29**FINANCE, Rooms 210-211, LOB**

10:00 a.m. Executive session on **SB 119-FN-A**, directing the joint legislative historical committee to conduct a study of state house flag restoration and preservation, **SB 124-FN**, establishing an integrated land development permit, **SB 129-FN**, relative to court-ordered placements in shelter care facilities and at the Sununu youth Services Center, relative to the children in need of services (CHINS) program, and establishing a committee to study programs for children in need, **SB 162-FN**, repealing the student tuition guaranty fund and making provisions for the disbursement of remaining funds, and relative to the membership of the higher education commission, **SB 184-FN**, excluding conservation officers of the fish and game department from requirements for emergency medical and trauma services, **SB 192-FN-L**, establishing a committee to study the establishment of a state infrastructure bank.

THURSDAY, MAY 30**RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB**

10:00 a.m. Subcommittee work session on retained **HB 545**, relative to rafting of boats.

MONDAY, JUNE 3**TASK FORCE ON WORK AND FAMILY (RSA 276-B:1), Room 207, LOB**

1:15 p.m. Regular meeting.

WEDNESDAY, JUNE 5**NEW HAMPSHIRE BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2), Room 100, Walker Building, 21 South Fruit Street, Concord**

2:00 p.m. Regular meeting.

FRIDAY, JUNE 7**ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 305-307, LOB**

9:00 a.m. Continued regular meeting.

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

10:00 a.m. Regular business.

MONDAY, JUNE 10**COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND SPECIES (RSA 487:30), Room 307, LOB**

10:00 a.m. Regular meeting.

FRIDAY, JUNE 14**STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD PROGRAM (RSA 99-E), Room 101, LOB**

9:30 a.m. Regular meeting.

FRIDAY, JUNE 21**ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 305-307, LOB**

9:00 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

MONDAY, JUNE 24**OIL FUND DISBURSEMENT (RSA 146-D:4), Room 305, LOB**

9:00 a.m. Regular meeting.

TUESDAY, JUNE 25**STATEWIDE EDUCATION IMPROVEMENT AND ASSESSMENT PROGRAM LEGISLATIVE OVERSIGHT COMMITTEE (RSA 193-C:7), Room 103, LOB**

10:00 a.m. Regular meeting.

FRIDAY, JUNE 28**ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 305-307, LOB**

9:00 a.m. Continued regular meeting.

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Room 308, LOB

1:00 p.m. Regular meeting.

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT (RSA 12-J), Rooms 205-207, LOB

9:30 a.m. Regular meeting.

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:2), Room 203, LOB

10:00 a.m. Regular meeting.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 303, LOB

9:00 a.m. Joint meeting with subcommittee.

OFFICIAL NOTICES**COUNTY DELEGATION NOTICE**

Grafton County Executive Committee will meet on **June 3, June 7, June 10, June 14** and **June 17** if needed at 9:00 a.m. at the Grafton County Complex in North Haverhill.

Rep. Andrew White, Chairman
Grafton County Executive Committee

Grafton County Delegation will meet on **June 24** at 10:00 a.m. for budget vote at the Grafton County Complex in North Haverhill.

Rep. Andrew White, Chairman
Grafton County Delegation

COUNTY DELEGATION NOTICE

Hillsborough County Executive Committee will meet on Thursday, **May 30**, 2013 at 8:30 a.m. at the Hillsborough County Complex, Bouchard Building, Goffstown, NH. Immediately following the Executive Committee meeting the Executive Committee Budget Review session will begin.

Rep. Mariellen MacKay, Clerk
Hillsborough Executive Committee

REVISED FISCAL NOTES

The following House and Senate Bills have a revised fiscal note: HBs 112, 142, 147, 177, 178, 184, 204, 233, 250, 252, 253, 259, 260, 261, 295, 304, 316, 317, 319, 320, 321, 322, 324, 325, 326, 327, 328, 330, 333, 334, 335, 336, 338, 339, 340, 341, 342, 343, 344, 370, 573, 376, 380, 382, 391, 394, 399, 431, 432, 434, 435, 437, 443, 445, 450, 456, 461, 462, 466, 473, 477, 478, 479, 481, 482, 484, 485, 486, 487, 488, 489, 490, 491, 493, 501, 507, 511, 526, 540, 563, 564, 570, 575, 581, 594, 595, 596, 597, 599, 600, 617, 621, 624, 628, 629, 630, 641, 642, 643, 644, 646, 648, 650, 651, 652, 654, 655, 656, 657, 658, 659, 660, 661, 663, 664, 665, 667, 668, 669, 670, 671, 672, 673, 676, 677, 678, 683. SBs 19, 27, 39, 99, 117, 119, 123, 124, 126, 129, 131, 132, 134, 135, 138, 146, 152, 153, 157, 160, 162, 189, 190, 192, 194, 196.

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. Amy S. Perkins, 49 Washington Street, Seabrook, New Hampshire 03874-4640.

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 House Republican Office will have "Office Hours" at the Legislative Office Building on Tuesday mornings through the remainder of the legislative session. Republican Office staff will be available to members from 9:30 a.m.- 11:30 a.m. in room 300A. Feel free to stop by if you have questions, requests or suggestions.

Rep. Gene G. Chandler

In recognition of your support, the New Hampshire Law Enforcement Officers Memorial Committee cordially invites you to the 21st Annual New Hampshire Law Enforcement Officers Memorial Ceremony. The ceremony will be held on Friday, **May 17**, 2013, beginning promptly at 10:00 a.m. on the memorial site in front of the Legislative Office Building. The ceremony will proceed rain or shine. Refreshments will be served immediately following the event. Please do not hesitate to contact either Timothy J. Acerno of Fish and Game at 603-271-3128 or Chief Michael Greeley of the Deerfield Department at 603-463-7258 if you have any questions.

Terie Norelli, Speaker

All pro-business members of the House are invited to attend the NH House Business Caucus meeting on Tuesday, **May 21** from 3:00 – 4:00 p.m. in Room 203, LOB.

Reps. Laurie Sanborn, Adam Schroadter and
Patrick Abrami

The Capitol Grange will meet on Tuesday, **May 21** at 3:30 p.m. in Room 303, LOB.
Rep. Tara A. Sad

All legislators and staff are invited to attend "Banding Together for New Hampshire's Oral Health," Annual Legislative Breakfast provided by the New Hampshire Oral Health Coalition. A hot breakfast will be served buffet-style **May 22** from 7:30 to 9:00 a.m. in the State House Cafeteria with food prepared by Elizabeth's Kitchen at the State House. Member displays will update you on the latest in oral health. you can view and learn about the Dental Simulator from the Dental School at the University of New England – staff from the No. Country Health Consortium will be on-site to show you how the simulator works.

Rep. Tom Buco

All legislators are invited to a luncheon sponsored by the Northern Pass Opposition. A question and answer session is scheduled for on **May 22**, 2013 during the lunch break. The session will be held in Rooms 305-307, LOB and lunch will be provided. If you will be attending, please RSVP to **susan.ford@leg.state.nh.us**, or **sueford06@gmail.com** by Monday, May 20, 2013.

Reps. Susan M. Ford and Neal M. Kurk

The Governor's Commission on Medicaid Care Management will meet on Wednesday, **May 22** at 1:00 p.m. in Rooms 301-303, LOB.

Terie Norelli, Speaker

The Propane Gas Association of New England is hosting its annual Outdoor Living Safety Day on the State House lawn on Thursday, **May 23rd** from 9:00 a.m.-2:00 p.m. 10 propane companies will be grilling and displaying propane powered vehicles. NH Clean Cities and the Fire Marshall will be in attendance as well. All are welcome."

Reps. Stephen J. Shurtleff and Gene G. Chandler

Members are invited to join Belknap County Republicans on the 8th annual Lincoln Day Dinner-Cruise on the M/V Mount Washington on Friday, **May 31**. Great event, beautiful setting, New Hampshire at its finest. Boarding will commence at 5:30 p.m. at Weirs Beach with return at 9:00 p.m. Tickets are \$50.00 and are available from Rep. Frank Tilton (**franktilton@gmail.com**, 528-8466) or other Belknap County representatives.

Rep. Franklin T. Tilton

The New Hampshire Soft Drink Association cordially invites all House members and staff to enjoy a hot breakfast on Wednesday, **June 5th** from 8:00-10:00 a.m. in the State House Cafeteria. Please come and see how the beverage industry in New Hampshire is delivering jobs, choice and recycling innovation for the people of New Hampshire. Experts will be on hand to demonstrate how plastic bottles are recycled and reused. It is a great demonstration to see. Please RSVP to **jgrimbilas@biancopa.com** See you there!

Reps. Stephen J. Shurtleff and Gene G. Chandler

All members of the Republican caucus are invited to the House Republican Alliance's weekly to be held Tuesdays from 8:30 -10:00 a.m. in Room 206, LOB.

Reps. Alfred Baldasaro, Carol McGuire and
Pamela Tucker

All are invited to attend the continuation of the weekly prayer group meeting on session days at 8:00 a.m. at the Upham Walker House, 18 Park Street, Concord.

Reps. Stephen Palmer, Warren Groen and
Stella Tremblay

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 **2013**. 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

DATE	TIME	GROUP	Group#/Grade
May 17	9:00	Salem Christian School	15/4
May 17	10:00/11:15 SH/SC	Memorial School – Newton	60/4
May 17	12:30	Newport Montessori School	12/4
May 17	1:30	Emerging Leaders in Communities of Color	10/adults
May 20	9:30/12:00	Hollis Brookline High School	116/HS
May 21	10:00/11:30	Pelham Elementary School	75/4
May 21	1:00	Camp Allen, Life Camp – Bedford	18/adults
May 22	9:30	Florence Rideout School – Wilton	44/4
May 22	10:45/11:45	Abbott Downing Elementary – Concord	88/4
May 23	9:30/10:45 SH/HM	Gossler Park School – Manchester	60/4
May 23	10:00	Whitefield Elementary School	40/4
May 23	11:00	Mount Washington Valley Leadership	18
May 23	12:00	St. Elizabeth Seton School-Rochester	20/4
May 24	9:00	New Hampton Community School	24/4
May 24	10:00	Lin-Wood School – Lincoln/Woodstock	25/4
May 24	11:15	Bristol Elementary School	37/4
May 24	12:00	Presentation of Mary Academy – Hudson	45/4
May 28	9:00	Merrimack Middle School	50/8
May 28	10:15/11:30 SH/HM	Hampstead Central School	100/4
May 29	9:00	Merrimack Middle School	50/8
May 29	10:00	Bridgewater Hebron School	24/4
May 29	11:30	Mountain Shadows School – Dublin	13/6
May 29	11:30	New Castle Elementary	12/3&4
May 30	9:30	Simonds Elementary School – Warner	30/4
May 30	10:00	World Academy – Nashua	18/3
May 30	10:00	St. Patrick's School – Jaffrey	12/4&3
May 30	11:30	Pittsfield Elementary School	45/4
May 31	9:00	Henniker Community School	40/4
May 31	10:00/11:30 SH/HM	Auburn Village School	71/4
May 31	12:00/12:30	Swasey Central School – Brentwood	70/4
June 3	9:30	Gilmanton Elementary School	38/4
June 3	10:30	Lincoln Akerman School – Hampton Falls	40/4
June 3	11:30	John Fuller School – North Conway	40/4
June 4	10:15/11:15 SH/HM	Birch Hill Elementary School – Nashua	90/4
June 5	9:00	Chichester Central School	36/4
June 5	10:15	Winchester Elementary School	55/4
June 5	11:30	Kensington Elementary School	30/4
June 6	10:15/11:30 SH/HM	Maple Ave. Elementary School – Claremont	65/4
June 7	9:00/10:30 SH/SC	Riddle Brook School – Bedford	60/4
June 7	11:30	St. Joseph's Regional School – Keene	14/4
June 7	11:30	Groveton Elementary School	28/4
June 10	9:00/10:30 SH/SC	Riddle Brook School – Bedford	80/4
June 10	11:30	Salisbury/Webster Elementary Schools	30/4
June 11	9:00	Pharmacy Students	15/adults
June 11	10:00/11:30 SH/HM	Interlakes Elementary School – Meredith	80/4
June 11	12:30	Edward Fenn School – Gorham	40/4
June 12	9:30/11:00 SH/HM	Maple St. School – Hopkinton	80/4
June 13	9:30	Saint Anselm College – New Leadership	25/col

DATE	TIME	GROUP	Group#/Grade
June 13	10:00/11:30	Woodman Park School – Dover	110/4
June 12	10:00	Dunbarton Elementary School	21/4
June 14	9:15	Ben Franklin Elementary School – Keene	33/4
June 14	10:30	Boscawen Elementary School	12/5
June 14	11:30	Wheelock Elementary School – Keene	32/4
June 14	12:30	William Allan Gardner School – Rochester	48/4
June 17	9:30	St. Antyhony's School – Manchester	20/4
June 18	10:30	Effingham Elementary School	18/4
June 18	1:30	St. Joseph's Cathedral Senior Group	12/SRS

WEDNESDAY, MAY 22

AMENDMENTS (LISTED IN

NUMERICAL ORDER) Floor

Amendment to SB 11-LOCAL (2013-1728h)

Proposed by Rep. Roberts

Amend RSA 31:134 as inserted by section 1 of the bill by replacing it with the following:

31:134 Statement of Purpose. The establishment of water and/or sewer utility districts will enable municipalities to provide property services at a more intensive level than is provided in the balance of the municipality; provide funds for capital expenditures towards constructing and maintaining those utilities; provide funds for the operation and maintenance of those utilities; and authorize the establishment of charges to owners and users of property within such water and/or sewer utility districts in an amount not to exceed the costs to the municipality of providing such utility services at levels over and above those provided in the balance of the municipality.

Amendment to SB 17 (2013-1585h)

Proposed by the Committee on Health, Human Services and Elderly Affairs - C

Amend RSA 126-W:1 as inserted by section 1 of the bill by replacing it with the following:

126-W:1 Commission to Study Palliative Care and Associated Quality of Life Initiatives; Membership; Duties.

I. There is established a commission to study palliative care and associated quality of life initiatives. The members of the commission shall be appointed within 45 days of the effective date of this chapter and shall be as follows:

- (a) One member of the senate, appointed by the president of the senate.
- (b) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The commissioner of the department of health and human services, or designee.
- (d) The commissioner of the insurance department, or designee.
- (e) A licensed hospice and palliative care physician, appointed by the New Hampshire Medical Society.
- (f) A licensed hospice and palliative care nurse, appointed by the New Hampshire Nurses' Association.
- (g) A licensed social worker specializing in palliative care, appointed by the New Hampshire chapter of the National Association of Social Workers.
- (h) A representative of a hospital with a dedicated palliative care program, appointed by the New Hampshire Hospital Association.
- (i) A representative of a Medicare certified home health and hospice agency, appointed by the Home Care Association of New Hampshire.
- (j) A representative of the New Hampshire Hospice and Palliative Care Organization, appointed by the organization.
- (k) A representative of spiritual care professionals specializing in palliative care, appointed by the New Hampshire Council of Churches.
- (l) A representative of a nursing home facility, appointed by the New Hampshire Health Care Association.
- (m) Two public members, appointed by the governor.

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

III. The commission's duties shall include, but not be limited to:

- (a) Assessing the general knowledge of the citizens of New Hampshire regarding palliative care and hospice services.
- (b) Evaluating the access, effectiveness, utilization, and timeliness of palliative and hospice care.

(c) Considering requiring continuing education credits for professional relicensure of health care providers involved with palliative, hospice, and pain management services.

(d) Reviewing options for increasing the knowledge and use by the public of advanced directives, including directions to the providers regarding life sustaining treatment.

(e) Discussing potential deficits in third party payments for hospice or palliative care services as a barrier for use of palliative and hospice care.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 60 days of the effective date of this section. Eight members of the commission shall constitute a quorum.

V. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library in the form of an interim report on or before November 1, 2013 and a final report on or before June 1, 2014.

Amend paragraph I of section 3 of the bill by replacing it with the following:

I. Section 2 of this act shall take effect June 1, 2014.

**Amendment to SB 20
(2013-1508h)**

Proposed by the Majority of the Committee on Transportation - R

Amend RSA 265-A:37 as inserted by section 4 of the bill by inserting after paragraph III the following new paragraph:

III-a. Upon satisfactory proof that a person who is restricted by law to drive only a motor vehicle equipped with an ignition interlock device has attempted to start a motor vehicle equipped with an ignition interlock device while having an alcohol concentration of greater than .02, the department, after a hearing, may impose for each occurrence an additional period of up to one year following the expiration of the original interlock order during which the person shall be restricted to driving only a vehicle equipped with an ignition interlock device.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 New Paragraph; Impaired Driver Care Management Programs; Out-of-State Residents. Amend RSA 265-A:40 by inserting after paragraph VIII the following new paragraph:

IX. Notwithstanding other provisions in RSA 265-A, out-of-state residents may elect to obtain required screening, evaluation, treatment, and education services in their legal state of residence provided that they register with a New Hampshire IDCMP and that the New Hampshire IDCMP:

(a) Ensures that screening, evaluation, and treatment services are provided by individuals possessing an International Certification & Reciprocity Consortium/Alcohol and Other Drug Abuse (IC&RC) sanctioned license, or, if the client resides in a non-IC&RC state, by individuals who are approved by that state for the purpose of license reinstatement subsequent to an alcohol or drug DWI conviction;

(b) Ensures that impaired driver education programs are provided by programs which are approved by that state for the purpose of license reinstatement subsequent to an alcohol or drug DWI conviction;

(c) Develops the service plan;

(d) Monitors compliance with the service plan and reports noncompliance to the division of motor vehicles and the sentencing court; and

(e) Determines whether the service plan has been completed and, if so, reports completion to the sentencing court, the division of motor vehicles, and the department of health and human services.

**Amendment to SB 85
(2013-1691h)**

Proposed by the Committee on Transportation - C

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

9 New Paragraph; Motor Carriers; Equipment; Exemptions. Amend RSA 266:72-a by inserting after paragraph III the following new paragraph:

III-a. Paragraph III shall not apply to intrastate transportation performed by the state, or any political subdivision of the state. However, nothing in this section shall prevent or inhibit any public employer from establishing internal policies making the motor carrier safety rules applicable to its vehicles and drivers.

**Amendment to SB 87
(2013-1701h)**

Proposed by the Committee on Health, Human Services and Elderly Affairs - C

Amend RSA 151:21-b, III(b) as inserted by section 6 of the bill by replacing it with the following:

(b) ~~[Assist in creating and maintaining a safe home environment in which care will be delivered.]~~
Create and maintain an environment that is safe and free from sexual or other forms of harassment by the client or others in the home. For the purposes of this subparagraph, an environment

is unsafe if conditions in and around the home imminently threaten the safety of the home health care provider personnel or jeopardize the home health care provider's ability to provide care.

Amend the bill by replacing all after section 9 with the following:

10 New Section; Discharge of Home Health Care Clients. Amend RSA 151 by inserting after section 26 the following new section:

151:26-a Discharge of Home Health Care Clients.

I. Except as provided in paragraph IV, a home health care provider shall provide a minimum of 14 days notice of the intent to discharge a client.

II. Written notice of discharge shall be provided to the client or the client's legal representative and included in the client's clinical record. A copy of the notice of discharge shall be provided to the ordering physician or authorizing health care provider, if any, and the case manager, if any. At a minimum, the notice shall include the following:

- (a) The reason for the discharge.
- (b) The effective date of the discharge.
- (c) The identity of and contact information for the service provider, if any, who is or will be taking on the care of the client.
- (d) The steps the client should take to reinstate services, if any.
- (e) The telephone number and contact information for the state and federal home health care regulatory agency.

(f) The following statement in bold type: "you have a right to appeal the decision to discharge you from home health care services. If you think you should not be discharged, you or your legal representative may request an expedited administrative hearing from the New Hampshire Department of Health and Human Services or you may file an appeal in superior or probate court. you also may register a complaint with the state and federal home health care regulatory agencies. If you have a legal representative that person may act on your behalf."

III.(a) A home health care provider may discharge a client if the client's needs can no longer be met by the home health care provider, if one or more of the following applies:

(1)(A) The client or the client's legal representative, the client's family, persons residing with the client, or the client's informal supports are non-compliant with or interfere with implementation of the plan of care and the scope and effect of the non-compliance or interference:

- (i) Has led to or will lead to an immediate deterioration in the client's condition, such that home health care will no longer be safe or appropriate; or
- (ii) Has made attainment of reasonable therapeutic goals at home impossible.

(B) In addition, the likely outcome of the non-compliance or interference has been explained to the client or the client's legal representative, to the client's informal supports, and to the case manager, if applicable, and the client continues to refuse to comply with, or others continue to interfere with, the implementation of the plan of care.

(2) The availability of home health care or community support services is no longer sufficient to meet the client's changing care needs.

(3) The home health care provider personnel with the required qualifications who were providing the client's care are no longer employed by the home health care provider and no other qualified personnel is or is expected to be available.

(b) The home health care provider shall make reasonable attempts, prior to discharge, to resolve the circumstances that may lead to a discharge under this paragraph. When a home health care provider determines that a client will require continuing care after services are discontinued pursuant to this paragraph, the home health care provider shall arrange for or assist the client to arrange for such services, to the extent practicable, and shall provide sufficient clinical information to the receiving entity to assure continuity of care and services. The home health care provider shall educate the patient on how to obtain further care, treatment, and services to meet his or her identified needs, as necessary.

IV.(a) A home health care provider may provide notice of discharge to a client in less than 14 days if:

- (1) The client requests services be discontinued or the client moves out of the service area.
- (2) An emergency discharge is mandated by the client's health care needs and is in accordance with written orders of the client's ordering physician or authorizing health care provider, if any.
- (3) The client no longer needs the services provided by the home health care provider, as confirmed by the client's ordering physician, authorizing health care provider, or case manager, as appropriate.
- (4) Conditions in or around the home imminently threaten the safety of the home health care provider personnel or jeopardize the home health care provider's ability to provide care, in accordance with paragraph V.
- (5) The client, the client's government payor, or the client's third-party payor ceases payment or denies authorization for further care and the client is unable or unwilling to pay for continued services or unwilling to apply for other available resources.

(b) No discharge shall be permitted if it is contrary to RSA 151:21-b or to the requirements of Titles XVIII or XIX of the Social Security Act, as applicable. The provider shall give notice of the discharge allowed under this paragraph, as soon as practicable.

V. Conditions in or around the home imminently threaten the safety of the home health care provider personnel or jeopardize the home health care provider's ability to provide care in the following situations:

(a) Conditions are known to exist in or around the home that would imminently threaten the safety of personnel, including but not limited to:

(1) Actual or probable physical assault.

(2) Continuing severe verbal threats which the individual making the threats has the ability to carry out and which create a reasonable concern for personal safety.

(3) Other circumstances that are likely to cause serious injury.

(b) The home health care provider has valid reason to believe that its personnel will be subjected to continuing and severe verbal abuse or sexual harassment, as defined in RSA 354-A:7, V, which will jeopardize the home health care provider's ability to secure sufficient personnel resources or to provide care that meets the needs of the client.

VI. A home health care provider that intends to discharge a client shall:

(a) Prepare a discharge plan designed to ensure a timely and safe discharge in consultation with the client or the client's legal representative, the client's ordering physician or other authorizing health care provider, if any, and any other professional involved in the plan of care, such as a case manager.

(b) In the event of an immediate discharge:

(1) Take appropriate measures to ensure client safety, including immediate notification of the client or the client's legal representative, the client's physician or other authorizing health care provider, if any, and other agencies known by the home health care provider to be involved in the provision of home health care services, including a case manager.

(2) If appropriate, make a report to adult protective services, in accordance with RSA 161-F, or to child protective services, in accordance with RSA 169-C, or to law enforcement authorities indicating the client's ongoing care needs and the reason for discharge.

(3) Provide written notification in accordance with paragraph II within 5 calendar days of the discharge.

VII.(a) A client of a home health care provider subject to discharge under this section may appeal to the department of health and human services or to the superior or probate court.

(b) The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to the proper conduct of administrative appeals under this paragraph.

11 Applicability.

I. The commissioner of the department of health and human services shall initiate the rulemaking required under RSA 151:26-a, VII(b) as inserted by section 10 of this act no later than 60 days after passage of this act.

II. Pending the adoption of the rules required by RSA 151:26-a, VII(b) as inserted by section 10 of this act, administrative appeals authorized pursuant to RSA 151:26-a, VII(a) shall be conducted in accordance with He-C 200.

12 Effective Date. This act shall take effect January 1, 2014.

Amendment to SB 89

(2013-1489h)

Proposed by the Majority of the Committee on Fish and Game and Marine Resources - R

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect June 1, 2016.

Floor Amendment to SB 89

(2013-1503h)

Proposed by Reps. J. Webb, F. Rice, Sanders and Burt

Amend the bill by replacing section 3 with the following:

3 Effective Date.

I. Section 2 of this act shall take effect June 1, 2019.

II. The remainder of this act shall take effect June 1, 2016.

Amendment to SB 96

(2013-1582h)

Proposed by the Majority of the Committee on Judiciary - R

Amend the bill by replacing section 1 with the following:

1 New Sections; Frivolous Lawsuits; Vexatious Litigants; Powers of Court. Amend RSA 507 by inserting after section 15 the following new sections:

507:15-a Vexatious Litigants.

