

State of New Hampshire HOUSE RECORD

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

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Concord, N. H.

Wednesday, February 8, 2012

No. 15

HOUSE JOURNAL No. 6 (cont.)

Wednesday, February 1, 2012

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby, on a voice vote, it failed to adopt the motion to print the remarks by Rep. Hess during Unanimous Consent in the Permanent Journal.
Rep. Vaillancourt withdrew the motion.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Burt moved that the House reconsider its action whereby, on a voice vote, it failed to adopt the motion to print the remarks by Rep. Hess during Unanimous Consent in the Permanent Journal.
Rep. Vaillancourt spoke against.
On a division vote, 167 members having voted in the affirmative and 134 in the negative, the motion was adopted.

The question now being adoption of the motion by Rep. Jasper to print the remarks by Rep. Hess during Unanimous Consent in the Permanent Journal.
Rep. Vaillancourt spoke against and requested a roll call; not sufficiently seconded.
On a division vote, 126 members having voted in the affirmative and 177 in the negative, the motion failed.

Rep. Tucker moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 7

Wednesday, February 8, 2012

The Speaker called the Session of February 8, 2012 to order.

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Lord, we ask again for Your blessing upon all those here who serve the good citizens of our State. Help us to know that the one who leads is called also to be a servant and to whom much authority is given, much goodness is required. Help us to be faithful to the values that help human beings to flourish in our State whose natural beauty reflects the common good of those we serve. Give us the energy we need to be open to see each issue wisely and to be staunch advocates of prudence and reason as we engage each other. Help us to be true representatives of those who elected us to provide a firm and insistent voice in the pursuit of their true interests. We ask for Your protection of our men and women in uniform and in remembrance of those like Dan Gionet who gave their lives, and also for the health and wellbeing of our members and their families. Finally we ask for peace in a world that increasingly leans towards conflict. Keep New Hampshire a safe home for all of us. We ask this in Your great name. Amen.

Representative Timothy Comerford, member from Fremont, led the Pledge of Allegiance.

Representative James Garrity, member from Atkinson, led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Carr, Case, Champagne, Jennifer Coffey, Domingo, Eaton, Emerson, Hofemann, Dorothea Hooper, McDonnell, Charles Moore, Oigny, Powers, Matt Quandt, Jenna Roberts and Sedensky, the day, illness.

Reps. Beattie, Paul Brown, DeJong, Foose, Larsen Schultz, Leonard, Levasseur, Lundgren, Bruce MacMahon, Palfrey, Panek, Michael Reed, Sapienza, Stephen Schmidt, Edwin Smith, Daniel Sullivan and Worsman, the day, important business.

INTRODUCTION OF GUESTS

Tracy Emerick, guest of Rep. Fred Rice. Pamela Hurst, guest of Rep. Abrami. Tom Malone, grandfather of Rep. Malone. Skyler Jones, daughter and sister and Mikayla Saddler, guest of Reps. Laura and Kyle Jones.

Austin Parker, a student at Plymouth Regional High School, Page for the day.

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 382.

Rep. Kidder, Sen. Prescott for the Committee

RESOLUTION

Rep. Tucker offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 17, 48, 83, 155, 177, 188, 220, 223, 226, 274, 297, 323 and 376 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 17, relative to evidence of admissions in medical injury actions. (Judiciary)

SB 48, relative to state regulation of telephone service providers and clarifying the authority of the public utilities commission to regulate pole attachments. (Science, Technology and Energy)

SB 83-FN, enabling municipalities to create other post-employment benefits (OPEB) trusts. (Municipal and County Government/Labor, Industrial and Rehabilitative Services)

SB 155-FN-A, relative to section 179 expense deductions under the business profits tax. (Ways and Means/Finance)

SB 177, relative to training of directors and officers of nonprofit corporations. (Executive Departments and Administration)

SB 188-FN, establishing a committee to study establishing an office of the inspector general. (Executive Departments and Administration)

SB 220, relative to external review under the managed care law. (Commerce and Consumer Affairs)

SB 223, to make technical revisions relative to the health information organization corporation. (Health, Human Services and Elderly Affairs)

SB 226, transferring the administration of the electricians' board to the joint board for licensure and certification. (Executive Departments and Administration)

SB 274, removing the phrase "mentally defective" from the aggravated felonious sexual assault statute. (Criminal Justice and Public Safety)

SB 297, relative to the apprentice hunting license. (Resources, Recreation and Development)

SB 323, authorizing accounting transfers by the department of corrections. (Finance)

SB 376, extending the committee to develop a plan for privatizing the department of corrections. (Finance)

PETITION

Petition #32: Representative Clifford Newton of Rochester, on behalf of several Petitioners from the City of Rochester, seek redress relative to a grievance involving the Rochester Comprehensive Rezoning Committee; mayors of the City of Rochester; the Rochester City council; and the Rochester planning board and its chairman.

The Speaker referred the Petition to the Committee on Redress of Grievances.

MOTION TO SUSPEND HOUSE RULES

Rep. Weyler moved that House Rules be so far suspended as to allow the deadline for reporting of **HB 1658-FN**, limiting financial assistance for mothers who have additional children while receiving Temporary Assistance to Needy Families (TANF), to be moved to March 22, 2012.

Rep. Weyler spoke in favor and yielded to questions.

Motion adopted by the necessary two-thirds vote.

CONSENT CALENDAR

Rep. Bettencourt moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1548, relative to access to ballots, removed by Rep. Jane Johnson.

HB 1364, relative to transfers of appropriations in Carroll county, removed by Rep. Frank McCarthy.

HB 1404, relative to the election of Hillsborough county commissioners, removed by Rep. Gail Barry.

