



State of
New Hampshire

HOUSE RECORD

Second Year of the 163rd General Court Calendar and Journal of the 2014 Session

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Friday, May 2, 2014

No. 34

**Contains: Committee Reports, Notice of Reconsideration, Bills Laid on Table,
House Bills Amended by the Senate, Committees of Conference, Committee of
Conference Procedures, Amendments, Meetings and Notices**

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on **Wednesday, May 7, 2014, at 10:00 a.m.** and again on Wednesday, May 14, at 10:00 a.m. If necessary, we will also meet on Thursday, May 15.

During the session break on May 14th, a group photo of our membership will be taken by a professional photographer. Information on purchasing final prints will be provided at a later date.

Please remember that messages from the Senate will be taken up at the beginning of the session, including House bills amended by the Senate. I encourage you to prepare for these by reviewing the list of Senate-amended House bills on the General Court website.

As we enter the final weeks of hearings and action on legislation, I want to thank you for your cooperation in helping to make the legislative process run smoothly and efficiently. Your continued assistance is greatly appreciated.

Terie Norelli, Speaker

NOTICE

There will be a meeting of chairs and vice chairs on **Tuesday, May 6th**, at 8:30 a.m. in Rooms 305-307 of the Legislative Office Building.

Terie Norelli, Speaker

NOTICE

House Continuing Education

DATE: Thursday, May 15th

TOPIC: Legislative Update on the Substance Abuse Crisis in NH

TIME: 10:00 a.m. to 1:30 p.m. (lunch included)

LOCATION: LOB Rooms 210-211

RSVP: acouture@new-futures.org or 225-9540 ext. 114

For more details, please see member's notice from Rep. Laurie Harding later in the calendar.

Terie Norelli, Speaker

NOTICE

There will be a **Democratic Caucus** on **Wednesday, May 7th** at **9:00 a.m.** in Representatives Hall.

Rep. Stephen Shurtleff, Majority Leader

NOTICE

There will be a **Republican Caucus** on **Wednesday, May 7th** at **9:00 a.m.** in LOB 305-307.
Rep. Gene Chandler, Republican Leader

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 8
May 15

AVAILABLE FRIDAY:

May 9
May 16

Karen O. Wadsworth, Clerk of the House

2014 HOUSE DEADLINES

Thursday, May 8, 2014	Last day to report all remaining Senate Bills
Thursday, May 15, 2014	Last day to act on all remaining Senate Bills
Thursday, May 22, 2014	Last day to form Committees of Conference
Friday, May 30, 2014 at 4:00 pm	Last day to sign-off Committee of Conference reports
Thursday, June 5, 2014	Last day to act on Committee of Conference reports

NOTICE OF RECONSIDERATION

On April 30, 2014 at 3:25 p.m., Representative Marion Ratzki, having voted with the prevailing side, served notice of reconsideration **on the motion of Inexpedient to Legislate on SB 366 FN-A-L, relative to video lottery and table gaming**, which the House passed on a roll call vote of 173-172.

Karen O. Wadsworth
Clerk of the House

WEDNESDAY MAY 6 CONSENT CALENDAR

ELECTION LAW

SB 272, relative to notice of voter registration. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B Richardson for Election Law. This bill would authorize the secretary of state to provide notice of a voter registration to supervisors of the checklist in another state. The supervisors of the checklist currently perform this function. The committee supports this concept, but the secretary of state currently lacks the resources to take over this responsibility in its entirety. Accordingly, enactment of the bill at this time could cause confusion over responsibility between the supervisors and the secretary of state. The committee recommends that this issue be looked at again when the bill is ready for enactment. **Vote 15-0.**

FINANCE

SB 339-FN, (New Title) relative to instituting a credit card affinity program in which fees received are directed to offset the retirement system's unfunded liability. **OUGHT TO PASS.**

Rep. Robert M Walsh for Finance. This bill will enable the commissioner of administrative services to inquire of banks, credit unions, and other financial service companies whether it is feasible to establish a credit card affinity program for the State of New Hampshire. The bill further stipulates the promotion and participation of New Hampshire civic organizations, state and local organizations, and the New Hampshire retirement system among others in this affinity program. Testimony before the committee estimated that about 30,000 participants would make this feasible, and that upwards of 100,000 participants would be ideal. The bill stipulates that all new revenues be paid into the New Hampshire Retirement System to assist in reducing the system's unfunded liability. **Vote 20-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 229, relative to the use and disclosure of protected health information. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles E McMahon for Health, Human Services and Elderly Affairs. This bill follows the action of the legislature which established the NH Health Information Organization (NHHIO) in 2011 for the purpose of

facilitating the private and secure electronic exchange of health information. The bill, as amended, specifically defines what a healthcare provider is and what can be transmitted through the health information organization (HIO). Further, it clearly directs health providers to advise the patient of the opportunity to opt-out from participating in the HIO should they so desire. Finally, the bill specifically defines what the HIO may retain in patient information and directs that its function is to act as a conduit for electronic exchange of health information only and shall not retain, disclose or sell any medical record. **Vote 16-0.**

SB 270, (New Title) establishing a commission to study mental health implementation in New Hampshire **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R MacKay for Health, Human Services and Elderly Affairs. This legislation supports the importance of reviewing the implementation of the several mental health and related health plans. Significant planning has been achieved. Those appointed under this legislation would work with a number of key stakeholders to review the current status with special emphasis on the ten year mental health plan. This bill reduced the size of the commission from thirty-two members to seven. The seven voting members will arrange for the extensive collaborative review of implementation involved in the work of this commission. **Vote 16-0.**

SB 360, (New Title) relative to the comprehensive health care system. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles E McMahon for Health, Human Services and Elderly Affairs. This bill addresses issues of medical cost transparency in helping New Hampshire citizens make informed choices for their healthcare. However, it does so by addressing the costs of medical care after a procedure is done and not before. An interim study committee on another bill is currently working on these issues to achieve a complete solution to educating New Hampshire consumers about their healthcare. The committee will add the contents of this bill to the work of the study committee to work towards a collaborative result. **Vote 18-0.**

SB 384, (New Title) establishing a committee to study how to regulate and control synthetic drugs in New Hampshire and relative to the limitations on filling prescriptions for certain controlled drugs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs. This bill establishes a committee to study how to regulate and control synthetic drugs in New Hampshire including "spice" and bath salts. This effort is supported by the director of New Hampshire's forensic laboratory. They have 30-40 cases a month involving bath salts. The attorney general's office supports this bill as does the New Hampshire Chiefs of Police Association. The amendment simply clarifies the title of the bill. **Vote 18-0.**

MUNICIPAL AND COUNTY GOVERNMENT

SB 233, relative to property tax exemption for district fire mutual aid systems. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen M Stroud for Municipal and County Government. Southwest Mutual Aid is one of the largest and oldest mutual aid systems in North America, providing fire and EMS dispatch and training, and radio and radiological equipment repair and calibration for approximately 90 cities and towns located in New Hampshire, Vermont and Massachusetts. Southwestern Mutual Aid has enhanced the safety of its member communities, their citizens and property while reducing the need for communities to hire additional people and acquire unnecessary equipment, thus saving tax dollars. Southwest Mutual Aid has been split up and housed in numerous facilities in Keene due to its equipment storage requirements. When the City of Keene Fire Department moved to its new Central Fire Station, Southwest Mutual's Board of Directors, which includes at least one member from the county delegation, voted to purchase the old fire station in order to consolidate its operations, reduced costs and enhance service.

Due to the services provided by fire mutual aid, including the handling of all fire and EMS dispatch for the City of Keene, the city felt that the building should be exempt from property taxes. The City of Keene believes that it has the ability to exempt Southwest Mutual Aid from property taxes; the majority of legal opinion given to the city supports the city's right to do so. SB 233 would remove any possible question and eliminate the possibility of future legal costs. The provisions of SB 233 are limited to Keene only. **Vote 19-0.**

SB 286, relative to abatements for prior years' property taxes. **REFER FOR INTERIM STUDY.**

Rep. Marjorie A Porter for Municipal and County Government. This bill allows municipalities to abate prior years taxes on properties the municipality has chosen not to assume for back taxes. The House passed a companion bill, HB 1196, which the Senate has amended to include the substance of this bill. The committee felt this bill may no longer be needed, but that interim study was the wisest choice at this time. **Vote 19-0.**

SB 333, relative to property taxation of manufactured housing. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James P Belanger for Municipal and County Government. This bill is a bill to exempt RVs in recreational campgrounds from property taxes. Some municipalities have started taxing RVs while others do not and consistency was a prime motivation for this bill. Compromises were made in both the Senate and the House committees because municipalities have a stake in the outcome as do camp ground owners and RV owners. So

many questions were raised that a sub committee was formed which met with representatives from the NH Recreational Campground Association, camp owners, assessors and a city manager who were all helpful in answering questions and making suggestions that led to a compromise. A 1999 NH Supreme Court decision was considered as a governing factor in a final decision. Because of that ruling, the NH DRA has informed all towns that they must tax recreational vehicles which are not registered as vehicles or which meet other criteria. The lack of registration is evidence of the owner's intent not to move them and they then are treated as buildings and are taxable. The resultant compromise in SB333 provides that RVs that are registered as vehicles are not taxable. Registration is evidence of intent to move so the owner may register the vehicle and not pay property tax or leave the vehicle unregistered and pay the property tax. That decision leaves the owner the choice to do whichever is the least costly. Property tax will be assessed based on the status of the RV on April 1 of each year. Registered vehicles in a recreational campground will not be subject to property tax. Structures added to RVs have always been taxable property and will continue to be so. RVs in place on April 1 and having current registration are not subject to tax. RSA 261:46 provides that a non-resident who garages a vehicle exclusively in this state may register such vehicle in the state as a non-resident. This covers those owners who are not residents and allows them to register the RV in NH. The bill also addresses who gets the tax bill, what happens if an RV has left the premises during the year, park models over 8 feet 6 inches in width when being transported over the road and what happens if the taxes are not paid. The resultant bill was not 100% of what any party wanted but met the reluctant approval of all concerned parties. **Vote 19-0.**

SCIENCE, TECHNOLOGY AND ENERGY

SB 239, relative to the statewide emergency notification system. **OUGHT TO PASS.**

Rep. Charles L Townsend for Science, Technology and Energy. In 2010 the General Court of the State of New Hampshire voted to have the department of safety develop an emergency notification system. The careful development of the New Hampshire system has been concurrent with the development of a federal emergency alert system. This bill makes the federal and state systems compatible, incorporates E-911 data collected from wire line and VoIP providers and codifies opt-out provisions. **Vote 14-0.**

TRANSPORTATION

SB 210, relative to registration of vehicles by motor vehicle manufacturers. **OUGHT TO PASS.**

Rep. William J O'Neil for Transportation. This pro-business bill amends the law on issuing number plates to motor vehicle manufacturers. It adds vehicles in possession of a manufacturer during the manufacturing process to the manufacturer registration, thus allowing the company to test drive the vehicle on roads and delivery of the vehicle. **Vote 10-0.**

SB 231-FN, (New Title) relative to regulation of tractors and utility vehicles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Candace C W Bouchard for Transportation. This bill modifies the definition of tractor and the equipment and operation requirements for utility vehicles. After amending and reconsidering a previous amendment this amendment replaces the bill. The bill addresses concerns of the farming community that the current loose definition of the term "tractor" had expanded the definition of tractor so broadly that it invited the use of OHRV's as tractors for purposes never intended and would ultimately lead to restrictions on the legitimate uses of these utility vehicles for farm and agricultural purposes. Existing statutes created confusion causing multiple enforcement and land management issues and has created concerns from local communities in the North Country about what vehicles are legally permitted on which roads and for what purposes are certain vehicles registered for. The amendment gives clear definitions to the agricultural/industrial utility vehicle, tractor and utility vehicle. Whereas the current definitions caused confusion to town clerks and were being applied inconsistently from one town to another they will now be clearly understandable. The new definitions are also clear and understandable for law enforcement and most importantly to the vehicle owner. The amendment avoids having to create a special plate type for use of utility vehicles if these vehicles are also used as OHRV's. The bill as amended is supported by NH Farm Bureau, NH fish and game, DRED, department of safety and the NH Auto Dealers Association. **Vote 14-0.**

WAYS AND MEANS

SB 242, relative to coverall bingo games. **OUGHT TO PASS.**

Rep. Mary E Griffin for Ways and Means. This puts into statute the definition of progressive carryover coverall Bingo and was at the request of the racing and charitable gaming commission **Vote 19-0.**

SB 243, (New Title) relative to the carry forward of a credit against the business profits tax, rulemaking concerning the real estate transfer tax, the disclosure of certain department of revenue administration records, and the tax on unstamped tobacco products. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan W Almy for Ways and Means. This housekeeping bill was requested by the department of revenue administration and contains three parts. First, it specifies how the bill passed last term, increasing the credit carry forward of BET on BPT, is to be implemented. Second, it permits use of examples to explain rules for the real estate transfer tax. Third, it makes changes in the tobacco tax law to satisfy the enforcement requirements of the master settlement agreement. Recent legal action increased these requirements for reporting and record-keeping. The committee amendment, with help of the department, only affects this third section and does so in two ways: 1) at the request of the tobacco companies, language for unstampable products such as loose tobacco is modified to recognize the products are unstampable ; and 2) because of a committee concern about privacy, the ability of the U.S. Department of Justice to access tax records is limited only to that access required by the master settlement agreement. There are no fiscal impacts. **Vote 19-0.**

SB 269, relative to the reporting requirements for dedicated funds. **OUGHT TO PASS.**

Rep. Thomas C Schamberg for Ways and Means. This column is being added for the purpose of public transparency to the department of administration services separate and dedicated funds for showing the amount of funds that were not expended for their original purposes. **Vote 18-1.**

SB 311, (New Title) authorizing the executive director of the fish and game department to execute an agreement allowing reciprocal snowmobile riding privileges with the states of Vermont and Maine. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia T Lovejoy for Ways and Means. This bill, as amended at the request of the policy committee, has been reverted back to the bill as passed by the Senate and relates only to snowmobile and removes OHRV and off-road motorcycles. This is enabling legislation to allow the executive director of the fish and game department to negotiate an agreement to allow reciprocal snowmobile riding privileges with Vermont and/or Maine. **Vote 19-0.**

SB 327-FN, relative to economic revitalization zone tax credits. **OUGHT TO PASS.**

Rep. Patricia T Lovejoy for Ways and Means. This bill extends the sunset date of the economic revitalization zone tax credits program from July 1, 2015 to July 1, 2020. The annual cap of credits issued by DRED is limited to \$825,000. This bill allows DRED to carryover any unawarded credits to a future year. DRED awarded the full amount of available credits in 2013 and expects to in 2014. Since inception, 53 NH communities have benefited from the program. **Vote 19-0.**

REGULAR CALENDAR

COMMERCE AND CONSUMER AFFAIRS

SB 329-FN, relative to advertising alcoholic beverages on billboards. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kermit R Williams for the **Majority** of Commerce and Consumer Affairs. This bill will allow unregulated advertising of alcohol products on billboards throughout New Hampshire. Even though the liquor commission can regulate other forms of advertising involving liquor, beer and wine, this bill just removes the long-standing prohibition against billboard advertising without giving the state any oversight. Since most national brands, who would likely choose to advertise in this manner, are not based in New Hampshire and thus are not licensees, the liquor commission would have no leverage to control inappropriate ads. In hearings, the only speaker in favor of the bill was the representative of the billboard company who would benefit from this change. Speakers against included local business organizations, advocacy groups, and groups from middle and high schools who all thought this was a bad idea. Few new billboards are built in the state because of cost and approval difficulties, so the number of billboards is limited. Increased national advertising would shut out local businesses, who couldn't afford to pay as much as the national brands, or even worse, would justify the cost of creating more billboards along our highways. **Vote 8-7.**

Rep. John B Hunt for the **Minority** of Commerce and Consumer Affairs. Currently alcohol can be advertised in TV, radio, newspapers, magazines and periodicals, but in NH, *not* on billboards. SB329 would provide local breweries, wineries and craft beer stores, as well as the state liquor stores an affordable and effective advertising tool to reach their clients. As difficult as the economy has been for small businesses, they need every advantage to be successful to sell their products. This bill only modifies content. It does not impact the number of billboards in the state, which have been on the decline over the last three decades. To be clear, the fundamental issue is the First Amendment right to free speech. To pick alcohol as impermissible to be on a sign is clearly unconstitutional. The bill, as amended by the Senate, adds a 500 foot limitation for advertising alcohol near schools, which is a permissible limitation as per the courts. Finally we should be asking ourselves is it right to allow big beer distributors to have "rolling billboards" advertising their products all over the state; or even worse that NH liquor stores should have signs on billboards on the highways in Massachusetts, but not allow small businesses from promoting their legally regulated product on billboards here in New Hampshire?

SB 346, relative to rectifiers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Keith Murphy for Commerce and Consumer Affairs. This bill allows liquor rectifiers to give samples to visitors at its facility, just as beer brewers and wineries may. The samples are limited to half-ounce portions. The committee amendment also allows rectifiers to provide promotional samples to on-premise licensees, such as restaurants, but limits those samples to no more than one 750 ml bottle per year per licensee and specifies that an 8% tax must be paid to the liquor commission on the retail value of the product. These same requirements apply to other liquor manufacturers and wineries. Finally, the amendment defines what a rectifier is and how it is different from a liquor manufacturer that performs distillation during production. **Vote 14-2.**

FINANCE

SB 370-FN-L, (New Title) relative to reimbursement of towns affected by the Merrimack River flood control compact and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert M Walsh for Finance. The State of New Hampshire received \$1,112,377 from the Commonwealth of Massachusetts under a settlement agreement relating to monies owed under the Merrimack River flood control compact. The State of New Hampshire was owed approximately \$2.6 million by Massachusetts for payments that New Hampshire has made to its communities under the compact. It is the position of the majority of the committee that this payment is a reimbursement for monies paid to the towns in prior years when Massachusetts had not made its payment to New Hampshire. For the fiscal year ended June 30, 2014, New Hampshire has paid \$697,000 to its communities under this compact and has budgeted \$697,000 to be paid to its communities in this fiscal year ended June 30, 2015. **Vote 18-2.**

SB 391, (New Title) relative to the juvenile justice advisory board; the policies and procedures of the youth development center; and a reduction in appropriation to the Sununu Youth Services Center. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Cindy Rosenwald for Finance. This bill shifts a portion of the budget cut for the Sununu Youth Services Center from fiscal year 2014 into 2015 and also makes changes to the juvenile justice program. The committee amendment clarifies that the position of director of juvenile justice services is established, but a new division is not. The amendment further clarifies that the advisory board shall recommend candidates for the position of director of juvenile justice services, but the appointment shall be made by the Commissioner. Finally, the advisory board is tasked with recommendations on ways to reduce costs at the Sununu Youth Services Center. **Vote 20-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 203, relative to permissible uses of electronic benefit transfer (EBT) cards. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Charles E McMahon for the **Majority** of Health, Human Services and Elderly Affairs. The use and management of EBT cards requires a collaborative effort between multiple state, federal and private entities to determine control policies that will reduce, with the goal of preventing, EBT card misuse. To meet this challenge, a total approach to involve the use issues requires in depth work to attain a long term resolution. This bill will be joining EBT Bills HB 1213 and HB 1299 in this work to achieve a total holistic resolution of this issue. **Vote 12-4.**

Rep. Stephen J Schmidt for the **Minority** of Health, Human Services and Elderly Affairs. The taxpaying citizens of New Hampshire have demonstrated time and again their understanding of the need for such assistance to provide food, shelter, fuel and other necessities to those in need, hopefully, on a temporary basis. This bill is nothing more than a taxpayer fairness issue that would statutorily limit the use of the EBT card to the aforementioned items and prohibit its use for alcohol beverages, lottery tickets, firearms, or adult entertainment. The minority believe strongly that the citizens of New Hampshire deserve no less.