I. In this section, "vexatious litigant" means an individual who has been found by a judge to have filed 3 or more frivolous lawsuits which the judge finds, by clear and convincing evidence, were initiated for the primary purpose of harassment.

II. The court may require a vexatious litigant to:

- (a) Retain an attorney or other person of good character to represent him or her in all actions; or
- (b) Post a cash or surety bond sufficient to cover all attorney fees and anticipated damages.

507:15-b Powers of Court. RSA 507:15 and RSA 507:15-a shall not be construed to diminish the inherent power of any court to grant appropriate relief not specified in those sections.

**Amendment to SB 126-FN
(2013-1699h)**

Proposed by the Majority of the Committee on Commerce and Consumer Affairs - R

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

1 Section Heading and Definition of Motor Vehicle. Amend the section heading and RSA 357-C:1, I to read as follows:

357-C:1 Definitions. ~~[As used in this chapter]~~ **For the purpose of this chapter only:**

I. "Motor vehicle" means every self-propelled vehicle manufactured and designed primarily for use and operation on the public highways and required to be registered and titled under the laws of New Hampshire~~[, not including farm tractors and other machines and tools used in the production, harvesting, and care of farm products]~~. **Motor vehicle shall include equipment if sold by a motor vehicle dealer primarily engaged in the business of retail sales of equipment.** Except for RSA 357-C:3, I-b, and where otherwise specifically exempted from the provisions of this chapter, "motor vehicle" shall include off highway recreational vehicles and snowmobiles. **Equipment means farm and utility tractors, forestry equipment, industrial equipment, construction equipment, farm implements, farm machinery, yard and garden equipment, attachments, accessories, and repair parts.**

2 Definition of Motor Vehicle Dealer. Amend RSA 357-C:1, VIII to read as follows:

VIII.(a) "Motor vehicle dealer" means any person engaged in the business of selling, offering to sell, soliciting or advertising the sale of new or used motor vehicles or possessing motor vehicles for the purpose of resale either on his own account or on behalf of another, either as his primary business or incidental thereto. **Motor vehicle dealer also means a person granted the right to service motor vehicles or component parts manufactured or distributed by the manufacturer but does not include any person who has an agreement with a manufacturer or distributor to perform service only on fleet, government, or rental vehicles.** However, "motor vehicle dealer" shall not include:

(1) Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under judgment, decree or order of any court; or

(2) Public officers while performing their duties as such officers.

(b) "New motor vehicle dealer" means a motor vehicle dealer who holds a valid sales and service agreement, franchise or contract granted by the manufacturer or distributor for the sale, **service, or both**, of its new motor vehicles, **but does not include any person who has an agreement with a manufacturer or distributor to perform service only on fleet, government, or rental vehicles.**

(c) **The term "motor vehicle dealer" shall not include a single line equipment dealer. "Single line" dealer means a person, partnership, or corporation who is primarily engaged in the business of retail sales of farm and utility tractors, forestry equipment, industrial and construction equipment, farm implements, farm machinery, yard and garden equipment, attachments, accessories, and repair parts, and who:**

(1) Has purchased 75 percent or more of the dealer's total new product inventory from a single supplier; and

(2) Has a total annual average sales volume for the previous 3 years in excess of \$100,000,000 for the relevant market area for which the dealer is responsible.

Amend the bill by replacing section 6 with the following:

6 Prohibited Conduct. Amend RSA 357-C:3, III(k) to read as follows:

(k) Compete with a motor vehicle dealer operating under an agreement or franchise from such manufacturer or distributor in the relevant market area; provided, however:

(1) If any manufacturer, distributor, distributor branch or division, or factory branch or division, either directly or indirectly, or through any subsidiary, affiliated entity, or person, owns, operates, or controls, in full or in part, a motor vehicle dealership in this state for the sale or service of motor vehicles in this state, the relevant market area shall be the area within the entire state of New Hampshire and, except for circumstances in which subparagraph (3) may apply, the New Hampshire motor vehicle industry board shall find good cause under RSA 357-C:9 before any such ownership, operation, or control shall be permitted. In addition to those factors listed in RSA 357-C:9, II, the board in such circumstances shall also consider in

its determination of good cause whether the proposed dealership will create an unfair method of competition to other franchisees of the same manufacturer, distributor, distributor branch or division, factory branch or division, subsidiary, or affiliated entity;

(2) That a manufacturer or distributor shall not be deemed to be competing when operating a dealership either temporarily, for a reasonable period in any case not to exceed 2 years; provided that if a manufacturer or distributor shows good cause, the board may extend this time limit and extensions may be granted by the board for periods of up to 12 months; or unless the manufacturer or dealer through a bona fide relationship in which an independent person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of such dealership on reasonable terms and conditions; ~~and~~

(3) A manufacturer that has no more than 5 franchised new motor vehicle dealers ~~[licensed to do]~~ **doing** business in this state and that directly or indirectly owns one or more of them shall not be deemed to be competing with any unaffiliated new motor vehicle dealer trading in the manufacturer's line make at a distance of 18 miles or greater provided that:

(A) All the new motor vehicle dealerships selling such manufacturer's motor vehicles trade exclusively in the manufacturer's line make;

(B) As of March 1, 2000, the manufacturer shall have directly or indirectly owned one or more new motor vehicle dealers in this state for a continuous period of at least one year; and

(C) Neither the manufacturer nor any entity in which the manufacturer has a majority ownership interest shall acquire, operate, or control any dealership that the manufacturer did not directly or indirectly own as of March 1, 2000; **and**

(4) A manufacturer or distributor that sells and services motor vehicles in New Hampshire and is licensed as a dealer in New Hampshire shall not be deemed to be competing with any dealer if no dealer or other franchisee sells and services the same line make in New Hampshire.

Amend the bill by replacing section 7 with the following:

7 Prohibited Conduct. Amend RSA 357-C:3, III(o) to read as follows:

(o) Change the relevant market area set forth in the franchise agreement without good cause. For purposes of the subparagraph, good cause shall include, but not be limited to, changes in the dealer's registration pattern, demographics, customer convenience, and geographic barriers[;]. **At least 60 days prior to the effective date of the revised relevant market area, the manufacturer or distributor shall provide the dealer whose relevant market area is subject to the proposed change, a reasonable and commercially acceptable copy of all information, data, evaluations, and methodology that the manufacturer or distributor considered, reviewed, or relied on or based its decision on, to propose the change to the dealer's relevant market area;**

Amend RSA 357-C:3, III(u) as inserted by section 9 of the bill by replacing it with the following:

(u)(1) Allocate vehicles, to evaluate the performance of a motor vehicle franchise, or to offer to a dealer any discount, incentive, bonus, program, allowance or credit (collectively "incentives"), using sales effective measurements that the manufacturer knows or reasonably should know includes exported vehicles, after being provided with notice and the opportunity to conduct an investigation as provided in subparagraph (u)(3). "Sales effective measurement" means a system that measures how effective a franchisee is at selling vehicles by comparing vehicle sales by that franchisee in the territory or geographic region assigned to the franchisee to vehicles sold in the same territory by other franchisees, or other similar methods of measurement. For the purposes of this section, "exported vehicles" are new vehicles that: (i) are titled in New Hampshire but not registered in New Hampshire or any other state; (ii) are titled and registered in New Hampshire but not issued a valid New Hampshire state inspection sticker; or (iii) are exported out of the country within 6 months of purchase.

(2) If a manufacturer uses sales effective measurements to allocate vehicles, evaluate a franchisee, or determine incentives, the manufacturer, upon the written request of one of its franchisees, shall, within 30 days, provide the vehicle identification numbers that the manufacturer possessed and used in the measurements during the time period requested by the dealer.

(3) If a manufacturer uses sales effective measurements to allocate vehicles, evaluate a franchisee, or determine incentives, a dealer may request that the manufacturer or distributor investigate a claim that exported vehicles are included in the measurements. To initiate the investigation, the dealer shall provide reasonable documentation that 8 or more exported vehicles were used in the measurements. Acceptable documentation shall include, but not be limited to, data from the division of motor vehicles and vehicle history reports from third party vendors. Within 30 days of the dealer's request, the manufacturer shall investigate the claim and adjust those measurements proportionately to exclude any exported vehicles and adjust the allocation, evaluation, and incentives. As part of the investigation, the manufacturer shall provide the dealer with any and all information, data, evaluations, methodology or other items, that the manufacturer or distributor considered, reviewed, or relied on, for the measurement. The manufacturer shall have the burden to prove that it has acted in accordance with the requirements of this subparagraph.

Amend RSA 357-C:3, III(v)(2) and (3) as inserted by section 9 of the bill by replacing them with the following:

(2) Prior to beginning any incentive or reimbursement program, the manufacturer shall provide in writing to each dealer of the same line-make that chooses to participate in the program the dealer's performance requirement or sales goal or objective, which shall include a detailed explanation of the methodology, criteria, and calculations used. The manufacturer shall provide each dealer with the performance requirement or sales goal or objective of all dealers participating in the program whose relevant market area includes territory within this state.

(3) A manufacturer shall allocate an adequate supply of vehicles, appropriate to the market, to its dealers by series, product line, and model to assist the dealer in achieving any performance standards established by the manufacturer and distributor.

Amend RSA 357-C:3, III(w) as inserted by section 9 of the bill by replacing it with the following:

(w)(1) Require a dealer to purchase goods or services from a vendor selected, identified, or designated by a manufacturer, factory branch, distributor, distributor branch, or one of its affiliates by agreement, program, incentive provision, or otherwise without making available to the dealer the option to obtain the goods or services of substantially similar quality and overall design from a vendor chosen by the dealer and approved by the manufacturer, factory branch, distributor, or distributor branch; provided that such approval shall not be unreasonably withheld, and further provided that the dealer's option to select a vendor shall not be available if the manufacturer or distributor provides substantial reimbursement for the goods or services offered. Substantial reimbursement is equal to or greater than 65 percent of the cost, which shall not be greater than the cost of reasonably available similar goods and services in close proximity to the dealer's market.

(2) Fail to provide to a dealer, if the goods and services to be supplied to the dealer by a vendor selected, identified, or designated by the manufacturer, factory branch, distributor, or distributor branch are signs or other franchisor image or design elements or trade dress to be leased to the dealer, the right to purchase the signs or other franchisor image or design elements or trade dress of substantially similar quality from a vendor selected by the dealer; provided that the signs, images, design elements, or trade dress are approved by the manufacturer, factory branch, distributor, or distributor branch and that such approval shall not be unreasonably withheld. This section shall not be construed to allow a dealer to impair or eliminate the intellectual property rights of the manufacturer, factory branch, distributor, or distributor branch, nor to permit a dealer to erect or maintain signs that do not conform to the intellectual property usage guidelines of the manufacturer, factory branch, distributor, or distributor branch.

Amend RSA 357-C:3, III(x) as inserted by section 9 of the bill by replacing it with the following:

(x) Make any express or implied statement or representation directly or indirectly that the dealer is under any obligation whatsoever to offer to sell or sell any extended service contract or extended maintenance plan, gap policy, gap waiver, or other aftermarket product or service offered, sold, backed by, or sponsored by the manufacturer or distributor or to sell, assign, or transfer any of the dealer's retail sales contracts or leases in this state on motor vehicles manufactured or sold by the manufacturer or distributor to a finance company or class of finance companies, leasing company or class of leasing companies, or other specified person, because of any relationship or affiliation between the manufacturer or distributor and the finance company or companies, leasing company or leasing companies, or the specified person or persons. Provided, however, that nothing in this subparagraph prohibits a manufacturer from requiring that a dealer disclose to a customer when the customer is about to purchase a product covered by this subparagraph that is not offered, sold, backed by, or sponsored by the manufacturer or distributor.

Amend RSA 357-C:3, III(y) as inserted by section 9 of the bill by replacing it with the following:

(y) Directly or indirectly condition the awarding of a franchise to a prospective franchisee, the addition of a line-make or franchise to an existing franchisee, the renewal of a franchise of an existing franchisee, the approval of the relocation of an existing franchisee's facility, or the approval of the sale or transfer of the ownership of a franchise on the willingness of a franchisee, proposed franchisee, or owner of an interest in the dealership facility to enter into a site control agreement or exclusive use agreement. For purposes of this subparagraph, the terms "site control agreement" and "exclusive use agreement" include any agreement that has the effect of either requiring that the franchisee establish or maintain exclusive dealership facilities or restricting the ability of the franchisee, or the ability of the franchisee's lessor in the event the dealership facility is being leased, to transfer, sell, lease, or change the use of the dealership premises, whether by sublease, lease, collateral pledge of lease, option to purchase, option to lease, or other similar agreement, regardless of the parties to such agreement. Any provision contained in any agreement that is inconsistent with the provisions of this subparagraph shall be voidable at the election of the affected franchisee, prospective franchisee, or owner of an interest in the dealership facility, provided this subparagraph shall not apply to a voluntary agreement where separate and valuable consideration has been offered and accepted, provided that the renewal of a franchise agreement or the manufacturer's waiver of a contractual or statutory right shall not by itself constitute separate and valuable consideration. Except as provided in this subparagraph, this chapter shall not apply to prospective franchisees.

Amend RSA 357-C:3, V(a)(4) as inserted by section 10 of the bill by replacing it with the following:

(4) Add to or replace or relocate purchased or leased signage or prohibit a dealer from substituting a sign owned by a dealer pursuant to RSA 357-C:3, III(w).

Amend RSA 357-C:3, V(c) as inserted by section 10 of the bill by replacing it with the following:

(c) Any cost to obtain a variance or other approval from any governmental body in order to proceed under subparagraph (a) shall be paid by the dealer in the first instance. When subsequent efforts are required to obtain the variance or other approval, including any appeals, the manufacturer or distributor that is seeking the action listed in subparagraphs (a)(1) through (a)(4) shall pay, provided that such subsequent efforts were not required because of clerical error or negligent action or inaction on the part of the dealer.

Amend RSA 357-C:3, V(d) and (e) as inserted by section 10 of the bill by replacing them with the following:

(d) Except as necessary to comply with health or safety laws or to comply with technology requirements necessary to sell or service a vehicle, it is unreasonable and not justifiable for a manufacturer or distributor to require, coerce, or attempt to coerce any new motor vehicle dealer by program, policy, facility guide, standard or otherwise to change the location of the dealership or construct, replace, renovate or make any substantial changes, alterations, or remodeling to a motor vehicle dealer's sales or service facilities before the 15th anniversary of the date of issuance of the certificate of occupancy or the manufacturer's approval, whichever is later, from:

(1) The date construction of the dealership at that location was completed if the construction was in substantial compliance with standards or plans provided by a manufacturer, distributor, or representative or through a subsidiary or agent of the manufacturer, distributor, or representative; or

(2) The date a prior change, alteration, or remodel of the dealership at that location was completed if the construction was in substantial compliance with standards or plans provided by a manufacturer, distributor, or representative or through a subsidiary or agent of the manufacturer, distributor, or representative.

(e) Notwithstanding the 15-year limitation on manufacturer-mandated changes in subparagraph (d), the limitation shall not be effective if the manufacturer or distributor offers substantial reimbursement for the requested changes, alterations, or remodeling of a dealer's sales or service facilities. Substantial reimbursement is equal to or greater than 65 percent of the cost, which shall not be greater than the cost of reasonably available similar goods and services in close proximity to the dealer's market.

Amend the bill by replacing section 11 with the following:

11 New Section; Access to Documentation. Amend RSA 357-C by inserting after section 3 the following new section:

357-C:3-a Access to Documentation.

I. Once annually, a dealer may request to obtain a copy of (i) reports created in the regular course of business about the dealer, (ii) written correspondence with the dealer, and (iii) written reports prepared by a representative of the manufacturer or distributor documenting or memorializing any contact with a dealer or any employee or agent of the dealer, collectively known as "the documentation." The documentation required to be produced shall be limited to documentation created in the 12 months preceding the dealer's request. The manufacturer or distributor shall provide the documentation to the dealer within 30 days of the dealer's written request. The manufacturer shall certify that the documentation it produces is complete as of the date of the request. The manufacturer or distributor may charge the dealer a reasonable per page fee for reproduction, provided that such fee shall not exceed the usual and customary fee charged by copy centers in the immediate vicinity of the location of the documentation. No other fees or charges shall be permitted.

II. Any documents or portions of documents that are required to be produced pursuant to this section, which are not produced by the manufacturer or distributor in response to a dealer's request and that the manufacturer or distributor did not make a written, good faith objection to producing shall be excluded and not admissible as evidence or used in any manner at any proceeding at the motor vehicle industry board or any other state agency or any court proceeding. This paragraph shall not apply to any documents that document, evidence, or demonstrate insolvency, or alleged criminal, unlawful, or fraudulent activity by the dealer. At any proceeding before the motor vehicle industry board, any state agency, or any court, the presiding hearing officer, judge, board, or agency, may admit documents otherwise inadmissible under this paragraph if it is found that the documents were withheld in good faith or by accident or mistake.

III. A complete copy of any written report of any nature prepared by a representative of the manufacturer or distributor after any contact with a dealer or any employee or agent of the dealer shall be provided to the dealer within 60 days of the report's creation.

IV. Nothing in the section shall require a manufacturer to disclose privileged, confidential, proprietary, or private third party information or information about another dealer or dealers and this includes but is not limited to names, addresses, financial data, and any other information relating to other dealers that may otherwise be referenced in the supporting documentation, except for specific information which is used by the manufacturer to compare the requesting dealer's performance with other dealers.

Amend the bill by replacing section 12 with the following:

12 Warranty Obligations. Amend RSA 357-C:5, II(a) and (b)(1) to read as follows:

(a) The franchisor shall specify in writing to each of its new motor vehicle dealers ~~[licensed]~~ in this state, dealers' obligations for warranty service on its products, shall compensate the new motor vehicle dealer for warranty service required of the dealer by the manufacturer, and shall provide the dealer the schedule of compensation to be paid such dealer for parts, work and service in connection with warranty services, and the time allowance for the performance of such work and service. **Warranty service on trucks and equipment, except for those sold by a single line equipment dealer, shall include the cost, including labor, to transport a motor vehicle under warranty in order to perform the warranty work and to return the motor vehicle to the customer, or, if transporting the trucks and equipment to the dealership is not mechanically or financially feasible, to travel to and return from the locations of the motor vehicle if the warranty repairs are performed at the location of the motor vehicle; provided that reimbursement for travel time shall not exceed 4 hours.**

(b)(1) In no event shall a schedule of compensation for parts, work, and service in connection with warranty services fail to include reasonable compensation for diagnostic work, as well as **parts**, repair service and labor **under the warranty or maintenance plan, extended warranty, certified preowned warranty or a service contract, issued by the manufacturer or distributor or its common entity.** Time allowances for the diagnosis and performance of warranty work and service shall be reasonable and adequate for the work to be performed. In no event shall any manufacturer, component manufacturer, or distributor pay its dealers an amount of money for warranty work that is less than that charged by the dealer to the retail customers of the dealer for non-warranty work of like kind. **In accordance with RSA 382-A:2-329, the manufacturer shall reimburse the franchisee for any parts so provided at the retail rate customarily charged by that franchisee for the same parts when not provided in satisfaction of a warranty and computed under this subparagraph.** No claim which has been approved and paid by the manufacturer or distributor may be charged back to the dealer unless it can be shown that the claim was false or fraudulent, that the repairs were not properly made or were unnecessary to correct the defective condition, or that the dealer failed to reasonably substantiate that the claim was in accordance with the written requirements of the manufacturer or distributor in effect at the time the claim arose. **A manufacturer or distributor shall not deny a claim solely based on a dealer's incidental failure to comply with a specific claim processing requirement, or a clerical error, or other administrative technicality.**

(A) **The obligations imposed on motor vehicle franchisors by this section shall apply to any parent, subsidiary, affiliate, or agent of the motor vehicle franchisor if a warranty or service or repair plan is issued by that person instead of or in addition to one issued by the motor vehicle franchisor.**

(B)(i) **In determining the rate and price customarily charged by the motor vehicle dealer to the public for parts, the compensation may be an agreed percentage markup over the dealer's cost under a writing separate and distinct from the franchise agreement signed after the dealer's request, but if an agreement is not reached within 30 days after a dealer's written request to be compensated under this section, compensation for parts shall be calculated by utilizing the method described in this paragraph.**

(ii) **If the dealer and the manufacturer are unable to agree to a percentage markup as provided by subparagraph (i), the retail rate customarily charged by the dealer for parts that the manufacturer is obligated to pay pursuant to RSA 382-A:2-329, shall be established by the dealer submitting to the manufacturer or distributor 100 sequential nonwarranty or customer-paid service repair orders or 90 consecutive days of nonwarranty, customer-paid service repair orders, whichever is less, each of which includes parts that would normally be used in warranty repairs and covered by the manufacturer's warranty, covering repairs made not more than 180 days before the submission and declaring the average percentage markup. The retail rate so declared must be reasonable as compared to other same line-make dealers of similar size in the immediate geographic vicinity of the dealer or, if none exist, immediately outside the dealer's geographic relevant market area within this state. The declared retail rate shall go into effect 30 days following the date on which the dealer submitted to the manufacturer or distributor the required number of nonwarranty or customer-paid service repair orders (hereafter referred to as the "submission date") subject to audit of the submitted nonwarranty or customer-paid service repair orders by the manufacturer or distributor and a rebuttal of the declared retail rate. If the manufacturer or distributor wishes to rebut the declared retail rate they must so inform the dealer not later than 30 days after the submission date and propose an adjustment of the average percentage markup based on the rebuttal not later than 60 days after the submission date. If the dealer does not agree with the proposed average percentage markup, the dealer may file a protest at the motor vehicle industry board not later than 90 days after the submission date. In the event a protest is filed, the manufacturer has the burden of proof to establish that the dealer's submission is unreasonable as compared to other same line-make dealers of similar size in the immediate geographic vicinity of the dealer or, if**

none exist, immediately outside the dealer's geographic relevant market area within this state. In the event a dealer prevails in a protest filed under this provision, the dealer's increased parts and/or labor reimbursement shall be provided retroactive to the date the submission would have been effective pursuant to the terms of this section but for the manufacturer's denial.

(iii) In calculating the retail rate customarily charged by the dealer for parts, the following work shall not be included in the calculation: routine maintenance not covered under any retail customer warranty, such as fluids, filters and belts not provided in the course of repairs; items that do not have an individual part number such as some nuts, bolts, fasteners and similar items; tires; vehicle reconditioning; parts covered by subparagraph (v); repairs for manufacturer special events and manufacturer discounted service campaigns; parts sold at wholesale or parts used in repairs of government agencies' repairs for which volume discounts have been negotiated by the manufacturer; promotional discounts on behalf of the manufacturer, internal billings, regardless of whether the billing is on an in-stock vehicle; and goodwill or policy adjustments.

(iv) A manufacturer or distributor shall not require a dealer to establish the retail rate customarily charged by the dealer for parts and labor by an unduly burdensome or time-consuming method or by requiring information that is unduly burdensome or time consuming to provide including, but not limited to, part-by-part or transaction-by-transaction calculations. A dealer shall not declare an average percentage markup or average labor rate more than once in a calendar year. A manufacturer or distributor may perform annual audits to verify that a dealer's effective rates have not decreased and if it has may reduce the warranty reimbursement rate prospectively. Such audits shall not be performed more than once per calendar year at any dealer. The audit performed by the manufacturer shall be in accordance with the method to calculate the retail rate customarily charged by the dealer for parts as set out in subparagraph (ii) above and subject to the limitations in subparagraph (iii). If the dealer does not agree with the proposed average percentage markup, the dealer may file a protest at the motor vehicle industry board not later than 90 days after the manufacturer states the intended new retail rate as the result of the manufacturer's audit. In the event a protest is filed, the manufacturer has the burden of proof to establish that the proposed retail rate was calculated accurately and in accordance with this subparagraph. The proposed retail rate shall not be effective until the motor vehicle industry board issues a final order approving the proposed rate. If as the result of the audit performed in accordance with subparagraph (ii) the calculation shows that the dealer's average percentage markup is greater than the average percentage markup currently being used for the dealer's retail rate reimbursement, the dealer's average percentage markup shall be increased to the extent of the result of the audit. Any rate that is adjusted as a result of an audit performed in accordance with this subsection shall not be adjusted again until a period of 6 months from the effective date of the change has lapsed.

(v) If a motor vehicle franchisor or component manufacturer supplies a part or parts for use in a repair rendered under a warranty other than by sale of that part or parts to the motor vehicle franchisee, the motor vehicle franchisee shall be entitled to compensation equivalent to the motor vehicle franchisee's average percentage markup on the part or parts, as if the part or parts had been sold to the motor vehicle franchisee by the motor vehicle franchisor.

(1) The requirements of this subparagraph shall not apply to entire engine assemblies, entire transmission assemblies, in-floor heating systems, and rear-drive axles ("assemblies"). In the case of assemblies, the motor vehicle franchisor shall reimburse the motor vehicle franchisee in the amount of 30 percent of what the motor vehicle franchisee would have paid the motor vehicle franchisor for the assembly if the assembly had not been supplied by the franchisor other than by the sale of that assembly to the motor vehicle franchisee.