HB 1563, relative to Greenland's water rights, removed by Rep. DiPentima.

Consent Calendar adopted.

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

TO LEGISLATE.

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

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

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

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

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

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

Rep. David M. Pierce for Election Law: This bill puts school districts on the same footing as towns to permit school districts to vote to require that the tally of the budget committee vote on the school district budget be printed alongside the budget warrant article. The committee believes that the tally is information that voters may consider important and we should always endeavor to give voters as much information as possible to cast an educated vote. Vote 13-0.

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

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

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

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

Amendment (0486h)

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

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

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

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

AMENDED ANALYSIS

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

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

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill, as amended, makes three changes to the Suggestion and Extraordinary Service Award Program: 1) it clarifies which state employees are eligible for awards or recognition for extraordinary service. 2) It offers an optional avenue to making cost-saving suggestions by allowing applications to be made directly to the Governor and Executive Council in addition to the current process of making such suggestions to the departmental award evaluation committee. 3) It changes the amount of monetary award for cost-savings suggestions that are accepted from a maximum of \$5,000.00 to “10% of the savings achieved during the initial 12-month period after implementation.” Vote 11-0.

Amendment (0392h)

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

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

III. In addition to such other communications to governor and council as are provided in this chapter, the state suggestion and extraordinary service award evaluation committee shall submit to the governor and council, the speaker of the house of representatives, and the president of the senate an annual report of its activities, including employees recognized and rewarded **for extraordinary service** ~~and~~, the reasons for recognition or recommended award, ~~[together with a]~~ **and, notwithstanding any provision of RSA 91-A, an anonymous** list or copy of all ~~[proposals]~~ **cost-saving or revenue-producing employee suggestions** submitted to it, whether or not implemented or recommended. The report shall be submitted by October 1 of each year.

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

99-E:3 Eligible Employees.

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

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

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

99-E:5 Suggestion Award Standard.

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

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

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

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

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

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

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

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

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

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

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

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

certify any amounts so appropriated to the director of personnel for transfer and payment to the employee.

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

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

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

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

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

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

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

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

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

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

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

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

99-E:8 Nonmonetary Recognition *for Extraordinary Service*. A departmental award evaluation committee may, in its discretion, recommend, and the state suggestion and extraordinary service award evaluation committee may, in its discretion, issue or

recommend, nonmonetary recognition in lieu of, or in addition to, recommending a monetary award **for extraordinary service** under this chapter. Nonmonetary recognition shall be in such form as the committee, in its discretion, believes is appropriate for the service rendered ~~[or suggestion made]~~.

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

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

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

Amendment (0273h)

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

AN ACT relative to the reporting of funds.

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

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

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

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

AMENDED ANALYSIS

This bill modifies the method of reporting certain funds.

Referred to the Committee on Finance.

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

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

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

LEGISLATE.

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

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

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

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

Rep. John A. Burt for Municipal and County Government: This bill establishes a property tax credit for persons maintaining a vegetable garden on their residential property for personal or local consumption. For instance, if 150 land owners had a 100 square foot vegetable garden in your town and received the \$75.00 tax credit for each vegetable garden then the rest of the property owners would share in \$11,250 of increased tax burden. The bottom line is this would be a new tax and/or shifting wealth from one neighbor to another neighbor. This bill would also exclude renters. Vote 17-0.

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

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

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

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

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

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

Amendment (0352h)

Amend the bill by replacing section 1 with the following:

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

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

AMENDED ANALYSIS

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

HCR 37, urging Congress to pass legislation against losses in value due to money supply by the federal reserve; restoring gold and silver money; and phasing out the federal reserve system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank H. McCarthy for State-Federal Relations and Veterans Affairs: This house concurrent resolution urges and petitions the general court of the state of New Hampshire, the congress of the United States, and particularly, the legislative delegation to congress from the state of New Hampshire to use all of their efforts, energies, and diligence to protect all its citizens of this nation by supporting any legislation requiring a comprehensive audit of the federal reserve. Vote 12-0.

Amendment (0417h)

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

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

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

Resolved by the House of Representatives, the Senate concurring;

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

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

AMENDED ANALYSIS

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

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

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

Amendment (0344h)

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

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

HB 1144, establishing a commission to study the taxation of alternative fuel and electric-powered motor vehicles for the purpose of funding improvements to the state's highways and bridges. **OUGHT TO PASS WITH AMENDMENT.**

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

Amendment (0378h)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rep. Laurie J. Sanborn for Ways and Means: We support the concept of the bill and believe good tax policy comes from good information. Members of the committee unanimously felt that we needed more time to study the desired data elements and chose to amend the bill, replacing it with a study committee to be composed of legislators from Ways and Means. The prime sponsor supports our decision. Vote 19-0.

Amendment (0468h)

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

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

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

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

2 Membership and Compensation.

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

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

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

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

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

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

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

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

AMENDED ANALYSIS

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

MOTION TO SPECIAL ORDER

Rep. Chandler moved that **HB 1138**, naming a bridge in Pelham in honor of Sergeant Daniel R. Gionet, be Special Ordered to the beginning of today's Regular Calendar.

REGULAR CALENDAR

SPECIAL ORDER

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

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

Amendment (0292h)

Amend the bill by replacing section 1 with the following:

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

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Doherty spoke in favor.

Committee report adopted unanimously and ordered to third reading.

INTRODUCTION OF SPECIAL GUEST

The Speaker introduced special guest, Denise Gionet, mother of Sergeant Daniel Gionet.