SB 371-FN, (New Title) requiring the establishment of a senior citizens bill of rights. **OUGHT TO PASS.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs. This bill requires any housing for elders which is not currently licensed under RSA 151, the health facilities law, to post a senior citizens bill of rights. This bill of rights must be posted in a prominent area of the residence. The building manager must provide each resident with a copy of this document at the time the initial lease is executed. Complaint procedures must be included in the bill of rights, along with provisions to protect individual dignity, privacy along with rights to due process. NH AARP has offered to be involved in the public education around this law in order to maintain some consistency in the implementation of this bill. **Vote 13-4.**

MUNICIPAL AND COUNTY GOVERNMENT

SB 228, (New Title) relative to notice of changes to zoning districts. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James P Belanger for the **Majority** of Municipal and County Government. Property owners in NH have a right to be notified of any proposed zoning changes that would affect their property especially when those changes might result in a change in value or use of their property. Requiring notice be sent to property owners was thought to be a violation of article 28a of the NH Constitution but this issue was resolved from historical court decisions that determined expansion of existing programs (notifying abutters has been a long term condition for many things) which is not considered a new mandate. There were so many other concerns that even a sub committee was unable to resolve such as: the threshold for determining who gets notice, bringing the method of sending notices into current technology (e-mail), how to collect and maintain valid databases for e-mails of property owners, what happens to anyone who does not receive notice and what happens to the land owner who is one over the maximum number for receiving notice. The NH Municipal Association had valid objections to the final version and suggested major changes which need extensive study before implementing like adding notices in tax bills, etc. The planning board or governing body could have submitted zoning changes by petition and circumvented the notification process. Instead, the committee provided that petitioners would bear the cost of notice being sent to affected property owners. How to allocate charges to the petitioners was not defined. A need to establish standards for electronic notifications vs. ads in local newspapers now that newspaper readership has rapidly declined and more people get their news online needs to be investigated. This bill attempts to address how unforeseen zoning changes can impact property owners and the value of their land which can remove equity in property, often the life savings for many New Hampshire residents. Recognizing the importance of this bill but realizing all of the unanswered scenarios and problems, the committee felt this bill was not ready for inclusion in current legislation. This bill should not be confused with SB 237, an abutter notification bill for condo owners. **Vote 14-5.**

Rep. James Verschuere for the **Minority** of Municipal and County Government. The purpose of this bill is to strengthen requirements for notification to affected property owners relative to public hearings for proposed changes to zoning districts. The minority agrees that current notification requirements (posting in two public places and publication in a local newspaper) are outdated and therefore insufficient. The difficulty with the bill in both its original form and as amended is that it creates a discriminatory system whereby some affected property owners must be notified by first class mail (100 or fewer as amended; 500 or fewer original) while others continue to rely on the outdated and insufficient methods currently in statute. The result is unequal treatment under the law. Municipalities of varying sizes objected to the additional cost and staff time that would be required to determine when and to whom notification should be sent by first class mail. Finally, the bill creates new requirements that are based on old systems. In the course of the hearing and subcommittee discussions there were multiple suggestions made that would recognize modern communication systems

for achieving the desired result without significant cost while retaining the principle of a property owner's individual responsibility for being informed. The minority believes that ITL best communicates the need for more innovative, 21st century solutions to the concerns the bill wishes to address.

SCIENCE, TECHNOLOGY AND ENERGY

SB 281-FN, relative to the siting of wind turbines. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William S Baber for the **Majority** of Science, Technology and Energy. As amended, this bill incorporates findings coming out of the research done as part of the SB99 Chapter 134, Laws of 2013 process and establishes them as policy. This bill was passed in 2013 to review the Site Evaluation Committee (SEC) and establish new rules for siting. Nine siting impact areas are addressed for rule making: visual, cumulative, set-backs, sound and vibration, environmental, fire protection, decommissioning, mitigation, and industry specific considerations. The bill does not modify the objectives defined in RSA 162-H in any way, rather it adds specific guidance where previously that guidance was only implied, and it reaffirms the renewable energy goals of RSA 362-F. The bill also establishes a clear hierarchy of evidence to be utilized in the creation of rules ensuring to both the public and the industry that resulting rules are factually based. The amendment extends the scope to include all projects seeking SEC approval. This provides two important advantages: removing the targeting of a single industry to the exclusion of others avoids an invitation for legal challenges and, more importantly, it is a recognition that power projects are evolving in New Hampshire in ways and locations not previously envisioned. The scope of new projects in the future will likely include wind, natural gas and oil pipelines, electrical transmission lines, large solar arrays, biomass, geothermal, and smaller distributed and large scale gas fired electrical generation and many of these projects will request siting in some of our most treasured natural areas. **Vote 8-4.**

Rep. Robert A Backus for the **Minority** of Science, Technology and Energy. This bill is a solution in search of a problem, and presents new problems itself. It would require the Site Evaluation Committee to draft new rules on several designated areas. Originally written to apply to wind energy products only, it has now been amended to try to encompass all new energy products, a role it ill fits.

First and foremost this bill is unnecessary because SB99, of 2013 now law, requires the NH office of energy and planning to promulgate rules for siting of energy projects. This process is ongoing but not yet completed and is the appropriate place to decide what areas need to be covered by new criteria, not the legislature.

Second, there has been no showing that the SEC has not considered the 9 factors listed in the bill in its deliberations to date. Indeed, in regard to the first criterion, visual impact, this was not only fully considered by the SEC in its most recent proceeding, but was the basis of its decision to reject the project; a wind farm in Antrim. Third, the requirement for full consideration of aesthetic impacts is explicitly already required by SB 191, passed last year, in requiring the development of a state energy strategy.

Finally, many of the areas the SEC is mandated to consider in new rules are seriously deficient. It requires consideration of "project related vibration, sound, ultrasound and infrasound pressure levels" and further requires independent monitoring. Infrasound is sound below the level of human hearing, and there is no evidence of any scientifically supported method of determining what level is acceptable. Despite its current state as applying to all new energy projects, not just wind turbines, many of the criteria do not appear applicable to anything other than wind; e.g., the requirement for consideration of migrating birds and bats.

Overall, despite saying that "due regard" should be paid to the renewable energy goals embodied in the NH renewable energy portfolio standard, RSA162-F, this bill will be perceived, correctly, to be another attempt to impede the development of carbon free renewable energy in New Hampshire.

TRANSPORTATION

SB 246-FN, relative to penalties for speeding. **OUGHT TO PASS.**

Rep. Michael B O'Brien for Transportation. This bill establishes driving at a speed of 100 mph or more as a violation under the reckless driving statute. The bill also establishes fines and penalty assessments which are progressive up to the third offense which also would affect your operating privileges for the third offense. This bill attempts to make our roads safer for all by defining 100 mph as reckless driving. **Vote 9-3.**

SB 247, (New Title) relative to ignition interlock device violations and interlock device removal protocols. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael B O'Brien for Transportation. This bill as amended will close a gap that currently exists in our interlock device law. There have been attempts by required users to bypass the interlock system as well as failing the rolling retest. This bill also establishes requirements for the removal of the interlock system and requires the user to have 120 days of violation free driving before the device can be removed.

The amendment changed the violation from one or more to more than one interlock violation within the 120 days prior to the request for removal of the interlock system. Also in the event violations are so significant or flagrant, the commissioner may only revoke the registration of a vehicle in the owners' name that is equipped with an ignition interlock device. **Vote 12-0.**

SB 248, establishing a committee to study policies and procedures for the development and maintenance of state-owned abandoned rail corridors. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. George E Sykes for the **Majority** of Transportation. This bill establishes a committee to study the policies and procedures to develop and maintain state owned abandoned rail corridors. Said committee shall identify and address ways to improve the policies and procedures on these corridors for non-motorized recreational use. Further the committee will make recommendations with respect to transferring oversight of these new corridors from the New Hampshire department of transportation to the New Hampshire department of resources and economic development, bureau of trails. The non germane amendment which had a separate public hearing and was duly posted in the House calendar, will allow the use of the toll collection monitoring system at the cash toll booths. Currently this is only allowed in the EZ Pass lanes. Images of vehicle registration license plates for this purpose at the toll booth shall not be retained for more than three seconds when a full cash payment is made, the image will be destroyed, no record of the image or its destruction shall be kept, nor shall it be made available or disclosed. Presently the cash toll booths have a "no-funds" honor system where the driver claims to have no cash for the toll and is given a slip to pay the toll on the honor system. The abuse of the honor system has become a growing problem. In 2011, there were \$55 thousand dollars of "no-Funds" issued with 55% uncollected. In 2013, there were \$116 thousand dollars of "No-Funds" issued with 61% uncollected. A growing number of commuters have figured out you can get away without paying a toll using the "no-funds" honor system. The amendment protects privacy issues, while the placement of cameras in the cash lanes addresses the lost revenue and credibility in the system by adding an enforcement mechanism to the honor system. **Vote 11-1.**

Rep. Tim O'Flaherty for the **Minority** of Transportation. The committee attached a non-germane amendment to this senate bill which would expand the use of cameras at toll plazas. Currently no image is taken when a driver goes through the cash only booths. This bill as amended would allow the installation of cameras at a considerable expense. Although the amendment has strong language protecting privacy, images of those who fail to pay will be retained indefinitely. A stronger protection of privacy would be to go back to enforcing the law regarding non-payment by having the toll operator manually write an invoice. This would be slower but would encourage the use of the EZ pass system and guarantee privacy in the cash lane.

WAYS AND MEANS

SB 241, establishing the division of economic development fund. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard Ames for the **Majority** of Ways and Means. This bill establishes the division of economic development fund and authorizes the commissioner of resources and economic development to accept public and private sector grants, gifts or donations for the purpose of funding initiatives authorized by RSA 12-A:22 (the official duties of DRED). The commissioner of DRED reported to the committee that several business leaders have expressed interest in donating to such a fund if it is established. The committee agrees that enabling acceptance of such donations is very much in the interests of the state's economic development agenda. There is no expectation of appropriations to this fund from the general fund. **Vote 16-3.**

Rep. Russell T Ober for the **Minority** of Ways and Means. This bill is yet another dedicated fund. This fund will be used to perform the functions which have already been assigned to the Department of Revenue and Economic Development (DRED). This would seem to be a way to circumvent the budgetary process by asking for extra revenue denied by the budget process. It would seem that proper management methods and operating within budget numbers, one would not need another dedicated fund. This fund also would accept money from the General Fund, why would we do that?

SB 259-FN-A, establishing a palliative care center for health care consumers and providers and continually appropriating a special fund. **OUGHT TO PASS.**

Rep. Gilman C Shattuck for Ways and Means. This bill was introduced at the request of the department of health and human services to establish a palliative care center. Palliative care is an increasingly important branch of medical care. Palliative care focuses on the quality of life for patients, especially pain and other distressing symptoms, support systems for patients and patients' families, and a team approach addressing physical, emotional, spiritual and social concerns arising with serious illness. The purpose of the palliative care center is to promote education of health care consumers and providers and to monitor the state of palliative care in New Hampshire. The center, including department support, will come from a non-lapsing dedicated fund, which is expected to be generated by gifts, donations, bequests, or other moneys from any public or private source rather than the general fund. **Vote 16-3.**

BILLS LAID ON TABLE

HB 110, requiring persons who record cruelty to livestock to report such cruelty and submit such recordings to a law enforcement agency. (Pending question: adoption of the Majority committee amendment)

HB 525-FN, raising the age of minority for juvenile delinquency proceedings from 17 to 18 years of age. (Pending question: Ought to Pass)

HB 566, regulating guaranteed price plans and prepaid contracts for heating oil, kerosene, or liquefied petroleum gas. (Pending question: Inexpedient to Legislate)

HB 585, relative to insurance parity for optometrists. (Pending question: adoption of the Majority committee report of Ought to Pass with Amendment)

HB 1264, relative to carrying of firearms by nonresidents. (Pending question: adoption of committee amendment 2014-0659h)

HB 1313, relative to highway surveillance. (Pending question: Inexpedient to Legislate)

HB 1399-FN, relative to the application for a vested deferred retirement allowance in the retirement system. (Pending question: Ought to Pass)

HB 1436, relative to unlawful possession of alcoholic beverages. (Pending question: Recommit)

HB 1475, relative to expanding the research and development tax credit against the business profits tax to be a reinvestment tax credit. (No pending question)

HB 1565-FN, establishing the crime of filing a false lien or encumbrance against a public servant. (Pending question: adoption of committee amendment 2014-0241h)

HB 1591-FN, establishing the right-to-know grievance commission. (Pending question: adoption of committee amendment 2014-0658h)

HCR 10, applying to the Congress of the United States to call for a convention under Article V of the United States Constitution. (Pending question: Inexpedient To Legislate)

SB 180, (2nd New Title) establishing a recovery fund for victims of the Financial Resources Mortgage (FRM) fraud and continually appropriating a special fund. (Pending question: Ought to Pass)

SB 190, relative to admission fees for certain persons at state parks and historical sites. (Pending question: adoption of the committee report of Ought to Pass)

SB 296, relative to preferences for veterans and disabled veterans in public employment. (Pending question: adoption of floor amendment 2014-1494h)

HOUSE BILLS AMENDED BY THE SENATE

HB 118, providing immunity from criminal prosecution for seeking medical assistance with an emergency drug or alcohol overdose event. (SJ 1/30/2014)

HB 153, prohibiting the designation of industrial hemp as a controlled substance. (SJ 1/30/2014)

HB 234, relative to occupational and professional boards and commissions procedures concerning military service and occupational experience or training. (SJ 1/30/2014)

HB 255-FN, establishing a commission to study medical costs and payments under workers' compensation law. (SJ 4/17/2014)

HB 343-FN, establishing a commission to study the current community-based system of commodities reporting by junk or scrap metal dealers in New Hampshire. (SJ 4/17/2014)

HB 422, relative to the adoption, revision, and amendment of municipal charters. (SJ 4/24/2014)

HB 426, relative to payment of costs and fees in guardianship cases. (SJ 2/6/2014)

HB 466-FN, relative to determining qualifications of voters. (SJ 4/17/2014)

HB 489-FN, relative to the New Hampshire medical malpractice joint underwriting association. (House Non Concurs, requests C of C)

HB 534, establishing a commission to study the feasibility of sponsorship agreements including naming rights for certain structures. (SJ 4/17/2014)

HB 590, relative to the unauthorized practice of law. (House Non Concurs, requests C of C)

HB 591, relative to an abusive work environment and the health and safety of public employees. (SJ 1/30/2014)

HB 624-FN, waiving the residency requirement for in-state tuition rates for veterans attending the university system of New Hampshire. (SJ 1/30/2014)

HB 649-FN, relative to earned time credits for certain prisoners participating in educational and rehabilitative programming. (SJ 4/17/2014)

HB 650-FN- A, relative to instituting a bus service between Claremont, New Hampshire and Lebanon, New Hampshire. (SJ 4/24/2014)

HB 1122- FN, relative to the filing with a registry of deeds of a fraudulent document purporting to create a lien or claim against real property. (SJ 4/24/2014)

HB 1124, relative to the adoption of zoning ordinances in towns that use official ballot voting and ratifying a warrant article adopted at the 2014 annual meeting of the town of Rye. (House Concurs)

HB 1137-FN, relative to annulment of certain obstruction of justice crimes and relative to the crime of escape. (SJ 4/24/2014)

HB 1144, establishing a committee to study information included in arrest records and access to information on the disposition of criminal cases. (SJ 4/17/2014)

HB 1146, establishing a committee to study the feasibility of funding a kindergarten to college/career ready program and a universal college savings account. (SJ 4/17/2014)

HB 1182, relative to membership of the state transparency website oversight committee. (SJ 4/17/2014)

HB 1196, relative to applications for abatements and authority to abate prior years' property taxes. (SJ 4/17/2014)

HB 1261-FN-L, limiting the fee charged for delivery of notice of civil forfeiture of an unlicensed dog to the cost of mailing such notice. (House Non Concurs, requests C of C)

HB 1308-FN, adding a member to the advisory council on workers' compensation. (SJ 4/25/2014)

HB 1295, relative to the definition of livestock. (SJ 4/17/2014)

HB 1320, relative to incompatibility of town offices. (SJ 4/17/2014)

HB 1360, relative to use of certain electronic devices while driving. (SJ 4/17/2014)

HB 1370, providing for minority party membership on the executive committee of the county convention. (SJ 4/17/2014)

HB 1371, relative to grading and improving subdivision streets. (SJ 4/17/2014)

HB 1453, relative to procedures of the board of podiatry. (SJ 4/17/2014)

HB 1489-FN-A, establishing a committee to study the establishment of a fund to reimburse costs associated with firefighters who have cancer. (SJ 4/17/2014)

HB 1532, relative to notification of radon and arsenic levels. (SJ 4/24/2014)

HB 1533-FN, requiring a warrant to search information in a portable electronic device. (SJ 4/24/2014)

HB 1545, relative to voting booths. (SJ 4/17/2014)

HB 1579-FN, relative to penalties for violations of trapping laws and relative to education requirements for issuance of a trapping license. (SJ 4/17/2014)

HB 1600, relative to reporting of energy production for net metering. (SJ 4/24/2014)

HB 1631-FN, relative to debt collection and small claims. (SJ 4/24/2014)

COMMITTEES OF CONFERENCE

HB 489-FN, relative to the New Hampshire medical malpractice joint underwriting association. (Reps. Butler, Harding, Schlachman, John Hunt)

2014 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 May 30, 2014 deadline adopted by the House. All Committee of Conference members must sign their reports in the Office of Legislative Services at May 30, 2014 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

SUNDAY, MAY 4

LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K), NHTI Community College, Room SC225, Concord

1:00 p.m. Regular meeting.

MONDAY, MAY 5

COMMISSION ON HOUSING POLICY AND REGULATION, (RSA 19-N), Rooms 301-303, LOB

10:30 a.m. Representatives Hall.

COUNCIL FOR CHILDREN AND ADOLESCENTS WITH CHRONIC HEALTH CONDITIONS (RSA 126-J), Upham Walker House, Parker St., Concord

6:00 p.m. Regular meeting.

PUBLIC WATER ACCESS ADVISORY BOARD (RSA 233-A:2, I), Department of Fish and Game, 11 Hazen Drive, Concord

9:00 a.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS

9:45 a.m. Bus tour of UNH Facilities in Durham. *Committee to meet in LOB lobby.*

TUESDAY, MAY 6

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. ***SB 400-FN***, relative to the penalty for violations of the taking of American eels.