(2) The requirements of this subparagraph shall not apply to household appliances, furnishings, and generators of a motor home ("household items"). In the case of household items valued under \$600, the motor vehicle franchisor shall reimburse the motor vehicle franchisee in the amount of 30 percent of what the motor vehicle franchisee would have paid the motor vehicle franchisor for the household item if the household item had not been supplied by the franchisor other than by the sale of that assembly to the motor vehicle franchisee. For household items in excess of \$600, the markup would be capped as if the part were \$600. The motor vehicle franchisor shall also reimburse the franchisee for any freight costs incurred to return the removed parts.

(vi) A manufacturer or distributor may not otherwise recover its costs for reimbursing a franchisee for parts and labor pursuant to this section.

Amend the bill by replacing section 13 with the following:

13 Warranty Obligations. Amend RSA 357-C:5, II(d)(2) and (3) to read as follows:

(2) A manufacturer, distributor, branch, or division shall retain the right to audit warranty claims for a period of ~~one year~~ **9 months** after the date on which the claim is paid and charge back any amounts paid on claims that are false or unsubstantiated.

(3) A manufacturer, distributor, branch, or division shall retain the right to audit all incentive and reimbursement programs for a period of ~~[one year]~~ **9 months** after the date on which the claim is paid or ~~[one year]~~ **9 months** from the end of a program that does not exceed one year, whichever is later, and charge back any amounts paid on claims that are false or unsubstantiated.

**Amendment to SB 126-FN
(2013-1553h)**

Proposed by the Minority of the Committee on Commerce and Consumer Affairs - R

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

1 Section Heading and Definition of Motor Vehicle. Amend the section heading and RSA 357-C:1, I to read as follows:

357-C:1 Definitions. ~~[As used in this chapter]~~ **For the purpose of this chapter only:**

I. "Motor vehicle" means every self-propelled vehicle manufactured and designed primarily for use and operation on the public highways and required to be registered and titled under the laws of New Hampshire~~], not including farm tractors and other machines and tools used in the production, harvesting, and care of farm products~~. Except for RSA 357-C:3, I-b, and where otherwise specifically exempted from the provisions of this chapter, "motor vehicle" shall include off highway recreational vehicles and snowmobiles.

2 Definition of Motor Vehicle Dealer. Amend RSA 357-C:1, VIII to read as follows:

VIII.(a) "Motor vehicle dealer" means any person engaged in the business of selling, offering to sell, soliciting or advertising the sale of new or used motor vehicles or possessing motor vehicles for the purpose of resale either on his own account or on behalf of another, either as his primary business or incidental thereto. ***Motor vehicle dealer also means a person granted the right to service motor vehicles or component parts manufactured or distributed by the manufacturer but does not include any person who has an agreement with a manufacturer or distributor to perform service only on fleet, government, or rental vehicles.*** However, "motor vehicle dealer" shall not include:

(1) Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under judgment, decree or order of any court; or

(2) Public officers while performing their duties as such officers.

(b) "New motor vehicle dealer" means a motor vehicle dealer who holds a valid sales and service agreement, franchise or contract granted by the manufacturer or distributor for the sale, ***service, or both***, of its new motor vehicles.

Amend the bill by replacing section 16 with the following:

16 Limitation on Cancellations, Terminations and Nonrenewals. Amend RSA 357-C:7, VI(b) to read as follows:

(b) The dealer cost of each new, unused, undamaged, and unsold part or accessory if such part or accessory is in the current parts catalog, was purchased from the manufacturer or distributor or from a subsidiary or affiliated company or authorized vendor, and is still in the original, resalable merchandising package and in unbroken lots, except that in the case of sheet metal, a comparable substitute for the original package may be used. ***Any part or accessory that is available to be purchased from the manufacturer on the date the notice of termination issued shall be considered to be included in the current parts catalog.***

Amend the bill by replacing all after section 17 with the following:

18 Study Committee Established. There is established a committee to study the potential consequences of repealing RSA 347-A.

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

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives, 2 of whom shall be from the commerce and consumer affairs committee, one of whom shall be from the environment and agriculture committee, one of whom shall be from the judiciary committee.

(b) Three 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.

III. The committee shall consider the effect of repealing RSA 347-A, relative to the regulation of equipment dealerships, and identify potential costs and benefits associated with combining the regulation of motor vehicles and equipment under RSA 357-C. The committee shall consider, as an alternative to the repeal, any appropriate changes to RSA 347-A.

IV. The committee shall solicit input from:

(a) The Association of Equipment Manufacturers.

(b) The North American Equipment Dealers Association.

(c) The New Hampshire Automobile Dealers Association.

V. 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 30 days of the effective date of this section. Five members of the committee shall constitute a quorum.

VI. 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, 2013.

19 Effective Date.

I. Section 18 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 90 days after its passage.

**Amendment to SB 138-FN
(2013-1610h)**

Proposed by the Committee on Health, Human Services and Elderly Affairs - C

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

1 New Section; Liability for Costs of Care. Amend RSA 151-E by inserting after section 18 the following new section:

151-E:19 Support for Certain Residents of Nursing Homes and Assisted Living Facilities.

I. In this section:

(a) "Costs of care" means all costs of health care and lodging and all related costs, including transportation, medical, and personal care and any other costs, charges, and expenses incurred by the facility in rendering care to the resident.

(b) "Department" means the department of health and human services.

(c) "Fiduciary" means a person to whom power or property has been formally entrusted for the benefit of another such as an attorney-in-fact, legal guardian, trustee, or representative payee.

(d) "Long-term care facility" means a facility licensed by the department pursuant to He-P 803, 804, or 805.

(e) "Patient liability amount" means the amount of income that a resident is liable to contribute toward the cost of his or her nursing facility care.

(f) "Person" includes persons both natural and otherwise, including, without limitation, any corporation, partnership, limited liability company, trust or other entity.

(g) "Resident" refers to any person who inhabits or inhabited a long-term care facility for any period of time.

II.(a) Except as provided in subparagraph (b), when an asset transfer made on or after the effective date of this section results in a final determination of a Medicaid asset transfer disqualification, the person who received the assets from a resident which resulted in the Medicaid asset transfer disqualification shall be liable under this section to the long-term care facility for all costs of care up to the amount transferred to the person. The person shall be liable at the facility's Medicaid rate for services for the period of asset transfer disqualification.

(b) It shall be an affirmative defense in any action instituted under subparagraph (a), that the transfer of the asset which resulted in a final determination of a Medicaid asset transfer disqualification was not a disqualifying transfer under 42 U.S.C. 1396p. The court's decision regarding such affirmative defense shall be made independently of the determination made by the department. If that affirmative defense is proven, the person shall not be liable under subparagraph (a).

III. A fiduciary who possesses or controls the income or assets of a resident of a long-term care facility and has the authority and duty to file an application for Medicaid on behalf of a resident shall be liable under this section to the long-term care facility for all costs of care which are not covered by Medicaid due to the fiduciary's negligence in failing to promptly and fully complete and pursue an application for Medicaid benefits for the resident. Upon a finding of negligence, the fiduciary shall be liable to the facility for the costs of care at the facility's Medicaid rate for services for the period of resulting noncoverage. At least 30 days before filing an action pursuant to this paragraph, the facility shall send a written notice of its intent to file the action to any person whom it intends to name as a defendant in the action. In any claim of negligence against a legal guardian, notice of intent to file the action shall simultaneously be provided to the probate court having jurisdiction over the guardianship. The probate court shall have jurisdiction over any action alleging negligence of a legal guardian, and shall, in any such action, consider whether removal of the guardian is in the ward's best interests in accordance with RSA 464-A:39, I(c) and shall have the authority to assess liability and award damages under this section.

IV. Any fiduciary or person who has received authority over the income of a resident such as a person who has been given or otherwise obtained authority over a resident's bank account, has been named as or has rights as a joint account holder, or otherwise has obtained or received any control over a resident's bank account or any other income of a resident, shall be liable under this section to the long-term care facility to the extent that any such person or fiduciary refuses to pay the patient liability amount due under Medicaid, provided that the person or fiduciary is in receipt of written notice from the department of the patient liability amount at the time such income is received by the fiduciary or person, and provided further that the liability of the person or fiduciary shall be for amounts going forward from the receipt of the notice. At least 30 days before filing an action pursuant to this paragraph, the facility shall send a written notice of its intent to file the action to any person or fiduciary whom it intends to name as a defendant in the action.

V. No judgment obtained in any proceeding under this chapter shall be acted upon through execution, levy, or otherwise during the pendency of any actually completed and filed application for Medicaid. Attachments and trustee process to secure any judgment or potential judgment shall be permitted subject to the discretion of the court to protect facilities from non-payment or from the failure of the resident, or that resident's fiduciary, to cooperate in obtaining Medicaid.

VI. Nothing contained in this section shall prohibit or otherwise diminish any other causes of action possessed by any such long-term care facility. The death of the resident shall not nullify or otherwise affect the liability of the person or persons charged with the cost of care rendered or the patient liability amount as referenced in this section.

VII. A fiduciary under this section shall not be personally liable for the acts or omissions of the fiduciary's predecessor, if any, solely by reason of his or her role as successor fiduciary.

2 New Section; Liability for Care. Amend RSA 507 by inserting after section 8-h the following new section:

507:8-i Actions Under RSA 151-E:19. The defendant in any action brought under RSA 151-E:19 shall be liable to the long-term care facility as provided in RSA 151-E:19. An action under RSA 151-E:19 shall be tried by bench trial. Nothing contained in RSA 151-E or this section shall prohibit or otherwise diminish any other causes of action possessed by any such long-term care facility.

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

AMENDED ANALYSIS

This bill allows an assisted living facility or nursing home facility in certain circumstances to pursue recovery of costs of care rendered to a client from entities or certain other persons when an application for Medicaid is not timely made or when the client is not able to receive Medicaid assistance due to the transfer of the client's assets within the 5-year Medicaid look-back period.

Amendment to SB 152-FN-A-LOCAL (2013-1770h)

Proposed by the Minority of the Joint Committee of Finance and Ways and Means - R

Amend the bill by replacing all after section 1 with the following:

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

CHAPTER 284-B

VIDEO LOTTERY MACHINES AND TABLE GAMES

284-B:1 Definitions. In this chapter:

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

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

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

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

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

(a) Travelers checks.

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

(c) Personal checks or drafts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Any promotional credits provided to patrons.

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

XVII. "Holding company" means any corporation, association, firm, partnership, trust, or other form of business organization not a natural person which, directly or indirectly, owns, has the power or right to control, or has the power to vote 5 percent or more of the outstanding voting securities of a corporation or other form of business organization which holds or applies for a gaming license or technology provider license. For purpose of this section, in addition to any other reasonable meaning of the words used, a "holding company" indirectly has, holds, or owns any such power, right or security if it does so through any interest in a subsidiary or successive subsidiaries, however many such subsidiaries may intervene between the holding company and the gaming licensee or technology provider.

XVIII. "Impacted live entertainment venue" means a not-for-profit or municipally-owned performance venue designed in whole or in part for the presentation of live concerts, comedy or theatrical performances, which the lottery commission determines experiences, or is likely to experience, a negative impact from the development or operation of a gaming location.

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

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

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

XXII. "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.

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

XXIV. "Person" means an individual, corporation, association, firm, partnership, trust or other form of business entity.

XXV. "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.

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

XXVII. "Request for application" means a request for applications to be submitted by applicants to the lottery commission pursuant to RSA 284-B:11.

XXVIII. "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.

XXIX. "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.

XXX. "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.

XXXI. "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.

XXXII. "Technology provider" means any person or entity which designs, manufactures, builds or re-builds, 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.

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

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

XXXV. "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.

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

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

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

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

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

III.(a) The attorney general shall have independent authority on his or her motion to take such actions as may be necessary in his or her judgment to ensure compliance with the provisions of this chapter, including but not limited to:

- (1) Conducting such background investigations as may be necessary;
- (2) Investigating and prosecuting allegations of criminal activity or civil law violations related to or impacting the operation of gaming establishments or games;
- (3) Receiving and taking appropriate action on referrals for criminal prosecution or civil law enforcement from the lottery commission, the bureau, or any other law enforcement body;
- (4) Providing advice and assistance, upon request or on his or her motion, to the lottery commission in the consideration and promulgation of rules and regulations; and
- (5) Recommending persons to be placed on a list of excluded persons to be maintained by the lottery commission.

(b) The lottery commission and the division of state police shall notify the attorney general of any known or suspected criminal or civil law violations that are related in any way to implementation and enforcement of the provisions of this chapter.

(c) The lottery commission and the division of state police shall cooperate with the attorney general on the regulatory and criminal implementation and enforcement of this chapter.

(d) Notwithstanding any provisions relating to the confidentiality of any information acquired under this chapter, the lottery commission and the state police shall share such information with the attorney general as may be deemed necessary by the attorney general to ensure compliance with the provisions of this chapter.

284-B:3 Rulemaking.

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

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

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

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

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

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

(f) Establishing a process for registering of non-key gaming employees.

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

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

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

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

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

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

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

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

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

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

(q) Governing the gaming-related advertising of gaming licensees and their employees and agents, with the view toward assuring that such advertisements are in no way deceptive and promote the purposes of this chapter; provided, however, that such rules shall require the words "Bet with your head, not over it," or some comparable language approved by the lottery commission, to appear on all billboards, signs, and other on-site advertising of a licensee operation and shall require the words "If you or someone you know has a gambling problem and wants help, call 1-800-GAMBLER," or some comparable language approved by the lottery commission, provided such language shall include the words "gambling problem" and "call 1-800-GAMBLER," which shall appear legibly on all print, billboard, and sign advertising of a gaming location, provided further that such rules shall require the licensee to cooperate with the department of resources and economic development in developing and conducting advertising consistent with the department's power and duty to plan and conduct a program of information and publicity to attract tourists, visitors, industrial concerns and other interested persons from outside the state to the state of New Hampshire, to publicize the family-friendly attributes and natural beauty of the state, and to encourage, coordinate, and participate in the efforts of other public and private organizations or groups of citizens in order to publicize the facilities, industrial advantages, and other attractions of the state for the same purposes.

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

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

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

(u) Monitoring the conduct of licensees and their principals and owners for the purpose of ensuring that licenses are not issued to or held by, or that there is no direct or indirect material support of a licensee, by, a person who has not been deemed not fit for gaming under this chapter.

(v) Gathering facts and information applicable to the lottery commission's obligation to enforce this chapter, including but not limited to, any information or evidence that a violation of this chapter has occurred.

(w) Requiring a licensee to issue an annual report to the lottery commission explicitly stating its progress on meeting each of the stated goals and stipulations put forth in the licensee's original application. Inability to meet stated goals within a reasonable time frame, as determined by the lottery commission, shall result in additional fees as deemed fair and reasonable by the lottery commission. Failure to meet stated goals may also result in revocation of the license at any time by the lottery commission pursuant to the process set forth in this chapter. Nothing in this section shall preclude the lottery commission at any time from reviewing the business operations of a gaming licensee to ensure that the conditions of licensure are being met including, but not limited to, the suitability of the gaming licensee and any affiliates and the fiscal stability of the gaming establishment.

(x) Providing for the conditioning, suspension, or revocation of a gaming license upon a finding that a licensee:

(1) Has committed a criminal or civil offense under this chapter or under any other laws of the state of New Hampshire;

(2) Is not in compliance with gaming regulations or is under criminal investigation in another jurisdiction;

(3) Has breached a condition of licensure;

(4) Has affiliates, close associates, or employees that are not qualified or licensed under this chapter with whom the gaming licensee continues to conduct business or employ;

(5) Is no longer capable of maintaining operations at a gaming establishment; or

(6) Whose business practice, upon a determination by the commission, is injurious to the policy objectives of this chapter.

(y) Requiring the licensee to comply with state and local building codes, local zoning ordinances and bylaws, and any other applicable land use regulations.

(z) Governing the issuance of credit to a patron of a gaming establishment including, but not be limited to:

(1) Procedures for confirming that a patron has an established credit history and is in good standing;

(2) Whether the patron has a good credit history with the gaming establishment;

(3) Authorization of any credit instrument;

(4) Methods for acknowledging a credit instrument and payment of debt; and

(5) Information to be provided by the patron to the gaming establishment to be shared with the commission for auditing purposes. Except as otherwise authorized by the commission through its rules under this chapter, no gaming establishment, nor any person acting on behalf of the gaming establishment, shall cash any check, make any loan or otherwise provide or allow to any person any credit or advance of anything of value, or which represents value, to enable that person to place a wager, or release or discharge any debt, either in whole or in part, or make any loan which represents any losses incurred by a player in gaming or simulcast wagering activity, without maintaining a written record of such credit or advance in accordance with the rules of the commission. Nothing in this subparagraph shall permit a gaming establishment to allow the use of credit cards on the gaming floor as direct inputs into video lottery machines nor in placing wagers at gaming tables nor shall anything in this subparagraph prohibit a gaming establishment from accepting credit cards for non-gaming-related purchases or services.

(aa) Designating impacted live entertainment venues and establishing standards for monitoring and enforcing a gaming licensee's agreement with impacted live entertainment venues; provided however, that, in making such designations and standards, the commission shall consider factors including, but not limited to, the venue's distance from the gaming establishment, venue capacity and the type of performances offered by that venue.

II. The lottery commission shall initiate the rulemaking process immediately upon the effective date of this chapter. Rules governing the application and licensing process shall be adopted within 120 days of the effective date of this chapter and prior to issuance of any requests for applications. Final rules shall be adopted within one year of the effective date of this chapter and prior to the date applications for gaming or technology providers are due. The lottery commission may, in its discretion, initiate rulemaking in 2 phases by relying on the interim rulemaking authority in RSA 541-A:19 to facilitate the application and licensing process.

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

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

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

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

IV. The lottery commission shall not waive or otherwise extend any timelines specified in this chapter except upon a written finding of facts supporting its conclusion that no alternative course of action is available and that the waiver or extension is necessary to accomplish the purposes of this chapter.

V. 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 gross table game revenue by inspecting records, conducting audits, or having its agents on site, or by any other reasonable means.

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

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

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

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

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

(4) Provide for accurate and reliable financial records.

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

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

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

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

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

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

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

(g) A gaming licensee shall meet with municipally-owned, not-for-profit, and other entertainment venues located in the state of New Hampshire to discuss a mitigation plan which may include, but shall not be limited to, agreements regarding event scheduling, promotions, ticket prices, marketing and other operations which may impact the viability of such entertainment venues. The commission shall encourage the establishment of such a mitigation plan through fair and reasonable discussion.

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

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

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

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

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

(b) Immediately upon assuming office, each commissioner and employee of the commission shall swear or affirm that the commissioner or employee possesses no interest in a person licensed under this chapter. No individual shall be employed by the commission if, during the period commencing 3 years prior to employment, that individual held any direct or indirect interest in, or was employed by, a licensee under this chapter. No commissioner shall hold a direct or indirect interest in, or be employed by, an applicant or by a person licensed by the commission for a period of 3 years after the termination of employment with the commission.

(c) No employee of the commission holding a major policymaking position shall acquire an interest in, or accept employment with, an applicant or licensee for a period of 2 years after the termination of employment with the commission.

(d) No employee of the commission in a non-major policymaking position shall acquire an interest in, or accept employment with, an applicant or licensee for a period of one year after the termination of employment with the commission.

(e) Notwithstanding the provisions of subparagraphs (a)-(d), if the employment of a commission employee holding a major policymaking position at any time during the 5 years preceding a termination, is terminated as a result of a reduction in the workforce of the commission, the employee may, after one year following the termination of employment with the commission, accept employment with any applicant or person licensed under this chapter upon application to and with the prior approval of the commission, upon a finding that the employment will not create the appearance of a conflict of interest and does not evidence a conflict of interest in fact. The commission shall act upon an application within 30 days of receipt.

(f) No commissioner or employee, other than in the performance of the commissioner's or employee's official duties, shall place a wager in a gaming location. The commissioners and those employees holding major policymaking positions shall be sworn to the faithful performance of their official duties. The commissioners and those employees holding major policymaking positions shall:

(1) Conduct themselves in a manner so as to render decisions that are fair and impartial and in the public interest;

(2) Avoid impropriety and the appearance of impropriety in all matters under their jurisdiction;

(3) Avoid all prohibited communications;

(4) Require staff and personnel subject to their direction and control to observe the same standards of fidelity and diligence;

(5) Disqualify themselves from proceedings in which their impartiality might reasonably be questioned; and

(6) Refrain from financial or business dealings which would tend to reflect adversely on impartiality.

(g) The commissioners and employees shall not own, or be in the employ of, or own any stock in, a business which holds a license under this chapter, nor shall they have, directly or indirectly, a pecuniary interest in, or be connected with, any such business or be in the employ of or connected with any person financing any such business; provided, however, that immediate family members of commissioners and employees holding major policymaking positions shall not own, or be in the employ of, or own stock in, any business which holds a license under this chapter. The commissioners and employees shall not personally, or through a partner or agent, render professional services or make or perform any business contract with or for any regulated entity, except contracts made with the commissioners for the furnishing of services, nor shall the commissioners or employees directly or indirectly receive any commission, bonus, discount, gift, or reward from a regulated entity. In this paragraph, the term "immediate family member" means the mother, father, brother, sister, or child of an individual. In this paragraph, the term "major policymaking position" means the executive director of the lottery commission, the director of the bureau of administration and enforcement, and any individual who reports directly to the director of the bureau of administration and enforcement within the lottery commission.

284-B:5 Central Computer System.

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

II. The central computer system shall be capable of:

(a) Continuously monitoring, retrieving, and auditing the operations, financial data, and program information of all video lottery machines;

(b) Allowing the lottery commission to account for all money inserted in and payouts made from any video lottery machine;

(c) Disabling from operation or play any video lottery machine as the lottery commission deems necessary to carry out the provisions of this chapter;

(d) Supporting and monitoring a progressive jackpot system capable of operating one or more progressive jackpots; and

(e) Providing any other function that the lottery commission considers necessary.

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

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

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

284-B:6 Records; Confidentiality.

I. The lottery commission shall keep and maintain a list of all applicants for licenses it receives under this chapter, together with a record of all action taken with respect to such applicants. Except as provided in paragraph IV, a file, including the criminal records of each applicant, its officers, directors, partners, members, shareholders, and key employees, and record of the actions of the lottery commission shall be open to public inspection; provided, however, that information regarding any applicant whose license or registration has been denied, revoked, or not renewed shall be removed from the list after 5 years from the date of such action.

II. The lottery commission shall publish on the commission's Internet website a complete list of all persons or entities who applied for or held a license, certificate, or approval pursuant to this chapter, or racetrack license at any time during the preceding calendar year and all affiliates, intermediaries, subsidiaries, and holding companies thereof and the status of the application or license, however, information regarding any applicant whose approval or certificate has been denied, revoked or not renewed shall be removed from such list after 5 years from the date of such action.

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

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

V. All records, information, or data maintained or kept by the lottery commission may be maintained or kept at the office of the gaming enforcement unit.

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

VII. With regard to meetings, minutes, and records of the lottery commission, the lottery commission shall notice all proceedings and shall make and keep a record of all proceedings held at public meetings of the lottery commission. A verbatim transcript of those proceedings shall be prepared by the lottery commission upon the request of any commissioner or upon the request of any other person and the payment by that person of the costs of preparation. A copy of the transcript shall be made available to any person upon request and payment of the costs of preparing the copy.

284-B:7 Employees and Contractors.

I. The lottery commission, the attorney general, or the division of state police gaming enforcement unit may from time to time contract for such financial, economic, or security consultants, and any other technical and professional services as it deems necessary for the discharge of its duties.

II. The lottery commission may employ certain assistants, and contract with certain individuals or entities experienced in the regulation of gaming to carry out the provisions of this 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.

III. Compensation of assistants, employees, and contractors shall be funded by proceeds paid or received by the lottery commission pursuant to RSA 284-B.

IV. No employee or contractor of the lottery commission shall have any pecuniary or other interest whatsoever in any supplier or agent to the commission or in any gaming location or license licensed under RSA 284-B and shall be subject to the code of ethics established by the lottery commission pursuant to RSA 284-B:4, V.

284-B:8 Annual Report.

I. 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.

II. The legislative budget assistant and any expert consultants hired to assist the legislative budget assistant in carrying out his or her duties, shall have access to any information, including confidential information, the legislative budget assistant may request for the purpose of conducting audits of the lottery commission pursuant to RSA 14:31-a. If the legislative budget assistant or any expert consultant requires access to confidential information, the lottery commission shall furnish the information and the legislative budget assistant or any expert consultant shall be subject to the same restrictions and penalties regarding the disclosure of the information as the original custodian of the information. This paragraph shall not be construed to authorize disclosure to any member of the legislature. Any confidential information provided to the legislative budget assistant under this section shall be subject to the provisions of RSA 14:13, IV.