MOTION TO PRINT REMARKS

Rep. Bettencourt moved that the remarks made by Rep. Doherty be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. Doherty: Thank you. Before I begin I would like to invite the members of the Hillsborough 27 delegation and the cosponsors of this bill to join me up front. Thank you. This bill is to name the bridge on Main Street in Pelham to show our appreciation for the sacrifice of Daniel R. Gionet. This will ensure that future generations will never forget his bravery. Little bit of background. Army Sergeant Daniel R. Gionet of Pelham, New Hampshire, was age 23 when he was killed on June 4, 2006 serving during Operation Iraqi Freedom. He was assigned to the 1st Battalion, 66th Armor Regiment, 1st Brigade Combat Team, 4th Infantry Division and stationed in Fort Hood, Texas. He was killed when an improvised explosive device detonated near his M1A2 tank during combat operations in Baghdad. Gionet was killed during his second tour of duty overseas. He had reenlisted. He had been a cook at the Kandahar Air Field and reenlisted because he wanted to do more. Looking back at some news clips from 2006, around the time when Sergeant Gionet was killed, I found a quote from his high school baseball coach, Joe Connors that stood out to me. It was at his funeral that Coach Connors said, "Danny was an awesome human being. He was a giver. He was the first guy to take a new kid under his wing. He was a selfless soldier. He demonstrated that throughout his entire life and in his service." We plan to install a marker upon passage of this bill to dedicate this bridge in town. It will be paid for by private donations and the funds will be raised upon passage of this bill. I urge you to vote yes to pass this bill in a way to remember a hero to our community, our state and our nation. Thank you.

REGULAR CALENDAR (CONT'D)

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

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

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

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

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

Majority committee report adopted.

HB 1413-FN, directing New Hampshire to withdraw from the No Child Left Behind Act.

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

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

Rep. Mary Stuart Gile for the Minority of Education: The minority agrees that the No Child Left Behind (NCLB) Act has not lived up to the original goals established by the President George W. Bush administration in 2001. However, increased attention to student achievement in reading, writing and mathematics, curriculum, teacher effectiveness and accountability have resulted in some improvements and helped to raise an awareness of the challenges to educators in ensuring that every child have opportunities to succeed. The minority is also very concerned that the decision to withdraw from NCLB will cost New Hampshire \$61,607,122 in federal funds, most of which is targeted for programs for educationally disadvantaged students. The preferred alternative of refer for interim study for HB 1413 would allow time to explore the positive and negative effects of NCLB and would provide both an empirical and anecdotal basis for developing a New Hampshire model of NCLB that could most effectively meet the needs of New Hampshire students and retain badly needed funding.

LAI D ON THE TABLE

Rep. Bettencourt moved that **HB 1413-FN**, directing New Hampshire to withdraw from the No Child Left Behind Act, be laid on the table.

Rep. Gile requested a roll call; sufficiently seconded.

YEAS 253 NAYS 81

YEAS 253

BELKNAP

Accornero, Harry
Flanders, Donald
Pilliod, James
Swinford, Elaine

Bolster, Peter
Luther, Robert
Russell, David
Tilton, Franklin

Comtois, Guy
Malone, Robert
Simpson, Tyler
Tobin, William

Fields, Dennis
Millham, Alida
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
Morrow, Harry
Umberger, Karen

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Pettengill, Laurie

McCarthy, Frank
Scala, Dino

CHESHIRE

Butynski, William
Hawkes, Samuel
Meador, David
Tatro, Bruce

Byrnes, John
Johnsen, Gladys
Moore, Robert Jr
Weed, Charles

Cartwright, Anne
Johnson, Jane
Roberts, Kris

Dwinell, Richard
Lerandeau, Alfred
Sterling, Franklin Jr

COOS

Coulombe, Gary
Remick, William
Tremblay, Marc

Daugherty, Duffy
Richardson, Herbert

Merrick, Evalyn
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbretson, Paul
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Ladd, Rick Jr
Shackett, Jeffrey
White, Andrew

Bulis, Lyle
Mirski, Paul
Simard, Paul

Gionet, Edmond
Pierce, David
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Cebrowski, John

Balboni, Michael
Belanger, James
Brownrigg, Randall Jr
Christensen, D.L.
Chris

Ball, J. Michael
Belvin, William
Burt, John
Christiansen, Lars

Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Coffey, James

Condra, William
Day, Russell
Flanagan, Jack
Gonzalez, Carlos
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
Long, Patrick
McClarren, Donald
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Renzullo, Andrew
Shaw, Barbara
Stroud, Kathleen
Thomas, Joseph
Willette, Robert

Coughlin, Sean
Doherty, Shaun
Fredette, Robert
Gorman, Mary
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Ober, Russell III
Parison, James
Porter, Marjorie
Robbins, David
Simmons, Tammy
Summers, James
Twombly, Timothy

Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Graham, John
Hawkins, Kenneth
Holden, Frank
Kurk, Neal
Marcus, Bruce
Messier, Irene
Ohm, Bill
Pellegrino, Tony
Pratt, Calvin
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan

Daniels, Gary
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hikel, John
Hopper, Gary
LeBrun, Donald
McCarthy, Michael
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Proulx, Mark
Seidel, Carl
Stepanek, Stephen
Terrio, Ross
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Seaworth, G. Brian

DeStefano, Stephen
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Dan
Smith, Molly

Giuda, J. Brandon
Kidder, David
Lindsley, Mark
Reed, Dennis
Smith, Todd

Hess, David
Kotowski, Frank
Lockwood, Priscilla
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina

Allen, Mary
Bates, David
Charron, Gene

Antosz, Jason
Belanger, Ronald
Chirichiello, Brian

Azarian, Gary
Bettencourt, David
Comerford, Timothy

Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
Mauro, Donna
Nevins, Chris
Peckham, Michele
Reichard, Kevin
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Perkins, Amy
Rice, Frederick
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Lovejoy, Patricia
McMahon, Charles
Okerman, Richard
Quandt, Marshall
Ritter, Glenn
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Major, Norman
Murphy, Brian
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Groen, Warren
Keans, Sandra
Parsons, Robbie
Weeden, Michael

Berube, Roger
Horrigan, Timothy
Munck, Philip
Pitre, Joseph

Brown, Julie
Jones, Kyle
Newton, Clifford
Spang, Judith

Cataldo, Sam
Jones, Laura
O'Connor, William
Watters, David

SULLIVAN

Bowers, Spec
LaCasse, Paul Sr
Rodeschin, Beverly

Cunningham, Steven
Laware, Thomas
Schmidt, Andrew

Gagnon, Raymond
Lovett, Charlene

Howard, Thomas
Osgood, Joe

NAYS 81

BELKNAP

Greemore, Robert

Kingsbury, Robert

CARROLL

Babson, David Jr

CHESHIRE

Chase, Cynthia
Weber, Lucy

Lindsey, Steven

Parkhurst, Henry

Sad, Tara

COOS

Thomas, Yvonne

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Townsend, Charles

Benn, Bernard
Nordgren, Sharon

Cooney, Mary
Pastor, Beatriz

HILLSBOROUGH

Baroody, Benjamin
Daler, Jennifer
Jeudy, Jean
Murphy, Keith

Bergevin, Jerry
Gimas, John
Krasucki, Joseph
Pilote, Maurice

Campbell, David
Goley, Jeffrey
Lambert, George
Rhodes, Brian

Cote, David
Hansen, Peter
Leishman, Peter
Rosenwald, Cindy

Souza, Kathleen

Vaillancourt, Steve

Villeneuve, Moe

MERRIMACK

Bouchard, Candace
Gile, Mary
Owen, Derek
Richardson, Jon
Watrous, Rick

Cohn, Seth
Hamm, Christine
Patten, Dick
Shurtleff, Stephen
Williams, Robert

Deloge, Helen
Hoell, J.R.
Potter, Frances
Soltani, Tony

Frazer, June
MacKay, James
Rice, Chip
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
Manuse, Andrew
Read, Robin Jr

DiPentima, Rich
Moody, Marcia
Schlachman, Donna

Itse, Daniel
Norelli, Terie
Serlin, Christopher

Janvrin, Kevin
Pantelakos, Laura

STRAFFORD

DeLemus, Susan
Perry, Robert
Vita, Carol

Ginsburg, Philip
Schmidt, Peter
Vita, Lucien

Grassie, Anne
Spainhower, Dale
Wall, Janet

Kaen, Naida
Sprague, Dale

SULLIVAN

Cloutier, John

Lefebvre, Benjamin

Smith, Steven

and the motion was adopted.

REGULAR CALENDAR (CONT'D)

HB 1517-FN-L, prohibiting the state and any political subdivision from entering any agreement implementing any provision of the No Child Left Behind Act without prior approval of the general court. **MAJORITY: OUGHT TO PASS. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Michael A. Balboni for the Majority of Education: The federal government is currently in the process of reauthorizing the No Child Left Behind Act (NCLB). Over its 11 year history, we have become very familiar with its intent and its shortcomings. The main complaints against NCLB, from parents, teachers, school administrators and school boards include: (a) usurped the traditional authority of the state, local school districts, parents, and teachers regarding education policy, (b) failed to ensure that its mandates and regulations were fully funded by the federal government, resulting in significantly increased financial burdens on the state, local school districts, and taxpayers, (c) encouraged the state to lower the minimum threshold on its standardized tests to avoid federal sanctions for not meeting “adequate yearly progress”, (d) failed to increase overall student academic achievement relative to other industrialized nations, (e) failed in its goal to provide significant educational options and to truly empower parents to select for their children the best academic opportunities, including alternatives to the traditional school setting, (f) failed to ensure that taxpayer funds went only to programs proven to increase student mastery of core subjects, (g) failed to improve the state university system whereby the teachers of our future teachers instruct in time proven methods of teaching, (h) expanded an overly burdensome education system while failing to increase our national competitiveness, (i) failed to implement the highest competency and accountability standards for our teachers and students, and (j) failed to ensure assessments of subject mastery by students were easily comparable to international assessments. NCLB is fatally flawed. It has cost us, our children, and our educators greatly in time and money in the hopeless attempt to reach its ever increasing requirement to meet adequate yearly progress. And, most disturbingly, it has cost our children their future by squandering their precious days in school with such a useless narrow focus on a couple of subject areas and on “passing a test” – to the exclusion of other subjects

and opportunities that would have provided them with a more rounded and robust educational experience and a better foundation to compete successfully in our global economy. Therefore, HB 1517 declares that all agreements, contracts and memoranda of understanding involving the state board of education and the federal government regarding the No Child Left Behind Act, are terminated and requires any future agreements, contracts, or memoranda of understanding entered into by the state of New Hampshire and the United States government regarding any aspect of early childhood, elementary, or secondary education to be approved by an act of the general court before these requirements are imposed on our citizens. Vote 14-3.

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

LAI D ON THE TABLE

Rep. Bettencourt moved that ***HB 1517-FN-L***, prohibiting the state and any political subdivision from entering any agreement implementing any provision of the No Child Left Behind Act without prior approval of the general court, be laid on the table. Adopted.