10:30 a.m. Executive session on ***SB 202***, relative to the elements of the crime of burglary, ***SB 207-FN***, relative to paycheck equity, ***SB 390***, (New Title) prohibiting discrimination against employees who are victims of domestic violence and establishing a committee to study the protection of employees from domestic violence, continued public hearing ***SB 400-FN***, relative to the penalty for violations of the taking of American eels.

EDUCATION, Room 207, LOB

10:00 a.m. Full committee work session on House bills amended by the Senate.

ELECTION LAW, Room 308, LOB

11:00 a.m. Continued executive session on ***SB 120-FN***, relative to political contributions and expenditures and relative to reporting by political committees.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Interim study subcommittee work session on ***HB 1344***, relative to the disposal of sharps waste by retail establishments.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

1:30 p.m. Executive session on ***SB 221***, (New Title) relative to private postsecondary career schools and relative to the authority of the board of barbering, cosmetology, and esthetics, ***SB 396***, relative to child restraint practices.

FINANCE – (DIVISION I), Room 212, LOB

10:00 a.m. Subcommittee work session on ***SB 245-FN***, (New Title) relative to the siting of energy facilities.

FINANCE – (DIVISION II), Room 209, LOB

10:00 a.m. Work session on ***SB 409-FN-A-L***, (New Title) making an appropriation to the department of safety for disaster assistance grants.

10:30 a.m. Work session on ***SB 416-FN-A***, (New Title) relative to highway fund appropriations and establishing a committee to study the effectiveness and efficiency of the department of transportation.

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

10:00 a.m. Work session on **SB 308-FN**, relative to innovation in the delivery of health care.

1:00 p.m. Work session on **SB 415-FN**, transferring surplus revenues to the revenue stabilization reserve account.

FISH AND GAME AND MARINE RESOURCES, Room 307, LOB

12:00 p.m. or at session lunch break.

Executive session on **SB 230**, relative to the definition of utility terrain vehicles, **SB 232**, relative to speed limits for off highway recreational vehicles and snowmobiles, **SB 336-FN**, prohibiting the taking of deer from baited areas on state-owned lands, **SB 389**, (New Title) relative to the enforcement of motor vehicle laws by officers of the fish and game department.

JUDICIARY, Room 208, LOB

10:00 a.m. Continued executive session on **SB 319-FN**, relative to access to reproductive health care facilities.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:30 a.m. Executive session on **SB 321**, relative to motorist service signs.

RULES, Room 303, LOB

3:00 p.m. Regular meeting.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

1:30 p.m. Continued executive session on **SB 268**, (New Title) relative to funding for certain energy efficiency programs, and **SB 417**, (New Title) relative to information provided to electric utility customers.

TRANSPORTATION

9:00 a.m. Committee tour of Prison Industries and Dept. of Safety. *Committee to meet in LOB lobby.*

WAYS AND MEANS, Room 202, LOB

10:30 a.m. Executive session on **CACR 19**, relating to dedicated funds. Providing that dedicated funds shall be used solely for the purpose of the fund, **SB 213-FN**, establishing a registry for physician orders for life-sustaining treatment, **SB 240-FN**, (New Title) relative to authorizing temporary registrations of off-highway recreational vehicles for nonresidents, **SB 368-FN**, increasing the maximum fine for lead remediation, **SB 405-FN**, requiring the registration of radon mitigation system installers with the board of home inspectors.

2:00 p.m. Public hearing on proposed non-germane amendments to **SB 369-FN-A**, relative to the Medicaid enhancement tax. The proposed non-germane amendments make certain changes to the Medicaid enhancement tax. Pursuant to House Rule 45 (b), copies of the non-germane amendments will be available from the Sergeant-at-Arms office and will be posted online on the General Court website at least 24 hours prior to this hearing.

WEDNESDAY, MAY 7**EDUCATION OF CHILDREN WITH DISABILITIES ADVISORY COMMITTEE (RSA 186-C:3-b), Department of Education, Londergan Hall Room 15, 101 Pleasant St., Concord**

4:30 p.m. Regular meeting.

THURSDAY, MAY 8**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB**

10:00 a.m. Ad Hoc subcommittee on retirement.

FINANCE, Rooms 210-211, LOB

10:00 a.m. Executive session on **SB 222**, (New Title) restructuring the department of administrative services, division of plant and property management and establishing the position of deputy commissioner in the department of information technology, **SB 235**, (2nd New Title) relative to the patients' trust fund and relative to a 10-bed psychiatric crisis unit, **SB 245-FN**, (New Title) relative to the siting of energy facilities, **SB 264-FN**, requiring the election of benefits by certain members of the judicial retirement plan, **SB 308-FN**, relative to innovation in the delivery of health care, **SB 370-FN-L**, (New Title) relative to reimbursement of towns affected by the Merrimack River flood control compact and making an appropriation therefore, **SB 395-FN**, relative to the retirement classification of the director of the division of forests and lands, **SB 415-FN**, transferring surplus revenues to the revenue stabilization reserve account, **SB 416-FN-A**, (New Title) relative to highway fund appropriations and establishing a committee to study the effectiveness and efficiency of

the department of transportation, ***SB 409-FN-A-L***, (New Title) making an appropriation to the department of safety for disaster assistance grants, ***SB 283-FN***, relative to disposition of funds obtained by the attorney general.

WAYS AND MEANS, Room 202, LOB

10:00 a.m. Executive session on ***SB 369-FN-A***, relative to the Medicaid enhancement tax.

FRIDAY, MAY 9

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

11:00 a.m. Regular meeting.

Room 206, LOB

1:30 p.m. Lyme disease subcommittee.

STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD EVALUATION COMMITTEE (RSA 99-E:1, I), Room 101, LOB

9:30 a.m. Regular meeting.

MONDAY, MAY 12

ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21), Room 100, State House

3:00 p.m. Regular meeting.

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

9:00 a.m. Regular meeting.

TUESDAY, MAY 13

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

1:30 p.m. Regular meeting.

COMMISSION TO OVERSEE THE CONSTRUCTION OF THE ISLE OF SHOALS 400TH ANNIVERSARY MEMORIAL (HB 25, Chapter 195:45, Laws of 2013), Room 201, LOB

3:30 p.m. Regular meeting.

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

2:30 p.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 210, LOB

10:30 a.m. Informational session on the Community College Capital Program.

11:00 a.m. Interim study full committee work session on ***HB 1164***, designating Interstate 293 as the John Durkin Highway, ***SB 29***, relative to the motorist service signing program, ***HB 1205-FN***, relative to reconstruction or rehabilitation of the Vilas Bridge between Walpole, New Hampshire and Bellows Falls, Vermont, ***HB 1202***, establishing a commission to study revenue alternatives to the road toll for the funding of the state's highways and bridges, ***HB 1374***, repealing the priority status of the widening of I-93 from Manchester to the Massachusetts border in the state of New Hampshire 10 year transportation improvement plan.

THURSDAY, MAY 15

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

2:30 p.m. Regular meeting.

FRIDAY, MAY 16

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

9:00 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.

MONDAY, MAY 19

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

10:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

NEW HAMPSHIRE CONSERVATION NUMBER PLATE ADVISORY COMMITTEE, (RSA 261:97-d)

TUESDAY, MAY 20

NEW HAMPSHIRE CONSERVATION NUMBER PLATE ADVISORY COMMITTEE, (RSA 261:97-d), Room 207, LOB

10:00 a.m. Regular meeting.

THURSDAY, MAY 22

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

1:00 p.m. Special meeting. Laws of 2014, Chapter 3 (SB 413). An act relative to health insurance coverage.

FRIDAY, MAY 23

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

9:00 a.m. Subcommittee meeting.

FRIDAY, MAY 30

THERAPEUTIC USE OF CANNABIS ADVISORY COUNCIL (RSA 126-X:9), Rooms 205-207, LOB

1:00 p.m. Regular meeting.

MONDAY, JUNE 2

COMMISSION TO STUDY BUSINESS TAXES (RSA 77-F:1), Room 103, State House

8:30 a.m. Regular meeting.

WEDNESDAY, JUNE 4

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

4:30 p.m. Regular meeting.

NEW HAMPSHIRE BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2), Walker Building Room 100, 21 South Fruit St., Concord

2:00 p.m. Regular meeting.

FRIDAY, JUNE 6

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

9:00 a.m. Continued regular meeting.

MONDAY, JUNE 9

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

10:00 a.m. Regular meeting.

OFFICIAL NOTICES

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

Rep. Ronald R. Boisvert, 278 Greeley St., Manchester, NH 03102-2316

Rep. Susan Emerson, c/o Navy Lodge, Room 509, 8901 Wisconsin Ave., Bethesda, MD 20889

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

Karen O. Wadsworth, Clerk of the House

COUNTY DELEGATION NOTICE

The **Coos** County Delegation will meet **Monday, May 12th** at the State Offices complex in Lancaster. The meeting will start promptly at **10:00 a.m.** The purpose of the meeting is to approve the 1st quarterly financials and to discuss and vote on the salaries of Constitutional Officers.

Rep. Robert L. Theberge Delegation Chairman

COUNTY DELEGATION NOTICE

The **Grafton** County Executive Committee will meet on **Monday, May 19th**, 3:00 p.m. at the Grafton County Complex in North Haverhill.

Rep. Andrew White, Chairman

Grafton Executive Committee

COUNTY DELEGATION NOTICE

The **Grafton** County Delegation will meet **Monday, May 19th**, 4:00 p.m. at the Grafton County Complex in North Haverhill for the purpose of setting salaries of elected officials and any other business to properly come before the committee.

Rep. Andrew White, Chairman

Grafton Executive County Delegation

COUNTY DELEGATION NOTICE

Pursuant to RSA 23:7 the Executive Committee of the **Merrimack** County Delegation will meet on **Monday, May 12th at 9:00 a.m.** in the Lower Level Conference Room located at the McDonnell Building 4 Court Street, Concord, NH. The purpose of the meeting is as follows: 1.) Review and Approve the First Quarter Financial Report. 2.) Hear a report from the Salary Study Committee Chairman. 3.) Hear a report on the Edna McKenna Facility. 4.) Any other business that may appropriately come before them.

Rep. Stephen Shurtleff, Chairman

Merrimack County Executive Committee

COUNTY DELEGATION NOTICE

Pursuant to RSA 23:7 the **Merrimack** County Delegation will meet on **Monday, May 12th, 9:30 a.m.** in the Lower Level Conference Room located at the McDonnell Building, 4 Court Street in Concord, NH. The purpose of the meeting is: 1. Act on the Elected Officials Salaries. 2. Hear a report on the Edna McKenna Facility 3. To consider any other business that may appropriately come before them.

Rep. Candace Bouchard, Chairman

Merrimack County Delegation

COUNTY DELEGATION NOTICE

The **Rockingham** County Executive Committee will meet on **Friday, May 2nd, 9:30 a.m.** in the Hilton Auditorium at the Rockingham County Nursing Home in Brentwood for a First Quarter Budget Review.

Rep. Kevin Waterhouse, Clerk

Rockingham County Executive Committee

COUNTY DELEGATION NOTICE

Rescheduled: The **Rockingham** County Salary Subcommittee-Elected Officials rescheduled to **Monday, May 5th**, at **10:00 a.m.** in the Delegation Office at the County Complex in Brentwood. The purpose of the meeting is to review the salaries and benefits for elected officials for the next term of office.

Rep. Kevin Waterhouse, Clerk

Rockingham County Convention

REVISED FISCAL NOTES

The following Bills have a revised fiscal note: HB 118, HB 226, HB 255, HB 256, HB 259, HB 263, HB 292, HB 319, HB 404, HB 424, HB 439, HB 435, HBB 456, HB 461, HB 469, HB 480, HB 485, HB 489, HB 492, HB 495, HB 496, HB 525, HB 584, HB 597, HB 645, HB 649, HB 650, HB 653, HB 657, HB 666, HB 671, HB 682, HB 624, HB 1104, HB 1127, HB 1130, HB 1132, HB 1135, HB 1142, HB 1145, HB 1148, HB 1150, HB 1152, HB 1160, HB 1161, HB 1163, HB 1216, HB 1229, HB 1232, HB 1242, HB 1251, HB 1260, HB 1308, HB 1335, HB 1359, HB 1368, HB 1372, HB 1176, HB 1381, HB 1406, HB 1411, HB 1439, HB 1457, HB 1484, HB 1489, HB 1494, HB 1498, HB 1499, HB 1548, HB 1557, HB 1570, HB 1571, HB 1572, HB

1576, HB 1579, HB 1581, HB 1587, HB 1595, HB 1609, HB 1617, HB 1618, HB 1620, HB 1622, HB 1624, HB 1626, HB 1627, HB 1628, HB 1630, HB 1631, HB 1634, HB 1635, SB 91, SB 116, SB 141, SB 180, SB 193, SB 196, SB 204, SB 205, SB 206, SB 213, SB 215, SB 231, SB 235, SB 240, SB 245, SB 259, SB 264, SB 283, SB 317, SB 318, SB 325, SB 327, SB 335, SB 339, SB 340, SB 345, SB 366, SB 367, SB 369, SB 370, SB 405, SB 409, SB 414, SB 416.

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.

On **Tuesday, May 6th, 3:30 p.m. to 4:30 p.m.** in the State House Cafeteria, House and Senate members and staff are invited to the Mama Summit Wrap-Up Reception. The Mama Summit is convening moms, dads and grandparents from throughout NH to focus on solutions to toxic air pollution and climate change that threaten our children's health. Please join us for refreshments and snacks. For more information, contact Yvonne Nanasi at ynanasi@momscleanairforce.org.

Rep. Tara Sad

The members of the NH Snowmobile Association cordially invite all House members and staff to a reception in the State House cafeteria on **Wednesday, May 7th, 7:30 a.m. to 9:30 a.m.** where a breakfast will be served. We look forward to seeing you there.

Reps. Steve Shurtleff and Gene Chandler

New Hampshire Citizens for the Arts celebrates the importance of the arts to New Hampshire's culture and economy and thanks legislators for their support by inviting them to enjoy music by cellist Matthew Laughlin and flutist Jennifer Yeaton-Parris as they enter the chamber on **Wednesday, May 7th.**

Rep. Amanda Merrill

Ned Helms, Board Chair, Goodwill Industries of Northern New England and Anna Eleanor Roosevelt, President and CEO of Goodwill NNE invite all lawmakers and staff to attend a legislative luncheon on **Wednesday, May 7th at 12 noon.** They will provide context about Goodwill's history, mission and new focus in New Hampshire. A salad and sandwich luncheon will take place at St. Paul's Church, Ordway Hall (basement).

Rep. Jim MacKay

We hope to see you on **Wednesday, May 7th** in Concord for a celebration of UNH Cooperative Extension's century of service to the Granite State. Please join us for a **noontime** luncheon at the State Library, then a brief ceremony, starting at 1:30 p.m., in the Executive Council Chambers at the State House, featuring remarks from Governor Hassan, UNH President Mark Huddleston, and UNH Cooperative Extension Dean and Director John Pike.

Please RSVP by May 4: extension.unh.edu/RSVP-May-7-Centennial-Events.

Reps. Bob Haefner and Robert Theberge

There will be a New Futures Advocacy Training on **May 7th and 8th from 12:30-2:00 p.m.** in LOB 302. Questions may be directed to Tricia Lucas at New Futures 225-9540 ext. 110 or 603-770-8620.

Rep. Donna Schlachman

The OWLS will be sponsoring a bake sale to be held in the Ante Room on **May 7th.**

Rep. Debra DeSimone

On **Thursday, May 8th** members of the NH House committees on Children and Family Law, Education and Health, Human Services and Elderly Affairs, as well as the NH Senate committee on Health, Education and Human Services are invited to join Governor Maggie Hassan (invited) and members of the NH Children's Behavioral Health Collaborative to learn about NH's progress toward the implementation of the NH Children's Behavioral Health Plan that was released on March 13, 2013. This briefing in LOB 205-207 from **12:00 p.m.-12:45 p.m.** will provide an overview of the roadmap for the transformation of the current system to an integrated and comprehensive mental health and substance use system. Each participant will receive a copy of the Executive Summary of the Plan.

Rep. Jim MacKay

The New Hampshire Soft Drink Association cordially invites all House and Senate members and legislative staff to enjoy a hot breakfast on **Wednesday, May 14th, 8:00 a.m. to 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

Reps. Steve Shurtleff and Gene Chandler

All Legislators and staff are invited to the 3rd annual Rep. Burt's Hot Dog day **May 14th from 11:30 a.m. to 1:30 p.m.** on the front lawn of the State House. We Are Animal Guardians from Weare, NH is hosting this event, visit wearewag.org. Please contact Rep. John Burt if you can bring a salad or other items to Hot Dog day.

Rep. John A. Burt

There will be a showing of New Hampshire Public Television's I've Got Your Back on **Wednesday, May 14th 5:00 to 7:00 p.m.** at The Music Hall Loft, 131 Congress Street, Portsmouth. This 30 minute program features New Hampshire students and teacher and who were part of the first Stand Up event at the Whittemore Center last November attended by over 4,000 people. It highlights the issue of bullying and the progress NH schools have made. Sponsors include NH Alliance of Boys and Girls Clubs, Child and Family Services, Comcast, and NH Council for Developmental Disabilities. The event is free. Food and refreshments will be served.

Rep. Donna Schlachman

Please save the date for a Continuing Education briefing on the status of the drug addiction and abuse crisis and its impact on NH. The session will be held on **Thursday, May 15th from 10:00 a.m. to 1:30 p.m.** in LOB Rooms 210/211. All legislators are invited to attend and lunch will be included.

Rep. Laurie Harding

In recognition of your support, the New Hampshire Law Enforcement Officers Memorial Committee cordially invites you to the 22nd Annual New Hampshire Law Enforcement Officers Memorial Ceremony. The ceremony will be held on **Monday, May 19th**, 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 Major Kevin Jordan of the New Hampshire Fish and Game Department at 603-271-3128 if you have any questions.

Terie Norelli, Speaker

All House members and staff are invited to the biennial Legislative Health Screening Day, coordinated and presented by your State House health services, to be held **Wednesday, May 21st, 9:00 a.m. to 1:00 p.m.** on the third floor of the LOB. Screenings for blood pressure, blood sugar, glaucoma, and fall/balance prevention will be offered as well as chair massages provided by Seacoast Career School. Bring your questions to participating professionals, including a dentist, an ophthalmologist and a pharmacist. There will be door prizes and refreshments!

Reps. Steve Shurtleff and Gene Chandler

The Propane Gas Association of New England is hosting its annual Outdoor Living Safety Day on the State House lawn on **Thursday, May 22nd, 8:00 a.m. to 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. Steve Shurtleff and Gene Chandler

Members are invited to join Belknap County Republicans for the 9th Annual Lincoln Day Dinner-Cruise on the M/V Mount Washington on **Friday, May 30th**. This is 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, 528-8466, **franktilton@gmail.com** or other Belknap County representatives.

Rep. Franklin T. Tilton

The House Republican Alliance will meet **Tuesday mornings at 8:30 a.m.** in LOB 206.

Reps. Pamela Tucker, Al Baldasaro, and Carol McGuire

The Legislative Youth Advisory Council is looking for recommendations of students age 15-22 who would be interested in serving on this council. The council was created to advise the legislature on issues of concern to youth. Please forward any recommendations to Rep. Carolyn Gargas, **cgargas@cs.com**, 465-7463.