284-B:9 Number of Gaming Licenses. The lottery commission shall review, select, and grant a license for one gaming location. The gaming licensee shall operate no more than 150 table games under RSA 284-B:12 and no more than 5,000 video lottery machines at its gaming location.

284-B:10 Procedures for Adoption by Local Community.

I. Any municipality in which a gaming location is or proposes to be situated may adopt the provisions of 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 subparagraph (b) may consider the question at no more than one special election and a regular municipal or biennial election in the same calendar year after a "No" vote.

(e) The wording of the question shall be substantially as follows: "Shall we adopt the provisions of RSA 284-B allowing the operation of video lottery machines and table games at [insert the name of the proposed gaming location] located within the [insert name of town, city, or unincorporated place]?"

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

284-B:11 Schedule for License Applications; Requests for Application.

I. In order to facilitate the timely and orderly deployment of licensed gaming operations in New Hampshire, the lottery commission shall adopt a schedule by which applications for gaming licenses and technology provider licenses shall be accepted, reviewed, granted, or denied in accordance with the provisions of this section.

II. The lottery commission shall issue a request for applications for a gaming license within 30 days of the publication of rules governing the application and licensing process. The requests for applications shall require all applications to be submitted no later than 120 days after the publication of the request, provided, however, that an applicant who has paid the full application fee may seek one extension from the lottery commission of up to 30 days for good cause shown. Applications received after the deadline shall not be reviewed by the lottery commission. The lottery commission shall approve, approve with conditions, or deny all applications submitted, in accordance with the provisions of this chapter.

III. Requests for applications pursuant to paragraph II of this section shall be advertised in a newspaper of general circulation in the state, in Commerce Business Daily or an equivalent publication, and on the official internet website of the lottery commission.

284-B:12 Gaming License Applications; Requirements.

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

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

(b) The applicant shall include in the application any and all information requested by the lottery commission, including but not limited to, information regarding:

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

(2) Civil actions to which the applicant was a party during the past 15 years;

(3) The applicant's financial affairs, including evidence of financial stability as documented by bank references, business and personal income and disbursement schedules, tax returns and other reports filed by government agencies, business and personal accounting check records and ledgers and other relevant source documents. The lottery commission may require evidence of the financial affairs to be provided on a multi-jurisdictional personal history disclosure form;

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

(5) If a corporation or other form of business enterprise, the information listed in subparagraphs (b)(1)-(4) shall be provided with respect to each partner, trustee, officer, and director, and any shareholder, limited liability company member, or other holder who owns more than 5 percent of the legal or beneficial interests of such entity, as well as the name of the state under the laws of which the corporation or business enterprise is formed or incorporated and the location of its principal place of business;

(6) The identity of the owners of the gaming location, if other than the applicant, along with information listed in subparagraphs (b)(1)-(4) shall be provided with respect to each owner, partner, principal, trustee, officer, and director, and any shareholder, limited liability company member, or other holder who owns more than 5 percent of the legal or beneficial interest of such gaming location. If the owner of the gaming location is not an affiliate of the applicant, the applicant shall also submit a copy of the proposed lease agreement and executed letter of intent to operate between the owner of the gaming location and the applicant;

(7) Information and documentation demonstrating by clear and convincing evidence the applicant's financial stability including, but not limited to, bank references, business and personal income and disbursement schedules, tax returns and other reports filed by government agencies and business and personal accounting check records and ledgers. The applicant shall include with its application the disclosure of all contributions, donations, loans or any other financial transactions to or from the applicant and any affiliated gaming entity or operator in the past 5 years;

(8) Information and documentation demonstrating by clear and convincing evidence that the applicant has sufficient business ability and experience to establish and maintain successful gaming operations, including, but not limited to, information demonstrating the experience of the applicant in developing, constructing, and managing a similar gaming enterprise. If the applicant or any principal has held or holds a gaming or video lottery machine license in a jurisdiction where video lottery machine activities are permitted, the applicant shall so state and shall produce either a letter of reference from the gaming or lottery enforcement or control agency in such jurisdiction which sets forth the experience of that agency with the applicant, the applicant's associates and gaming operations, or a statement under oath that the applicant is or was during the period of licensure conducting gaming activities in good standing with the agency;

(9) Applicants for gaming licenses and gaming licensees shall demonstrate their commitment to efforts to combat compulsive gambling, including efforts directed at prevention, intervention, treatment and research, and a dedication to community mitigation, and shall recognize that the privilege of licensure bears a responsibility to identify, address and minimize any potential negative consequences of their business operations;

(10) Applicants shall take all appropriate actions required to mitigate the potential negative public health consequences associated with gambling and the operation of a gaming establishment, including:

(i) Maintaining a smoke-free environment within the gaming establishment consistent with RSA 155:66;

(ii) Providing complimentary on-site space for an independent substance abuse and mental health counseling service to be selected by the lottery commission;

(iii) Prominently displaying information on the signs of problem gambling and how to access assistance;

(iv) Describing a process for individuals to exclude their names and contact information from a gaming licensee's database or any other list held by the gaming licensee for use in marketing or promotional communications and, in general, for full implementation of the self-exclusion program specified in the commission's rules; and

(v) Instituting other public health strategies as determined by the lottery commission; and

(11) Applicants shall provide a workforce development plan that incorporates an affirmative action program by which the applicant guarantees to provide equal opportunities to all employees qualified for licensure in all employment categories, including person with disabilities; provides an accurate estimate and encouragement of the utilization of the existing labor force in New Hampshire; provides an accurate estimate of the number of construction jobs the gaming establishment will generate; provides an equal opportunity plan for those construction jobs, as delivered by a contractor or subcontractor, that includes specific goals for utilization of women, minorities, and veterans; identifies and describes workforce training programs offered by the gaming establishment; identifies a method for assessing the quality and diversity of employment at the gaming establishment; and provides a plan for funding and maintaining human resource hiring, training, and management practices that promote the development of a skilled and diverse workforce.

(12) The applicant's plan for providing child care for children of patrons and employees.

(c) The application shall be accompanied by a complete description of the proposed project and include the following:

(1) A complete description of the gaming location, including the designs for the proposed gaming establishment, the names and addresses of the architects, engineers, and designers, a timeline of construc-

tion that includes detailed stages of construction for the gaming establishment, non-gaming structures, and racecourse, where applicable, and a description of the ability of the applicant to comply with statutory, regulatory, and technical standards applicable to the design of the proposed gaming location;

(2) Identification of the type and number of video lottery machines, and type and number of table games, and the specific location of the games in the proposed gaming establishment consistent with this chapter;

(3) The availability of space in the facility and proposed details of the space for charitable gaming to take place under RSA 287-D;

(4) The names, and verified good character and integrity of proposed vendors of gaming equipment;

(5) A description of the supporting amenities and ancillary entertainment services to be provided at the proposed gaming establishment, including the number of hotels and rooms, if any, restaurants and other amenities located at the proposed gaming establishment and how they measure in quality to other area amenities;

(6) The number of employees to be employed at the proposed gaming establishment, including detailed information on the projected pay rate and benefits for employees;

(7) The site of the proposed gaming location, which shall include the address, maps, book and page numbers from the appropriate registry of deeds, assessed value of the land at the time of application, and identification of all interests, options and agreements in the gaming location; and

(8) Information regarding the minimum total capital investment required pursuant to RSA 284-B:12, II.

(d) The application shall include evidence in the form of completed studies and/or reports required by the commission to demonstrate how the proposed project meets the following criteria:

(1) The availability of local resources to support services and amenities necessary to accommodate projected guest volume in the form of transportation, regional geography, work force demographics, rooms and meals, utilities, and law enforcement;

(2) The immediate and long range financial feasibility of the applicant's proposed project including a projection of the revenues to be produced by the operation of the video lottery machines and table games at the gaming location, the ability to achieve positive gross operating profit on an annual basis in a specific time frame, and the estimated municipal and state tax revenue to be generated by the gaming location, as supported by an expert experienced in the field of gaming;

(3) Economic and environmental benefits to the region and the state from the project, including the ability of the applicant's proposed gaming location, both in its construction and its operation, to provide new and sustainable jobs for the community and to meet the highest possible energy efficiency and environmental sustainability standards;

(4) The accessibility of the proposed gaming location to public access and public highway infrastructures;

(5) The suitability of the proposed gaming location and facility design for tourism and development, including evidence the development of the gaming location is compatible with historic uses, regional branding, local zoning ordinances, and an explanation of anticipated commercial development opportunities for the community; and

(6) The impact on the local and regional community, including:

(A) Impact on the local and regional economies, including but not limited to, cultural institutions and small businesses in the host community and surrounding communities; and

(B) Costs and benefits to the host and surrounding communities in the form of jobs, revenues, business development, and social issues associated with the gaming location.

(e) The applicant shall provide a licensing fee payment bond, letter of credit, or guaranty of private equity or other funds with demonstrated cash and reserve availability supporting the applicant's ability to pay the licensing fee.

(f) The applicant shall provide detailed information regarding its proposed system of internal security and accounting controls.

(g) The application shall be accompanied by a petition for a table game operation certificate consistent with RSA 284-B:19.

(h) The applicant shall obtain local approval of the municipality in which the project is proposed by local referendum consistent with RSA 284-B:10.

(i) The applicant shall provide a description of any entertainment space proposed, which space shall not have a seating capacity in excess of 1,500 seats; provided that this restriction on seating capacity shall not be applied to limit the attendance at any outdoor event hosted by the facility.

(j) The applicant shall provide to the commission signed agreements between the impacted live entertainment venues and the applicant setting forth the conditions to have a gaming establishment located in proximity to the impacted live entertainment venues; provided, however, that the agreement shall include, but not be limited to, terms relating to cross marketing, limitations to exclusivity arrangements with performers, coordination of performance schedules, promotions, and ticket prices.

II. The applicant shall agree to make a minimum capital investment in the project in an amount determined by the commission; provided that such capital investment shall be not less than \$425,000,000 and exclusive of land acquisition, off-site improvement costs and license fees. The investment required under this paragraph shall be made within 5 years after receiving a gaming license.

III. Every application shall contain the information required pursuant to RSA 284-B:12 and such information the lottery commission requests or requires by rule.

284-B:13 Gaming License Application Fees; Initial License Fees; Renewal Fees.

I. The lottery commission shall impose a nonrefundable application fee of \$500,000 on all applicants submitting an application for a gaming license which shall be used to defray the cost of processing and reviewing the application. If the cost of processing and reviewing the application exceeds the \$500,000 application fee, the applicant shall pay the difference to the lottery commission within 15 days of receiving a detailed invoice.

II. The attorney general shall impose a nonrefundable investigation fee of \$100,000 on all applicants for a gaming license which shall be used to defray the cost of the background investigation. If the cost of the background investigation exceeds the \$100,000 applicable amount, the applicant shall pay the difference to the attorney general within 15 days of receiving a detailed invoice.

III. Upon approval of a gaming license, the lottery commission shall charge an initial license fee of \$80,000,000 which shall be deposited into the fund established by RSA 284:21-j. The amount deposited shall be available to the state in the fiscal year received. A gaming license shall expire after 10 years, subject to renewal pursuant to RSA 284-B:18, I. The lottery commission shall charge a license renewal fee of \$1,500,000 to renew a gaming license; however, the person seeking renewal of a gaming license shall pay all costs incurred by the attorney general to conduct an investigation with regard to such application to renew the gaming license.

284-B:14 Gaming License Applications; Lottery Commission Completeness Review; Attorney General Background Review.

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

II.(a) The lottery commission shall examine every application for form and completeness, and the information required by RSA 284-B as well as any specifications and standards outlined in the request for application. All applications and accompanying submissions shall be maintained as confidential during completeness review.

(b) If an application is determined incomplete by the lottery commission, the lottery commission shall provide a first notification of incompleteness to the applicant by certified mail within 30 days of receipt of the application. Such first notification of incompleteness shall include a full explanation of the reasons for incompleteness. If no first notification of incompleteness is made by the lottery commission within such 30-day period, the application shall be considered complete and the applicant shall be notified by certified mail.

(c) The applicant shall provide any required additional information within 15 business days of receipt of the first notification of incompleteness. The applicant shall not provide more than the required additional information. The lottery commission shall review the additional information submitted by the applicant; and, if satisfactory, the application shall be considered complete and the applicant shall be notified by certified mail.

(d) If the application is still determined to be incomplete, the commission shall provide a second notification of incompleteness to the applicant by certified mail within 10 business days of receipt of the additional information.

(e) The applicant shall provide any required additional information within 10 business days of receipt of the second notification of incompleteness. The applicant shall not provide more than the required additional information. The lottery commission shall review the additional information submitted by the applicant, and, if satisfactory, the application shall be considered complete and the applicant shall be notified by certified mail.

(f) If the application is still found to be incomplete, the lottery commission shall provide a third and final notification of incompleteness to the applicant by certified mail within 5 business days of receipt of the additional information. The applicant shall provide the required additional information within 3 business days of receipt of the third and final notification of incompleteness. The applicant shall not provide more than the required additional information.

(g) Within 2 business days of the receipt of any information submitted pursuant to the third and final notification of incompleteness, the lottery commission shall review the additional information submitted by the applicant and notify the applicant whether the application is complete.

(h) An applicant whose application is incomplete and who fails to provide the additional required information within the applicable time period specified shall be denied for incompleteness.

(i) An applicant may withdraw an application at any time thereby terminating the review process and waiving any right to have its application reviewed.

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

III.(a) Upon receipt of a complete application from a gaming applicant, the lottery commission shall request that the attorney general conduct a background review, and the attorney general shall conduct a background review of a gaming applicant, its partners, trustees, officers and directors, any holding company that owns more than 5 percent of the legal or beneficial interests of the applicant and any other individual or entity determined by the lottery commission to exercise control of the applicant either individually or in the aggregate through one or more entities. The background review may be conducted through any appropriate state or federal law enforcement system and the authorized reviewers may seek information as to the subject's financial, criminal, or business background, or any other information which the attorney general, in his or her sole discretion, may find relevant to the subject's fitness to be associated with the ownership or management of gaming in New Hampshire, including, but not limited to, the subject's character, personal associations, and the extent to which the subject is properly doing business in the manner in which it purports to operate. The attorney general, in his or her sole discretion, may rely on the results of a previous investigation of the applicant in this or another jurisdiction if (i) such previous investigation is deemed to be of similar scope and subject to similar safeguards, (ii) the previous investigation was conducted within the 12 months prior to the application filing, and (iii) the applicant's circumstances have not materially changed. The attorney general shall also take into consideration as evidence of fitness a letter of reference or sworn statement of good standing produced pursuant to RSA 284-B:12, I(b)(8).

(b) The attorney general shall report the results of the background review to the lottery commission within a reasonable time, not to exceed 120 days unless the attorney general determines that additional time is needed and notifies the lottery commission that good cause exists for extending this timeline to a time certain. At a minimum, the attorney general's report shall state whether or not in his or her opinion each of the persons subjected to the background review is fit to be associated with the ownership or management of gaming in New Hampshire. Notwithstanding any other law to the contrary, the information provided to the attorney general and the results of the attorney general's background review shall be confidential and shall not be subject to disclosure or to public inspection, except that the attorney general, in the attorney general's sole discretion, shall determine the extent to which and the manner in which said results may be reported to the lottery commission or other state agency or official and, if reported, whether such results are to retain their confidential character.

(c) The attorney general may on his or her motion conduct a background review into the background of the gaming applicant or gaming licensee, key employee, or any person or entity upon whom the gaming applicant or gaming licensee relies for financial support.

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

284-B:15 Gaming License Determinations.

I. If there is only one complete application pending for a gaming license, then upon receipt of the report of the attorney general on the gaming applicant's fitness for gaming, the lottery commission shall make a determination as to whether the gaming applicant demonstrates it meets the standards for licensure set out in this chapter; provided that if the applicant is unable to demonstrate its fitness for gaming pursuant to RSA 284-B:17, II, the lottery commission shall not give further consideration to its application. The lottery commission shall make such determination within 60 days of receiving the report of the attorney general. Such a determination shall be made by majority vote of eligible commission members. Any commission member who has a personal or business conflict with any application shall not vote on such application. The decision shall be in the form of an approval, denial, or an approval with conditions.

II. If there is more than one complete application pending for a gaming license, the lottery commission shall consider competing applicants in relationship to each other. Within 30 days of receiving all of the attorney general's reports on the competing applicants pursuant to RSA 284-B:14, III, the lottery commission shall schedule and conduct a hearing pursuant to the process set forth in RSA 541-A regarding adjudicative proceedings. Competing applicants shall serve prehearing memoranda as prescribed by the lottery commission which shall include at a minimum a summary of evidence each applicant intends to present in support of its application for licensure. Competing applications shall be heard separately by the lottery commission at one hearing. There shall 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 set out in this chapter; provided that if any applicant is unable to demonstrate its fitness for gaming pursuant to RSA 284-B:17, II, the lottery commission shall not give further consideration to its application. Such a determination shall be made by majority vote of eligible commission members. Any commission member who has a personal or business conflict with any application shall not vote on any of the competing applications. With respect to the applicant determined to

demonstrate superiority in meeting the standards set out in this chapter, the decision shall be in the form of an approval or approval with conditions. Notwithstanding the generality of the foregoing, any such approval shall at a minimum include as a condition that the licensee may not begin construction or operations until the licensee has obtained any permits required under federal, state or local law prior to construction or operations, as applicable, including, but not limited to, all approvals and permits required by local land use regulations. With respect to the other competing applicants the decision shall be in the form of a denial.

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

IV.(a) Any decision of the lottery commission approving an application, approving an application with conditions, or denying an application is a final, binding, non-appealable determination which is not subject to legal challenge except as permitted by this chapter.

(b) Any applicant or licensee aggrieved or dissatisfied with a final decision of the lottery commission, or the attorney general if he or she determines that the lottery commission abused its discretion in applying the provisions of this chapter, shall have the right to appeal from a final decision to the supreme court pursuant to RSA 541.

(c) The provisions of RSA 541 shall govern all appeals under this section, provided that the request for rehearing provided for by RSA 541 shall be presented as a request for reconsideration to the commission within 10 calendar days of the commission's decision and the commission's decision on said request shall be issued within 10 days of the presentation of the request.

(d) The court shall affirm the decision of the commission unless it finds it to be arbitrary or capricious or not made in compliance with applicable law.

284-B:16 Technology Provider Licensee Applications. A technology provider licensee applicant shall obtain a technology provider license from the lottery commission, as follows:

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

II. The applicant shall include information regarding:

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

(b) Civil actions to which the applicant was a party during the past 15 years;

(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 5 percent of the legal or beneficial interests of such entity.

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

IV.(a) Upon receipt of a complete application from a technology provider applicant the lottery commission shall request that the attorney general conduct a background review, and the attorney general shall conduct a background review of each technology provider applicant and any of its owners and key employees. The review may be conducted through any appropriate state or federal law enforcement system and may seek information as to the subject's financial, criminal, or business background, or any other information which the attorney general, in his or her sole discretion, may find relevant to the subject's fitness to be associated with the distribution of video lottery machines, table game devices, or associated equipment in New Hampshire, including, but not limited to, the subject's character, personal associations, and the extent to which the subject is properly doing business in the manner in which it purports to operate. The attorney general shall take into consideration as evidence of fitness a letter of reference or sworn statement of good standing.

(b) The attorney general shall report the results of the review to the lottery commission within a reasonable time not to exceed 120 days unless a request for additional time has been granted by the lottery commission for good cause. Whenever the attorney general conducts such a review, the attorney general shall notify the lottery commission whether or not in his or her opinion such person is fit to be associated with the distribution of video lottery machines in this state. Notwithstanding any other law to the contrary, the information provided to the attorney general and the results of any such review shall be confidential and shall not be subject to disclosure or to public inspection, except that the attorney general, in the attorney general's sole discretion, shall determine the extent to which and the manner in which said results may be reported to the lottery commission or other state agency or official and, if reported, whether such results are to retain their confidential character.

(c) The attorney general may conduct a background review on the attorney general's motion into the background of the technology provider applicant or licensee, or any person or entity upon whom the technology provider applicant or licensee relies for financial support.

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

VI.(a) The lottery commission shall charge the technology provider applicant an application fee of \$100,000 which shall be used to defray the cost of processing the application. If the cost of processing the application exceeds \$100,000, the applicant shall pay the difference.

(b) The attorney general shall charge the technology provider applicant an investigation fee of \$25,000 which shall be used to defray the cost of the background investigation. If the cost of the background investigation exceeds \$25,000, the applicant shall pay the difference.

(c) Upon approval of a technology provider licensee, the lottery commission shall charge an initial license fee of \$50,000. Licenses shall expire after 5 years. The lottery commission shall charge a fee of \$50,000 to renew a license to a technology provider licensee provided, however, such person seeking renewal of its license shall pay all costs incurred by the attorney general to conduct an investigation with regard to such application to renew the technology provider's license.

284-B:17 Licensure Requirements for All Licenses.

I. No license shall be issued by the lottery commission unless the applicant demonstrates it meets the standards and requirements of this chapter.

II. The applicant shall demonstrate the following:

(a) The applicant's financial stability, integrity, and responsibility, considering, without limitation, bank references, business and personal income and disbursement schedules, tax returns, and other reports filed with governmental agencies, business and personal accounting records, check records, and ledgers.

(b) The trustworthiness of all financial backers, investors, mortgagees, bondholders, and holders of indentures, notes, and other evidences of indebtedness of the applicant, its affiliated persons, subsidiaries, or holding companies that bears a relation to the application.

(c) The applicant's good character, honesty, and integrity, considering, without limitation, information pertaining to family, habits, character, reputation, criminal and arrest record, business activities, financial affairs, and business, professional, and personal associates, covering at least the 10-year period immediately preceding the filing of the application.

(d) The likelihood that the applicant can establish and maintain a successful and efficient operation (including, without limitation, by demonstrating that the applicant meets the criteria specified in RSA 284-B:12, I(d)).

III. The lottery commission shall not issue a license to any applicant unless the applicant proves that each owner, director, officer, and key employee of the applicant, its principals, subsidiaries, and affiliated entities is fit for gaming based upon the attorney general's review conducted pursuant to RSA 284-B:14 or RSA 284-B:16, as applicable. The lottery commission may waive the requirements of this section for a person directly or indirectly holding ownership of securities in a publicly traded corporation if the board determines that the holder of the securities is not significantly involved in the activities of the corporation and does not have the ability to control the corporation or elect one or more directors thereof. The lottery commission may determine whether the licensing standards of another jurisdiction within the United States or Canada in which an applicant, its affiliated entity, intermediary, subsidiary, or holding company for a gaming license or technology provider license is similarly licensed are comprehensive and thorough and provide similar adequate safeguards as those required by this chapter. If the lottery commission makes that determination, it may determine that the gaming applicant or technology provider meets the standards set forth in RSA 284-B:17, II, if an applicant holds a similar license in such other jurisdiction after conducting an evaluation of the information relating to the applicant from such other jurisdiction, as updated by the lottery commission, and evaluating other information related to the applicant received from that jurisdiction and other jurisdictions where the applicant may be licensed. The lottery commission may incorporate such information, in whole or in part, into its or the attorney general's evaluation of the applicant.

IV. The lottery commission shall not issue a license to any applicant if the applicant, any key employee, or any individual who has an ownership or financial interest in or with the applicant or its gaming location or an affiliated entity, is an elected official of the general court or executive branch of the state of New Hampshire or employee of the attorney general's office or the lottery commission on a full or part-time or contractual basis or has been at any time during the previous 2 years. If any such applicant, key employee, or any individual who has an ownership or financial interest in the applicant becomes an employee of the attorney general's office or the lottery commission on a full or part-time or contractual basis, the applicant shall be subject to sanctions pursuant to RSA 284-B:25.

V. If the lottery commission finds that an individual who is a principal or has an interest in the applicant does not meet the eligibility requirements of paragraph II, and on this basis the applicant shall be denied a license, the lottery commission may afford the individual the opportunity to completely divest his or her interest in the applicant and after such divestiture reconsider the applicant's suitability for licensure in an expedited proceeding and may, after such proceeding, issue the applicant a license.

VI. No license shall be issued to a gaming applicant unless the applicant has obtained local approval as provided in RSA 284-B:10.

VII. After a review of the entire application and any independent evaluations, the commission shall identify which live entertainment venues shall be designated as impacted live entertainment venues of a proposed gaming establishment; provided, however, that any live entertainment venue that has negotiated an agreement with the applicant that was submitted with the application shall be considered an impacted live entertainment venue by the commission. If the commission determines a live entertainment venue to be an impacted live entertainment venue and the applicant has not finalized negotiations with that live entertainment venue in its application pursuant to RSA 284-B:12, I(j), the applicant shall negotiate a signed agreement with that live entertainment venue within 30 days and no action shall be taken on its application prior to the execution of that agreement. In the event an applicant and an impacted live entertainment venue cannot reach an agreement, the commission, in making its decision on the application, shall consider the reasons for such failure to agree in relation to the standards for licensure set forth in this chapter. A gaming licensee's compliance with such agreements shall be considered upon a gaming licensee's application for renewal of the gaming license.