REGULAR CALENDAR (CONT'D)

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

Rep. Barbara E. Shaw for Education: The process of withdrawal from a school administrative unit and/or an authorized regional enrollment area agreement is clearly defined in law. Safeguards are in place for both the withdrawing district and remaining districts to ensure a fair and equitable transition for all parties. If conflicts occur within law, in isolated instances, they must be handled at the local level in the best interest of all parties and in adherence to existing law. The majority of the committee recommends upholding existing law. Vote 12-4.

Reps. Howard and Bowers spoke against.

Rep. Boehm spoke in favor and yielded to questions.

Rep. Soltani requested a roll call; not sufficiently seconded.

On a division vote, 158 members having voted in the affirmative and 186 in the negative, the committee report failed.

Rep. Cunningham moved Ought to Pass and spoke in favor.

Rep. Belvin spoke against.

On a division vote, 190 members having voted in the affirmative and 156 in the negative, the motion was adopted and ordered to third reading.

SPECIAL ORDERED

Without objection, the Speaker made ***HB 593-FN-A-L***, relative to video lottery and table gaming, a Special Order as the next order of business.

SPECIAL ORDER

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

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

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

correlation with the quality of the gambling venue – and that such venues provide both more and better paying jobs in both construction and operation. Millennium has told us it plans to spend \$450 million in Salem; Green Meadow is promoting a \$300 million project in Hudson. Let's require a minimum capital investment in the bill, instead of making this just another part of the Great Giveaway. Further, the regulatory framework for effective oversight of this huge industry with incredible cash flows is not in place. In its May 18, 2010 report, the Governor's Gaming Study Commission recommended: "New Hampshire needs to review its regulation of gaming, with or without expansion of legalized gaming. To insure integrity and public confidence, this review should be completed and necessary changes implemented before any expansion is enacted." That has not come about. And this bill imposes absurdly artificial and unreasonable time lines on the Lottery Commission to do just that – requiring it to adopt "interim rules" governing the licensing process for these casinos within 90 days of passage of the bill. And "interim rules" require no public hearing before adoption. Why the rush? Why does this bill circumvent sound public policy and transparency? Finally, there is no turning back if this bill passes. Once casinos are in place, they will be here forever. Many of us believe they will change the culture and tourism brand of New Hampshire forever – and not for the better. This bill is 36 pages long; the two bills under consideration in Massachusetts are 109 and 164 pages long. What are we missing? If we are to have casino gambling here in New Hampshire, let's do it right. This bill doesn't even come close.

Majority Amendment (2812h)

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

1 Statement of Purpose. The general court finds that:

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

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

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

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

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

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

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

CHAPTER 284-B

VIDEO LOTTERY MACHINES AND TABLE GAMES

284-B:1 Definitions. In this chapter:

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

II. "Applicant" means any person, officer, director, or key employee, who on his or her own behalf or on behalf of another, is applying for permission to engage in any act or activity which is regulated under the provisions of this chapter. In cases in which the applicant is a corporation, foundation, organization, business trust, estate, limited liability company, trust, partnership, limited partnership, association, or any other form of legal

business entity, the lottery commission shall determine the affiliated persons whose qualifications must be provided and reviewed as a precondition to the licensing of the applicant.

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

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

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

(a) Travelers checks.

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

(c) Personal checks or drafts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Any promotional credits provided to patrons.

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

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

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

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

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

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

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

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

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

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

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

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

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

XXVI. "Table game operator" means:

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

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

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

XXVIII. "Technology provider license" means the license issued by the lottery commission to a technology provider licensee which allows the technology provider licensee to design, manufacture, install, distribute, or supply video lottery machines for sale or lease to the gaming licensees.

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

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

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

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

284-B:2 Gaming Oversight and Regulation.

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

the authorization, installation, operation, and conduct of video lottery machines and table games.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The central computer system shall be capable of:

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

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

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

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

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

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

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

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

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

VI. No later than November 1 of each year, the lottery commission shall submit a report to the fiscal committee of the general court, regarding the operation of video lottery machines.

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

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

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

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

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

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

284-B:3 Number of Gaming Licenses.

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

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

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

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

284-B:4 License Requirements for Gaming Licensees.

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

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

(b) The applicant shall include information regarding:

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

(2) Civil judgments;

(3) Financial affairs;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

V.(a) Upon a request by the lottery commission, the attorney general shall conduct a background review of each gaming applicant and any of its principals, owners, and key employees. The background review may be conducted through any appropriate state or federal law enforcement system and the authorized reviewers may seek information as to the subject's financial, criminal, or business background, or any other information which the attorney general, in his or her sole discretion, may find relevant to the subject's fitness to be associated with the ownership or management of the operation of video lottery machines in New Hampshire, including, but not limited to, the subject's character, personal associations, and the extent to which the subject is properly doing business in the manner in which it purports to operate. If the applicant is a pari-mutuel licensee licensed and authorized to conduct racing, whether live, simulcast, or both, as provided in RSA 284:16 or RSA 284:16-a at a pari-mutuel licensee location, and the attorney general has conducted a background investigation pursuant to RSA 284:15-b within the 12 months prior to the application filing, the attorney general may rely on the results of the previous investigation to the extent the applicant's circumstances have not materially changed. The attorney general shall also take into consideration as evidence of fitness a letter of reference or sworn statement of good standing produced pursuant to subparagraph I(d). The attorney general shall report the results of the background review to the lottery commission within a reasonable time not to exceed 120 days unless a request for additional time has been granted by the lottery commission for good cause. Notwithstanding any other law to the contrary, the information provided to the attorney general and the results of any such review shall be confidential and shall not be subject to disclosure or to public inspection, except that the attorney general, in the attorney general's sole discretion, shall determine the extent to which and the manner in which said results may be reported to the lottery commission or other state agency or official and, if reported, whether such results are to retain their confidential character; provided, however, that whenever the attorney general conducts such a review, the attorney general shall notify the lottery commission whether or not in his or her opinion such person is fit to be associated with participation in the ownership or management of the operation of video lottery machines in this state. The attorney general may conduct such review on the attorney general's motion into the background of the gaming applicant or gaming licensee, or any person or entity upon whom the gaming applicant or gaming licensee relies for financial support.