Rep. Carolyn Gargas

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 2014. 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. Note that large groups are divided into smaller groups for tours.

Please contact the Visitor Center concerning school tour booking information. Legislators planning to meet with students should notify the Visitor Center. Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director

Deborah Rivers, Public Information Administrator

DATE	TIME	GROUP	Group#/Grade
May 2	11:00	Greenfield & Hancock Elementary Schools	32/4
May 2	9:15	Canterbury Elementary School	22/4
May 5	9:00	Chichester Central School	24/4
May 5	10:00	Milton Elementary School	38/4
May 6	10:00	Bernice Ray School – Hanover	38/4
May 6	11:00	Campton Elementary School	38/4
May 6	2:30	Mom's Clean Air Force NH	20
May 7	9:30/11:00 SH/HM	Epping Central School	80/4
May 7	11:15	Concord High School Civics Class	25/HS
May 7	1:00	Groveton High School	10/HS
May 8	10:00/11:30 SH/HM	Fuller School – Keene	55/4
May 8	1:00	NH State Council	
May 8	3:00	IREM	
May 9	9:00	St. Thomas Aquinas School – Derry	45/4
May 9	10:00	Bernice Ray School – Hanover	38/4
May 9	11:30	St. Joseph's Regional School	25/4
May 12	9:45/11:00 SH/Manse	Lincoln St. School – Exeter	88/4
May 12	12:30	World Academy – Nashua	20/3
May 13	9:45/11:00 SH/Manse	Lincoln St. School – Exeter	88/4
May 13	2:30	Merrimack Chamber of Commerce guests	
May 14	10:00/11:30 SH/HM	Mastway Elementary School – Lee	80/4
May 14	3:00	Immaculate Conception Apostolic School – Center Harbor	10/HS
May 15	9:30/11:00 SH/HM	Gossler Park School – Manchester	70
May 15	1:00	Amherst Home School group	40
May 16	9:30/10:45 SH/SC	McClelland School – Rochester	65/4

DATE	TIME	GROUP	Group#/Grade
May 16	11:30	St. Anthony's School – Manchester	22/4
May 16	1:00	Tri City Christian Academy – Somersworth	
May 19	9:15	Bristol Elementary School	30/4
May 19	10:15/11:30	DJ Bakie School – Kingston	78/4
May 20	10:00	William Barron School – Salem	40/4
May 20	9:30/11:30	Hollis Brookline High School	100/4
May 21	9:30	Florence Ride Out School – Wilton	35/4
May 21	10:00	Henry Wilson School – Manchester	38/4
May 21	11:00	Merrimack Middle School	30/8
May 21	9:00	Mt. Washington Valley Chamber of Commerce	
May 21	12:00	St. Elizabeth Seton School – Rochester	25/4
May 22	9:30/11:00 SH/HM	Mount Pleasant School – Nashua	66/4
May 22	10:00	Henry Wilson School – Manchester	38/4
May 22	11:00	Effingham Elementary School	11/4
May 23	9:00	New Hampton Community School	23/4
May 23	10:00	Lin-Wood School – Lincoln & Woodstock	27/4
May 23	11:00	Merrimack Middle School	30/8
May 23	12:00	Presentation of Mary Academy – Hudson	46/4
May 27	9:30	Mill Falls Charter School – Manchester	30
May 27	10:00	Enfield Village School	32/4
May 27	10:30	Mason Elementary School	31/4
May 27	11:30	Bridge Water Hebron School	30/4
May 28	11:00	Mountain Shadows School – Dublin	35/4
May 28	10:00/11:30 SH/HM	Peterborough Elementary School	56/4
May 28	11:00	Whitefield Elementary School	30/4
May 29	10:00/11:30 SH/HM	Interlakes Elementary School	80/4
May 29	10:30	Lancaster Elementary School	30/4
May 29	12:30	Conway Elementary School	35/4
May 30	9:45	Lincoln Akerman School – Hampton Falls	35/4
May 30	10:00	Mont Vernon Village School	35/4
May 30	11:30	Swasey Central School – Brentwood	50/4
May 30	12:30	Dublin Consolidated School	37/3-5
June 2	9:15	Ben Franklin School – Keene	38/4
June 2	10:00/11:00	Birch Hill School – Nashua	100/4
June 3	9:00	Henniker Community School	38/4
June 3	10:15/11:30	Pelham Elementary School	75/4
June 4	9:15	Kensington Elementary School	30/4
June 4	10:15/11:30	Pelham Elementary School	75/4
June 5	9:30	Berkshire Tours	40/Srs
June 5	10:00	Salisbury & Webster Schools	35/4
June 5	11:00	Winchester Elementary School	35/4
June 5	12:30	Ed Fenn Elementary School – Gorham	40/4
June 6	9:00	Villa Augustina School – Goffstown	
June 6	10:00/11:30 SH/HM	Maple Ave. School – Claremont	65/4
June 9	9:30	Sunapee Middle School	11/8
June 9	11:00	Gilmanton Elementary School	40/4
June 10	10:00	Waterville Valley Elementary School	10/3-5
June 11	9:30/11:00 SH/HM	Maple St. School - Contoocook	80/4
June 11	10:00	Atkinson Academy	53/4
June 11	11:45	John Fuller School – North Conway	36/4
June 12	9:30	Leadership New England-NHIOP	30/Col
June 12	10:30/12:15 SH/HM	William Allan School – Rochester	68/4
June 13	10:00	Dunbarton Elementary School	31/4
June 13	11:30	Jonathan Daniels School – Keene	32/4
June 13	10:30	Boscawen Elementary's Gettysburg Address	12/5
June 16	9:30	Paul School – Wakefield-Sanbornville	40/4
June 16	10:00/11:30 SH/Manse	Lakeway Elementary School – Littleton	60/4
June 17	10:00	Wheelock School – Keene	38/4
June 17	9:45/11:15 SH/F&G	Ledge St. School – Nashua	80/4
June 19	10:00	Friendship Force (guests from Australia)	25

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to SB 229 (2014-1528h)

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 Medical Records; Definitions. Amend RSA 332-I:1, II(b) to read as follows:

(b) "Health care provider" means any person, corporation, facility, or institution either licensed by this state or otherwise lawfully providing health care services, including, but not limited to, a physician, **advanced practice registered nurse, physician assistant**, hospital, office, clinic, health center or other health care facility, dentist, nurse, optometrist, pharmacist, podiatrist, physical therapist, [or] mental health professional, **care coordinator, managed care provider, or the department of health and human services**, and any officer, employee, or agent of such provider acting in the course and scope of employment or agency related to or supportive of health care services.

2 Use and Disclosure of Protected Health Information; Health Information Exchange. Amend RSA 332-I:3, I to read as follows:

I. Except as provided in paragraph VI, a health care provider or a business associate of a health care provider **or a patient or patient's legal representative** may transmit [an individual's] **the patient's** protected health information through the health information organization. Only a health care provider, for purposes of treatment, **care coordination, or quality assurance, or a patient or a patient's legal representative with respect to the patient's protected health information**, may have access to protected health information transmitted through the health information organization.

3 Use and Disclosure of Protected Health Information; Health Information Exchange. Amend RSA 332-I:3, VI to read as follows:

VI. An individual shall be given an opportunity to opt out of sharing his or her name and address and his or her protected health care information through the health information organization. **Such an opportunity shall be provided in a clear and conspicuous manner, including, but not limited to, simple opt out language in a font and size easily readable by the average adult reader so that the individual may make his or her decision known.**

4 New Paragraph; Health Information Organization Board; Members. Amend RSA 332-I:8 by inserting after paragraph IV the following new paragraph:

V. If a board member position listed in paragraph I becomes vacant and the position has not been filled within 90 days of notification by the board, the board shall complete the term with an additional at-large member with qualifications, experience, and expertise as identified and determined by the board.

5 Health Information Organization; Powers and Duties. Amend RSA 332-I:10, I to read as follows:

I. Establish and maintain a health information organization that facilitates the private and secure electronic exchange of health information that promotes quality and patient safety, and increases efficiencies in health care delivery. **Except as provided in RSA 332-I:3, VI, the health information organization may retain patient demographics, including patient name, address, date of birth, gender, medical record numbers, and location of medical records, which shall be used solely to ensure consistent patient identification between health care providers and enable electronic query for patient health information. The health information organization shall otherwise act solely as a conduit for such electronic exchange and shall neither access nor retain, in a database or otherwise, the clinical content of any medical record. The information retained by the health information organization or its agents or business associates shall not be sold or disclosed.**

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

2014-1528h

AMENDED ANALYSIS

This bill clarifies the term "health care provider" for the purposes of the medical records law. This bill also declares that an individual's protected health information may be transmitted through the health information organization only by certain persons and that such information shall only be used for certain purposes.

Amendment to SB 231-FN (2014-1602h)

Proposed by the Committee on Transportation-c

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

1 New Section; Agricultural/Industrial Utility Vehicle; Definition. Amend RSA 259 by inserting after section 2 the following new section:

259:2-a Agricultural/Industrial Utility Vehicle. "Agricultural/industrial utility vehicle" shall mean a vehicle, including an off highway recreational vehicle, with 4 or 6 wheels, an internal combustion engine or electric

motor, or both, but excluding a tractor, equipped in accordance with the provisions of RSA 261:41-a, III, that is capable of carrying not more than 6 occupants, has a load capacity of 1,500 pounds or less, and is in use for farming, agricultural, or light industrial uses, and is limited to ways or portions of ways where such vehicles are allowed and having posted speed limits of 40 miles per hour or less, within a 10 mile radius from an entrance to land used by the farm or a 2 mile radius from the entrance to the light industrial complex or construction site, and subject to any other special conditions established by the government authority controlling the way.

2 New Section; Light Industrial Use; Definition. Amend RSA 259 by inserting after section 49 the following new section:

259:49-a Light Industrial Use. "Light industrial use" shall mean manufacturing and distribution of products for wholesale or retail use where the operation includes the need for access to contiguous or nearby warehouses, showrooms, construction sites, or manufacturing facilities including crossing a way or portion of a way or driving on a way where the route or crossing is approved by the government authority controlling the way.

3 Tractor; Definition. Amend RSA 259:108 to read as follows:

259:108 Tractor. "Tractor" shall mean:

[E.] any self-propelled vehicle designed or used **for agricultural purposes or** as a traveling power plant or for drawing other vehicles, but having no provision for carrying a load **other than attached implements such as snowplows, tool boxes, or bucket loaders**, but shall not include [off-highway recreational vehicles not designed and equipped for highway use:

H. Any low-speed utility vehicle. "Low-speed utility vehicle" shall mean any vehicle with 4 wheels, an internal combustion or electric motor, or both, a load capacity of 1,500 pounds or less, and high-pressure tires, that is capable of carrying not more than 2 occupants plus the load, is capable of speeds 30 miles per hour or less on level ground, and is used for agricultural or light industrial use] **vehicles used for recreational purposes or agricultural/industrial utility vehicles as defined in RSA 259:2-a.**

4 New Section; Registration, Equipment, and Inspection of Vehicles; Exemption for Utility Vehicles. Amend RSA 261 by inserting after section 41 the following new section:

261:41-a Registration, Equipment, and Inspection of Vehicles; Exemption for Utility Vehicles.

I. An agricultural/industrial utility vehicle, as defined in RSA 259:2-a, if operated upon a way shall be registered as provided in RSA 261:141, III(dd).

II. Any agricultural/industrial utility vehicle, as defined in RSA 259:2-a, shall be exempt from inspection under RSA 266:1, but shall be subject to inspection by a law enforcement officer at any time when being operated on a way. Any person operating such a vehicle on a way shall hold a valid driver's license.

III. When operated on a way for purposes other than crossing the way for trail access, any agricultural/industrial utility vehicle, as defined in RSA 259:2-a, shall be equipped in accordance with the provisions of RSA 215-A:14 and in addition shall be equipped with at least one red reflex reflector on the left rear if operated during the hours of darkness; an interior or exterior mirror; a vehicle identification number that conforms to federal requirements; seatbelts installed at each designated seating position if originally so equipped; an intact windshield if originally so equipped; and tires inflated to cold inflation pressure not more than the maximum permissible pressure molded on the sidewall. Such vehicle shall also be equipped with a slow moving vehicle emblem to the rear and may be equipped in addition with an amber flashing or rotating light.

IV. A motorcycle, trail bike, or agricultural/industrial utility vehicle that meets all the requirements of an off highway recreational vehicle in RSA 215-A:1, VI shall be used as an off highway recreational vehicle only when it has a valid OHRV registration issued under the provisions of RSA 215-A: 21.

5 Utility Vehicles. Amend the subdivision heading preceding RSA 265:160 and RSA 265:160 to read as follows:

Special Rules for [Low-Speed] Utility Vehicles

265:160 [Low-Speed] Utility Vehicles; **Operation on Ways Restricted.** No person shall operate a [low-speed] utility vehicle, [as defined in RSA 259:108, H] **including an agricultural/industrial utility vehicle as defined in RSA 259:2-a, or an off highway recreational vehicle as defined in RSA 259:69**, except on a way where the posted speed limit is [35] **40 miles per hour or less, and the route or crossing being used is open to such vehicles and at such times and under any other special operating conditions established by the government authority having control of the way. Any person operating or in actual physical control of such a vehicle upon a way shall hold a valid driver's license.** [No person shall operate such vehicle more than 25 miles from the registrant's residence or place of business:]

6 New Section; Utility Vehicles; Crossing of Ways Restricted. Amend RSA 265 by inserting after section 160 the following new section:

265:161 Utility Vehicles; Crossing of Ways Restricted. A person may operate a utility vehicle, including an off highway recreational vehicle as defined in RSA 259:69, across any way, except for an interstate highway, toll road, or other multi-lane divided highway where the operation of such vehicle is not otherwise prohibited by law, but said person shall comply with the following provisions:

I. The crossing shall be made at an angle of approximately 90 degree to the direction of the public way and at a place where no obstruction prevents a quick and safe crossing; and

II. The operator shall bring the vehicle to a complete stop before crossing the shoulder, or if no shoulder, the public way, before proceeding; and

III. The operator shall yield the right of way to all motor vehicle traffic on such public way which constitutes an immediate hazard to such crossing; and

IV. The operator shall possess a valid motor vehicle driver's license or shall have successfully completed the approved snowmobile or off highway recreational vehicle safety training course. Persons with a suspended or revoked operating privilege shall not operate a utility vehicle, including an off highway recreational vehicle across a way.

7 New Subparagraph; Registration Fees; Agricultural/Industrial Utility Vehicle. Amend RSA 261:141, III by inserting after subparagraph (cc) the following new subparagraph:

(dd) For agricultural/industrial utility vehicles the registration fee shall be 1/3 of the registration fee determined by the corresponding weight chart specified in subparagraph (g).

8 Repeal. RSA 266:116, relative to equipment required for low-speed utility vehicles, is repealed.

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

Amendment to SB 233

(2014-1451h)

Proposed by the Committee on Municipal and County Government-c

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

AN ACT relative to property tax exemption for the Southwestern New Hampshire District Fire Mutual Aid system.

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

1 Property Tax Exemption; Southwestern New Hampshire District Fire Mutual Aid; Keene. The real property owned by the Southwestern New Hampshire District Fire Mutual Aid system in the city of Keene when used for the purposes of a district fire mutual aid system under RSA 154:24-30 shall be exempt from property taxation under RSA 72.

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

2014-1451h

AMENDED ANALYSIS

This bill provides that the real property of the Southwestern New Hampshire District Fire Mutual Aid system in Keene shall be exempt from property taxation.

Amendment to SB 241

(2014-1536h)

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

Amend RSA 12-A:62 as inserted by section 1 of the bill by replacing it with the following:

12-A:62 Division of Economic Development Fund. There is hereby established in the office of the state treasurer a fund to be known as the division of economic development fund. The commissioner of resources and economic development is authorized to accept public sector and private sector grants, gifts, or donations of any kind for the purpose of funding initiatives associated with the purpose of this subdivision. The purpose of this subdivision shall be defined as the activities set forth in RSA 12-A:22. Such grants, gifts, and donations shall be deposited in the division of economic development fund and may only be expended by the commissioner of resources and economic development to accomplish the purposes of this subdivision. Other than acknowledgement for promotional purposes, donations shall not be used as fees for services in a manner that primarily benefits the party providing the funds. The state treasurer may invest moneys in the fund as provided by law, with interest received on such investment credited to the fund. The moneys in this fund shall be nonlapsing and shall be continually appropriated to the department of resources and economic development.

Amendment to SB 243

(2014-1554h)

Proposed by the Committee on Ways and Means-c

Amend the bill by replacing all after section 2 with the following:

3 New Subparagraph; Department of Revenue Administration Records; Disclosure. Amend RSA 21-J:14, V by inserting after subparagraph (f) the following new subparagraph:

(g) Disclosure of department records, files, or returns to the United States Department of Justice in accordance with compacts for the exchange of information between the department and the United States Department of Justice, but only for the purpose of, and to the extent necessary in, the administration and enforcement of RSA 541-C and RSA 541-D relative to the tobacco master settlement agreement.

4 Tobacco Tax; Affixing Stamps. Amend RSA 78:12, II to read as follows:

II. The commissioner is authorized to exempt such tobacco products, other than cigarettes *in packs of 20 or 25*, from the requirement of affixing stamps to their packages under paragraph I, as to which he *or she* finds that the affixing of stamps is physically impractical due to the size or nature of the package or that the cost of affixing the stamps is unreasonably disproportionate to the tax revenue to be collected. In lieu of stamps, the commissioner may, by rules adopted under RSA 541-A, require the submission of periodic returns to the commissioner by wholesalers thereof exempted under this paragraph, setting forth the total amount of such unstamped tobacco products distributed and transmitting payment of the tax due under this chapter.

5 Tobacco Tax; Unstamped Tobacco Products. Amend RSA 78:14 to read as follows:

78:14 ~~[Unstamped]~~ Tobacco Products. No sub-jobber, vending machine operator, or retailer, and no other person who is not licensed under the provisions of this chapter or licensed under the provisions of RSA 178, shall sell, offer for sale, display for sale, ship, store, import, transport, carry, or possess with or without intent to sell, any tobacco products ~~[not properly stamped]~~ **without documentation of tax paid** under RSA 78:12 or 78:13, ~~except as provided in RSA 78:12, H].~~ This section shall not prevent any unlicensed person able to purchase unstamped tobacco products by statute from possessing such products for his or her own use or consumption, if the tax otherwise due under this chapter is paid by the unlicensed person to the department directly. The provisions of this section shall not apply to common carriers transporting unstamped tobacco products. Any person who violates the provisions of this section shall be guilty of a felony.

6 Tobacco Tax; Forfeiture of Unstamped Products. Amend RSA 78:16, I to read as follows:

I. ~~[Unless the tobacco products are subject to the exemption under RSA 78:12, H,]~~ Tobacco products found at any place in this state without the necessary ~~[stamps affixed to them]~~ **documentation as provided in RSA 78:12 and RSA 78:13 to evidence the payment of the tax imposed by this chapter**, unless they shall be in the possession of a licensed manufacturer or wholesaler, or unless they shall be in the course of transit by common carrier from a bonded warehouse and consigned to a licensed manufacturer, wholesaler, or anyone exempted by statute, shall be declared to be contraband goods and subject to forfeiture to the state.