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:15. Following approval of an application for a license and receiving notice from the lottery commission that the decision is final and not subject to an appeal pursuant to RSA 284-B:15, IV, the applicant shall pay any applicable licensing fee. The applicant shall provide formal notification to the commission as soon as it fulfills all required conditions for issuance of the license. Upon receipt of such formal notification, and upon conducting any necessary verification, and payment of the license fee, the lottery commission shall issue a license to the applicant.

(b) No gaming licensee may begin operations until the lottery commission has adopted final rules. Once final rules have been adopted, a gaming licensee may commence operations in a temporary gaming location while completing construction of the permanent gaming location. The gaming licensee shall commence construction of the permanent gaming location within 6 months of issuance of a license or adoption of final rules by the lottery commission, whichever occurs later.

(c) The lottery commission may impose reasonable requirements upon a gaming licensee with respect to the completion of construction of the permanent gaming location, provided that the lottery commission may amend, modify, or waive such conditions upon good cause shown by the gaming licensee and determined by the lottery commission.

IX. 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.

X. 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.

XI. A licensee shall ensure that all key employees file an application with the lottery commission for approval if not approved during the initial licensing process upon a form prescribed by the lottery commission which shall include, but not be limited to, the following:

- (a) The name of the applicant;
- (b) The address of the applicant;
- (c) A detailed employment history of the applicant;
- (d) Fingerprints;
- (e) A criminal and arrest record; and
- (f) Any civil judgments obtained against the applicant pertaining to fraud or other securities violations.

The gaming licensee may not begin operations until all key employees of the gaming licensee have been licensed pursuant to the process established by the lottery commission in rules. Any key employee hired after operations commence must be licensed prior to working at the gaming location. The gaming licensee shall not employ or continue to employ a key employee, and no individual shall continue employment as a key employee, if such individual does not hold the requisite license. The lottery commission may develop a process for the issuance of temporary licenses for key employees if it deems such a process necessary to allow for the efficient operation of the gaming location.

XII. A licensee shall ensure that all other employees at a gaming location who are not considered key employees shall be required to register with the lottery commission as a gaming service employee and shall produce such information as the lottery commission may require.

284-B:18 Term of License; Limits on Transfer.

I. Any license awarded by the lottery commission shall be a revocable privilege and may be conditioned, suspended or revoked upon a finding by the lottery commission that such action is necessary to accomplish the purposes of this chapter as a result of:

- (a) A breach of the conditions of licensure, including failure to complete any phase of construction of the gaming establishment or any promises made to the state in return for receiving a gaming license;
- (b) Any civil or criminal violations of the laws of the state or other jurisdictions; or
- (c) A finding by the lottery commission that a gaming licensee is unsuitable to operate a gaming establishment or perform the duties of its licensed position.

II. The commission shall issue a written decision with detailed findings upon the taking of any action under paragraph I which shall be presented immediately to the licensee and shall be a public document. The licensee shall be entitled to request a rehearing of such decision and appeal consistent with RSA 541.

III. No license issued by the lottery commission or controlling interest held by a licensee may be transferred to a separate person without the prior approval of the lottery commission consistent with this chapter. Any proposed transferee of a license issued pursuant to this chapter or purchaser of a controlling interest in a licensee shall demonstrate to the lottery commission that the purchaser or transferee meets all the standards for licensure under this statute, pay an application fee to the lottery commission and investigation fee to the attorney general as specified in RSA 284-B:13 or RSA 284-B:16, as applicable. The purchaser of a controlling interest in a gaming licensee shall include purchases where the license is not transferred but where the sale of a controlling interest 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.

IV. No gaming licensee shall transfer any direct or indirect interest in the licensee or gaming establishment without the approval of the lottery commission. The lottery commission shall reject any such transfer unless the transferee is determined by the lottery commission fit to be associated with the ownership of gaming in New Hampshire after investigation by the attorney general pursuant to RSA 284-B:3 or RSA 284-B:16.

284-B:19 Table Game Operation Certificates.

I. The lottery commission shall have general and sole regulatory authority over the conduct of table games described in this chapter. The lottery commission shall ensure the integrity of the acquisition and operation of table game devices and associated equipment and shall have sole regulatory authority over every aspect of the authorization and operation of table games.

II.(a) The lottery commission shall:

(1) Issue, approve, renew, revoke, suspend, condition, or deny issuance or renewal of a table game operation certificate permitting a gaming licensee to operate table games at a gaming location consistent with this chapter.

(2) Determine at its discretion the suitability of any person, including technology vendors not licensed pursuant to this chapter, who furnishes or seeks to furnish to a certificate holder directly or indirectly any services or property related to the table games or associated equipment or through any arrangements under which that person receives payment based directly or indirectly on earnings, profits, or receipts from table games and associated equipment. Any criminal background checks shall be conducted by the division of state police, gaming enforcement unit, and any other background investigations shall be conducted by the attorney general's office. The commission may require any such person to comply with the requirements of this chapter and the rules of the commission and may prohibit the person from furnishing the services or property.

(b) The certificate shall only permit the operation of table games at a gaming location of a gaming licensee that operates or permits the operation of games of chance for or on behalf of charitable organizations pursuant to RSA 287-D. The space allocated for games of chance at the facility of a gaming licensee shall be at least 5,000 square feet within the principal gaming area of the gaming location, and the number of tables used for table games shall be limited to no more than 150 tables.

(c) The certificate shall not be transferable.

III. The lottery commission shall only permit the operation of table games and the system of wagering associated with table games at a gaming location. Authorization to conduct table games shall be contingent upon the gaming applicant's agreement to conduct table games in accordance with this section.

IV.(a) A gaming licensee may seek approval to operate table games by filing a petition with the lottery commission consistent with this chapter.

(b) A petition shall include the following:

- (1) An itemized list of the number and type of table games for which authorization is being sought.
- (2) The estimated number of full-time and part-time employment positions that will be created at the gaming location if table games are authorized.
- (3) Information and authorizations sufficient to allow the commission to confirm that any person providing services as a table game operator has not, in any jurisdiction, been convicted of a felony or class A

misdemeanor within the previous 10 years which has not been annulled by a court, or a class B misdemeanor within the previous 5 years which has not been annulled by a court, or has violated any statutes or rules governing gambling or gaming of any kind.

(4) The details of any financing that will be obtained or has been obtained to accommodate the operation of table games.

(5) The space allocated for games of chance at the facility of a gaming licensee shall be at least 5,000 square feet within the principal gaming area of the gaming location, and the number of tables used for table games shall be limited to no more than 150 tables; provided that the gaming licensee shall arrange the gaming area so that charitable gaming patrons can enter the charitable gaming space without passing through other gaming areas, including having a separate entrance for charitable gaming patrons if architecturally feasible.

V. The applicant shall certify under oath that:

(a) The information provided on the petition is accurate.

(b) The applicant who will be participating in the operation of the games of chance is aware of all statutes and rules applicable to the operation of table games.

(c) The proposed internal and external security and proposed surveillance measures within the petitioner's proposed table game area within the gaming location are adequate.

(d) The petitioner's proposed internal controls and audit protocols shall:

(1) Safeguard its assets and revenues, including the recording of cash and evidences of indebtedness related to the table games.

(2) Provide for reliable records, accounts, and reports of any financial event that occurs in the operation of a table game, including reports to the commission related to the table games.

(3) Provide for accurate and reliable financial records related to the table games operation.

(4) Establish procedures for all the following:

(A) The receipt, storage, and disbursal of chips, cash, and other cash equivalents used in table gaming.

(B) Check cashing.

(C) The redemption of chips and other cash equivalents used in table gaming and the payoff of jackpots.

(D) The recording of transactions pertaining to table gaming.

(5) Establish procedures for the collection and security of moneys at the gaming tables.

(6) Establish procedures for the transfer and recording of chips between the gaming tables and the cashier's cage.

(7) Establish procedures for the transfer of drop boxes for table games from the gaming tables to the count room.

(8) Establish procedures and security for the counting and recording of table gaming revenue.

(9) Establish procedures for the security, storage, and recording of cash, chips, and other cash equivalents utilized in table gaming.

(10) Establish procedures and security standards for the handling and storage of gaming apparatus, including cards, dice, machines, wheels, and all other gaming equipment.

(11) Establish procedures and rules governing the conduct of particular games and the responsibility of non-key gaming employees.

(12) Establish procedures for the collection and recording of revenue from poker when it is a non-licensee bank game, including the type of rake utilized, the methodology for calculating the rake, and the amount of maximum permissible rake.

(13) Ensure that any wagering governing the operation of a table game is implemented only in accordance with the management's general or specific authorization, as approved by the lottery commission.

(14) Ensure that there is proper and timely accounting of gross table game revenue and the calculation of gross table game revenue, fees, and taxes and maintain accountability for assets.

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

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

(17) Permit use of its existing onsite facilities by the lottery commission and other persons authorized by the commission to facilitate their ability to perform regulatory and oversight functions under this chapter.

VI.(a) Each gaming licensee shall, prior to being approved for a table game operation certificate, submit to the commission a detailed description of its administrative and accounting procedures related to table games, including its written system of internal controls. Each written system of internal controls shall include:

(1) An organizational chart depicting appropriate functions and responsibilities of employees involved in the table game operation.

(2) A description of the duties and responsibilities of each position shown on the organizational chart.

(3) The record retention policy of the applicant.

(4) The procedure to be utilized to ensure that assets are safeguarded, including mandatory count procedures.

(b) Gaming licensees shall maintain a detailed narrative description of the administrative and accounting procedures which meet the requirements of this section.

(c) A gaming licensee with a table game operation certificate may accept a check from a patron in exchange for cash or chips, provided that each check is deposited within 2 business days of receipt by the gaming licensee.

(d) A gaming licensee with a table game operation certificate may make credit card advances and debit card withdrawals available to table game patrons at a gaming location. All fees charged for cash advances, check cashing, and debit card withdrawals shall be disclosed. Notwithstanding any other provision of law, a gaming licensee with a table game operation certificate may provide credit to patrons for the purpose of playing table games in accordance with this section. No third party checks shall be permitted.

VII. A certificate holder shall maintain all books, records, and documents pertaining to the certificate holder's table game operation in a manner and location as approved by the lottery commission. All books, records, and documents related to table game operations shall:

(a) Be maintained separately and apart from all books, records, and documents of the video lottery machine operations;

(b) Be immediately available for inspection upon request of the lottery commission, the state police, or agents of the attorney general during all hours of operation in accordance with rules adopted by the commission; and

(c) Be maintained for a period as the lottery commission, by rule, may require.

VIII. A gaming licensee shall distribute its daily gross table revenue as follows:

(a) Fourteen percent of daily gross table revenue to the state to be deposited into the education trust fund under RSA 198:39; and

(b) The balance of the daily gross table game revenue shall be retained by the gaming licensee that operates the table games.

IX. The distribution due to the state pursuant to subparagraph VIII(a) shall be due and payable to the state treasurer on a daily basis and shall be based upon gross table game revenue derived during the previous day. All funds owed to the state under this section shall be held in trust by the certificate holder until the funds are paid or transferred and distributed by the certificate holder. Unless otherwise agreed to by the lottery commission, a certificate holder shall establish a separate bank account to maintain table gaming proceeds until such time as the proceeds are paid or transferred under this section.

X. Any person seeking to supply table game devices for use at a gaming location shall obtain approval by the commission for authority to manufacture or supply table games, table game devices, or other equipment associated with table games, and shall pay such fees as the commission deems reasonable and appropriate. Upon approval, the manufacturer or supplier shall pay a fee of \$50,000. A fee of \$25,000 shall be paid for the annual renewal of an approval.

XI.(a) No table games shall be conducted with any equipment except such as is owned or leased from a supplier or manufacturer of such equipment who has been approved by the commission pursuant to RSA 284-B:19, X and who has registered with the secretary of state in such manner and on such form as the secretary of state prescribes.

(b) All devices and equipment used to conduct table games shall be subject to inspection by duly authorized law enforcement officials of the commission.

(c) The amount of any wager permitted to be played by a player, on any table game, shall be prominently posted.

284-B:20 Exclusion of Minors.

I. No person under 21 years of age shall be in a gaming area at a gaming location authorized by this chapter, notwithstanding any other law, provided, however, that a person 18 years or over of age who is a licensed employee of the gaming establishment may be in a gaming area if in the performance of the duties the employee is licensed to undertake; and provided, further, that no gaming licensee or gaming establishment shall authorize or conduct marketing and promotional communications relative to gaming to target persons under the age of 21.

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.

III. Licensees shall take all reasonable measures to prevent violations of the criminal code provisions related to gambling by minors, including the provisions set forth at RSA 672.

284-B:21 Operation of Video Lottery Machines.

I.(a) A gaming licensee shall provide to the lottery commission prior to commencing operations of any video lottery machines, by diagram or narrative, a description of:

- (1) The location of each video lottery machine available for play by the public.
- (2) The location of all areas for the storage, maintenance, or repair of video lottery machines.
- (3) A description of all security measures to be taken for the safeguarding of video lottery machines.
- (4) The location and security measures taken for the safeguarding of all moneys, tokens, or other items of value utilized in the use of video lottery machines.
- (5) All procedures for the operation, maintenance, repair, and inserting or removing of moneys, tokens, or other items of value from video lottery machines.
- (6) All internal control systems as required by RSA 284-B:12, I(f).
- (b) The provisions of subparagraphs (a)(1)-(6) shall be approved by the lottery commission prior to a gaming licensee's commencing the operation of any video lottery machine.
- II. No video lottery machine shall be possessed, maintained, exhibited, brought into, or removed from a gaming location by any person unless such machine has permanently affixed to it an identification number or symbol authorized by the lottery commission and prior notice of any such movement has been given to the lottery commission.
- III. Each gaming licensee shall maintain secure facilities for the counting and storage of all moneys, tokens, or other items of value utilized in the conduct or operation of video lottery machines.
- IV. The drop boxes and other devices shall not be brought into a gaming location or removed from a video lottery machine, locked or unlocked, except at such specific times and such places and according to such procedures as the lottery commission may require to safeguard such boxes and devices and their contents.
- V. No video lottery machine shall be used to conduct gaming unless it is identical in all electrical, mechanical, and other aspects to a model which has been specifically tested by the lottery commission and licensed for use by the lottery commission. In conducting such tests, the lottery commission shall use the services of an independent laboratory, and the cost of such independent laboratory shall be paid by the technology provider.
- VI. Video lottery machines in operation at a gaming location shall provide a payoff of an average of at least 90 percent, except that progressive jackpots shall have a payoff of an average of at least 85 percent.
- VII. All tickets given as prizes or winnings from video lottery machines shall be redeemed for cash within one year after the date of winning. Upon the expiration of such one-year period, the value of such unredeemed tickets shall be considered net machine income of the issuing gaming licensee.
- VIII. A gaming licensee shall not be restricted in the days of operation of video lottery machines.
- IX. Video lottery machines shall be operated only at times when the public is allowed access to the gaming locations.
- X. Automatic teller machines shall not be located within 100 feet of nor within the same room as video lottery machines or table games.
- XI. All table games operated by a gaming licensee shall be approved in advance by the lottery commission consistent with RSA 284-B:19 and operated consistent with such approval.
- XII. The gaming licensee shall pay a fee of \$600 per year per machine to the lottery commission to be deposited in the general fund.

284-B:22 Distribution of Net Machine Income.

- I.(a) Notwithstanding any law to the contrary, the net machine income generated by video lottery machines operated by a gaming licensee shall be paid as follows:
 - (1) Twenty-five percent of the net machine income generated by video lottery machines shall be paid to the commission from which it shall pay for the costs of regulation, administration, enforcement of this chapter, and the operation of the central computer system, and any unfunded costs incurred by the attorney general's office for investigation and enforcement of this chapter as certified to the lottery commission by the attorney general, and the balance of which shall be paid to the state treasurer to be distributed through the operating budget as determined by the general court for the following purposes:
 - (A) Forty-five percent shall be appropriated to the department of transportation to be used to pay the debt service costs on bonds issued after December 31, 2012 for the widening of I-93. The remainder of this 45 percent shall be disbursed as follows:
 - (i) Notwithstanding the provisions of RSA 235:23 and RSA 235:23-a, the first 1/6 shall be deposited into the highway and bridge betterment account established under RSA 235:23-a and dedicated to local highway and bridge betterment projects; and
 - (ii) The next 5/6 shall be distributed pursuant to the apportionment formula in RSA 235:23, I.
 - (B) Forty-five percent shall be appropriated to the university system of New Hampshire and community college system of New Hampshire higher education fund to provide additional funding to public institutions of higher education in New Hampshire. There is established the university system of New Hampshire and community college system of New Hampshire higher education fund. This fund shall be nonlapsing and continually appropriated for the purposes of this subparagraph.
 - (C) Ten percent to be deposited in the north country economic development fund established in RSA 284-B:29 for the purposes of north country economic development.

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

(3) One percent of the net machine income generated by video lottery machines operated by a gaming licensee shall be paid in equal portions to each of the municipalities of New Hampshire which abut the municipality in which the gaming licensee operates video lottery machines; provided, however, that if a municipality abuts more than one municipality in which a gaming licensee operates video lottery machines, such municipality shall only receive net machine income pursuant to this paragraph from the gaming licensee who operates video lottery machines in the same county as the abutting municipality.

(4) One percent of the net machine income generated by all video lottery machines shall be paid to the state treasurer and credited to the commissioner of the department of health and human services to support programs established by RSA 172 to treat problem gambling.

(b) The balance of the funds from the net machine income from video lottery machines shall be retained by the gaming licensee that operates such video lottery machines, subject to any adjusted charitable benefit amount or gaming location charitable benefit amount due to the 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 (4), the amount due the municipality pursuant to subparagraph I(a)(2), the amount due certain municipalities pursuant to subparagraph I(a)(3), and the balance of net machine income retained by the gaming licensee. The gaming licensee shall pay a penalty of \$1,000 for each day that payment or the accounting is not delivered on time to the state, and a penalty of \$1,000 for each day that payment or the accounting is not delivered to the municipality on time.

284-B:23 Inspection of Video Lottery Machines; Penalty for Tampering or Manipulating; Prevention of Criminal Violations.

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. Licensees shall take all reasonable measures to prevent violations of the criminal code provisions related to gambling, including the provisions set forth at RSA 672.

284-B:24 Presence of the Lottery Commission. The lottery commission and the division of state police gaming enforcement unit may be present at any gaming location at which video lottery machines and table games are operated at all times when the gaming location is open to the public. The gaming licensee may be required by the lottery commission or gaming enforcement unit to provide such office space and equipment which the commission or unit shall determine is reasonably necessary or proper.

284-B:25 Sanction Powers of the Lottery Commission.

I. The lottery commission shall have the sole and exclusive authority following appropriate hearings and factual determinations, to impose sanctions against any person for any violation of this chapter or any rule of the commission adopted under the provisions of this chapter as follows:

(a) Revocation or suspension of a license.

(b) Civil penalties as may be necessary to punish misconduct and to deter future violations, which penalties may not exceed \$50,000 for each violation.

(c) Order restitution of any moneys or property unlawfully obtained or retained by a person.

(d) Issuance of a cease and desist order which specifies the conduct which is to be discontinued, altered, or implemented by the person.

(e) Issuance of letters of reprimand or censure, which shall be made a permanent part of the file of each person so sanctioned.

(f) Imposition of any or all of the foregoing sanctions in combination with each other.

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

(a) The risk to the public and to the integrity of video lottery machine or table game operations created by the conduct of the person.

(b) The seriousness of the conduct of the person and whether the conduct was purposeful or with knowledge that it was in contravention of the provisions of this chapter or the rules of the commission.

(c) Any justification or excuse for such conduct.

(d) The prior history of the person involved.

(e) The corrective action taken by the person to prevent future misconduct of a like nature from occurring.

(f) In the case of a monetary penalty, the amount of the penalty in relation to the misconduct and the financial means of the person.

(g) In the event that a person receives 3 civil penalties during the term of such person's license, the commission may subject such person to enhanced fines or other disciplinary action.

III.(a) Upon revocation or suspension of a gaming license by the lottery commission or upon the failure or refusal of a licensee to renew a gaming license for any reason, the lottery commission may seek the appointment of a conservator pursuant to this paragraph to temporarily manage and operate the business of the gaming licensee relating to the gaming location, but only if:

(1) The possible adverse economic impact of closure of the gaming location upon the specific community in which the establishment is located and upon the state generally is significant; and

(2) Continued gaming operation pursuant to a conservatorship would facilitate speedy transfer of ownership of the establishment in a manner that does not unreasonably endanger the public health, safety, morals, good order and general welfare. Such conservator shall be a person of similar experience in the field of gaming management and, in the case of replacing a gaming licensee, shall have experience operating a gaming establishment of similar caliber in another jurisdiction, and shall be in good standing in all jurisdictions in which the conservator operates a gaming establishment. Upon appointment, a conservator shall agree to all licensing provisions of the former gaming licensee.

(b) If the lottery commission deems it warranted pursuant to this section, the lottery commission, and only the lottery commission, may petition ex parte for a court order appointing a conservator for the gaming location. The decision to file such a petition is discretionary with the lottery commission, and in determining whether such a petition shall be filed, the lottery commission shall consider, at any time following issuance of an order revoking or suspending a gaming license or upon the failure or refusal to renew the gaming license:

(1) The nature of the violation which resulted in the revocation, suspension, surrender, or lapse;

(2) The ability and actions taken, if any, for a removal by licensees in good standing of persons who committed the violation;

(3) The involvement during a proposed conservatorship in any operation of the establishment of persons whose licenses were revoked, suspended, surrendered, or lapsed;

(4) The economic impact of closure of the gaming operations upon the community in which the establishment is located;

(5) The economic impact of closure of the gaming operations upon the state of New Hampshire;

(6) The prior efforts, if any, to sell the establishment;

(7) The involvement, if any, of undisclosed interests in the establishment;

(8) The presence, if any, of a publicly traded holding company and the public trading that would occur during a conservatorship;

(9) The current status of all fees and taxes applicable to the operation;

(10) The adequacy of existing financing for the operation, if continued, and the suitability of the source of such financing;

(11) The impact upon public confidence and trust that gaming operations in New Hampshire are conducted honestly, competitively and free from criminal and corruptive elements;

(12) The ownership of the gaming establishment premises or an interest therein by persons other than the offending, surrendering or lapsed licensee;

(13) Any other matter material to a full and complete consideration of the particular circumstances presented;

(14) The availability of 2 or more persons qualified and willing to assume the position of conservator for the establishment in question, unless, in the opinion of the commission, only one person is available who is qualified to serve, in which case the commission may name only that person.

(c) The lottery commission may decline to petition for appointment of a conservator if satisfied that because of any or all of the above considerations or for any other reason, a continuation of the operation of the gaming location would not be in the best interest of the state, the gaming industry, or both.

(d) The commission shall not petition for a conservator to continue gaming operations at any establishment if:

(1) A rehearing has been granted by the commission to the licensee on the revocation or suspension of his license and the rehearing has not been concluded;

(2) The gaming establishment has never been in operation and opened to the public;

(3) The gaming establishment is, or reasonably appears to be, insolvent; or

(4) Gaming operations ceased at the establishment for any reason prior to revocation, suspension or lapse of an essential license.

(e) A conservator shall, before assuming managerial or operational duties, execute and file a bond for the faithful performance of its duties payable to the lottery commission with such surety and in such form and amount as the lottery commission shall approve.

(f) After issuance of an order to appoint a conservator, the former or suspended gaming licensee may not exercise any of its privileges, collect or receive any debts or pay out, sell, assign, or transfer any of its assets to anyone without prior approval of the appointed conservator and the lottery commission.

(g) A conservator shall not distribute earnings of the gaming establishment to the former licensed owners thereof, until deduction is made for:

- (1) All amounts payable under this chapter;
- (2) The costs of the conservatorship, including compensation and expenses incurred by the conservator and those engaged by the conservator to aid in the conservator's duties, then due and owing;
- (3) Amounts deemed necessary by the conservator for continuing the operation of the establishment, including, but not limited to, bankroll, salaries, and foreseeable operating expenses;
- (4) Amounts deemed necessary by the conservator to preserve the assets of the gaming establishment; and
- (5) A reserve fund sufficient, in the determination of the conservator, to facilitate continued operation in light of pending civil litigation, disputed claims, contractual obligations, taxes, fees, and any other contingency known to the supervisor which may require payment by the establishment.

(h) During the period of conservatorship, the commission shall, as applicable, initiate proceedings under this chapter to award a new gaming license to a qualified applicant whose gaming location shall be located at the site of the preexisting gaming location. An applicant for a new gaming license shall be qualified for licensure under this chapter; provided, however, that the lottery commission shall determine an appropriate level of investment by an applicant into the preexisting gaming establishment and upon award of a new gaming license, the new gaming licensee shall pay the original licensing fee required under this chapter.

(i) Following the sale, assignment, conveyance, or other disposition in bulk of all the property subject to a conservatorship and the payment of any obligations to the state and political subdivisions pursuant to this chapter, the lottery commission will conduct a hearing to determine the distribution of the remaining assets.

(j) The lottery commission may issue an order to discontinue a conservatorship when:

- (1) The lottery commission determines that circumstances requiring the appointment of the conservator no longer exist; or
- (2) The conservator has, with the prior approval of the lottery commission, consummated the sale, assignment, conveyance, or other disposition of all the assets or interest of the former gaming licensee relating to the gaming license.