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

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

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

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

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

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

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

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

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

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

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

II. The applicant shall include information regarding:

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

(b) Civil judgments;

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

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

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

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

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

IV. Upon a request by the lottery commission, the attorney general shall conduct a background review of each technology provider applicant and any of its owners and key employees. The review may be conducted through any appropriate state or federal law enforcement system and may seek information as to the subject's financial, criminal, or business background, or any other information which the attorney general, in his or her sole discretion, may find relevant the subject's fitness to be associated with the distribution of video lottery machines in New Hampshire, including, but not limited to, the subject's character, personal associations, and the extent to which the subject is properly doing business in the manner in which it purports to operate. The attorney general shall take into consideration as evidence of fitness a letter of reference or sworn statement of good standing. The attorney general shall report the results of the review to the lottery commission within a reasonable time not to exceed 120 days unless a request for additional time has been granted by the lottery commission for good cause. Notwithstanding any other law to the contrary, the information provided to the attorney general and the results of any such review shall be confidential and shall not be subject to disclosure or to public inspection, except that the attorney general, in the attorney general's sole discretion, shall determine the extent to which and the manner in which said results may be reported to the lottery commission or other state agency or official and, if reported, whether such results are to retain their confidential character; provided, however, that whenever the attorney general conducts such a review, the attorney general shall notify the lottery commission whether or not in his or her opinion such person is fit to be associated with the distribution of video lottery machines in this state. The attorney general may conduct a background review on the attorney general's motion into the background of the technology provider applicant or licensee, or any person or entity upon whom the technology provider applicant or licensee relies for financial support.

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

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

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

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

284-B:6 Licensure Requirements for All Licenses.

I. No license shall be issued by the lottery commission unless the applicant demonstrates it meets the standards set forth in this section. The lottery commission shall consider the applicant's ability to meet the criteria set forth in RSA 284-B:4, I(f) and (g), and any letter of reference or sworn statement of good standing from the gaming or lottery enforcement or control agency in any jurisdiction where the applicant has held or holds a gaming license.

II. The applicant must demonstrate the following:

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

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

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

(d) The applicant's business ability and experience in the operation of video lottery machines and table games, so as to establish the likelihood of a successful and efficient operation.

(e) Disclosure of any material administrative or enforcement actions pending against the applicant in other jurisdictions.

III. The lottery commission shall not issue a license to any applicant unless the applicant proves that each owner, director, officer, and key employee of the applicant, its principals, subsidiaries, and affiliated entities complies with the criteria for licensure contained in this section. The lottery commission may waive the requirements of this section for a person directly or indirectly holding ownership of securities in a publicly traded corporation if the board determines that the holder of the securities is not significantly involved in the activities of the corporation and does not have the ability to control the corporation or elect one or more directors thereof. The lottery commission may determine whether the licensing standards of another jurisdiction within the United States or Canada in which an applicant, its affiliated entity, intermediary, subsidiary, or holding company for a gaming license or technology provider license is similarly licensed are comprehensive and thorough and provide similar adequate safeguards as those required by this chapter. If the lottery commission makes that determination, it may determine that the gaming applicant or technology provider meets the standards set forth in RSA 284-B:6, II if an applicant holds a similar license in such other jurisdiction after conducting an evaluation of the information relating to the applicant from such other jurisdiction, as updated by the lottery commission, and evaluating other information related to the applicant received from that jurisdiction and other jurisdictions where the applicant may be licensed. The lottery commission may incorporate such information, in whole or in part, into its or the attorney general's evaluation of the applicant.

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

has an ownership or financial interest in the applicant becomes such an elected official or employee, the applicant shall be subject to sanctions pursuant to RSA 284-B:18.

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

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

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

VIII.(a) The lottery commission shall approve, approve with conditions, or deny each application according to the time frames set forth in RSA 284-B:4. No gaming licensee may begin operations until the lottery commission has adopted final rules. Once final rules have been adopted, a gaming licensee may commence operations in a temporary gaming location while completing construction of the permanent gaming location. Upon issuance of a license, the gaming licensee shall commence construction of the permanent gaming location within 6 months thereafter.

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

IX. The lottery commission shall not consider an incomplete application and shall notify the applicant in writing if an application is incomplete consistent with RSA 284-B:4, IV. An application shall be considered incomplete if it does not include all applicable fees and all information and accompanying documentation required by the commission, including, but not limited to, a current tax lien certificate issued by the department of revenue administration at the time of filing the application. Any unpaid taxes identified on the tax lien certificate shall be paid before the application is considered complete. A notification of incompleteness shall state the deficiencies in the application that must be corrected prior to consideration of the merits of the application.

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

XI. Each applicant at all times shall have the burden of establishing its eligibility and suitability for licensure. If an applicant or licensee does not meet the requirements for licensure, the lottery commission may deny, revoke, suspend, or condition the license until the applicant or licensee meets the requirements.

XII. Following approval of an application for a license and receiving notice from the lottery commission that the decision is final and not subject to an appeal pursuant to RSA 284-B:6, XIV, the applicant shall pay any applicable licensing fee. The applicant shall provide formal notification to the commission as soon as it fulfills all required conditions for issuance of the license. Upon receipt of such formal notification, upon conducting any necessary verification, and payment of the license fee, the lottery commission shall issue a license to the applicant.