7 Tobacco Tax; Records. Amend RSA 78:18 to read as follows:

78:18 Required Taxpayer Records.

I. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form for records of all tobacco products manufactured, produced, purchased, and sold. Each manufacturer, wholesaler, sub-jobber, vending machine operator, and retailer shall keep complete and accurate records of all such tobacco products. Such records shall be safely preserved for 3 years in such manner as to insure permanency and accessibility for inspection by the commissioner and the commissioner's authorized agents. **Retailers of tobacco products exempt from the requirement of affixing stamps in RSA 78:12, II shall keep such records with such exempt tobacco products, as determined by the commissioner, that document the tax imposed by this chapter on the tobacco products has been paid in full.**

II. The commissioner and the authorized agents may examine the books, papers, and records of any manufacturer, wholesaler, sub-jobber, vending machine operator, or retailer doing business in this state, for the purpose of determining whether the tax imposed by this chapter has been fully paid, and they may investigate and examine the stock of tobacco products in or upon any premises where such tobacco products are possessed, stored, or sold, for the purpose of determining whether the provisions of this chapter are being obeyed. Each sampler shall keep complete and accurate records of tobacco products distributed free to consumers in New Hampshire for promotional purposes. The commissioner and the commissioner's authorized agents may examine such records.

8 Effective Date.

I. Section 1 of this act shall take effect July 1, 2014 at 12:01 a.m. and shall apply to taxable periods ending on or after December 31, 2014.

II. The remainder of this act shall take effect 60 days after its passage.

Amendment to SB 247

(2014-1388h)

Proposed by the Committee on Transportation-r

Amend RSA 265-A:38-a, II as inserted by section 1 of the bill by replacing it with the following:

II. If the restricted person has more than one interlock violation within the 120 days prior to the request for removal of the interlock, the commissioner shall refuse to issue a removal certificate and shall order that the person continue to have an interlock device or enhanced technology interlock device in any vehicle registered to or used by that person for an additional period of 120 days or until the individual has been violation-free for such extended period, whichever is the later.

Amend RSA 265-A:38-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. If after a hearing the commissioner determines that the scope and nature of an operator's violations of the provisions of this section are so significant or flagrant that the interests of public safety are at risk, the commissioner may also revoke any vehicle registrations in the name of the operator, as well as the registrations of vehicles equipped with an ignition interlock device the operator has access to, and prevent further registrations from issuing.

**Amendment to SB 248
(2014-1452h)**

Proposed by the Majority of the Committee on Transportation-r

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

AN ACT establishing a committee to study policies and procedures for the development and maintenance of state-owned abandoned rail corridors and relative to images of vehicle registration plates taken at toll facilities.

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

6 Failure to Pay a Toll. Amend RSA 236:31-b to read as follows:

236:31-b Failure to Pay a Highway Toll. Any person who fails, neglects, or refuses to pay the toll or charge for the use of any bridge, highway, or part thereof, 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 *full* cash payment is made *at the tollbooth, [no such] and the vehicle exits the toll booth, the image (i) shall not be [taken] retained for more than 3 seconds, after which it shall be irretrievably destroyed, and no record of the image or its destruction shall be kept; (ii) shall not be made available or disclosed to any individual, person, entity, or government or any component thereof; and (iii) shall not be subject to a subpoena or any administrative or court order.*

2014-1452h

AMENDED ANALYSIS

This bill establishes a committee to study policies and procedures for the development and maintenance of state-owned abandoned rail corridors.

This bill also permits images of vehicle registration plates to be taken at toll facilities and requires the destruction of such images if the toll has been paid in full at the tollbooth.

**Amendment to SB 270
(2014-1424h)**

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; Commission to Study Mental Health Implementation in New Hampshire. Amend RSA 135-C by inserting after section 63-a the following new section:

135-C:63-b Commission to Study Mental Health Implementation in New Hampshire.

I.(a) There is established a commission to study mental health implementation in New Hampshire. The members of the commission shall be as follows:

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

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

(3) The chief executive officer of the New Hampshire hospital, or designee.

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

(5) A public member with a mental illness, appointed by the governor.

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

(c) The commission may form subcommittees comprised of members of the commission and outside persons to address specific areas of concern or for further investigation in carrying out its duties.

II. The commission shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services. In addition, the commission shall be subject to the provisions of RSA 126-A:10-a.

III.(a) The commissioner of health and human services shall seek and is authorized to accept public sector and private sector grants, gifts, or donations of any kind to defray any administrative costs of the commission. Such grants, gifts, and donations shall be deposited in the commission to study mental health implementation in New Hampshire fund, established in subparagraph (b).

(b) There is hereby established a fund to be known as the commission to study mental health implementation in New Hampshire fund. The fund shall consist of moneys collected under subparagraph (a) The fund shall be managed by the state treasurer, shall be nonlapsing, and shall be continually appropriated to the commissioner for the purposes of this section.

IV.(a) Recognizing the need for an integrated system of mental health care across all ages and all interested parties, the commission's study shall include, but not be limited to:

(1) Reviewing all current reports addressing mental health in New Hampshire.

(2) Reviewing other states reports on the status of mental health in such states.

(3) Assessing the degree to which lack of resources, facilities, and professional personnel are contributing to the growing emergence of mental health issues in New Hampshire's population.

(4) Assessing to what degree current efforts to address mental illness in New Hampshire serves youths, seniors, veterans, and minority populations.

(b) The commission may solicit information from any person or entity the commission deems relevant to the commission's objective.

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

VI. On or before November 1, 2014, the commission shall submit an interim report of 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. The commission shall provide a final report of its findings and recommendations on or before November 1, 2015. In addition to proposals for legislation, the final report shall also include detailed findings and recommendations relative to the needs of adults who have a mental illness or are in recovery, children with serious emotional disorders, and their families.

2 New Subparagraph; Commission to Study Mental Health Implementation in New Hampshire Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (316) the following new subparagraph:

(317) Moneys deposited in the commission to study mental health implementation in New Hampshire fund, established under RSA 135-C:63-b, III(b).

3 Repeals. The following are repealed:

I. RSA 135-C:63-b, relative to a commission to study mental health in New Hampshire.

II. RSA 6:12, I(b)(317), relative to the commission to study mental health in New Hampshire fund.

4 Effective Date.

I. Section 3 of this act shall take effect November 1, 2015.

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

2014-1424h AMENDED ANALYSIS

This bill establishes a commission to study mental health implementation in New Hampshire. Under this bill, the commission is administratively attached to the department of health and human services. The also bill establishes a fund for depositing moneys from gifts, grants, and donations received for the purposes of the commission. The fund shall be used to defray any administrative costs associated with the commission's study.

Amendment to SB 281-FN (2014-1601h)

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 relative to the siting of energy systems.

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

1 New Paragraph; Siting of Energy Systems; Rules. Amend RSA 162-H:10 by inserting after paragraph VII the following new paragraph:

VIII.(a) To meet the objectives of this chapter, and with due regard for the renewable energy goals of RSA 362-F, when establishing any criteria or standard or when specifying the type of information that an applicant shall provide to the committee for its decision-making, the committee shall rely upon:

(1) The best available scientific evidence; or, when not available,

(2) Established rules, regulations, or generally accepted operating procedures; or, when those are not available,

(3) Practices or requirements defined by national trade associations.

(b) The committee shall adopt rules, pursuant to RSA 541-A, relative to:

(1) Visual aesthetic impact from all points of a proposed project with an unobstructed view.

(2) Cumulative impacts from existing or pending projects with an accepted application.

(3) Set-back requirements to protect property owners from health and safety impacts.

(4) Project-related vibration, sound, ultrasound, and infrasound pressure levels, and provisions for independent monitoring to ensure on-going compliance.

(5) Impacts to the environment, air and water quality, rare plants, and exemplary natural communities which include, but are not limited to, threatened, endangered, or special concern wildlife species and the primary habitat of these species; migrating and resident birds and bats; and high elevation spruce-fir forests, unless another state or federal agency's rules provide adequate protection of these resources.

(6) Fire protection plan requirements developed in collaboration with the state fire marshal and local public safety authorities.

(7) Decommissioning and restoration plan requirements.

(8) Measures to avoid, minimize, or mitigate adverse effects.

(9) Industry specific considerations such as shadow flicker in wind energy generation, caused by the interruption of sunlight passing through turbine blades and ice thrown from blades.

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

2014-1601h

AMENDED ANALYSIS

This bill requires the site evaluation committee to adopt rules relative to the siting of energy systems in New Hampshire.

Amendment to SB 311

(2014-1578h)

Proposed by the Committee on Ways and Means-c

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

AN ACT authorizing the executive director of the fish and game department to execute an agreement allowing reciprocal snowmobile riding privileges with the states of Vermont and Maine.

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

1 New Paragraph; Snowmobiles; Reciprocity With Vermont and Maine. Amend RSA 215-C:47 by inserting after paragraph I the following new paragraph:

I-a. The executive director may, upon agreement with the states of Vermont or Maine, or both, adopt a regional snowmobile registration endorsement agreement to allow reciprocal snowmobile riding privileges in participating states. The procedures and fees for such registration endorsement shall be established by agreement of the participating states, and the fees proposed in such agreement shall be approved by the fiscal committee of the general court. The executive director may adopt rules, pursuant to RSA 541-A, relative to procedures for the administration and enforcement of the regional endorsement agreement, the collection and use of funds generated by endorsement agreement fees, and periodic audits of endorsement agreement fees.

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

2014-1578h

AMENDED ANALYSIS

This bill authorizes the executive director of the fish and game department to execute a regional endorsement agreement allowing reciprocal snowmobile riding privileges with the states of Vermont and Maine.

Amendment to SB 333

(2014-1572h)

Proposed by the Committee on Municipal and County Government-c

Amend the bill by replacing section 1 with the following:

1 New Section; Property Taxes; Exemption. Amend RSA 72 by inserting after section 7-c the following new section:

72:7-d Exemption; Recreational Vehicles.

I.(a) For purposes of this chapter, recreational vehicles, as defined in RSA 216-I:1, VIII, having a valid motor vehicle registration and current number plate, having a maximum width of 8 feet and 6 inches while being transported, and located at a "recreational campground or camping park," as those terms are defined in RSA 216-I:1 VII, shall not be taxable as real estate.

(b) Annually, before April 1, each campground owner, as defined in RSA 216-I:1, III, shall provide the local assessing officials with the name and address for each owner of a recreational vehicle at the campground, and shall identify which of such recreational vehicles at the campground currently meet the criteria described in subparagraph (a).

(c) Campground owners shall not be responsible for payment of any taxes imposed on a recreational vehicle located at the campground unless the campground owner is the owner of the recreational vehicle.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect April 1, 2015.

Amendment to SB 346

(2014-1507h)

Proposed by the Committee on Commerce and Consumer Affairs-r

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

AN ACT relative to liquor manufacturers and relative to samples of alcoholic beverages.

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

1 New Paragraph; Definitions; Liquor Manufacturer. Amend RSA 175:1 by inserting after paragraph XLIV the following new paragraph:

XLIV-a. "Liquor manufacturer" means a licensee who produces liquor from raw materials by the process of fermentation and distillation.

2 New Paragraph; Definitions; Rectifier. Amend RSA 175:1 by inserting after paragraph LVIII the following new paragraph:

LVIII-a. "Rectifier" means a licensee who produces liquor by combining liquor with other products.

3 Liquor Manufacturer Licensee. Amend RSA 178:6, I to read as follows:

I. A liquor manufacturer licensee ~~[may]~~ **must** ferment[,], **and** distill **liquor from raw materials, and may** blend, age, and bottle ~~[liquor other than wine]~~ **those liquors or wine produced at the licensed premises** in this state. A liquor manufacturer licensee may sell the liquor it manufactures to the commission for resale in this state.

4 Liquor Manufacturer; Retail Sales. Amend RSA 178:6, III to read as follows:

III. Each liquor manufacturer ~~[distilling less than 5,000 cases of liquor per year]~~ shall have the right to sell at retail at its **licensed manufacturing** facility **no more than the equivalent of 3,000 9-liter cases** for off-premises consumption any of its liquor. Each retail sale shall be limited to one 9-liter case or less per sale. No liquor manufacturer shall sell more than 12 9-liter cases of liquor to any one customer in any calendar year.

5 Liquor Manufacturer; Sample Fee. Amend RSA 178:6, VI to read as follows:

VI. Each liquor manufacturer shall maintain records and prepare reports for the commission which shall indicate the sales made under paragraph III **and samples distributed under paragraph IX** and shall pay to the commission monthly a fee equal to 8 percent of such sales **or 8 percent of the retail value of such samples** on or before the tenth day of the month following the sale **or the sample distribution**.

6 New Paragraph; Liquor Manufacturer; Distribution of Samples. Amend RSA 178:6 by inserting after paragraph VIII the following new paragraph:

IX. Each liquor manufacturer selling no more than the equivalent of 3,000 9-liter cases of liquor per year at its licensed manufacturing facility shall have the right to distribute samples directly to on-premises and agency store licensees for tasting on the licensed premises in accordance with RSA 179:44.

7 Samples Provided for Tasting. Amend RSA 179:31, II to read as follows:

II.(a) Manufacturers, wholesale distributors, **rectifiers**, or wine and liquor vendors or their salespersons may distribute samples of their products to licensees for purposes of tasting. The following restrictions shall apply:

~~[(a) Beer samples shall not exceed one 6-pack.~~

~~[(b) Wine samples shall not exceed 2 750 ml. bottles.~~

~~[(c) Liquor samples shall not exceed one 750 ml. bottle.~~

~~[(d) Wine coolers samples shall not exceed one 4-pack, or the product's normal marketing unit.]~~

~~[(e)]~~ (1) All liquor or wine for this purpose shall be purchased from the commission, **except as provided in RSA 178:6, IX, RSA 178:6, VI, RSA 178:7, V, and RSA 178:7, VI. The cost shall be no more than the commission's original cost paid by the commission plus 8 percent.**

~~[(f)]~~ (2) All beverage, wine, or liquor samples may be added to the retailer's inventory for sale.

~~[(g)]~~ (3) All beverage furnished as samples shall be considered sales for the requirements of RSA 178:26.

(b) Total samples distributed under this paragraph by any manufacturer, wholesale distributor, rectifier, or wine or liquor vendor or their salespersons shall not exceed the following in any calendar year per licensee:

(1) One 6-pack of beer.

(2) Two 750 ml. bottles of wine.

(3) One 750 ml. bottle of liquor.

(4) One 4-pack, or the product's normal marketing unit, of wine coolers.

8 Free Drinks. Amend RSA 179:44 to read as follows:

179:44 Free Drinks.

I. No licensee shall give away free drinks to customers, patrons, members, or guests, in any manner.

II. Notwithstanding ~~[the above]~~ **paragraph I**, beverage manufacturers, **liquor manufacturers, rectifiers**, beverage vendors, brew pubs, wholesale distributors and their liquor or wine vendors, their liquor and wine representatives, domestic wine manufacturers, and on-premises and off-premises licensees may conduct beverage, liquor, or wine tasting, as applicable, on licensed premises. Liquor, beverage, or wine tasting shall be conducted only during such hours as are authorized by the commission for the sale of the product on the premises.

III. Liquor, beverage, or wine samples shall be consumed on the premises, and, except for wine samples provided by wine manufacturers **and liquor samples provided by liquor manufacturers in accordance with RSA 178:6, IX and rectifier in accordance with RSA 178:7, V**, liquor or wine for this purpose shall be purchased from the commission under conditions prescribed by this title. Beverage samples for a tasting shall only be obtained as prescribed by this title.

IV. The commission may adopt rules, pursuant to RSA 541-A, establishing the criteria and procedures for liquor, beverage, and wine tasting within the state.

V. All samples furnished for tasting shall be considered sales for the requirements of RSA 178:26, **RSA 178:6, VI, and RSA 178:7, VI.**

9 New Paragraphs; Rectifier; Samples. Amend RSA 178:7 by inserting after paragraph III the following new paragraphs:

IV. A rectifier may provide a reasonable number of samples of liquor for tasting to a visitor at its licensed rectifier facility. Samples shall not exceed 1/2 ounce, and shall not be provided to any person under 21 years of age.

V. A rectifier producing no more than the equivalent of 3,000 9-liter cases of liquor per year at its licensed rectifier facility shall have the right to distribute samples directly to on-premises and agency store licensees for tasting on the licensed premises in accordance with RSA 179:44.

VI. Each rectifier shall maintain records and prepare reports for the commission which shall indicate the samples distributed under paragraph V and shall pay to the commission monthly a fee equal to 8 percent of the retail value of such samples on or before the tenth day of the month following the sample distribution.

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

2014-1507h

AMENDED ANALYSIS

This bill:

I. Requires that all liquor manufacturer licensees ferment and distill liquor from raw materials.

II. Allows liquor manufacturer and rectifier licensees to distribute samples to off-premises and agency store licensees for tasting on licensed premises.

III. Establishes annual restrictions on alcoholic beverage samples.

IV. Allows a licensed rectifier to provide samples of liquor to visitors at its facility.

Amendment to SB 366-FN-A-LOCAL

(2014-1390h)

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

Amend RSA 284-B:22, XVI as inserted by section 1 of the bill by replacing it with the following:

XVI. The standard for appellate review in any appeal to the supreme court under this section shall be as provided for by RSA 541:13.

Amend RSA 284-B:6, V as inserted by section 1 of the bill by replacing it with the following:

V. Any decision of the commission imposing an administrative sanction under this chapter shall be a final, binding, non-appealable determination which shall not be subject to legal challenge except as enumerated in this chapter.

Amend RSA 284-B:9, I(vv) as inserted by section 1 of the bill by replacing it with the following:

(vv) The power of the commission to delegate its authority to perform any of its functions under this chapter or the regulations adopted pursuant thereto to an employee of the commission, which rules shall include, but not be limited to, a right of appeal to the commission where a delegated action is to be deemed the final action of the commission, provided, that a commission action shall thereafter be subject to review in accordance with the procedures specified in this chapter, and provided further that the commission shall not delegate its power to issue rules.

Amend RSA 284-B:25, XIII(d) as inserted by section 1 of the bill by replacing it with the following:

(d) Within 30 days after the application for a rehearing is denied, or, if the application is granted, then within 30 days after the decision on such rehearing, any party aggrieved or dissatisfied by any final decision of the commission under this section shall have the right to appeal from a final decision to the superior court for review in accordance with the provisions of RSA 541.

Amend RSA 284-B:25, XIV as inserted by section 1 of the bill by replacing it with the following:

XIV. The standard for appellate review in any appeal to the superior court under this section shall be as provided for by RSA 541:13.

Amend RSA 284-B:29, XIII(d) as inserted by section 1 of the bill by replacing it with the following:

(d) Within 30 days after the application for a rehearing is denied, or, if the application is granted, then within 30 days after the decision on such rehearing, any party aggrieved or dissatisfied by any final decision of the commission under this section shall have the right to appeal from a final decision to the superior court for review in accordance with the provisions of RSA 541.

Amend RSA 284-B:29, XIV as inserted by section 1 of the bill by replacing it with the following:

XIV. The standard for appellate review in any appeal to the superior court under this section shall be as provided for by RSA 541:13.