284-B:26 Declaration of Limited Exemption from Operation of Provisions of 15 U.S.C. sections 1171-1178. Pursuant to section 2 of an act of Congress of the United States entitled "An Act to Prohibit Transportation of Gambling Devices in Interstate and Foreign Commerce," designated as 15 U.S.C. sections 1171-1178, the state of New Hampshire, acting by and through the duly elected and qualified members of its legislature, does hereby, in accordance with and in compliance with the provisions of that section 2 of that act of Congress, declare and proclaim that it is in the state's best interest to benefit from limiting gambling device revenues but prevent the proliferation of gambling devices by limiting approved facility locations and therefore that section 2 of that act of Congress shall not apply to any gambling device in this state where the transportation of such a device is specifically authorized by and done in compliance with the provisions of this chapter and any rules adopted pursuant to it, and that any such gambling device transported in compliance with state law and rules shall be exempt from the provisions of that act of Congress.

284-B:27 Legal Shipment of Gaming Devices into New Hampshire. All shipments into this state of gaming devices, the registering, recording, and labeling of which has been duly made by the manufacturer or dealer in accordance with sections 3 and 4 of an act of Congress of the United States entitled "An Act to Prohibit Transportation of Gambling Devices in Interstate and Foreign Commerce," designated as 15 U.S.C. sections 1171-1172, shall be deemed legal shipments into this state.

284-B:28 Gaming Study Commission Established.

I. There is established a gaming study commission consisting of members as follows::

- (a) Three members appointed by the governor.
- (b) One member appointed by the president of the senate.
- (c) One member appointed by the speaker of house of representatives.
- (d) The commissioner of the department of resources and economic development; or designee.
- (e) The executive director of the lottery commission, or designee.
- (f) The director of the racing and charitable gaming commission, or designee.
- (g) The attorney general, or designee.

II. The terms of the members shall commence upon their appointment and continue through the date on which the report of the commission is delivered as provided in paragraph IV. The commission shall elect a chairperson from its membership. The commission shall meet at the call of chairperson who may call a meeting as often as necessary. Five commissioner members shall constitute a quorum and action shall be taken by a majority of the members present when there is a quorum.

III. The commission shall review the operation of the gaming location by the gaming licensee authorized pursuant to this chapter and shall evaluate the economic and regulatory impact of such operations and the competitive conditions in the gaming industry then existing. In addition, the commission shall study:

(a) The capacity of the lottery commission as constituted under existing law to carry out the provisions of this chapter; and

(b) The respective duties of the lottery commission and the racing and charitable gaming commission to determine whether any changes to the organization of the 2 agencies are necessary to provide for the efficient and effective administration of the responsibilities currently assigned to each agency. Based upon such review, the commission may make such findings and recommendations as it determines appropriate, including with respect to the need for additional legislation and whether additional licenses should be issued for gaming locations under this chapter and under what conditions; provided.

IV. The commission shall make a report, together with its findings, recommendations, and any proposed legislation, to the governor, the president of the senate, the speaker of the house of representatives, and the chairs of the house and senate finance and ways and means committees within 2 years of the date on which the gaming location authorized under this chapter becomes operational; provided that the commission shall make interim reports together with any findings, recommendations, and proposed legislation with respect to any matters that it determines require legislative or administrative action in fiscal year 2014.

284-B:29 Fund Established.

I. There is hereby established a special fund to be known as the north country economic development fund. The fund shall consist of moneys from the net machine income generated by video lottery machines as prescribed in RSA 284-B:22. The fund shall be managed by the state treasurer and the committee in paragraph II, shall be nonlapsing, and shall be continually appropriated for the purposes of this chapter.

II.(a) Use of the fund shall be solely for supporting job creation, economic stability, and other activities which improve the standard of living of residents of the north country. The fund distribution will be managed by a committee consisting of 5 public members from the north country, 3 appointed by the governor, one appointed by the speaker of the house, and one appointed by the president of the senate.

(b) The members appointed under subparagraph (a) 1 shall serve 2-year terms.

III. For the purposes of this section, the north country shall consist of the upper 1/3 of the state of New Hampshire, provided that the committee appointed pursuant to RSA 284-B:29, II shall develop and propose legislation for consideration in the 2014 legislative session that shall further define the term "north country" and further specify the purposes and procedures that shall apply to the management of the north country economic development fund.

284-B:30 Prohibitions on Certain Political Contributions.

I. In this section:

(a) "Candidate" means any person publicly declared as such and for whom votes are sought in an election, as defined by RSA 664:2, but shall not include a person seeking nomination or election to any federal public office.

(b) "Contribution", "political committee", "political party", and "independent expenditure" shall be defined as in RSA 664:2.

(c) "Dependent person" means a person who is: an employee or co-employee of a licensee or applicant for a license; an employee or co-employee of a person affiliated with a licensee or applicant for a license; or an enterprise or firm, or an officer, director, partner, owner, or principal employee of an enterprise or firm, that is a party to any contract with, or is bidding for or seeking to enter any contract with, or regularly represents or provides services to, a licensee or applicant.

(d) "Money" means cash or instruments that are convertible to cash in any negotiable currency.

(e) "Person" means an individual, limited liability company, proprietorship, firm, partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, committee, government entity, or other legal entity.

(f) "Public official" means any person holding the office of governor, executive council, state senator, state representative, county commissioner, county treasurer, county attorney, county sheriff, county register of deeds, or local town or city office.

(g) "Solicitation" means a request, suggestion, or recommendation made to a particular person, by any means of communication, that the person make a contribution; provided, however, that a statement to a person expressing support for or opposition to the election of any candidate, or support for or opposition to any political organization, which is made without reference to a contribution, or a statement intended for and given public dissemination encouraging all persons to make contributions to any candidate or political organization, is not a solicitation.

(h) "Thing of value" means: an item of real, personal, or intellectual property that may be converted into money by selling it or pledging it as security for a loan or other advance of funds; a loan of assets, property, personnel, or facilities for use by a candidate or political organization, such as, without limitation, office space, automobiles, telephones or telephone services, or the time and effort of employees or consultants who are paid by the person making the contribution; a personal or professional service that is not incidental to the expression of a person's ideological beliefs or membership in a political organization, and that has a value to the candidate or political organization; a non-reimbursed expense that is not incidental to the expression of

a person's ideological beliefs or membership in a political organization, and is of the type normally incurred by the candidate or political organization; or any thing, service, expense or other item of value similar to that identified in this paragraph.

II. Licensees or applicants for a gaming license, close associates to a licensee or applicant, or any holding, intermediary or subsidiary company or any dependent person thereof; or any officer, director, gaming licensee key employee or qualifier of any of these companies; a person who holds at least a one percent interest in the gaming licensee or applicant, the spouse or children of a licensee or applicant, or any person or agent acting on behalf of any of these companies or persons or persons affiliated therewith are prohibited from making contributions of money or things of value to public officials or candidates for public office and political organizations in New Hampshire; nor shall the above mentioned offer or give to a candidate or public official or his or her spouse, his or her parent, brother, sister, or child or spouse of such child or a business with which he or she is associated, anything of value, including, but not limited to, a gift, loan, political contribution, reward, or promise of future employment.

III. Licensees or applicants for a gaming license, close associates to a licensee or applicant, or any holding, intermediary or subsidiary company or any dependent person thereof; or any officer, director, gaming licensee key employee or qualifier of any of these companies; a person who holds at least a one percent interest in the gaming licensee or applicant, the spouse or children of a licensee or applicant, or any person or agent acting on behalf of any of these companies or persons or persons affiliated therewith, shall not make a contribution to a candidate or committee through a legal entity that is established, directed, or controlled by the persons described in this paragraph.

IV. No candidate or public official shall solicit or accept from a licensee or applicants for a gaming license, close associates to a licensee or applicant, or any holding, intermediary or subsidiary company or any dependent person thereof; or any officer, director, gaming licensee key employee or qualifier of any of these companies; a person who holds at least a one percent interest in the gaming licensee or applicant, the spouse or children of a licensee or applicant, or any person or agent acting on behalf of any of these companies or persons or persons affiliated therewith anything of value, including but not limited to, a gift, loan, political contribution, reward, or promise of future employment.

V. This prohibition is designed to protect the public interest in both the fact and the appearance of the independence of the political process, and the insulation of the government institutions that are responsible for the supervision of the gaming industry, from the uniquely powerful economic force that is presented by that industry. The protection of these interests is critical to the maintenance of public confidence and trust in the regulation of gaming in New Hampshire.

VI. Violators of these prohibitions shall be guilty of a violation and shall be punished by a fine not to exceed \$20,000 per illicit donation, plus the amount of each illicit donation, and penalties and sanctions by the lottery commission.

3 New Section; Lottery Commission; Administration of Video Lottery. Amend RSA 284 by inserting after section 21-v the following new section:

284:21-w Administration of Video Lottery and Table Games. The lottery commission shall administer and enforce the provisions of RSA 284:B.

4 New Sections; Department of Safety; Gaming Enforcement Unit Established. Amend RSA 21-P by inserting after section 7-c the following new sections:

21-P:7-d Division of State Police; Gaming Enforcement Unit.

I. There is established within the division of state police a gaming enforcement unit under the supervision of the commissioner of the department of safety. Notwithstanding RSA 106-B:15, the unit shall:

(a) Investigate violations of RSA 284-B and the rules adopted under the provisions of RSA 284-B, and initiate proceedings before the lottery commission for such violations. The unit shall report the results of any investigation conducted to the lottery commission.

(b) Participate in any hearing conducted by the lottery commission.

(c) Investigate crimes which may involve a violation of RSA 284-B that occur at a gaming location. II.

The commissioner of the department of safety shall organize the unit as the commissioner deems necessary. The commissioner of safety may employ such state police personnel as the commissioner deems necessary to fulfill the responsibilities of the unit.

21-P:7-e Enforcement Expenditures. The governor and council, upon request from the commissioner of the department of safety, may authorize the transfer of general funds as necessary to the department of safety to implement and enforce RSA 21-P:7-d and RSA 284-B.

5 New Section; 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-16.

II. Notice of the contents of any information or data released, except to a duly authorized law enforcement agency pursuant to paragraph I, shall be given to any applicant, registrant, or licensee in a manner prescribed by the rules adopted by the racing and charitable gaming commission.

III. Any charity that held charitable games in New Hampshire in accordance with RSA 287-D or RSA 287-E during the fiscal year ending June 30, 2012, ("Fy 12") shall be eligible to receive an adjusted charitable benefit as follows:

(a) The racing and charitable gaming commission shall determine the total net revenue awarded to each charity from charitable gaming events held in accordance with RSA 287-D and RSA 287-E during Fy 12. This amount shall be called the "base charitable benefit."

(b) Within 60 days of the close of a fiscal year in which a gaming licensee has operated video lottery machines and table gaming pursuant to RSA 284-B, the racing and charitable gaming commission shall determine the total net revenue awarded to each charity from charitable gaming events held in accordance with RSA 287-D and RSA 287-E for that fiscal year. This amount shall be called the "annual charitable benefit."

(c) For each charity eligible under this paragraph, the racing and charitable gaming commission shall determine if the base charitable benefit exceeds the annual charitable benefit for the previous fiscal year. If the base charitable benefit exceeds the annual charitable benefit, the difference shall be called the "adjustable annual charitable benefit" and the racing and charitable gaming commission shall notify the lottery commission and the gaming licensee of the amount of the adjusted annual charitable benefit.

(d) Within 20 days of receipt of such notice, the gaming licensee shall pay the adjusted annual charitable benefit of each eligible charity to the racing and charitable gaming commission.

(e) Within 10 days of receipt of the adjusted annual charitable benefit, the racing and charitable gaming commission shall pay the adjusted annual charitable benefit to each eligible charity.

(f) The payment due under this section shall not be subject to offsets or credits.

(g) To the extent the gaming licensee has operated video lottery machines and table games for only a portion of a fiscal year, the adjusted annual charitable benefit amount for that year shall be proportionally pro-rated.

(h) If a charity eligible under this paragraph stops engaging in charitable games under RSA 287-D and RSA 287-E for over a year any time after the opening of the gaming licensee, such charity shall no longer be eligible to receive an annual charitable benefit.

IV. The racing and charitable gaming commission shall adopt rules, under RSA 541-A, relative to the calculation, collection, and distribution of the adjusted annual charitable benefit consistent with this section.

6 Restriction on Gambling. RSA 284:17-c is repealed and reenacted to read as follows:

284:17-c Restriction on Gambling. Except as provided in the introductory paragraph of RSA 284:22, RSA 284:22-a, and RSA 284-B, no licensee who holds running horse races shall at the same facility hold any other kinds of races or permit any other type of gambling except harness horse races and activities licensed by the lottery commission 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 and subject to the same hours of sale as all other on-premises licenses pursuant to RSA 179:17, II(b).

8 New Subparagraph; Authorized Video Lottery Machines. Amend RSA 647:2, V by inserting after subparagraph (c) the following new subparagraph:

(d) Video lottery machines and table games authorized pursuant to RSA 284-B.

9 Rehabilitation of Problem Gaming. Amend RSA 172:2-a to read as follows:

172:2-a Program Established. The commissioner shall provide for the scientific care, treatment, and rehabilitation of **gambling**, alcohol and drug abusers, and work towards the prevention of, and assist in the control of, alcohol and drug abuse within the state through education, treatment, community organization, and research.

10 Rehabilitation of Problem Gaming. Amend RSA 172:8 to read as follows:

172:8 Duties of Commissioner. The commissioner shall:

I. Study the problems presented by **gambling**, alcohol and drug abuse, including methods and facilities available for the care, treatment, custody, employment, and rehabilitation of persons who are **problem gamblers**, inebriates, alcohol abusers, drug dependent, or drug abusers.

II. Promote meetings and programs for the discussion of **gambling**, alcohol and drug dependency and abuse for the guidance and assistance of individuals, schools, courts, and other public and private agencies.

III. Conduct, promote and finance, in full or in part, studies, and other appropriate facilities dealing with the physical, psychological, and/or social aspects of **gambling**, alcohol and drug abuse.

IV. Have the authority to accept or reject for examination, diagnosis, guidance, and treatment, insofar as funds and facilities permit, any resident of the state who comes to the commissioner voluntarily for advice and treatment.

V. [Repealed.]

VI. Render biennially to the governor and council a report of his activities including recommendations for improvements therein by legislation or otherwise.

VII. Coordinate community medical resources for the emergency medical care of persons suffering acute mental or physical reaction to **gambling**, alcohol or drugs and of persons suffering from drug dependency.

VIII. Employ such assistants as may be necessary to carry out the purposes of this chapter, in accordance with state personnel regulations, and within available appropriations and funds.

IX. Disseminate information on the subjects of **gambling**, alcohol and drug abuse for the guidance and assistance of individuals, schools, courts and other public and private agencies.

X. [Repealed.]

11 Problem Gaming Added. Amend RSA 172:8-a to read as follows:

172:8-a Confidentiality of Client Records. No reports or records or the information contained therein on any client of the program or a certified **gambling**, alcohol or drug abuse treatment facility or any client referred by the commissioner shall be discoverable by the state in any criminal prosecution. No such reports or records shall be used for other than rehabilitation, research, statistical or medical purpose, except upon the written consent of the person examined or treated. Confidentiality shall not be construed in such manner as to prevent recommendation by the commissioner to a referring court, nor shall it deny release of information through court order pursuant to appropriate federal regulations.

12 Problem Gaming Added. Amend RSA 172:8-b to read as follows:

172:8-b Rulemaking. The commissioner shall adopt rules under RSA 541-A relative to the following:

I. The acceptance, care, and treatment of **gambling**, alcohol or drug dependent persons and alcohol or drug abusers who are clients of the program established under this chapter or a certified substance abuse treatment facility.

II. A fee schedule and collection of fees under RSA 172:14, IV.

III. Certification of **such** substance abuse treatment facilities including, but not limited to:

- (a) Program content;
- (b) Qualifications of program staff; and
- (c) Type of substance abuse treatment offered.

IV. Certification and recertification of **gambling**, alcohol and drug abuse counselors including, but not limited to:

- (a) Peer review of applicants.
- (b) Minimum qualifications and competency.
- (c) Education and continuing education.
- (d) Experience required.
- (e) Required knowledge of **gambling**, alcohol and drug abuse counseling.
- (f) Such other matters as the commissioner may deem necessary to carry out the purposes of this chapter.

V. Voluntary admissions under RSA 172:13.

13 Acceptance of Funds; Treatment of Problem Gamblers. Amend RSA 172:9 to read as follows:

172:9 Acceptance of ~~[Grants]~~ **Funds**. The commissioner is authorized to accept in the name of the state special grants or money or services from the federal or state governments or any of their agencies and may accept gifts to carry on the functions provided for in this chapter.

14 Education Trust Fund; Proceeds. Amend RSA 6:12, I(b)(65) to read as follows:

(65) Money received under RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B, RSA 83-F, **RSA 284-B:19, VIII** and from the sweepstakes fund, which shall be credited to the education trust fund under RSA 198:39.

15 New Subparagraph; Special Fund. Amend RSA 6:12, I(b) by inserting after subparagraph 310 the following new subparagraph:

(311) Moneys received for the university system of New Hampshire and community college system of New Hampshire higher education fund established under RSA 284-B:22, I(a)(1)(B).

16 License Proceeds to Lottery Commission. Amend RSA 284:21-j, I to read as follows:

I. The state treasurer shall credit all moneys received from the lottery commission and all moneys received from the racing and charitable gaming commission under RSA 284, **RSA 284-B:13, I**, RSA 287-D, and RSA 287-E, and interest received on such moneys, to a special fund from which the treasurer shall pay

all expenses of the commission incident to the administration of this subdivision and all administration and enforcement expenses of the racing and charitable gaming commission under RSA 284, RSA 287-D, and RSA 287-E. Any balance left in such fund after such expenses are paid shall be deposited in the education trust fund established under RSA 198:39.

17 New Subparagraph; North Country Economic Development Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (310) the following new subparagraph:

(311) Moneys deposited in the north country economic development fund established in RSA 284-B:29.

18 Reallocation of Previously Allocated Funds. The funds in the amount of \$250,000 previously allocated by the general court for the purpose of adopting rules governing gaming, pursuant to the recommendation of the New Hampshire Gaming Study Commission, shall be re-allocated to the lottery commission to be used by the lottery commission to hire staff and consultants for the purpose of adopting rules pursuant to RSA 284-B.

19 Authority and Duties of Police Employees. Amend RSA 106-B:12 to read as follows:

106-B:12 Authority and Duties of Police Employees. Police employees shall be ex-officiis constables throughout the state, shall patrol the highways, enforce the highway traffic laws and regulations, enforce the motor vehicle laws relative thereto and enforce regulations relative to the transportation of hazardous materials, pursuant to RSA 106-A:18 and RSA 106-B:15, and the director, division of state police, shall report to the director, division of motor vehicles, all violations of and prosecutions under the motor vehicle laws. ***Police employees shall have the power to enforce the rules of the lottery commission pursuant to RSA 284-B and any violations of the criminal statutes occurring within the premises or on the grounds of any establishment licensed under RSA 284-B including parking lots and outdoor areas or while in pursuit of such violator or to assist in an investigation of such a violation.*** Police employees shall have general power to enforce all criminal laws of the state and to serve criminal processes and make arrests, under proper warrants, in all counties. They shall not serve civil processes. No police employee shall act, be used or called upon for service within any town in any industrial dispute unless actual violence has occurred therein, and then only upon order of the governor. When any police employee shall apprehend any person who has committed or attempted to commit a felony the director shall immediately make a report to the attorney and the sheriff of the county in which the offense was, or was suspected of being, committed and such cases shall be investigated and prosecuted by said county officials with the cooperation of said police employees.

20 New Paragraphs; Gaming Offenses. Amend RSA 674:2 by inserting after paragraph I-b the following new paragraphs:

I-c.(a) Whoever, during a game in a gaming location licensed by the lottery commission, knowingly and by any trick or sleight of hand performance or by a fraud or fraudulent scheme, cards, dice, or other gaming device, for himself, for another or for a representative of either:

(1) Wins, or attempts to win, money or property; or

(2) Reduces, or attempts to reduce, a losing wager in said gaming location shall be guilty of cheating and swindling.

(b) Whoever knowingly uses a cheating and swindling device or game in a gaming location licensed by the lottery commission shall be guilty of cheating and swindling.

(c) Whoever commits the offense of cheating and swindling shall be punished as follows:

(1) A person is guilty of a class A felony if the value of the money, property, or wager cheated and swindled is \$75,000 or more, and in the case of a person other than a natural person, by a fine not to exceed \$100,000.

(2) A person is guilty of a class B felony if the value of the money, property, or wager cheated and swindled is \$10,000 or more but less than \$75,000, and in the case of a person other than a natural person, by a fine not to exceed \$100,000.

(3) A person is guilty of a class A misdemeanor if the value of the money, property or wager cheated and swindled is \$1,000 or more but less than \$10,000, and in the case of a person other than a natural person, by a fine not to exceed \$20,000.

(d) Each episode or transaction of swindling and cheating may be the subject of a separate prosecution and conviction. In the discretion of the state, multiple episodes or transactions of swindling and cheating committed as part of a single scheme or course of conduct may be treated as a single offense and the amounts involved in acts of swindling and cheating committed according to a scheme or course of conduct, whether by the same person or several persons, may be aggregated in determining the value of money, property, or wager involved in the offense.

(e) A gaming location licensee, or an employee of a gaming location licensee, who, in a gaming location, knowingly:

(1) Conducts or operates any game using a cheating and swindling device or game;

(2) Displays for play a cheating and swindling game; or

(3) Permits to be conducted, operated or displayed, any cheating and swindling device or game shall be guilty of a class B felony, and in the case of a person other than a natural person, by a fine not to exceed \$100,000.

I-d.(a) Whoever possesses a cheating and swindling device or game, with the intent to defraud, cheat, or steal, shall be guilty of a class A misdemeanor, and in the case of a person other than a natural person, by a fine not to exceed \$20,000.

(b) Knowing possession of a cheating and swindling device or game within a gaming location shall constitute prima facie evidence of an intent to defraud, cheat, or steal, except possession by a gaming licensee or an employee of a gaming licensee, acting lawfully in furtherance of such person's employment within the casino, and shall constitute a class B felony.

I-e. Whoever manufactures, distributes, sells, or services a gaming device, in violation of this chapter or regulations adopted under this chapter and for the purpose of defrauding, cheating, or stealing from a person playing, operating, or conducting a game in a casino, shall be guilty of class B felony, and in the case of a person other than a natural person, by a fine not to exceed \$20,000.

I-f. Any device, game, or gaming device possessed, used, manufactured, distributed, sold, or serviced in violation of this chapter shall be subject to seizure and forfeiture.

21 New Subparagraph; Gaming Offenses. Amend RSA 647:2, V by inserting after subparagraph (c) the following new subparagraph:

(d) A gaming location approved and licensed by the lottery commission under RSA 284:B.

22 New Paragraph; Gaming Offenses. Amend RSA 647:2 by inserting after paragraph VI the following new paragraph:

VII.(a) Whoever, being under 21 years old, plays, places wagers at or collects winnings from, whether personally or through an agent, a game in a gaming location licensed by the lottery commission shall be guilty of a violation level offense and shall be punished by a fine not to exceed \$1,000.

(b) Whoever, being a gaming location licensee by the lottery commission or an employee of a gaming location licensee, who knowingly allows a person under the age of 21 to play, place wagers at, or collect winnings from a game in a gaming location licensed by the lottery commission, whether personally or through an agent, shall be guilty of a class B misdemeanor and shall be punished, for a first offense, by a fine not to exceed \$1,200, and in the case of a person other than a natural person, by a fine not to exceed \$20,000 and, for a second or subsequent offense, shall be guilty of a class A misdemeanor, and in the case of a person other than a natural person, by a fine not to exceed \$20,000.

(c) Whoever knowingly plays, places wagers at, or collects winnings from a game in a gaming location licensed by the lottery commission for or on behalf of a person under 21 years of age shall be guilty of a class B misdemeanor and shall be punished by a fine of not more than \$1,200 for the first offense, and, for a second or subsequent offense, shall be guilty of a class A misdemeanor, and in the case of a person other than a natural person, by a fine not to exceed \$20,000.

23 New Paragraph; Lottery Commission; Duties and Rulemaking; Management of Electronic Gaming. Amend RSA 284:21-i by inserting after paragraph VI the following new paragraph:

VII. The New Hampshire lottery commission shall make rules to manage all electronic gaming activity through the use of a central monitoring system which shall further connect to the current lottery central system to provide reporting continuity as well as central invoicing. The central system provider shall not be a slot or video lottery machine manufacturer, subsidiary of a slot and video lottery machine manufacturer, or agent of a slot and video lottery machine manufacturer that provides or intends to provide slot or video lottery machines to the New Hampshire lottery commission or the state of New Hampshire.

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

AMENDED ANALYSIS

This bill:

I. Allows video lottery machines and table games at one gaming location in the state pursuant to a competitive application process.