XIII. During the course of review of any application for a gaming license, the lottery commission shall take reasonable measures to prohibit and prevent all ex parte communication relating to the merits of such application.

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

284-B:7 Exclusion of Minors.

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

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

284-B:8 Distribution of Net Machine Income.

I.(a) Forty percent of the net machine income generated by video lottery machines operated by a gaming licensee shall be paid as follows:

(1) Thirty-five percent of the net machine income generated by video lottery machines shall be paid to the state from which the state shall pay for the costs of regulation administration, enforcement of this chapter, and the operation of the central computer system, and the balance shall be deposited in the general fund of the state and used first to offset reductions in the business profits tax and the business enterprise tax.

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

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

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

(b) The balance of the funds from the net machine income from video lottery machines shall be retained by the gaming licensee that operates such video lottery machines, subject to any adjusted charitable benefit amount or gaming location charitable benefit amount due to the racing and charitable gaming commission from the gaming licensee pursuant to RSA 284:6-b, III.

II. The gaming licensee shall deliver the amounts payable to the state or municipality as provided in paragraph I in immediately available funds of the United States on a daily basis. At the time payment is delivered, the gaming licensee shall provide a written accounting of net machine income generated from the video lottery machines by the gaming licensee on an aggregate basis and the calculation of amounts due to the state separately for distribution pursuant to subparagraphs I(a)(1) and (5), the amount due the municipality pursuant to subparagraph I(a)(2), the amount due certain municipalities pursuant to subparagraph I(a)(3), and the balance of net machine income retained by the

gaming licensee. The gaming licensee shall pay a penalty of \$1,000 for each day that payment or the accounting is not delivered on time to the state, and a penalty of \$1,000 for each day that payment or the accounting is not delivered to the municipality on time.

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

I. Any municipality in which a gaming location is or proposes to be situated may adopt the provisions of RSA 284-B to allow the operation of video lottery machines and table games at a specific location in the following manner:

(a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the questions shall be placed on the warrant of an annual or special town meeting, by the governing body or by petition pursuant to RSA 39:3.

(b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, upon request of a gaming applicant to authorize the operation of video lottery machines and table games at a specific location within the municipality in accordance with the provisions of RSA 284-B, the governing body shall place the question on the ballot to be voted upon at the next regularly scheduled municipal or biennial election unless such election is more than 90 days from the request. In such circumstance, the governing body shall place the question on the ballot for a special election called for the purpose of voting on said question and which special election shall occur within 75 days after the request is made. Such special election shall be held at the usual ward polling places by the regular election officials.

(c) In any unincorporated place, and notwithstanding any other provision of law to the contrary, upon the request of a gaming applicant to authorize the operation of video lottery machines and table games at a specific location within the unincorporated place to either the moderator of the unincorporated place if the unincorporated place is organized to vote pursuant to RSA 668:1, or the clerk of the designated town if the unincorporated place is not organized for voting as provided in RSA 668:2, and the moderator or the clerk shall place the question on the ballot to be voted upon at the next regularly scheduled biennial election. The ballot shall be given to the individuals who are domiciled in such unincorporated place who are registered to vote.

(d) If a majority of those voting on the question vote "Yes," RSA 284-B shall apply in such town or city and the operation of video lottery machines and table games shall be permitted at a specific location within such town, city, or unincorporated place in accordance with RSA 284-B. If a majority of those voting on the question vote "No" the question may be voted on at a subsequent time in accordance with this section provided, however, the town may consider the question at no more than one special meeting and the annual town meeting in the same calendar year after a "No" vote. A city or town subject to paragraph I(b) may consider the question at no more than one special election and a regular municipal or biennial election in the same calendar year after a "No" vote.

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

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

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

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

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

284-B:11 Video Lottery Machines.

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

- (1) The location of each video lottery machine available for play by the public.
- (2) The location of all areas for the storage, maintenance, or repair of video lottery machines.
- (3) A description of all security measures to be taken for the safeguarding of video lottery machines.
- (4) The location and security measures taken for the safeguarding of all moneys, tokens, or other items of value utilized in the use of video lottery machines.
- (5) All procedures for the operation, maintenance, repair, and inserting or removing of moneys, tokens, or other items of value from video lottery machines.
- (6) All internal control systems as required by RSA 284-B:15.

(b) The provisions of subparagraphs (a)(1)-(6) shall be approved by the lottery commission prior to a gaming licensee's commencing the operation of any video lottery machine.

II. No video lottery machine shall be possessed, maintained, exhibited, brought into, or removed from a gaming location by any person unless such machine has permanently affixed to it an identification number or symbol authorized by the lottery commission and prior notice of any such movement has been given to the lottery commission.

III. Each gaming licensee shall maintain secure facilities for the counting and storage of all moneys, tokens, or other items of value utilized in the conduct or operation of video lottery machines.

IV. The drop boxes and other devices shall not be brought into a gaming location or removed from a video lottery machine, locked or unlocked, except at such specific times and such places and according to such procedures as the lottery commission may require to safeguard such boxes and devices and their contents.

V. No video lottery machine shall be used to conduct gaming unless it is identical in all electrical, mechanical, and other aspects to a model which has been specifically tested by the lottery commission and licensed for use by the lottery commission. In conducting such tests, the lottery commission shall use the services of an independent laboratory, and the cost of such independent laboratory shall be paid by the technology provider.

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

VII. All tickets given as prizes or winnings from video lottery machines shall be redeemed for cash within one year after the date of winning. Upon the expiration of such one-year period, the value of such unredeemed tickets shall be considered net machine income of the issuing gaming licensee.