Amend RSA 284-B:41, XI(d) as inserted by section 1 of the bill by replacing them with the following:

(d) Within 30 days after the application for a rehearing is denied, or, if the application is granted, then within 30 days after the decision on such rehearing, any party aggrieved or dissatisfied by any final decision of the commission under this section shall have the right to appeal from a final decision to the superior court for review in accordance with the provisions of RSA 541.

Amend RSA 284-B:41, XII as inserted by section 1 of the bill by replacing it with the following:

XII. The standard for appellate review in any appeal to the superior court under this section shall be as provided for by RSA 541:13.

Amend RSA 284-B as inserted by section 1 of the bill by deleting RSA 284-B:55.

**Floor Amendment to SB 366-FN-A-LOCAL
(2014-1463h)**

Proposed by Reps. D. McGuire and Emerick

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

AN ACT relative to video lottery gaming.

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

1 Statement of Purpose. The general court finds that:

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

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

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

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

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

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

**CHAPTER 284-B
VIDEO LOTTERY MACHINES**

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, including linking devices, replacement parts, equipment which affects the proper reporting of gross revenue.

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

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

(a) Travelers checks.

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

(c) Personal checks or drafts.

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

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

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

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

VIII. "Gaming" means the operation of video lottery machines.

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

X. "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. Such employees shall include, without limitation, floorpersons, video lottery machine personnel, video lottery machine technicians, security and surveillance employees, data processing personnel, employees responsible for handling assets and proceeds associated with the operation of gaming activity, and employees that have input into data regarding complimentaries.

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

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

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

XIV. "Holding company" means any corporation, association, firm, partnership, trust, or other form of business organization not a natural person which, directly or indirectly, owns, has the power or right to control, or has the power to vote any significant part of the outstanding voting securities of a corporation or other form of business organization which holds or applies for a gaming license or technology provider license. For 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.

XV. "Key employee" means any individual who is employed in a director or department head capacity and who is authorized to make discretionary decisions that regulate video lottery machines, including the general manager and assistant manager of the gaming licensee or technology provider, director of operations, director of cage or credit operations, director of surveillance, director of marketing, director of management information systems, director of security, comptroller, shift bosses, credit supervisors, cashier supervisors, 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.

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

XVII. "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.

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

XIX. "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 taking place in a gaming location.

XX. "Progressive jackpot" means a prize that increases over time or as video lottery machines that are linked to a progressive system are played. Upon conditions established by the lottery commission, a progressive jackpot may be paid by annuity.

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

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

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

XXIV. "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 devices for sale or lease to a gaming licensee.

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

XXVI. "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.

XXVII. "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.

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

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

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

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

284-B:3 Rulemaking.

I. The lottery commission shall adopt rules identical to the International Association of Gaming Regulators but shall be exempt from RSA 541-A style and format requirements, 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 hearings pertaining to civil violations, rules, and penalties required under this chapter.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

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

(h) 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.

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

(j) Governing the manufacture, distribution, sale, and servicing of video lottery machines and associated equipment.

(k) 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.

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

II. The lottery commission shall adopt rules pursuant to paragraph I no later than June 1, 2014.

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

I. The lottery commission shall administer and enforce the provisions of this chapter.

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

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

IV. The lottery commission shall:

(a) Collect all license fees imposed upon any applicant and all taxes imposed by RSA 284-B.

(b) Certify net machine income revenue by inspecting records, conducting audits, or having its agents on site, or by any other reasonable means.

(c) 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.

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

(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 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.

(d) 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.

V.(a) The lottery commission shall establish a code of ethics for all commissioners and employees of the lottery commission. A copy of the code shall be filed with the attorney general's office. The code shall include provisions reasonably necessary to carry out the purposes of this chapter and any other laws subject to the jurisdiction of the commission.

(b) 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.

(c) The commissioners and employees shall not own, or be in the employ of, or own any stock in, a business which holds a license under this chapter, nor shall they have, directly or indirectly, a pecuniary interest in, or be connected with, any such business or be in the employ of or connected with any person financing any such business; provided, however, that immediate family members of commissioners and employees holding major policymaking positions shall not own, or be in the employ of, or own stock in, any business which holds a license under this chapter. The commissioners and employees shall not personally, or through a partner or agent, render professional services or make or perform any business contract with or for any regulated entity, except contracts made with the commissioners for the furnishing of services, nor shall the commissioners or employees directly or indirectly receive any commission, bonus, discount, gift, or reward from a regulated entity.

284-B:5 Central Computer System.

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

II. The central computer system shall be capable of:

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

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

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

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

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

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

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

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

284-B:6 Records; Confidentiality.

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

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

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

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

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

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

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

284-B:7 Employees and Contractors.

I. The lottery commission 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. 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 by licensees.

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

I. Any municipality in which a gaming location is or proposes to be situated may adopt the provisions of RSA 284-B to allow the operation of video lottery machines 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 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 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 shall be permitted within such town, city, or unincorporated place in accordance with RSA 284-B and no further vote shall be required for subsequent applications. 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 within the [insert name of town, city, or unincorporated place]?"

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

284-B:10 Schedule for License Applications; Requests for Application.

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

II. The lottery commission shall issue a request for applications for a gaming license pursuant to the process set forth in this section. The lottery commission shall approve, approve with conditions, or deny all applications submitted, in accordance with the provisions of this chapter.

284-B:11 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 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 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;

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

(3) If a corporation or other form of business enterprise, the information listed in subparagraphs (b)(1)-(4) shall be provided with respect to each partner, trustee, officer, and director, and any shareholder, limited liability company member, or other holder who owns more than 10 percent of the legal or beneficial interests of such entity, as well as the name of the state under the laws of which the corporation or business enterprise is formed or incorporated and the location of its principal place of business;

(4) A copy of the applicant's current and valid liquor license.

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

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

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

(f) The application shall contain evidence of local approval of the municipality in which the project is proposed by local referendum consistent with RSA 284-B:10.

II. Every application shall contain the information required pursuant to this section and such information the lottery commission requests or requires by rule.

284-B:12 Gaming License Application Fees; Initial License Fees; Renewal Fees.

I. The lottery commission shall impose a nonrefundable application fee of \$1,000 on all applicants submitting an application for a gaming license which shall be used to defray the cost of processing and reviewing the application.

II. Upon approval of a gaming license, the lottery commission shall charge a licensing fee of \$1,000 per video lottery machine annually.

284-B:13 Gaming License Applications; Lottery Commission Completeness 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 deemed to have withdrawn its application and to have waived any right to have the application reviewed.

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

284-B:14 Gaming License Determinations.

I. The lottery commission shall determine whether a gaming applicant meets the standards for licensure in RSA 284-B:16. Such 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. The decision shall be in the form of an approval or approval with conditions, or a denial.

II. No gaming applicant who withdraws an application or is denied approval by the lottery commission shall be prevented from reapplying for a license.

III. Applicants may appeal the denial of a license to the New Hampshire supreme court, pursuant to RSA 541. Such appeal shall be filed with the clerk of the supreme court within 5 days after the lottery commission has denied any request for reconsideration. The supreme court may hold a special session to consider such appeal if it considers such action necessary.

284-B:15 Technology Provider Licensee Applications. A technology provider licensee applicant shall obtain a technology provider license from the lottery commission, as follows:

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

II. The applicant shall include information regarding:

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

(b) Civil judgments;

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

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

(e) If the applicant is a corporation or other form of business enterprise, the same information shall be provided with respect to each partner, trustee, officer, director, and any shareholder or other holder who owns more than 10 percent of the legal or beneficial interests of such entity.

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

IV.(a) Upon receipt of a complete application from a technology provider applicant the lottery commission shall request that the attorney general conduct a background review, and the attorney general shall conduct a background review of each technology provider applicant and any of its owners and key employees. The review may be conducted through any appropriate state or federal law enforcement system and may seek information as to the subject's financial, criminal, or business background, or any other information which the attorney general, in his or her sole discretion, may find relevant to the subject's fitness to be associated with the distribution of video lottery machines, 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:16 Licensure Requirements for All Licenses.

I. No license shall be issued by the lottery commission unless the applicant demonstrates it meets the standards set forth in this section. The lottery commission shall consider the applicant's ability to meet the

criteria set forth in this section based upon the application submitted pursuant to RSA 284-B:11 or RSA 284-B:15, as applicable, the evidence submitted during a hearing conducted pursuant to RSA 284-B:14, as applicable, and any letter of reference or sworn statement of good standing from the gaming or lottery enforcement or control agency in any jurisdiction where the applicant has held or holds a gaming license.

II. The applicant shall demonstrate the following:

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

(b) The 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:11, I(d).

III. 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.

IV. No license shall be issued to a gaming applicant unless the applicant has obtained local approval as provided in RSA 284-B:9.

V. No license shall be issued to a gaming applicant unless the applicant has obtained a valid liquor license.

VI.(a) The lottery commission shall approve, approve with conditions, or deny each application according to the time frames set forth in RSA 284-B:14. 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:14, 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.

VII. The lottery commission shall not consider an incomplete application and shall notify the applicant in writing if an application is incomplete consistent with RSA 284-B:13, II. An application shall be considered incomplete if it does not include all applicable application fees and all information and accompanying documentation required by the commission, including, but not limited to, a current tax lien certificate issued by the department of revenue administration at the time of filing the application. Any unpaid taxes identified on the tax lien certificate shall be paid before the application is considered complete. A notification of incompleteness shall state the deficiencies in the application that must be corrected prior to consideration of the merits of the application.

VIII. The lottery commission shall not consider any application for a license to be complete if the applicant or any person affiliated with or directly related to the applicant is a party in any ongoing civil proceeding in which the party is seeking to overturn or otherwise challenge a decision or order of the lottery commission pertaining to the approval, denial, or conditioning of a license to conduct gaming. This paragraph shall not be interpreted to affect the rights of applicants to seek judicial enforcement of mandatory obligations of boards or commissions as may be required by this chapter.

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.

284-B:17 Term of License; Limits on Transfer.

I. Any license issued to a gaming licensee pursuant to this chapter and any renewal thereof shall be valid for one year unless earlier suspended or revoked by the lottery commission. Any license issued to a technology provider pursuant to this chapter and any renewal thereof shall be valid for 5 years unless earlier suspended or revoked by the lottery commission. The lottery commission shall adopt procedures for license renewal; provided that such license may be renewed by the licensee so long as the licensee shall comply with the requirements of the law and continues to meet the standards for licensure pursuant to this chapter, and so long as the fee for renewal has been paid.

II. No license issued by the lottery commission may be transferred to a separate person or entity without the prior approval of the lottery commission consistent with this chapter. Any proposed transferee of a license issued pursuant to this chapter shall pay an application fee to the lottery commission and an investigation fee to the attorney general as specified in RSA 284-B:12 or RSA 284-B:15, as applicable. Any transfer of a license approved by the lottery commission shall be for the balance of the term of the license. The transferee approved by the lottery commission shall not pay any additional fee at the time of the approval. The transferee shall be subject to the provisions of this chapter with regard to renewal of the license.

III. For purposes of this section, a transfer includes the transfer of 50 percent or more of the ownership of the entity which holds the license issued by the lottery commission, whether such proposed transfer occurs in one transaction or a series of transactions over the course of 12 consecutive months. Any transfer without the approval of the lottery commission shall result in the immediate and automatic termination of the license. The lottery commission shall adopt rules and procedures to implement consideration of a proposed transfer of a license.

284-B:18 Exclusion of Minors.

I. No person under 21 years of age shall play a video lottery machine authorized by this chapter. Each violation of this paragraph shall be punishable by a fine of no more than \$2,400 and shall be payable by such person who violates this section.

II. No gaming licensee shall knowingly permit any person under 21 years of age to play or participate in any aspect of the play of a video lottery machine. Each violation of this paragraph shall be punishable by a fine of no more than \$20,000 and shall be payable by the gaming licensee.

III. Video lottery machines shall be located out of the view of minors in a room where minors are not allowed to enter

284-B:19 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:11, 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. 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.

IV. Video lottery machines in operation at a gaming location shall provide a payoff of an average of between 90 percent and 95 percent, except that progressive jackpots shall have a payoff of average of at least 85 percent.

V. 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 paid to the state.

VI. A gaming licensee shall not be restricted in the days of operation of video lottery machines.

VII. Video lottery machines shall be operated only at times when the public is allowed access to the gaming locations.

284-B:20 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) Sixty-seven 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 general fund to be distributed through the operating budget as determined by the general court.

(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 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) Thirty percent of the net machine income from video lottery machines shall be retained by the gaming licensee that operates such video lottery machines.

II. A gaming licensee shall deliver the amounts payable to the lottery commission as provided in paragraph I in immediately available funds of the United States on the first day of the month. At the time payment is delivered, the gaming licensee shall provide a written accounting of net machine income generated from the video lottery machines by the gaming licensee on an aggregate basis and the calculation of amounts due to the state separately for distribution pursuant to subparagraphs I(a)(1) and (5), the amount due the municipality pursuant to subparagraph I(a)(2), the amount due certain municipalities pursuant to subparagraph I(a)(3), and the balance of net machine income retained by the gaming licensee. The gaming licensee shall pay a penalty of \$1,000 for each day that payment or the accounting is not delivered on time to the state or a penalty of 5 percent of the payment, whichever is less, and a penalty of \$1,000 for each day that payment or the accounting is not delivered to the lottery commission on time.

284-B:21 Inspection of Video Lottery Machines; Penalty for Tampering or Manipulating.

I. The lottery commission shall periodically test video lottery machines installed at any gaming location. In conducting such tests, the lottery commission shall use the services of an independent laboratory, and the cost of such independent laboratory shall be paid by the technology provider.

II. Any person who purposely manipulates the outcome, payoff, or operation of any video lottery machine by electronic, or mechanical means, shall be guilty of a felony.

284-B:22 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 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:23 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 operations created by the conduct of the person.

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

(c) Any justification or excuse for such conduct.

(d) The prior history of the person involved.

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

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

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

284-B:24 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:25 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.

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. The lottery commission shall administer and enforce the provisions of RSA 284:B.

4 New Subparagraph; Authorized Video Lottery Machines. Amend RSA 647:2, V by inserting after subparagraph (c) the following new subparagraph:

(d) Video lottery machines authorized pursuant to RSA 284-B.

5 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.

6 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.]

7 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.

8 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.

9 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.

10 New Subparagraph; Gambling Offenses; Minors. Amend RSA 647:2, I by inserting after subparagraph (c) the following new subparagraph:

- (d) Violates the provisions of RSA 284-B:7.

11 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:12, 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.

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

2014-1463h
AMENDED ANALYSIS

This bill:

- I. Allows video lottery machines in the state pursuant to a competitive application process.
- II. Distributes proceeds of video lottery machines to the municipalities where the facility is located and abutting communities, to support programs to treat problem gambling. 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 operated at a gaming location.

**Floor Amendment to SB 366-FN-A-LOCAL
(2014-1530h)**

Proposed by Rep. Sapareto

Amend RSA 284-B:2 as inserted by section 1 of the bill by inserting after paragraph XXX the following new paragraph and renumber paragraphs XXXI through LXVII to read as XXXII through LXVIII:

XXXI. "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 commission determines experiences, or is likely to experience, a negative impact from the development or operation of a gaming location.

Amend RSA 284-B:17, V (i)(7) as inserted by section 1 of the bill by replacing it with the following:

(7) Signed agreements between the impacted live entertainment venue and the applicant setting forth the agreement of the parties with regard to mitigation of any potential negative impact resulting from the construction and operation of a gaming location in proximity to the impacted live entertainment venue, 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.

Amend RSA 284-B:48, I(a)(6) as inserted by section 1 of the bill by replacing it with the following:

(6) Pay \$37,500,000 to the highway fund to be expended for highway and bridge construction and repair by the department of transportation as provided by law.

(7) The balance shall be deposited in the education trust fund and used first to reduce the rate of the business enterprise tax for the succeeding year to a minimum of 0.6 percent as provided under RSA 77-E:2 and to reduce the rate of the business profits tax for the succeeding year to 7 percent as provided under RSA 77-A:2.

(8) Any balance remaining shall be deposited into the gaming regulatory fund established by RSA 284-B:18, VI.

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

77-E:2 Imposition of Tax.

I. For tax years prior to the tax year beginning July 1, 2015, a tax is imposed at the rate of 3/4 of one percent upon the taxable enterprise value tax base of every business enterprise. Beginning July 1, 2015, the commissioner shall annually establish a tax rate not to exceed 0.6 percent upon the taxable enterprise value tax base of every business enterprise based on the amount allocated to the education trust fund under RSA 284-B:48, I(a)(7).

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

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

77-E:14 Distribution of Funds.

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

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

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

77-A:2 Imposition of Tax.

I. For tax years prior to the tax year beginning July 1, 2015, a tax is imposed at the rate of 8.5 percent upon the taxable business profits of every business organization. Beginning July 1, 2015, the commissioner shall annually establish a tax rate not to exceed 7 percent upon the taxable business profits of every business organization based on the amount allocated to the education trust fund and general fund under RSA 284-B:48, I(a)(7).

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

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

77-A:20-a Distribution of Funds.

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

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

2014-1530h

AMENDED ANALYSIS

This bill:

I. Establishes the gaming commission and places the lottery commission and racing and charitable gaming commission under its jurisdiction as separate divisions.

II. Allows for the selection and operation of 2 casinos in New Hampshire, including the operation of video slot machines and table games.

III. Establishes the gaming enforcement unit in the division of state police.

IV. Distributes proceeds from gross slot machine income and gross table game income to reimburse the gaming regulatory oversight authority for certain expenses and to pay for the operation of the gaming commission.

V. Distributes a percentage of proceeds from gross slot machine revenue and gross table game revenue to the host community, those communities abutting the host community, the host county, the department of health and human services to support addiction programs to cities and towns under the revenue sharing agreement, to the highway fund, to reduce the business enterprise tax, to reduce the business profits tax, and the gaming regulatory fund.

VI. Lifts the suspension on revenue sharing with cities and towns under RSA 31-A.

VII. Prohibits the use of electronic benefit transfer cards (EBTs) at establishments licensed by the gaming commission.

VIII. Establishes the gaming regulatory fund.

IX. Reduces the business enterprise tax and the business profits tax.

**Floor Amendment to SB 366-FN-A-LOCAL
(2014-1533h)**

Proposed by Rep. Keith Murphy

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

AN ACT relative to video lottery and table gaming and establishing keno.

Amend the bill by replacing all after section 24 with the following:

25 New Subdivision; Keno. Amend RSA 284 by inserting after section 40 the following new subdivision:
Keno

284:41 Definition. In this subdivision, "keno" means any game where a player purchases a ticket from a field of 80 numbers and selects a specific amount of numbers. A random number generator employed by the lottery commission chooses 20 numbers at random and the player is paid out against his or her original wager.

284:42 Administration and Enforcement. The lottery commission shall administer and enforce this subdivision relative to keno games operating in a town or city that has voted to allow such gaming.

284:43 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to:

I. The application procedure for keno licenses.

II. Information to be required on license applications.

III. Procedures for a hearing following the revocation of a license.

IV. The operation of keno games, including types and amounts of wagers.

V. Information required and forms for submission of financial reports.

284:44 License Fees.