II. Distributes proceeds of video lottery machines and table games to the municipalities where the facility is located and abutting communities, to support programs to treat problem gambling, and to the education trust fund. Proceeds will also be distributed for highway and bridge projects, higher education, and north country economic development.

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

IV. Requires the lottery commission to regulate, license, and enforce the provisions for video lottery and table games operated at a gaming location.

V. Creates a commission to study the operation of the licensed gaming location and its effects on the community, and to make recommendations that may include whether to issue additional licenses.

Floor Amendment to SB 152-FN-A-LOCAL (2013-1757h)

Proposed by Rep. Horrigan

Amend RSA 284-B:22, I(a)(2)-(4) as inserted by section 2 of the bill by replacing it with the following:

(2) To the county or counties as follows:

(A) If the host municipality abuts another county in New Hampshire, then:

(i) 3 percent to the host county, and

(ii) One percent to the abutting county. If there is more than one county, the one percent shall be divided equally amongst all New Hampshire counties abutting the host municipality.

(B) If the host municipality does not abut a different county, then 4 percent to the host county.

(3) 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.

Floor Amendment to SB 152-FN-A-LOCAL

(2013-1752h)

Proposed by Rep. Davis

Amend RSA 284-B as inserted by section 2 of the bill by inserting after section 30 the following new section:

284-B:31 Prohibition on Certain Expenditures. Except as otherwise provided in this chapter, the state shall expend no general funds on any gaming location. In addition, the board of trustees of the New Hampshire retirement system shall not authorize the investment of any retirement system funds on any gaming location.

Floor Amendment to SB 152-FN-A-LOCAL

(2013-1753h)

Proposed by Rep. Davis

Amend RSA 284-B:12, I(b)(7) as inserted by section 2 of the bill by replacing it with the following:

(7) Information and documentation demonstrating by clear and convincing evidence the applicant's financial stability including, but not limited to, bank references, business and personal income and disbursement schedules, tax returns and other reports filed by government agencies and business and personal accounting check records and ledgers. No person who has been a party to more than one bankruptcy proceeding and no person who has been a party to a bankruptcy proceeding in which creditors have lost more than \$200,000,000 in the last 20 years shall be permitted to file an application for a license under this chapter. The applicant shall include with its application the disclosure of all contributions, donations, loans or any other financial transactions to or from the applicant and any affiliated gaming entity or operator in the past 5 years; and

Floor Amendment to SB 152-FN-A-LOCAL

(2013-1754h)

Proposed by Rep. Davis

Amend section 1 of the bill by inserting after paragraph VI the following new paragraphs:

VII. Gambling is risky and the state of New Hampshire shall not take responsibility for any losses.

VIII. Investing in casinos is risky and the state of New Hampshire shall not take responsibility for any losses.

Floor Amendment to SB 152-FN-A-LOCAL

(2013-1774h)

Proposed by Reps. Butynski and Griffin

Amend the introductory paragraph of RSA 284:6-b, III as inserted by section 5 of the bill by replacing it with the following:

III. Any charity that held charitable games in New Hampshire in accordance with RSA 287-D or RSA 287-E during either the fiscal year ending June 30, 2011 ("Fy 11") or the fiscal year ending June 30, 2012, ("Fy 12") shall be eligible to receive an adjusted charitable benefit as follows:

Amend RSA 284:6-b, III(a) as inserted by section 5 of the bill by replacing it with the following:

(a) The racing and charitable gaming commission shall determine the average net revenue awarded to each charity from charitable gaming events held in accordance with RSA 287-D and RSA 287-E by averaging the revenues received by each charity during Fy 11 and Fy 12. This amount shall be called the "base charitable benefit."

Floor Amendment to SB 152-FN-A-LOCAL

(2013-1760h)

Proposed by Rep. Hoell

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

AN ACT defining and prohibiting commercial gambling.

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

1 Gambling; Commercial Gambling Defined and Prohibited. RSA 647:2 is repealed and reenacted to read as follows:

647:2 Gambling.

I. Notwithstanding the operation of charitable gaming under RSA 287-D and RSA 287-E:

(a) A person is guilty of a violation if such person knowingly and unlawfully:

(1) Permits commercial gambling in any place under the person's control.

(2) Possesses a commercial gambling machine.

(b) A person is guilty of a violation if such person conducts, finances, manages, supervises, directs, or owns all or part of a business and such person knowingly and unlawfully permits commercial gambling on the premises of the business.

(c) A person is guilty of a class B misdemeanor if such person conducts, finances, manages, supervises, directs, or owns all or part of a business and such person knowingly and unlawfully conducts, finances, manages, supervises, or directs any commercial gambling activity on the business premises which does any of the following:

(1) Has had gross revenue of \$2,000 in any single day.

(2) Has been or remains in substantially continuous operation for a period in excess of 10 days.

(3) Accepts wagers exceeding \$5,000 during any 30 day period on future contingent events.

(d) A person is guilty of a class B misdemeanor if a person knowingly and unlawfully promotes commercial gambling on a gambling machine. If the offense continues over consecutive days, the person shall be charged with a single continuing offense. Notwithstanding RSA 651:2, IV, any person convicted under this paragraph shall be fined not less than \$1,200 per day for each commercial gambling machine used or intended for use.

II. For purposes of this section:

(a) "Antique gambling machine" means any device or equipment at least 25 years old which is in the possession of a collector and which is not maintained or operated for gambling purposes.

(b) "Collector" means a person who for nostalgic reasons, monetary investment, or personal interest acquires antique gambling machines as defined in subparagraph (a) for personal display or retention.

(c) "Commercial gambling" means gambling where the owner, operator, or host of a gambling event receives something of value from the game or charges a fee to the players participating. Commercial gambling shall not include gambling for amusement in personal residences.

(d) "Family entertainment center" means a place of business having at least 50 games or devices designed and manufactured only for bona fide amusement purposes on premises which are operated for the entertainment of the general public and tourists as a bona fide entertainment facility and not having more than 15 percent of the total games or machines being redemption slot machines or redemption poker machines.

(e) "Gambling" means to risk something of value upon a future contingent event not under one's control or influence, upon an agreement or understanding that something of value will be received in the event of a certain outcome. For the purposes of this subparagraph, the phrase "something of value" shall include a sweepstakes ticket or other item obtained in conjunction with the purchase of goods or services that entitles the holder to a share or chance in a sweepstakes where, but for the opportunity to enter the sweepstakes, the value of purchased goods or services is insufficient to justify the purchase or the inducement to purchase the goods or services is the opportunity to play on a gambling machine.

(f) "Gambling machine" means any device or equipment which is capable of being used to play sweepstakes or games of chance and which discharges money, or anything that may be exchanged for money, cash equivalent, debit card, merchandise credit card, or opportunities to enter sweepstakes or play games of chance, or displays any symbol entitling a person to receive such a prize.

(g) "Redemption slot machine" or "redemption poker machine" means any device or equipment which operates by means of the insertion of a coin or token and which may entitle the person playing or operating the game or machine the opportunity of additional chances or free plays or to receive points or coupons which may be exchanged for merchandise only, excluding cash and alcoholic beverages, provided the value for such points or coupons does not exceed 2 1/2 cents for each credit on the game or machine.

(h) "Unlawfully" means not specifically authorized by law or not solely for amusement, without stake or possibility of gain or loss.

(i) "Sweepstakes" means any game, advertising scheme or plan, or other promotion which, with or without payment of any consideration, a person may enter to win or become eligible to receive any prize, the determination of which is based upon chance. For purposes of this chapter, the term includes only those sweepstakes that an entrant can enter, play or otherwise interact with using a gambling machine furnished by the sweepstakes operator or an affiliate or person under contract with the operator, in an establishment controlled by, affiliated with, or contracting with the operator.

III. All implements, equipment, and apparatus used in violation of this section shall be forfeited.

IV. An antique gambling machine in the possession of a collector and which is not maintained or operated for gambling purposes shall not be subject to the provisions of this section.

V. This section shall not apply to:

(a) Dispenser devices approved by the racing and charitable gaming commission which are located at the regular meeting place of, or at a facility owned, leased, or utilized by, a charitable organization licensed under RSA 287-E:20.

(b) A family entertainment center having redemption slot machines or redemption poker machines.

(c) Cruise ships which are equipped with gambling machines whose primary purpose is touring. Any such cruise ship shall be allowed to temporarily enter New Hampshire coastal waters and ports for up to 48 hours, provided that all gambling machines on board are not in use or capable of being used while in New Hampshire coastal waters and ports. For the purposes of this paragraph "cruise ship" means any vessel which is capable of providing overnight accommodations for 500 or more people.

VI. Any violation of this chapter may be enjoined by the superior court, upon petition of the attorney general, county attorney, or the police chief within the jurisdiction in which the violation is alleged to have occurred.

2 Effective Date. This act shall take effect January 1, 2014.

AMENDED ANALYSIS

This bill defines and prohibits commercial gambling.

Floor Amendment to SB 152-FN-A-LOCAL (2013-1767h)

Proposed by Reps. Bouchard, K. Rogers and Ames

Amend RSA 284-B:22, I(a)(1) as inserted by section 2 of the bill by replacing it with the following:

(1) Twenty-five percent of the net machine income generated by video lottery machines shall be paid to the commission from which it shall pay for the costs of regulation, administration, enforcement of this chapter, and the operation of the central computer system, and the balance of which shall be paid to the state treasurer to be distributed through the operating budget as determined by the general court for the following purposes:

(A) Forty-five percent shall be general funds which shall be available for programs funded through the operating budget.

(B) Forty-five percent shall be appropriated to the university system of New Hampshire and community college system of New Hampshire higher education fund to provide additional funding to public institutions of higher education in New Hampshire. There is established the university system of New Hampshire and community college system of New Hampshire higher education fund. This fund shall be nonlapsing and continually appropriated for the purposes of this subparagraph.

(C) The remainder shall be deposited in the north country economic development fund established in RSA 284-B:29 for the purposes of north country economic development.

AMENDED ANALYSIS

This bill:

I. Allows video lottery machines and table games at one gaming location in the state pursuant to a competitive application process.

II. Distributes proceeds of video lottery machines and table games to the municipalities where the facility is located and abutting communities, to support programs to treat problem gambling, and to the education trust fund. Proceeds shall also be distributed for general fund operating budget expenditures, higher education, and north country economic development.

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

IV. Requires the lottery commission to regulate, license, and enforce the provisions for video lottery and table games operated at a gaming location.

V. Creates a commission to study the operation of the licensed gaming location and its effects on the community, and to make recommendations that may include whether to issue additional licenses.

Floor Amendment to SB 152-FN-A-LOCAL (2013-1773h)

Proposed by Rep. Vaillancourt

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

AN ACT relative to games of chance and establishing a gaming oversight authority and video lottery gaming.

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

1 New Chapter; Gaming Oversight Authority and Video Lottery. Amend RSA by inserting after chapter 287-G the following new chapter:

CHAPTER 287-H

GAMING OVERSIGHT AUTHORITY AND VIDEO LOTTERY

287-H:1 Definitions. In this chapter:

I. "Centralized data provider" means a provider of centralized gambling data, selected by the gaming oversight authority.

II. "Currency" means legal tender in the form of coins or paper which is officially issued by the United States Treasury, but it does not include any type of credit or debit card.

III. "Facility applicant" means the entity, which will participate and apply for a facility license, as applicable.

IV. "Facility license" means the license issued by the gaming oversight authority to a facility licensee.

V. "Facility licensee" means an applicant who is issued a license by the gaming oversight authority to provide facilities and support to state operated video lottery locations.

VI. "Gaming oversight authority" means the authority established by RSA 287-H:2.

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

VIII. "Technology provider" means any person or entity which designs, manufactures, installs, distributes, or supplies video lottery machines for lease to the state for conducting video lottery games in accordance with this chapter.

IX. "Token" means the coin, which is not legal tender, sold by a cashier in a face amount equal to the currency paid by a player for the sole purpose of playing a video lottery machine at a licensed facility, which can be exchanged for currency at the same facility where the video lottery machines are located, but it does not include any type of credit or debit card.

X. "Video lottery employee" means a person employed by the state in the operation of a video lottery location, including without limitation, cashiers; floormen; machine mechanics; security personnel or inspectors; and supervisors or managers. Video lottery employees shall be hired, fired, trained, managed, and supervised by the division of gaming enforcement.

XI. "Video lottery location" means a state operated facility, within a location provided by the facility licensee, authorized by the local community that contains video lottery machines operated in accordance with this chapter.

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

287-H:2 Gaming Oversight Authority.

I. There is hereby established the New Hampshire gaming oversight authority. The gaming oversight authority shall consist of the commissioner of the department of safety, the commissioner of the department of resources and economic development, and the commissioner of the department of revenue administration, or their respective designees. The commissioner of the department of safety shall serve as the chairperson of the gaming oversight authority.

II. The gaming oversight authority through delegation to the division of gaming enforcement shall exclusively establish, staff, manage, and operate video lottery locations at facilities licensed under the provisions of this chapter. Facilities provided by the facility licensee shall contain non-gaming resources such as, dining, liquor, hotel, and any other support resource approved by the gaming oversight authority. The facility licensee shall, at a minimum, provide and pay for heat, electricity, water, sewer, maintenance, and security surveillance infrastructure for the video lottery location for which the facility licensee shall receive remuneration pursuant to RSA 287-H:17, III.

287-H:3 Duties of the Gaming Oversight Authority. The gaming oversight authority shall:

I. Issue licenses only after completion of the investigations set forth in this chapter. All license applications shall be approved or denied no later than 150 days from the date of application. No license issued under the provisions of this chapter shall be assigned, transferred, or sold without a complete application and the approval of the gaming oversight authority and payment of a \$150,000 application fee. No person or entity may own or have an interest in more than one facility license.

II. Collect all license fees imposed upon any applicant and all fees imposed by this chapter.

III. Certify net machine income by inspecting records, conducting audits, having its agents on site, or by other reasonable means.

IV. Establish a central computer system at a location of its choosing linking all video lottery machines to a central computer to ensure control over the video lottery machines.

V. Enter into lease agreements with up to 3 technology providers to provide video lottery machines to the state. Lease agreements shall provide that the technology provider supply the quantity and quality of video lottery machines determined by the gaming oversight authority in a timely and efficient manner, and shall be paid with a percentage of the net machine income, as provided in RSA 287-H:17, IV. The technology provider shall provide all maintenance and service of its video lottery machines at no additional charge or fee to the state. Each agreement shall also provide that the technology provider shall be required to replace 30 percent of its video lottery machines on a yearly basis.

VI. 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 the operation.

VII. Not later than November 1 in each calendar year of this program, provide a report to the legislative fiscal committee regarding the generation of revenue of video lottery machines. Such report shall include any recommendations for legislation and any community concerns.

VIII. Have the authority to issue subpoenas and compel the attendance of witnesses, to administer oaths, and require testimony of witnesses under oath.

IX. Make and keep records of all proceedings of its public meetings. A copy of the transcript shall be made available to any person upon request and payment of the costs of preparing a copy.

X. Keep and maintain a list of all license applicants and a record of all actions taken with respect to each applicant. A file and record of the actions by the gaming oversight authority shall be open to public.

XI. Maintain such other files and records as it deems necessary. All records maintained by the gaming oversight authority may be maintained in digital format or other technology, provided that such information is capable of being produced in written form.

XII. Maintain the confidentiality of all information and data obtained by the gaming oversight authority. Such information shall not be revealed in whole or in part except as otherwise provided by law, upon the lawful order of a court of competent jurisdiction, lawfully executed and served grand jury subpoenas, or with the approval of the attorney general, to a duly authorized law enforcement agency.

XIII. Provide notice of the contents of any information or data released, except to a duly authorized law enforcement agency or grand jury subpoena pursuant to paragraph XII, shall be given to any applicant, registrant, or licensee in a manner prescribed by the rules adopted by the gaming oversight authority.

XIV. If necessary, contract for and procure financial, economic, or security consultants and any other technical and professional services as the authority deem necessary.

XV. Develop and provide an employee training program which shall include, but not be limited to, information on state law, criminal and civil liability, and management practices.

287-H:4 Rulemaking.

I. The gaming oversight authority shall have general responsibility for the implementation of this chapter and shall adopt rules under RSA 541-A relative to:

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

(b) Conducting all investigations required with regard to the application, suspension, or revocation of any licensee or applicant.

(c) Conducting hearings pertaining to administrative violations or rules and collecting all penalties assessed under the provisions of this chapter.

(d) Establishing standards and a reasonable fee structure for the licensing and renewal of licenses for technology providers.

(e) Establishing 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 operation.

(f) Establishing criteria for licensing, suspension, and revocation and the bidding process under RSA 287-H:12.

(g) The value of prizes, which may be awarded, and the cost of play for each video lottery game played on a video lottery machine, as recommended by the technology provider.

(h) Establishing employee qualifications, training, and background investigations for prospective employees.

(i) Standards for the management, and operation, of all video lottery locations.

II. Pending the adoption of rules under RSA 541-A, and notwithstanding RSA 541-A:2, the gaming oversight authority shall adopt interim rules including provisions for the publication of public notice of the period of time for the submission of facility license applications and after public hearing and within 60 days of the effective date of this chapter. Such interim rules shall automatically expire upon the adoption of rules under RSA 541-A.

287-H:5 Restrictions. No member or employee of the gaming oversight authority, the department of revenue administration, the department of resources and economic development, or the department of safety shall have a fiduciary interest in any technology provider, facility licensee, or centralized data provider.

287-H:6 Licensure of Technology Provider and Centralized Data Provider. No technology provider or centralized data provider shall engage in the business of providing, installing, or repairing video lottery machines used in this program without a license issued by the gaming oversight authority.

287-H:7 Restriction on Technology and Centralized Data Provider. No technology provider or centralized data provider or their employees shall be entitled to operate video lottery machines within the state.

287-H:8 Restriction of Minors.

I. No person under the age of 21 shall play a video lottery machine authorized by this chapter.

II. No member or employee of any video lottery location, department of safety, the attorney general's office, or the gaming oversight authority shall knowingly permit a person under the age of 21 to play or participate in any aspect of the playing of a video lottery machine.

III. Each violation of this section shall be punishable by a fine of no more than \$1,000 and shall be payable by such person who violates paragraph I. If such violator is a state employee, then the employee shall also be subject to appropriate sanctions in conformance with the adopted policies and procedures of the division of gaming enforcement, and the department of administrative services, division of personnel.

IV. Each violation of this section shall be punishable by a fine of no more than \$1,000 and shall be payable by the employee or facility licensee that is found to have violated paragraph II.

287-H:9 Person Misrepresenting Age.

I. A person who falsely represents his or her age for the purpose of playing video lottery machines shall be guilty of a misdemeanor. Any person who violates any of the provisions of this section shall be fined for his or her first offense a minimum of \$250. No portion of this mandatory minimum fine shall be waived, continued for sentencing or suspended by the court. A second or subsequent offense shall carry a \$500 minimum fine.

II. Notwithstanding paragraph I or any other law to the contrary, any person who possesses or uses or displays in any manner a false identification card, document, license or any other document which represents such person's age for the purpose of playing video lottery machines shall be fined a minimum of \$250. No portion of this mandatory minimum fine shall be waived, continued for sentencing, or suspended by the court. The provisions of this paragraph shall not reduce the maximum penalty which could be imposed for such an offense pursuant to paragraph I. A second or subsequent offense shall carry a \$500 minimum fine.

III. An identification card issued under the provisions of RSA 260:21 shall be withdrawn for violation of this section for 90 days. In addition, the director of the division of motor vehicles shall withdraw, for 90 days, the identification card of any person who allows his or her card to be used or displayed by another person for the purpose of playing video lottery machines.

287-H:10 Penalty for Tampering or Manipulating. Any person who, with the intent to manipulate the outcome, payoff, or operation of a video lottery machine, manipulates the outcome, payoff, or operation of any video lottery machine by physical, electronic, or mechanical means, shall be guilty of a class A felony.

287-H:11 Video Lottery Machine Requirements.

I. 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 and licensed for use by the gaming oversight authority.

II. All video lottery machines in operation shall pay out as winnings at least 92 percent on an annual basis.

III. The gaming oversight authority shall establish the days and hours of operation of video lottery locations and shall not be restricted by the facility licensee.

IV. No automatic teller machines shall be located within 150 feet of a video lottery machine.

287-H:12 Licenses; Number of Video Lottery Machines.

I. From the effective date of this chapter, the number of video lottery machines statewide shall be limited to 5,000 to be distributed at the discretion and judgment of the gaming oversight authority.

II. The gaming oversight authority shall issue not more than a total of 6 facility licenses in the state of New Hampshire. Four facility licensees shall have 600 video lottery machines and 2 facility licensees shall have 1,300 video lottery machines. Prior to issuing any facility licenses and when there are fewer than 6 facility licenses, the gaming oversight authority shall issue facility licenses pursuant to the bidding process described in paragraph III. A county may have both a licensee with 1,300 video lottery machines and a licensee with 600 video lottery machines, but shall not have 2 licensees with the same number of machines. Eligibility shall be based on, but not limited to the following:

(a) Evidence provided by the applicant that the applicant has received any required local approval.

(b) Regional location of prospective facility licensee, provided that no more than one facility licensee shall operate in each county.

(c) A detailed economic plan, filed with the gaming oversight authority, for the municipality and the surrounding region where the prospective facility licensee is located with supporting documentation to explain the following:

(1) Unemployment in the area.

(2) Direct and indirect employment gain.

(3) Effect on tourism-based economy.

(4) Effect on regional economic development.

(5) Tourist trends.

(d) A business plan, filed with the gaming oversight authority, to support video lottery machines.

(e) Qualifications of those persons who own or manage the prospective licensee facility.

- (f) Regional population.
- (g) Vehicle traffic.
- (h) Total square footage of the facility and total acreage of such facility.
- (i) Availability of suitable infrastructure.
- (j) Availability of adequate parking.
- (k) Other information that the gaming oversight authority may require.

III. Within 60 days of the effective date of this chapter and whenever there are fewer than 6 facility licensees, the gaming oversight authority shall solicit sealed bids through a competitive bidding process for the available facility license or licenses. The minimum bid for the facility licenses for 600 video lottery machines shall be \$2,500,000. The minimum bid for the facility licenses for 1,300 video lottery machines shall be \$5,000,000. If there are more bidders who are equally eligible than the number of available facility licenses, the gaming oversight authority shall conduct a drawing to determine which bidder or bidders will be issued facility licenses.

287-H:13 Application and License Requirements.

I. A facility licensee applicant shall obtain a facility license from the gaming oversight authority. An applicant shall complete and sign an application on the forms prescribed by the gaming oversight authority. The application shall include the full name, residence, date of birth, and other personal identifying information of the applicant, and if a corporation or other form of business enterprise, the same information shall be provided with respect to each partner, trustee, officer, director, and any shareholder or other holder who owns more than 3 percent of the legal or beneficial interests of such entity. All such business entities shall be registered with the secretary of state.

II. The gaming oversight authority shall refer applications to the attorney general who shall conduct an investigation. The investigation may be conducted through any appropriate state or federal law enforcement system and may seek information as to the applicant's financial, criminal, or business background, or any other information which the attorney general, in his or her sole discretion, may deem relevant to the subject's fitness to be associated with the ownership or management of the operation of a facility licensee 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 report the results of the investigation to the gaming oversight authority within 90 days after the receipt of the application. Notwithstanding any other law to the contrary, the results of any such investigation shall be confidential and shall not be subject to disclosure or to public inspection.

III. In any investigation conducted pursuant to paragraph II, the attorney general or any duly authorized member of the attorney general's staff may subpoena the attendance of witnesses and require the production of such correspondence, documents, books and papers as deemed advisable, and for purposes of this section, may administer oaths and take the testimony of witnesses.

287-H:14 Licensure Requirements.

I. No facility license shall be issued by the gaming oversight authority unless the applicant has proven to the satisfaction of the gaming oversight authority by clear and convincing evidence:

(a) The financial stability based on audited financial statements, integrity, and responsibility, considering, without limitation, bank references, business and personal income and disbursement schedules, tax returns and other reports filed with governmental agencies, and business and personal accounting and check records and ledgers.

(b) The trustworthiness and good reputation of all financial backers, investors, mortgagees, bondholders, and holders of indentures, notes and other evidences of indebtedness of the applicant.

(c) The good character, honesty and integrity, considering, without limitation, information pertaining to reputation, criminal record, business activities, and financial affairs covering at least the 10-year period immediately preceding the filing of the application.

(d) In addition, no facility license shall be issued by the gaming oversight authority to any applicant unless the applicant has proven to the satisfaction of the gaming oversight authority by clear and convincing evidence that each director, officer or similar principal employee and each direct or indirect owner satisfies the standards for licensure contained in RSA 287-H:13.

(e) The gaming oversight authority may, in its discretion, waive the qualification requirement for any such person who is not significantly involved in the activities of the applicant, does not have the ability to significantly influence or control the applicant, or for other good cause, only when written justification is provided.

(f) Except as provided in this chapter, no person who owns, directly or indirectly, legally or beneficially, 5 percent or less of the equity securities or 50 percent or less of the outstanding debt securities of a publicly traded holding company of an applicant for a facility license shall be required to be qualified pursuant to the provisions of this section prior to the issuance of such a license to the applicant.