I. The license fee for a commercial premises keno license under RSA 284:45 shall be \$500 per year. Such fee shall be submitted to the commission at the time the application is made and shall be refunded if the application is denied.

II. All net proceeds collected by the commission under this section and RSA 284:46 shall be deposited in the education trust fund established under RSA 198:39.

284:45 License Applications.

I. Applications shall be submitted to the commission by the licensee. Proof of authority to submit the application on behalf of the licensee may be required.

II. Applications shall be made only on the forms supplied to the licensee by the commission.

III. The application form shall be fully completed by the licensee.

IV. Applicants for commercial premises keno licenses shall be submitted at least 30 days before the first game date.

V. The applicant shall certify under oath that:

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

(b) Neither the applicant nor any employee will operate keno games if such person has been convicted of a felony within the previous 10 years which has not been annulled by a court, or a misdemeanor involving falsehood or dishonesty within the previous 5 years which has not been annulled by a court, or has violated the statutes or rules governing charitable gaming.

(c) The applicant and any employee who will be participating in the operation of the keno games is aware of all statutes and rules applicable to the operation of keno games.

VI. To be eligible for licensure under this subdivision an applicant shall:

(a) Document that it is a liquor license holder under RSA 178:10-a, RSA 178:18, RSA 178:19, or RSA 178:20, and that the keno games will only be operated in towns and cities that have voted to allow the operation of keno games pursuant to RSA 284:50.

(b) Maintain a current list of employees.

284:46 Operation of Keno Games.

I. A licensee may operate keno games at his or her business between the hours of 11 a.m. and 11 p.m.

II. A licensee may retain 8 percent of the proceeds from keno games. Of the remaining 92 percent:

(a) One percent shall be paid to the department of health and human services to support research, prevention, intervention, and treatment services for problem gamblers.

(b) The remainder, less the administrative costs of the lottery commission and prize payouts, shall be deposited in the education trust fund established under RSA 198:39.

III. No person who has 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 past 5 years which has not been annulled by a court, or who has violated any of the statutes or rules governing charitable gambling in the past in this or any other state shall operate a keno game licensed under this subdivision, or rent, lease, sublease, or otherwise provide any hall or keno paraphernalia for the conduct of keno licensed under this subdivision.

284:47 Financial Reports and Inspection Required.

I. Any person or organization which has been licensed to conduct keno games shall submit a complete financial report to the commission for each license issued under RSA 284:45 within 15 days after the expiration of each license, provided, however, a complete monthly financial report shall be submitted in a timely fashion to the commission for each month covered by a license issued under RSA 284:45 on a form to be approved by the lottery commission.

II. All licensees shall maintain a separate checking account for the deposit and disbursement of all income relating to keno, except cash prizes awarded at the games. All expenses shall be paid by check, and all prizes of \$500 or more shall be paid by check. No keno funds shall be commingled with other funds of the licensee. The licensee shall retain all cancelled checks for the payment of expenses and prizes for at least 2 years from the date of the check. The licensee shall not cash checks which it issues.

III. All financial reports filed by the licensee shall be maintained by the commission for a period of one year from the date of filing and shall be open to public inspection.

IV. All financial records pertaining to the operation of keno games shall be maintained by the licensee and shall be made available to representatives of the lottery commission or of the commissioner of the department of safety upon request.

V. A licensee which has been licensed to conduct keno games shall maintain complete and accurate documentation of all revenues and expenses contained in the financial reports for at least 2 years from the date the financial report is filed.

284:48 Suspension; Revocation. The commission may suspend or revoke the license of any licensee who violates any provision of this subdivision. Any licensee whose license is revoked shall not be eligible for licensure for a period of up to one year from the date of revocation.

284:49 Rehearing and Appeal. Any person aggrieved by a decision of the commission to deny or revoke a keno license may apply to the commission for a rehearing within 15 business days of the decision. Rehearings and appeals shall be governed by RSA 541.

284:50 Local Option.

I. Any town or city may allow the operation of keno games according to the provisions of this subdivision, 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 allow the operation of keno games within the town or city?"

II. If a majority of those voting on the question vote "Yes," keno games may be operated within the town or city.

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.

26 Application of Receipts; Education Trust Fund. 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 284:46** and from the sweepstakes fund, which shall be credited to the education trust fund under RSA 198:39.

27 Effective Date.

I. Sections 25-26 of this act shall take effect January 1, 2015.

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

2014-1533h

AMENDED ANALYSIS

This bill:

I. Establishes the gaming commission and places the lottery commission and racing and charitable gaming commission under its jurisdiction as separate divisions.

II. Allows for the selection and operation of 2 casinos in New Hampshire, including the operation of video slot machines and table games.

III. Establishes the gaming enforcement unit in the division of state police.

IV. Distributes proceeds from gross slot machine income and gross table game income to reimburse the gaming regulatory oversight authority for certain expenses and to pay for the operation of the gaming commission.

V. Distributes a percentage of proceeds from gross slot machine revenue and gross table game revenue to the host community, those communities abutting the host community, the host county, the department of health and human services to support addiction programs to cities and towns under the revenue sharing agreement, and the gaming regulatory fund.

VI. Lifts the suspension on revenue sharing with cities and towns under RSA 31-A.

VII. Prohibits the use of electronic benefit transfer cards (EBTs) at establishments licensed by the gaming commission.

VIII. Establishes the gaming regulatory fund.

IX. Allows the operation and playing of keno games.

X. Provides for licensing of keno game operators by the lottery commission.

XI. Directs revenues from keno to the department of health and human services to address problem gamblers and to the education trust fund.

Floor Amendment to SB 366-FN-A-LOCAL

(2014-1540h)

Proposed by Rep. Vaillancourt

Amend RSA 284-B:14 as inserted by section 1 of the bill by replacing it with the following:

284-B:14 Number of Gaming Licenses.

I. The commission shall award not more than 2 category 1 gaming license and not more than one category 2 gaming license, as defined in paragraphs II and III of this section, for 3 separate gaming locations.

II. The category 1 license shall authorize:

(a) The operation of not more than 100 table games, provided that the licensee's application shall propose operation of at least 80 table games; and

(b) The operation of no more than 2,000 slot machines, provided that the licensee's application shall propose operation of at least 1,500 slot machines.

III. The category 2 license shall authorize:

(a) The operation of no more than 50 table games, provided that the licensee's application shall propose operation of at least 25 table games; and

(b) The operation of no more than 1,000 slot machines, provided that the licensee's application shall propose operation of at least 500 slot machines.

Amend RSA 284-B:17, I as inserted by section 1 of the bill by replacing it with the following:

I. The commission shall issue a request for applications and shall require all gaming license applications to be submitted to the commission no later than 120 days after the publication of the request, provided, however, that an applicant who has paid the full application and investigation fees required by RSA 284-B:18 may receive one extension of up to 30 days upon a finding of good cause shown by the commission. Applications received after the deadline shall not be reviewed by the commission. The commission shall approve, approve with conditions, or deny all applications submitted in accordance with the provisions of this chapter and any applicable rules promulgated by the commission.

Amend RSA 284-B:18, III as inserted by section 1 of the bill by replacing it with the following:

III. Upon an award of a gaming license, the commission shall collect an initial license fee in the following amounts:

(a) In the case of a category 1 gaming license, a fee of \$50,000,000; and

(b) In the case of a category 2 gaming license, a fee of \$25,000,000. Such fees shall be paid to the gaming regulatory fund within 30 days of the award of the license.

Amend the introductory paragraph of RSA 284-B:48, I as inserted by section 2 of the bill by replacing it with the following:

I. A gaming licensee shall remit to the state treasurer a tax of 45 percent of gross slot machine revenue and 25 percent of gross table game revenue in a manner and time as provided for by this chapter.

Amend RSA 284-B:9,I(h)(5)-(6) as inserted by section 2 of the bill by replacing it with the following:

(5) Standards for monitoring and enforcing conditions placed by the commission on a gaming license.

Amend RSA 284-B:17, V(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Details with regard to the amount and timing of its proposed capital investment.

Amend RSA 284-B:23 as inserted by section 2 of the bill by replacing it with the following:

284-B:23 Operation Certificate. A gaming licensee who fails to obtain an operation certificate under RSA 284-B:32 within one year after the date specified in the construction timeline submitted with its application and incorporated by the commission as a condition on the gaming license:

I. May, if the commission finds good cause for such action after a hearing in accordance with this chapter, be subject to suspension or revocation of the gaming license.

II. May, if found by the commission after a hearing in accordance with this chapter to have acted in bad faith in its application, be assessed a fine by the commission of up to \$50,000,000.

Amend the bill by inserting after section 24 the following and renumbering the original section 25 to read as 26:

25 Return of Revenue to Cities and Towns. Amend RSA 31-A:4, I to read as follows:

I. Its 1978 distribution under RSA 31-A plus its share under the equalized formula of an annual increase of 5 percent in the previous year's aggregate distribution, through the year 1981, excluding revenue derived from RSA 77-A:20. The amount of money which is removed from the formula for deposit in the education trust fund shall not affect the remaining municipal revenue sharing distribution. The same amount distributed to each municipality in fiscal year 1998, excluding the amount apportioned to the school district in the 1998 property tax calculations, shall be distributed to each municipality in fiscal year 1999 and each year thereafter until the legislature revises the formula or provides additional appropriations that will affect the distribution amount. ***For the fiscal year 2016 and all years thereafter, the amount distributed to the municipalities shall equal the amount paid in fiscal year 2009 multiplied times 3. If there is not enough money to make the complete calculated payment, then the amount shall be prorated according to the population of each municipality.***

2014-1540h

AMENDED ANALYSIS

This bill:

I. Establishes the gaming commission and places the lottery commission and racing and charitable gaming commission under its jurisdiction as separate divisions.

II. Allows for the selection and operation of 2 casinos in New Hampshire, including the operation of video slot machines and table games.

III. Establishes the gaming enforcement unit in the division of state police.

IV. Distributes proceeds from gross slot machine income and gross table game income to reimburse the gaming regulatory oversight authority for certain expenses and to pay for the operation of the gaming commission.

V. Distributes a percentage of proceeds from gross slot machine revenue and gross table game revenue to the host community, those communities abutting the host community, the host county, the department of health and human services to support addiction programs to cities and towns under the revenue sharing agreement, and the gaming regulatory fund.

VI. Lifts the suspension on revenue sharing with cities and towns under RSA 31-A.

VII. Prohibits the use of electronic benefit transfer cards (EBTs) at establishments licensed by the gaming commission.

VIII. Establishes the gaming regulatory fund.

IX. Triples the amount payable to municipalities under RSA 31-A.

Floor Amendment to SB 366-FN-A-LOCAL

(2014-1576h)

Proposed by Rep. Ames

Amend RSA 284-B:23, I as inserted by section 1 of the bill by replacing it with the following:

I. A gaming licensee shall be required as a condition of licensure to make the capital investment in the gaming location proposed in its gaming license application, which amount shall meet or exceed:

(a) In the case of the category 1 gaming licensee, \$375,000,000 exclusive of land acquisition, off-site improvement costs, and license fees; or

(b) In the case of the category 2 gaming licensee, \$125,000,000 exclusive of land acquisition, off-site improvement costs, and license fees.

Amend the introductory paragraph of RSA 284-B:48, I as inserted by section 1 of the bill by replacing it with the following:

I. A gaming licensee shall remit to the state treasurer a tax of 40 percent of gross slot machine revenue and 20 percent of gross table game revenue in a manner and time as provided for by this chapter.

Floor Amendment to SB 366-FN-A-LOCAL

(2014-1587h)

Proposed by Reps. Winters, Schroadter, Wright and O'Flaherty

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

AN ACT relative to video lottery and table gaming and penalties for possession of marijuana in the amount of one ounce or less and the cultivation of marijuana plants and permitting qualifying patients and registered caregivers to cultivate cannabis for therapeutic use.

Amend the bill by replacing all after section 24 with the following:

25 New Sections; Controlled Drug Act; Personal Possession of Marijuana. Amend RSA 318-B by inserting after section 2-b the following new sections:

318-B:2-c Personal Possession of Marijuana.

I. Any person possessing one ounce or less of marijuana, including adulterants or dilutants, shall be guilty of a violation.

II. Any person possessing 5 grams or less of hashish, including adulterants or dilutants, shall be guilty of a violation.

III.(a) Any person 18 years of age or older who is convicted of violating paragraph I or II shall be subject to a fine not to exceed \$100 and shall forfeit the marijuana or hashish.

(b) Any person under 18 years of age who is convicted of violating paragraph I or II shall forfeit the marijuana or hashish. The offender's parents or legal guardians shall be notified of the offense. The court shall order the offender to complete an approved alcohol and substance abuse education program, at the offender's expense, within one year of the date of the offense. Further, the court shall order the offender to participate in community service, which shall be completed within one year of the date of the offense. The offender shall furnish the court with evidence of completion of both an approved alcohol and substance abuse education program and community service. An offender who fails to complete both an alcohol and substance abuse education program and community service shall be subject to an additional fine of \$750.

(c) Any person who is not yet 21 years of age on the date of the incident, who is convicted of an offense under paragraph I or II may, at the discretion of the court, be subject to the revocation or denial of a driver's license or privilege to drive for not less than 90 days but not more than one year on the first finding or conviction under this paragraph, and not less than 6 months but not more than 2 years for a subsequent finding or conviction. Nothing in this paragraph shall prevent the court from requiring any person subject to its provisions to successfully completing a substance abuse education program in lieu of a loss or denial of driving license or privilege. The director, upon receipt of a notification from the court that the court has ordered the suspension of a person's license or driving privilege pursuant to this paragraph, shall forthwith issue a formal order of suspension and, in the case of denial of an application for a license, the period imposed shall begin on the date the person is eligible by age for the issuance of a license. Notwithstanding any other law regarding confidentiality, any court which convicts or makes a finding that an offense described in this paragraph has occurred involving a person who meets the age limits specified in this paragraph, and which orders the revocation or denial of a driver's license or privilege to drive, shall forward a notice of such conviction or finding to the director. The director shall maintain the confidentiality of notices received.

(d) The director shall, when ordered by the court, revoke the driver's license or privilege to drive or deny an application for a license for not less than 90 days but not more than one year on the first finding or conviction under paragraph I or II, and not less than 6 months but not more than 2 years for a subsequent finding or conviction; provided, however, that the director shall not revoke or deny a license or privilege to drive under this paragraph without first giving the person an opportunity for a hearing to determine that the person is the individual who was convicted of the offense and against whom the court order applies. In the case of denial of an application for a license, the period imposed shall begin on the date the person is eligible by age for the issuance of a license.

IV.(a) No record of a violation of this section shall be recorded in any database of criminal offenders.

(b) No record that includes personally-identifiable information resulting from a violation of this section shall be made accessible to the public, federal agencies, or agencies from other states or countries.

V.(a) Except as provided in this section, no person shall be subject to arrest for a violation of paragraph I or II.

(b) Any person in possession of an identification card, license, or other form of identification issued by the state or any state, country, city, or town, or any college or university, who fails to produce the same upon request of a police officer who informs the person that he or she has been found to be in possession of what appears to the officer to be an ounce or less of marijuana or 5 grams or less of hashish, may be arrested for a violation of paragraph I or II.

(c) Any person who fails to produce a form of identification provided for in subparagraph (b) may be arrested for a violation of paragraph I or II if the person fails or refuses to truthfully provide his or her name, address, and date of birth to a police officer who has informed such person that he or she has been found in possession of what appears to the officer to be an ounce or less of marijuana or 5 grams or less of hashish.

VI.(a) Except as specifically provided in RSA 263:56-b, III and IV, neither the state nor any of its political subdivisions shall impose any form of penalty on a person for possessing one ounce or less of marijuana, 5 grams or less of hashish, or paraphernalia for marijuana use, nor shall any penalties or obligations exceeding those outlined in RSA 263:56-b, III or IV be imposed by the state nor any of its political subdivisions solely for having cannabinoids or cannabinoid metabolites in the urine, blood, sweat, hair, fingernails, toenails, or other tissue or fluid of the human body.

(b) Possession of one ounce or less of marijuana, possession of 5 grams or less of hashish, possession of paraphernalia for marijuana use, or the presence of cannabinoids or cannabinoid metabolites in the urine, blood, sweat, hair, fingernails, toenails, or other tissue or fluid of the human body shall not constitute grounds for denying a person student financial aid, public housing, or any form of public financial assistance including unemployment benefits, or denying a person the right to operate a motor vehicle, or disqualifying a person from serving as a foster parent or adoptive parent.

318-B:2-d Plea by Mail.

I. Any person 18 years of age or older who is charged with a violation of RSA 318-B:2-c, I or II may enter a plea of guilty, nolo contendere, or not guilty, by mail in a circuit court, district division.

II. Such defendant shall receive, in addition to the summons, a fine notice entitled "Notice of Fine" which shall contain the amount of the fine for a violation of RSA 318-B:2-c I or II. A defendant who is issued a summons and notice of fine and who wishes to plead guilty or nolo contendere shall enter his or her plea on the summons and return it with payment of the fine within 30 days of the date of the summons. Payment by credit card may be accepted in lieu of cash payment.

III. If the defendant wishes to enter a plea of not guilty, he or she shall enter such plea on the summons and return it within 30 days of the date of the summons. The circuit court, district division shall schedule a trial.

IV. Whenever a defendant does not enter a plea by mail within 30 days of the date of the summons, the defendant shall be defaulted and shall be subject to an additional \$100 fine.

V. Whenever a defendant fails to pay a fine in connection with a conviction for a violation of RSA 318-B:2-c, I or II, or payment of such fine is uncollectible, the defendant shall be defaulted and the fine shall increase to \$200.

26 Controlled Drug Act; Penalties. Amend RSA 318-B:26, I(b)-(d) to read as follows:

(b) In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 20 years, a fine of not more than \$300,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a term of imprisonment of not more than 40 years, a fine of not more than \$500,000, or both:

(1) A substance or mixture referred to in subparagraph I(a)(1) of this section, other than crack cocaine, in a quantity of 1/2 ounce or more, including any adulterants or dilutants;

(2) A substance classified in schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of one ounce or more including any adulterants or dilutants;

(3) Lysergic acid diethylamide, or its analog, in a quantity of less than 100 milligrams including any adulterants or dilutants, or where the amount is undetermined, or phencyclidine (PCP) or its analog, in a quantity of less than 10 grams, including any adulterants or dilutants, or where the amount is undetermined;

(4) Heroin or its analog or crack cocaine in a quantity of one gram or more, including any adulterants or dilutants;

(5) Methamphetamine or its analog, in a quantity of one ounce or more including any adulterants or dilutants;

(6) ~~Marijuana in a quantity of 5 pounds or more including any adulterants or dilutants, or hashish in a quantity of one pound or more including any adulterants and dilutants;~~

~~(7) Flunitrazepam in a quantity of 500 milligrams or more.~~

(c) In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 7 years, a fine of not more than \$100,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a maximum term of imprisonment of not more than 15 years, a fine of not more than \$200,000, or both:

(1) A substance or mixture referred to in subparagraph I(a)(1) of this section, other than crack cocaine, in a quantity less than 1/2 ounce including any adulterants or dilutants;

(2) A substance or mixture classified as a narcotic drug in schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of less than one ounce including any adulterants or dilutants;

(3) Methamphetamine, or its analog in a quantity of less than one ounce including any adulterants or dilutants;

(4) Heroin or its analog or crack cocaine in a quantity of less than one gram, including any adulterants or dilutants;

(5) Marijuana in a quantity of ~~[one ounce]~~ **5 pounds** or more including any adulterants or dilutants, or hashish in a quantity of ~~[5 grams]~~ **one pound** or more including any adulterants or dilutants;

(6) Flunitrazepam in a quantity of less than 500 milligrams;

(7) Any other controlled drug or its analog, other than those specifically covered in this section, classified in schedules I, II, III or IV.