(g) If a facility licensee has 25 or fewer holders of its equity securities, either directly or indirectly, legally or beneficially, then each such holder shall satisfy the standards of this chapter.

II. No technology provider's license shall be issued by the gaming oversight unless the applicant has demonstrated to the satisfaction of the gaming oversight authority by clear and convincing evidence that it satisfies the standards contained in paragraph I of this section. The gaming oversight authority shall establish the form of application that shall be completed by each applicant for a technology provider's license. Each technology provider license applicant shall be subject to the investigation set forth in RSA 287-H:13 except that all investigatory reports shall be provided to the gaming oversight authority.

III. All information and data required by the gaming oversight authority, or the division of gaming enforcement to be furnished pursuant to this chapter, or which may otherwise be obtained by the gaming oversight authority, or the division of gaming enforcement in the performance of their duties under this chapter, except information regarding net machine income, shall be considered to be confidential and shall not be revealed in whole or in part except as otherwise provided by law, or upon the lawful order of a court of competent jurisdiction, or with the approval of attorney general to a duly authorized law enforcement agency.

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

287-H:15 License and Investigation Fees. A non-refundable license application fee for each class or type of license to be issued under this chapter shall be \$150,000. Renewal fees shall be \$150,000 for each class or type of license. Upon application for a facility license, the applicant shall pay a one-time fee of 10 percent of the applicant's bid amount under RSA 287-H:12 which will be used by the gaming oversight authority as start-up capital at each location for training and an initial bank. If the facility license applicant is not issued a license under RSA 287-H:12, the one-time application fee shall be returned to the applicant by the gaming oversight authority. If the facility license applicant is issued a license under RSA 287-H:12, the one-time application fee shall be subtracted from the amount of the bid owed by the applicant. Upon issuance of a facility licensee, the facility licensee shall pay the amount of bid owned to the gaming oversight authority. Fifteen percent of such amount shall be used by the gaming oversight authority as start-up capital at each location for training and an initial bank and 75 percent shall be deposited in the general fund.

287-H:16 Term of License. Any facility license or technology provider's license issued pursuant to this chapter and any renewal thereof shall be valid for 5 years unless earlier suspended or revoked by the gaming oversight authority. All licenses issued under this chapter shall be issued as a privilege and not by right. No person or entity may claim any sort of property right to, or in conjunction with, any license issued under this chapter. The gaming oversight authority shall be informed within 10 days of any anticipated change in ownership or stockholders of a licensee that would normally be subject to investigation and licensing requirements in RSA 287-H:15. Failure to inform the gaming oversight authority of said anticipated changes shall result in license revocation.

287-H:17 Distribution of Net Income; Machine Income Fund.

I. There is hereby established a machine income fund in the office of the state treasurer to be administered by the state treasurer. The fund shall be nonlapsing and continually appropriated to the state treasurer for the purposes set forth in this section. The state treasurer shall distribute the funds on the fifth of each month as follows:

- (a) Sixty percent of the annual net machine income shall be deposited in the general fund.
- (b) Twelve percent of the net machine income shall be paid to the gaming oversight authority to be used to pay for the establishment, administration, and operation of the division of gaming enforcement.
- (c) Nineteen percent of the net machine income shall be paid to the facility licensee as a gross lease.
- (d) Six percent of the net machine income shall be paid to the technology provider for the leasing and maintenance of the video lottery machines.
- (e) Two percent of the net machine income shall be paid to the centralized data provider to carry out the responsibilities outlined in this chapter.
- (f) One percent of the net machine income shall be paid to the counties. Revenue shall be distributed based on each county's population.

II. 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 wire deemed tickets shall be delivered to the gaming oversight authority.

III. If the gaming oversight authority has money remaining at the close of the fiscal year after covering operating costs, the gaming oversight authority, in its discretion, may distribute some or all of the excess to the counties according to each county's population.

287-H:18 Gaming Oversight.

I. The gaming oversight authority or the division of gaming enforcement shall be present at all facility licensee location at which video lottery machines are operated by the state at all times whether the facility is open to the public or not.

II. The division of gaming enforcement shall be present at all times when a video lottery machine is opened to remove or insert any drop box, hopper, or other mechanism containing money, tokens, or other items of value. The division of gaming enforcement shall be present in the count room at all times that money, tokens, or other items of value utilized in video lottery machines are counted.

287-H:19 Hearings; Investigations; False Statement; Enforcement Policy.

I. The gaming oversight authority shall adopt and publish rules pursuant to RSA 541-A, to govern its proceedings and to regulate the mode and manner of all investigations and hearings before it.

(a) All hearings before the gaming oversight authority shall be in accordance with RSA 541-A:31-36. In any such investigation or hearing the gaming oversight authority shall not be bound by the technical rules of evidence.

(b) The gaming oversight authority, or any member, may subpoena witnesses and administer oaths in any proceeding or examination instituted before or conducted by it, and may compel, by subpoena, the production of any accounts, books, contracts, records, documents, memoranda and papers of any kind whatever.

(c) Witnesses summoned before the superior court, and such summons issued by any justice of the peace shall have the same effect as though issued for appearance before such court. Justices of the peace and all other magistrates empowered to issue subpoenas and compel the attendance of witnesses in the courts of this state shall have the same power to compel their attendance and the production of evidence in any proceeding before the gaming oversight authority.

(d) The gaming oversight authority may apply to the superior court, under the provisions of RSA 491:19-20, to have punished for contempt any witness who refuses to obey a subpoena, or who refuses to be sworn or affirmed to testify, or who is guilty of any contempt after summons to appear.

II. If any false statement is knowingly made in any statement under oath which may be required by the provisions of this title or by the gaming oversight authority, the person making the same shall be deemed guilty of perjury. The making of any such false statement in any such application or in any such accompanying statements, whether made with or without the knowledge or consent of the applicant, shall, in the discretion of the gaming oversight authority, constitute sufficient cause for the revocation of the license.

III.(a) The gaming oversight authority shall adopt by rule, under RSA 541-A, a formal enforcement policy for licensees under its jurisdiction. This policy shall specify the disciplinary action which the gaming oversight authority shall take for violations of various laws under its jurisdiction. The enforcement policy shall also specify mitigating and aggravating factors which the gaming oversight authority shall consider in determining penalties for specific actions. The gaming oversight authority shall not suspend or revoke a license until the licensee has been provided a hearing under RSA 541-A.

(b) In applying its enforcement policy, the gaming oversight authority shall establish and enforce specific determinate penalties for specific offenses. The gaming oversight authority shall not apply penalties such as license suspensions for indefinite periods of time.

287-H:20 Suspension or Revocation; Administrative Fines.

I. If any licensee violates any of the provisions of law or any of the rules of the gaming oversight authority adopted under this title, the license may be suspended or revoked after notice and hearing, in accordance with RSA 541-A:31-36. Notwithstanding any other provisions of this chapter, the gaming oversight authority, after the appropriate hearing, may impose a fine of a specific sum, which shall not be less than \$1,000 nor more than \$50,000 for any one offense. Such a fine may be imposed instead of, or in addition to, any suspension or revocation of a license by the gaming oversight authority.

II. Notwithstanding any other provision of law, the gaming oversight authority may accept at any time, a petition from the governing body of a city or town who has voted to accept the provisions of RSA 287-H, to revoke a license held by a facility licensee who is located within that community. Any petition filed under this paragraph shall state with particularity all relevant facts and circumstances that sustain the opinion of the petitioner to revoke a license. A licensee against whom a petition is filed shall be entitled to a public hearing before any decision by the gaming oversight authority. All proceedings conducted in conjunction with this paragraph shall conform to the requirements of RSA 541-A.

III. Appeals from a decision of the gaming oversight authority shall be in accordance with RSA 541.

287-H:21 Penalties. Any person who violates any of the provisions of this chapter or any of the rules adopted pursuant to this chapter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. In case of appeal by a licensee, the license of such licensee may be suspended at the discretion of the gaming oversight authority during the pendency of such appeal.

287-H:22 Prosecutions. The gaming oversight authority shall appoint gaming investigators whose primary function shall be the proper prosecution of this chapter. The investigators shall have all the powers of the sheriff in any county, with reference to enforcement of all laws either in cooperation with, or independently of, the officers of any county or town. The gaming oversight authority shall have the primary responsibility for the enforcement of all video lottery gaming. Any person violating the provisions of any law may be prosecuted by the gaming oversight authority or any of its investigators as provided in this section, or by the attorney general, or by county or city attorneys, or by sheriffs or their deputies, or by police officials of towns.

287-H:23 Interference With Gaming Investigators. It shall be unlawful to resist or attempt to resist arrest by a gaming investigator, or to obstruct, or to intimidate or interfere with a gaming investigator in the performance of his or her duty. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor.

287-H:24 Fines.

I. All fines imposed by any court and collected for the violation of the provisions of this chapter shall be paid to the state, county, or town, the officials of which instituted the prosecution.

II. All fines imposed by the gaming oversight authority shall be deposited into the general fund.

287-H:25 Procedures for Adoption by Local Community.

I. Any town or city in which a facility licensee location is situated may adopt the provisions of RSA 287-H, to allow the operation of electronic games of chance, in the following manner:

(a) In a town, the question shall be placed on the warrant of a special or annual town meeting under the procedures set out in RSA 39:3, and shall be voted on a ballot; provided, however, if the question is placed on the warrant at a special town meeting, it shall be the only question at such special town meeting. In a city, the legislative body may vote to place the question on the official ballot for any regular municipal election, or, in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(b) The selectmen, aldermen, or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The wording of the question shall be substantially as follows: "Shall we adopt the provisions of RSA 287-H, allowing the operation of electronic games of chance at the licensed facility located within the town and operated by the state?"

II. If a majority of those voting on the question vote "yes," RSA 287-H shall apply within the city or town.

III. If the question is not approved, the question may later be voted upon according to the provisions of paragraph I, provided, however, that the town may consider the question at no more than one special town meeting and the annual town meeting in the same calendar year.

287-H:26 Declaration of Limited Exemption. Pursuant to section 2 of an act of Congress of the United States entitled "An act to prohibit transportation of gambling devices in interstate and foreign commerce," approved January 2, 1951, being Chapter 1194, 64 Stat. 1134, and also designated as 15 U.S.C. sections 1171-1177, the state of New Hampshire, acting by and through the duly elected and qualified members of its legislature, does hereby, in accordance with and in compliance with the provisions of that section 2 of that act of Congress, declare and proclaim that 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.

287-H:27 Legal Shipment of Gaming Devices into New Hampshire. All shipments into this state of gaming devices, the registering, recording and labeling of which has been duly made by the manufacturer or dealer in accordance with sections 3 and 4 of an act of Congress of the United States entitled "An act to prohibit transportation of gambling devices in interstate and foreign commerce," approved January 2, 1951, being chapter 1194, 64 Stat. 1134, and also designated as 15 U.S.C. sections 1171-1172, shall be deemed legal shipments into this state.

2 New Paragraph; Attorney General; Gaming Investigators. Amend RSA 21-M:3 by inserting after paragraph VII the following new paragraph:

VII-a. The attorney general may hire investigators or contract for investigatory services to facilitate background investigations required under RSA 287-H, and said investigators shall be paid from licensing fees paid under RSA 287-H:15.

3 New Sections; Division of Gaming Enforcement. Amend RSA 21-P by inserting after section 8 the following new sections:

21-P:8-a Division of Gaming Enforcement.

I. There is hereby established a division of gaming enforcement under the supervision of an unclassified director of gaming enforcement whom shall be responsible for the following functions, in accordance with applicable laws:

(a) Manage and hire employees for the day-to-day operation of all video lottery locations ensuring the integrity of the program. Gaming enforcement employees shall be assigned to all locations and will be present at all times whether the location is open or closed.

(b) Investigate violations of RSA 284 or RSA 287-H and the rules adopted under the provisions of RSA 284 or RSA 287-H.

(c) Report the results of any investigation conducted to the gaming oversight authority.

(d) Participate in any hearing conducted by the gaming oversight authority.

II. The commissioner of safety shall organize the division into such units as the commissioner deems necessary.

21-P:8-b Powers and Duties; Gaming Enforcement. The director of gaming enforcement shall be the chief administrative officer of the division of gaming enforcement and shall have the following powers and duties:

I. The director shall manage all operations of the division of gaming enforcement and the daily operation of video lottery locations and administer and enforce the laws with which the division is charged. The director shall report directly to the gaming oversight authority.

II. The director shall have every power enumerated in the laws, whether granted to the director, the division, or any administrative unit of the division. In accordance with these provisions, the director shall:

(a) Biennially compile a comprehensive program budget which reflects all fiscal matters related to the operation of the division and each program and activity of the division.

(b) Adopt all rules of the division with approval of the gaming oversight authority, pursuant to RSA 541-A.

(c) Exercise general supervisory and appointing authority over all division employees, subject to applicable personnel statutes and rules.

(d) Delegate authority to subordinates as the director deems necessary and appropriate, except that rulemaking authority shall not be delegated. All such delegations shall be made in writing, shall be disseminated, shall clearly delineate the authority delegated and the limitations thereto, and shall be kept on file in the director's office.

(e) Adopt practices which will improve the efficiency of the division and the provision of services to the citizens of the state.

(f) Provide cooperation, at the request of the heads of administratively attached agencies in order to:

(1) Minimize or eliminate duplication of services and jurisdictional conflicts;

(2) Coordinate activities and resolve problems of mutual concern; and

(3) Resolve by agreement the manner and extent to which the division shall provide budgeting, recordkeeping and related clerical assistance to administratively attached agencies.

(g) Give bond, and require division directors to give bond, to the state as specified in RSA 93-B.

(h) Where functions of divisions overlap or a function assigned to one division could better be performed by another division, recommend appropriate legislation to the next regular session of the general court.

III. The director shall adopt such reasonable internal practices and procedures, which shall not be considered rules subject to the provisions of RSA 541-A, as may be necessary to carry out the duties of the division and its divisions, consistent with this chapter, including without limitation a comprehensive manual of procedures for the operation of video lottery locations.

IV. The director may not accept, on behalf of the division, any grants of money without first obtaining the express consent of the legislative fiscal committee established by RSA 14:30-a.

V. The director shall have the authority to adopt rules, pursuant to RSA 541-A, necessary to assure the continuation or granting of federal funds or other assistance not otherwise provided for by law.

VI. The director may enter into contracts for services, supplies, or other needs of the division.

VII. The director shall report annually to the gaming oversight authority with respect to the division's operation for the preceding year, and render such other reports as the governor and council, the general court, or the gaming oversight authority shall from time to time request.

VIII. The director shall develop, publish, and periodically revise an annual comprehensive plan for the division which shall indicate, among other things, the division's goals, objectives, resources, current conditions, and needs. The director shall annually submit such comprehensive plan to the gaming oversight authority.

IX. The director, the gaming oversight authority, the commissioner of the department of safety, and if necessary, the sweepstakes commission shall jointly establish procedures for sharing data, background investigation, technology and technology providers, and facilities. These procedures shall not be considered rules subject to RSA 541-A and shall be established so as to ensure compliance with state and federal confidentiality and privacy laws.

X. If this section conflicts with other powers and duties specifically granted by statute to the director, the specific powers and duties shall control. If this section conflicts with other statutes specifically limiting the powers of the director, the specific limitations shall control.

4 Director of Gaming Enforcement; Salary. The salary for the unclassified position authorized in section 3 of this act shall be established as provided in RSA 14:14-c, RSA 17-A:7, and RSA 94:1-d.

5 New Subparagraph; Authorized Video Lottery of Games of Chance Machines Not Prohibited. Amend RSA 647:2, V by inserting after subparagraph (c) the following new subparagraph:

(d) Video lottery machines authorized pursuant to RSA 287-H.

6 New Subparagraph; Application of Receipts; Machine Income Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (310) the following new subparagraph:

(311) Moneys deposited in the machine income fund established under RSA 287-H:17.

7 New Paragraph; Facility Licensee; Cocktail Lounge License. Amend RSA 178:20 by inserting after paragraph V the following new paragraph:

VI. The liquor commission may issue a special license to a person holding a facility license as defined by RSA 287-H:1, IV. Such special license shall allow the sale of liquor, wine, and beverages within the facility

licensee 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 287-H. A person licensed under this section shall comply with RSA 179:44.

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

AMENDED ANALYSIS

This bill:

I. Regulates video gaming, establishes the division of gaming enforcement, and establishes the gaming oversight authority.

II. Determines the disbursement of all proceeds of video gambling with 60 percent of the proceeds distributed to the general fund.

III. Establishes a new fund in the state treasurer's office for machine income.

IV. Allows facility licensees to receive a cocktail lounge license.

Floor Amendment to SB 152-FN-A-LOCAL (2013-1775h)

Proposed by Reps. Sapareto and R. Walsh

Amend RSA 284-B:22, I(a)(2)-(4) as inserted by section 2 of the bill by replacing it with the following:

(2) One 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 to the abutting municipalities apportioned by per capita population.

(4) One percent of the net machine income generated by video lottery machines operated by a gaming licensee shall be paid to each county within a radius of 20 miles from the gaming location, apportioned by population.

(5) One percent of the net machine income generated by all video lottery machines shall be paid to the state treasurer and credited to the commissioner of the department of health and human services to support programs established by RSA 172 to treat problem gambling.

Amendment to SB 159 (2013-1531h)

Proposed by the Committee on Transportation - C

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

AN ACT exempting drivers of eligible agricultural and farm vehicles from certain federal motor carrier regulations and relative to drivers' license renewals of members of the armed forces and federal employees and their spouses.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 Members of Armed Services; Federal Employees; Spouses Residency. Amend RSA 263:5-b to read as follows:

263:5-b Members of Armed Services; **Federal Employees; Spouses**; Residency. [~~Notwithstanding any provision of law to the contrary;~~]

I. Any resident of this state who is on active duty ~~to~~ **in** the armed forces of the United States, or who is employed by the State Department or other agency of the United States government shall not be considered as having lost residence when the sole reason for the person's absence is compliance with military or naval orders **that require deployment outside the state of New Hampshire** or federal agency or state department orders that require ~~[deployment]~~ **assignment** outside of the United States.

II. A resident of this state ~~[, who has previously established residency in New Hampshire, on active duty in the armed forces of the United States or employed by the State Department or other agency of the United States government or the spouse or domestic partner of such person]~~ **shall not be considered as having lost residence when the sole reason for the person's absence is that he or she is** accompanying ~~[their]~~ **his or her** spouse ~~[or domestic partner on an]~~ **on a United States armed forces deployment outside the state of New Hampshire or state department or other federal agency** assignment abroad ~~[, who has previously established residency in New Hampshire, may elect to obtain a New Hampshire driver's license by applying in person to the department and may renew such license one time by mail, provided a photo identification is on file with the department, after which the second renewal shall be made in person].~~

~~[III. Any person obtaining a license under the provisions of this section shall obtain a photo identification within 30 days of returning to this state.]~~

3 License Expiration; Armed Forces; Federal Employees; Spouses. Amend RSA 263:11 to read as follows:
263:11 License Expiration; Members of the Armed Forces; **Federal Employees**; Spouses.

I. Any person who is a member of the armed forces of the United States and who, at the time of induction, call to active duty, or enlistment ~~[into]~~ **in** the armed forces for 2 or more years, was a resident of this state and was a holder of a valid New Hampshire license to drive motor vehicles in this state, is entitled to

renewal of such license without cost by application to the division. Said application must be accompanied by a letter giving date of expiration of active duty, signed by a commissioned officer. Such a person while driving a motor vehicle shall carry upon his or her person the license issued. The privilege of this section remains in effect for 90 days after the discharge or release of such a person from active duty. Nothing in this section permits a person against whom a revocation or suspension of license is in force, or a person who has been refused a license by the director, to drive a motor vehicle.

II. ~~[The spouse of any resident of this state on active duty in the armed forces of the United States who is a holder of a valid New Hampshire license, is entitled to renewal of such license upon payment of the prescribed fees, by application to the division. The application must be accompanied by a letter giving date of expiration of active duty, and be signed by a commissioned officer.~~

III.] Any member of the national guard who is called to military service or mobilized for a period of 60 days or more, and who was a resident of this state and was a holder of a valid New Hampshire license to drive motor vehicles in this state, is entitled to renewal of such license without cost or penalty by application to the division. Said application must be accompanied by a letter giving a projected date of expiration of said service, signed by a commissioned officer. Such a person while driving a motor vehicle shall carry upon his or her person the license issued.

III.(a) A person who, at the time of license expiration, is deployed on active duty in the armed forces of the United States or serving in the national guard outside the state of New Hampshire, is a federal employee assigned to a location outside the United States, or is the spouse of any such person accompanying his or her spouse during the deployment, service, or assignment, may renew his or her license by mail, provided the person has a computerized image on file with the division.

(b) If such person does not have an image on file with the division, he or she may request that a license be issued without a picture. This non-photo license shall only be valid when accompanied by a military or United States government employee or dependent photo identification. The person shall obtain a photo identification within 30 days of returning to this state.

IV. If a person renews his or her license by mail pursuant to paragraph III, the subsequent license renewal shall require an appearance in person at the licensing facility, except that if the person is on active duty outside of the state of New Hampshire in the armed forces of the United States for a period covering more than one license expiration, the person may renew his or license by mail as many times as is necessary during the period of active duty.

AMENDED ANALYSIS

This bill exempts drivers of eligible agricultural and farm vehicles from certain federal motor carrier regulations adopted as rules by the commissioner of the department of safety. This bill also clarifies the procedure driver's license renewal for certain members of the armed forces and federal employees and their spouses, and authorizes multiple renewals by mail for persons on active duty for a period covering more than one license expiration.

Amendment to SB 160-FN-A (2013-1586h)

Proposed by the Committee on Public Works and Highways - C

Amend RSA 236:31-b as inserted by section 9 of the bill by replacing it with the following:

~~236:31-b Failure to Pay a Highway Toll. [Notwithstanding the provisions of RSA 236:31,] Any person who fails, neglects, or refuses to pay the toll or charge for the use of any bridge, highway, or part thereof [shall be guilty of a violation. This section shall not apply to any person driving a vehicle equipped with a transponder using a lane equipped with an electronic toll collection monitoring system; such person and vehicle shall be],~~
or utilizes a toll facility that is equipped with a toll collection monitoring system without having an E-Z Pass transponder mounted on the vehicle, shall have an image taken of the vehicle registration plate and be subject to the provisions of RSA 236:31. When a cash payment is made, no such image shall be taken.

Amend the bill by replacing all after section 14 with the following:

15 New Paragraph; Turnpike System; Authority Granted; Legislative Approval Required. Amend RSA 237:7 by inserting after paragraph I the following new paragraph:

I-a. The department shall not proceed with the installation of all electronic tolling without prior legislative approval.

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

AMENDED ANALYSIS

This bill:

- I. Changes certain terminology for the toll collection system.
- II. Changes certain penalties for failure to pay a highway toll.
- III. Modifies the sums appropriated for carrying out certain highway projects.
- IV. Requires legislative approval for the installation of all electronic tolling.

This bill is a request of the department of transportation.

**Amendment to SB 179
(2013-1698h)**

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

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

AN ACT clarifying the definition of “renewable generation facility” for purposes of payments in lieu of property tax payments and allowing certain facilities that combust municipal waste for energy to make payments in lieu of property tax payments.

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

1 Definition of Renewable Generation Facility. Amend RSA 72:73 to read as follows:

72:73 Definition of Renewable Generation Facility. In this subdivision, “renewable generation facility” means a facility which produces electric energy for resale solely by the use, as a primary energy source, of ~~[renewable energy as defined in RSA 374 F:3, V(f)(3)]~~ ***geothermal energy, tidal or wave energy, wind energy, solar thermal energy, photovoltaic energy, landfill gas energy, hydro energy, biomass energy, energy generated from bio-oil, bio synthetic gas, and biodiesel as defined in RSA 362-A:1-a, I, I-a, and I-b***, including the land, all rights, easements, and other interests thereto, and all dams, buildings, structures, and other improvements situated thereon which are necessary or incidental to the production of power at the facility.

2 Facilities That Combust Municipal Waste for Energy; Payments in Lieu of Property Taxes. A facility that combusts municipal waste for energy, constructed prior to July 16, 2009, where mercury emissions are reduced to an emission rate of 0.028 milligrams per dry standard cubic meter or less corrected to 7 percent oxygen by volume on a dry basis, or at least 85 percent control efficiency, may make payments in lieu of taxes in accordance with RSA 72:74.

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

AMENDED ANALYSIS

This bill clarifies the definition of “renewable generation facility” for purposes of payments in lieu of property tax payments and allows certain facilities that combust municipal waste for energy to make payments in lieu of property tax payments.

**Amendment to SB 185
(2013-1476h)**

Proposed by the Committee on Municipal and County Government - C

Amend RSA 19-M:1, I as inserted by section 2 of the bill by inserting after subparagraph (w) the following new subparagraphs:

- (x) The president of the New Hampshire Community Action Association, or designee.
- (y) The commissioner of resources and economic development, or designee.