(d) In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 3 years, a fine of not more than \$25,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a maximum term of imprisonment of not more than 6 years, a fine of not more than \$50,000, or both:

(1) Marijuana in a quantity of ~~[less]~~ **more** than one ounce including any adulterants or dilutants, or hashish in a quantity of ~~[less]~~ **more** than 5 grams including any adulterants or dilutants;

(2) Any schedule V substance or its analog.

(e) Any person who possesses, propagates, cultivates, grows, harvests, or manufactures 6 or fewer marijuana plants shall be guilty of a class A misdemeanor.

27 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II to read as follows:

II. Any person who knowingly or purposely obtains, purchases, transports, or possesses actually or constructively, or has under his control, any controlled drug or controlled drug analog, or any preparation containing a controlled drug or controlled drug analog, except as authorized in this chapter, shall be sentenced as follows, except as otherwise provided in this section:

(a) In the case of a controlled drug or its analog, classified in schedules I, II, III or IV, other than those specifically covered in this section, the person shall be guilty of a class B felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$25,000 may be imposed. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class A felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of up to \$50,000 may be imposed;

(b) In the case of a controlled drug or its analog classified in schedule V, the person shall be sentenced to a maximum term of imprisonment of not more than 3 years, a fine of not more than \$15,000, or both. If a person commits any such violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class B felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$25,000 may be imposed;

(c) ~~In the case of more than 5 grams of hashish, the person shall be guilty of a misdemeanor, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$5,000 may be imposed.~~

~~(d)~~ In the case of **more than one ounce** of marijuana, including any adulterants or dilutants, or **more than** 5 grams or less of hashish, the person shall be guilty of a class A misdemeanor.

(d) In the case of one ounce or less of marijuana, including any adulterants or dilutants, or 5 grams or less of hashish, including adulterants or dilutants, the person shall be guilty of a violation pursuant to RSA 318-B:2-c.

28 Controlled Drug Act; Penalties. Amend RSA 318-B:26, III(a) to read as follows:

(a) **Except as provided in RSA 318-B:2-c**, controls any premises or vehicle where he knows a controlled drug or its analog is illegally kept or deposited;

29 Other Alcohol or Drug Offenses; Possession of Drugs. Amend RSA 265-A:43 to read as follows:

265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly having in his or her possession or in any part of the vehicle a controlled drug or controlled drug analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her license shall be revoked or his or her right to drive denied for a period of 60 days and at the discretion of the court for a period not to exceed 2 years. **This section shall not apply to possession of marijuana or hashish as provided in RSA 318-B:2-c.**

30 Use of Therapeutic Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, IV to read as follows:

IV. "Cultivation location" means a locked and enclosed site, **under the control of the qualifying patient or designated caregiver who shall report the location to the department in accordance with the provisions of this chapter**, or under the control of an alternative treatment center where cannabis is cultivated, secured with one or more locks or other security devices in accordance with the provisions of this chapter.

31 Use of Therapeutic Cannabis; Definitions. Amend RSA 126-X:1, VI to read as follows:

VI. "Designated caregiver" means an individual who:

(a) Is at least 21 years of age;

(b) ~~(1) Has [agreed to assist with one or more (not to exceed 5) qualifying patient's]~~ **agreed to assist in the therapeutic use of cannabis, excluding the cultivation of therapeutic cannabis, for up to 5 qualifying patients**, except if the qualifying patient and designated caregiver each live greater than 50 miles from ~~[the nearest]~~ **an** alternative treatment center, ~~[in which case]~~ the designated caregiver may assist ~~[with]~~ **in** the therapeutic use of cannabis, **excluding cultivation**, for up to 9 qualifying patients; **or**

(2) Has agreed to cultivate cannabis for therapeutic use pursuant to this chapter for one qualifying patient, if the qualifying patient resides more than 30 miles from an alternative treatment center or if no alternative treatment centers are in operation in this state;

(c) Has never been convicted of a felony or any felony drug-related offense; and

(d) Possesses a valid registry identification card issued pursuant to RSA 126-X:4.

32 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, IX(a) to read as follows:

(a) "Qualifying medical condition" means the presence of:

(1) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C currently receiving antiviral treatment, amyotrophic lateral sclerosis, muscular dystrophy, Crohn's disease, agitation of Alzheimer's disease, multiple sclerosis, chronic pancreatitis, spinal cord injury or disease, traumatic brain injury, **epilepsy, lupus, Parkinson's disease**, or one or more injuries that significantly interferes with daily activities as documented by the patient's provider; and

(2) A severely debilitating or terminal medical condition or its treatment that has produced at least one of the following: **dementia associated with Alzheimer's disease**, elevated intraocular pressure,

cachexia, chemotherapy-induced anorexia, wasting syndrome, severe pain that has not responded to previously prescribed medication or surgical measures or for which other treatment options produced serious side effects, constant or severe nausea, moderate to severe vomiting, seizures, or severe, persistent muscle spasms.

33 New Paragraphs; Use of Cannabis for Therapeutic Purposes. Amend RSA 126-X:2 by inserting after paragraph II the following new paragraphs:

II-a. A qualifying patient shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or be denied any right or privilege for the therapeutic use of cannabis in accordance with this chapter, if the qualifying patient possesses, or cultivates if the qualifying patient resides more than 30 miles from an alternative treatment center or if no alternative treatment centers are in operation in this state, an amount of cannabis that does not exceed the following:

(a) If the qualifying patient does not have a designated caregiver, for the possession or cultivation, or both, of cannabis that occurs at the cultivation location reported to the department, or while transporting cannabis and cannabis plants and seedlings to a new cultivation location that has been reported to the department within the prior 21 days:

- (1) Six ounces of usable cannabis;
- (2) Any amount of unusable cannabis; and
- (3) Two mature cannabis plants and 12 seedlings, with a total canopy of no more than 50 square feet.

(b) If the qualifying patient is not at a cultivation location reported to the department:

- (1) One ounce of usable cannabis; and
- (2) Any amount of unusable cannabis.

II-b. A designated caregiver shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or denied any right or privilege for the medical use of cannabis in accordance with this chapter on behalf of a qualifying patient if the designated caregiver possesses, or cultivates for a qualifying patient who resides more than 30 miles from an alternative treatment center or if no alternative treatment centers are in operation in this state, an amount of cannabis that does not exceed the following:

(a) If, at the cultivation location reported to the department, or while transporting cannabis and cannabis plants and seedlings to a new cultivation location that has been reported to the department within the prior 21 days:

- (1) Six ounces of usable cannabis; and
- (2) Any amount of unusable cannabis; and
- (3) Two mature cannabis plants and 12 seedlings, with a total canopy of no more than 50 square feet.

(b) If not at a cultivation location reported to the department:

- (1) One ounce of usable cannabis; and
- (2) Any amount of unusable cannabis.

II-c. A qualifying patient or designated caregiver shall not be subject to arrest by state or local law enforcement or prosecution or penalty under state or municipal law for giving cannabis to a qualifying patient or a visiting qualifying patient where nothing of value is transferred in return, or for offering to do the same, if the person giving the cannabis does not knowingly cause the recipient to possess more cannabis than is permitted by this section.

II-d. Notwithstanding paragraph II-c, a designated caregiver may receive compensation not to exceed \$500 per calendar year for costs, not including labor, associated with assisting a qualifying patient who has designated the designated caregiver to assist him or her with the therapeutic use of cannabis pursuant to RSA 126-X:1, VI. Such compensation shall not constitute the sale of a controlled drug pursuant to RSA 318-B.

34 New Subparagraph; Use of Cannabis for Therapeutic Purposes; Departmental Administration. Amend RSA 126-X:4, I by inserting after subparagraph (h) the following new subparagraph:

(i) A statement signed by the applicant consenting to random inspections of the cultivation location at the discretion of local public health officials. Such inspections may occur at least quarterly and shall be performed in the presence of the applicant during normal business hours.

35 New Subparagraph; Use of Cannabis for Therapeutic Purposes; Departmental Administration. Amend RSA 126-X:4, II by inserting after subparagraph (g) the following new subparagraph:

(h) A statement signed by the applicant consenting to random inspections of the cultivation location at the discretion of local public health officials. Such inspections may occur at least quarterly and shall be performed in the presence of the applicant during normal business hours.

36 Use of Cannabis for Therapeutic Purposes; Affirmative Defense. Amend RSA 126-X:5, I to read as follows:

I. It shall be an affirmative defense for any person charged with manufacturing, possessing, having under his or her control, selling, purchasing, prescribing, administering, transporting, or possessing with intent to sell, dispense, or compound cannabis, cannabis analog, or any preparation containing cannabis, if:

(a) The actor is a qualifying patient who has been issued a valid registry identification card, was in possession of cannabis in a quantity and location permitted pursuant to this chapter, and was engaged in the therapeutic use of cannabis; or

(b) The actor is a designated caregiver who has been issued a valid registry identification card was in possession of a cannabis in a quantity and location permitted pursuant to this chapter, and was engaged in the therapeutic use of cannabis on behalf of a qualifying patient; **or**

(c) The actor is a person with a qualifying medical condition who does not possess a registry identification card and, prior to the arrest, the actor submitted to the department a completed application to become a qualifying patient, including a written certification, but the actor had not yet received a registry identification card from the department; provided that:

(1) The actor does not possess more than the amount of cannabis permitted under RSA 126-X:2, II-a, if the cannabis is not on the actor's property; or

(2) If the cannabis is on the actor's property, the actor does not possess more than the amount of cannabis permitted under RSA 126-X:2, II-a, which shall be in a locked and enclosed location on the actor's property; or

(d) The actor is a person with a qualifying medical condition who is not yet in possession of a valid registry identification card and is arrested or cited prior to the date on which the department begins accepting registry identification card applications if:

(1) The actor produces a written statement signed by a provider stating that in the provider's professional opinion, after having completed a full assessment made in the course of a provider-patient relationship of at least 3 months duration, the actor has a qualifying medical condition. The 3-month requirement for the provider-patient relationship required in this subparagraph shall not apply if the provider issuing the written certification certifies that the onset of the patient's qualifying medical condition occurred within the past 3 months and the certifying provider is primarily responsible for the patient's care related to his or her qualifying medical condition; and

(2) The actor does not possess more than the amount of cannabis permitted under RSA 126-X:2, II-a, if the cannabis is not on the actor's property; or

(3) If the cannabis is on the actor's property, the actor does not possess more than the amount of cannabis permitted under RSA 126-X:2, II-a, which shall be in a locked and enclosed location on the actor's property.

37 Effective Date.

I. Sections 26 through 29 of this act shall take effect January 1, 2015.

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

2014-1587h
AMENDED ANALYSIS

This bill:

I. Establishes the gaming commission and places the lottery commission and racing and charitable gaming commission under its jurisdiction as separate divisions.

II. Allows for the selection and operation of 2 casinos in New Hampshire, including the operation of video slot machines and table games.

III. Establishes the gaming enforcement unit in the division of state police.

IV. Distributes proceeds from gross slot machine income and gross table game income to reimburse the gaming regulatory oversight authority for certain expenses and to pay for the operation of the gaming commission.

V. Distributes a percentage of proceeds from gross slot machine revenue and gross table game revenue to the host community, those communities abutting the host community, the host county, the department of health and human services to support addiction programs to cities and towns under the revenue sharing agreement, and the gaming regulatory fund.

VI. Lifts the suspension on revenue sharing with cities and towns under RSA 31-A.

VII. Prohibits the use of electronic benefit transfer cards (EBTs) at establishments licensed by the gaming commission.

VIII. Establishes the gaming regulatory fund.

IX. Reduces the penalty for possession of one ounce or less of marijuana to a violation, and reduces the penalty for possession of other amounts of marijuana. The bill also establishes a misdemeanor penalty for cultivation of 6 or fewer marijuana plants.

X. Permits qualifying patients and registered caregivers to cultivate cannabis for therapeutic use.

Floor Amendment to SB 366-FN-A-LOCAL

(2014-1596h)

Proposed by Rep. Muns

Amend RSA 284-B:17, V(i)(8) as inserted by section 1 of the bill by replacing it with the following:

(8) A description of any licensee live entertainment venue proposed, which space shall have a seating capacity of no less than 500 seats and no more than 10,000 seats with the exact amount of seats to be determined by the gaming commission after holding a public hearing. This restriction on seating capacity shall not be applied to limit the attendance at any outdoor event hosted by the facility.

**Floor Amendment to SB 366-FN-A-LOCAL
(2014-1609h)**

Proposed by Rep. Kurk

Amend RSA 284-B as inserted by section 2 of the bill by inserting after section 55 the following new section:
284-B:56 Reservation of Rights. Notwithstanding any provision of law to the contrary, and in order to protect the public interest and welfare, the state, though the general court, reserves the right at any time, and from time to time to:

- (a) Raise or lower the rate of tax on slot machines and table games;
- (b) Raise or lower the number of authorized slot machines and table games;
- (c) Raise or lower the fee to renew a license;
- (d) Grant additional licenses in such places and subject to such conditions as it may determine; and
- (e) Impose a fee or a tax on the transfer or sale, directly or indirectly, including, but not limited to, a change in ownership or control, of a license issued under this chapter.

**Amendment to SB 384
(2014-1524h)**

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

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

AN ACT establishing a committee to study how to regulate and control synthetic drugs in New Hampshire.

Amend the bill by replacing all after section 5 with the following:

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

2014-1524h

AMENDED ANALYSIS

This bill establishes a committee to study how to regulate and control synthetic drugs in New Hampshire.

**Amendment to SB 391
(2014-1655h)**

Proposed by the Committee on Finance-r

Amend RSA 621-A:9, I as inserted by section 1 of the bill by replacing it with the following:

I. There is hereby established a juvenile justice advisory board. The board shall provide oversight and advice to the director of juvenile justice services and the commissioner relative to programs and services provided to children at the youth development center and youth services center.

Amend the bill by replacing sections 2 - 4 with the following:

2 Duties of the Advisory Board. Amend RSA 621-A:11 to read as follows:

621-A:11 Duties of the Advisory Board.

I. The advisory board shall act in an ***oversight and*** advisory capacity to assist the commissioner of the department of health and human services ***and the director of juvenile justice services*** relative to juvenile justice programs and services provided to children at the youth development center and other juvenile justice facilities. The board ~~may~~ ***shall*** also provide advice and input on fiscal and budgetary matters ~~[related to such facilities,]~~ ***and shall make recommendations to the commissioner and the director of juvenile justice services on ways to reduce costs at the youth development center. The board shall also explore*** the availability of state and federal grants, business partnerships, and other funding sources ***that may be*** available to the department for such facilities.

[I-a.] ***II.*** The board ***shall assess whether the youth development center is meeting the objectives of RSA 621:2 and*** shall seek information from the director of ~~[the division of]~~ juvenile justice services in the department of health and human services concerning the successes and challenges relative to the state's juvenile justice programs and services.

III. The board shall develop a list of qualified candidates for the position of director of juvenile justice services under RSA 621-A:4-a.

[I-b.] ***IV.*** The board shall be available to address emergent issues identified by the commissioner of health and human services, the director of ~~[the division of]~~ juvenile justice services, the chair of the advisory board, or any board member. In furtherance of this paragraph, the board may solicit comments from the public or any other entities as it deems appropriate.

[H. Beginning in December 2010, and biennially thereafter, the board shall submit a written report to the speaker of the house, the president of the senate, the governor, and the following legislative committees: the house children and family law committee, the house criminal justice and safety committee, and the senate judiciary committee. The report shall detail the activities of the board and any recommendations made by the board to the department relative to juvenile justice services.]

3 New Paragraph; Department of Health and Human Services; Director of Juvenile Justice Services. Amend RSA 126-A:4 by inserting after paragraph V the following new paragraph:

VI. Notwithstanding any other provision of law to the contrary, the commissioner shall appoint a director of juvenile justice services, who shall be responsible for the administration of the youth development center under RSA 621, the youth services center under RSA 621-A, and the supervision of juvenile probation and parole officers under RSA 170-G. The director of juvenile justice services shall have the same status within the department as the director of the division responsible for the administration of services to children and youth under RSA 170-G.

4 New Section; Director of Juvenile Justice Services; Appointment. Amend RSA 621-A by inserting after section 4 the following new section:

621-A:4-a Director of Juvenile Justice Services; Appointment. The director of juvenile justice services shall be appointed by the commissioner from a list of a minimum of 3 qualified candidates submitted by the juvenile justice advisory board, provided that the names of additional qualified candidates shall be submitted by the juvenile justice advisory board upon the request of the commissioner.

2014-1655h
AMENDED ANALYSIS

This bill:

- I. Revises the membership and duties of the juvenile justice advisory board.
- II. Requires the commissioner of the department of health and human services to appoint a director of juvenile justice services.
- III. Revises the amount the department of health and human services is directed to reduce state general fund appropriations to the Sununu Youth Services Center for the biennium ending June 30, 2015.

NOTICE

The 40th Annual Bill White & Junie Blaisdell Ceremonial & Memorial Legislative Golf Tournament for the benefit of the American Heart Association is scheduled for **Friday, June 13th** at Beaver Meadow Golf Club located in Concord, NH. The entry fee for this annual tournament is \$80.00 per legislator and legislative staff and \$100.00 for all others. Entry fees must be received by Friday, June 6th. Registration begins at 7:15 a.m. and the shotgun start is scheduled for 8:30 a.m. The format is a "Scramble".

Sign-up as a foursome or sign-up by yourself in order to be placed in a foursome (*subject to availability of open slots*).

Please return your completed entry form and payment no later than June 6th. (*Please note that, for planning purposes, payment must be made no later than June 6th. All entry forms received after Friday, June 6th will be assessed a \$25 late admittance fee per player. Cancellation must occur two weeks prior to the tournament date to receive a refund*)

Checks should be made payable to: NH Legislative Golf Committee.

Mail to:

Bob Blaisdell, Demers & Blaisdell, Inc., 72 North Main Street, Suite 301, Concord, NH 03301.

**40th Annual Bill White & Junie Blaisdell
Ceremonial & Memorial Legislative Golf Tournament
Beaver Meadow Golf Course
Concord, NH**

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

Telephone: _____ Amount Enclosed: _____

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Anyone who was a **member of the Legislature in 2013** and all state agencies are entitled to one Journal at no charge, **upon request**. All others interested in obtaining a Journal, as well as any Legislator or state agency requesting additional copies, will be charged for that copy. We estimate the cost for paid volumes to be approximately \$50 each. In addition, if the volume is to be mailed, there will be a \$5.00 shipping & handling charge. Those who order paid copies will be notified *and billed* when the Journals are ready for distribution. **DO NOT** send any money now.

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