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

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

X. No automatic teller machines shall be located within 50 feet of video lottery machines.

XI. All table games operated by a gaming licensee shall be approved in advance by the lottery commission consistent with RSA 284-B:12 and operated consistent with such approval.

284-B:12 Table Game Certificates.

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

and shall have sole regulatory authority over every aspect of the authorization and operation of table games.

II.(a) The lottery commission shall:

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

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

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

(b) The certificate shall only permit the operation of table games at a gaming location that operates or permits the operation of games of chance for or on behalf of charitable organizations pursuant to RSA 287-D, provided that the space allocated for games of chance at the facility be at least 5,000 square feet within the principal gaming area of the gaming location, and the number of tables used for table games shall be limited to not more than 150 tables.

(c) The certificate shall not be transferable.

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

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

(b) A petition shall include the following:

(1) An itemized list of the number and type of table games for which authorization is being sought.

(2) The estimated number of full-time and part-time employment positions that will be created at the gaming location if table games are authorized.

(3) Information and authorizations sufficient to allow the commission to confirm that any person providing services as a table game operator has not, in any jurisdiction, been convicted of a felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, or a class B misdemeanor within the previous 5 years which has not been annulled by a court, or has violated any statutes or rules governing gambling or gaming of any kind.

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

(5) Detailed site plans identifying the petitioner's proposed table game area within the gaming location including reference to the area reserved for charitable games of chance and affirmation that the petitioner agrees to permit the operation of charitable games of chance consistent with RSA 284-B:12, II(b). The proposed table game area shall be

reviewed by the lottery commission to determine the adequacy of the proposed internal controls and external security and proposed surveillance measures and submit a finding regarding adequacy to the commission.

V. The applicant shall certify under oath that:

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

(b) Information and authorizations sufficient to allow the lottery commission to confirm that any person providing services as a table game operator has not, in any jurisdiction, been convicted of a felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, or a class B misdemeanor within the previous 5 years which has not been annulled by a court, or violated any statutes or rules governing gambling or gaming of any kind.

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

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

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

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

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

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

(4) Establish procedures for all the following:

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

(B) Check cashing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The record retention policy of the applicant.

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

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

(c) A gaming licensee with a table game operation certificate may accept a check from a patron in exchange for cash or chips, provided that each check is deposited with the financial institution upon which the check is drawn within 10 days of receipt by the gaming licensee.

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

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

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

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

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

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

(a) Eight percent of daily gross table revenue to the state to be deposited into the general fund; and

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

IX. The distribution due to the state pursuant to subparagraph VIII(a) shall be due and payable to the state treasurer on a daily basis and shall be based upon gross table game revenue derived during the previous day. All funds owed to the state under this section shall

be held in trust by the certificate holder until the funds are paid or transferred and distributed by the certificate holder. Unless otherwise agreed to by the lottery commission, a certificate holder shall establish a separate bank account to maintain table gaming proceeds until such time as the proceeds are paid or transferred under this section.

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

XI.(a) No table games shall be conducted with any equipment except such as is owned or leased from a supplier or manufacturer of such equipment who has been approved by the commission pursuant to RSA 284-B:12 and who has registered with the secretary of state in such manner and on such form as the secretary of state prescribes.

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

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

284-B:13 Term of License; Limits on Transfer.

I. Any license issued pursuant to this chapter and any renewal thereof shall be valid for 5 years unless earlier suspended or revoked by the lottery commission. The lottery commission shall adopt procedures for license renewal that take into consideration whether the applicant has been previously licensed in good standing under this chapter.

II. No license issued by the lottery commission may be transferred to a separate person or entity without the prior approval of the lottery commission consistent with this chapter. Any proposed transferee of a license issued pursuant to this chapter shall pay an application fee to the lottery commission and an investigation fee to the attorney general as specified in RSA 284-B:4 or RSA 284-B:5, as applicable. Any transfer of a license approved by the lottery commission shall be for the balance of the term of the license. The transferee approved by the lottery commission shall not pay any additional fee at the time of the approval. The transferee shall be subject to the provisions of this chapter with regard to renewal of the license.

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

284-B:14 Presence of the Lottery Commission. The lottery commission and the division of state police gaming enforcement unit may be present at any gaming location at which video lottery machines and table games are operated at all times when the gaming location is open to the public. The gaming licensee may be required by the lottery commission or gaming enforcement unit to provide such office space and equipment which the commission or unit shall determine is reasonably necessary or proper.

284-B:15 Duties and Authority of the Lottery Commission.

I. The lottery commission, with the assistance and cooperation of the attorney general and the division of state police gaming enforcement unit, shall administer and enforce the provisions of this chapter. The lottery commission shall have the authority to request any and all records maintained by local, municipal, state, or federal agencies relative to gaming applicants or gaming licensees.

II. The lottery commission shall:

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

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

(c) Establish a central computer system located at the office of the lottery commission linking all video lottery machines to insure control over video lottery machines. The lottery commission shall establish a selection procedure for such contracts and ensure that the central computer system uses a widely adopted communications protocol approved by the Gaming Standards Association.

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

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

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

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

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

(4) Provide for accurate and reliable financial records.

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

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

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

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

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

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

(g) Require all holders of licenses issued by the lottery commission pursuant to RSA 284-B to comply with any exclusion program established by the lottery commission and maintained pursuant to RSA 284-B:2, II(v) and to establish and implement a self-exclusion program whereby a person who acknowledges that he or she is a problem gambler and who requests to be placed on a self-exclusion list shall be excluded or ejected from a licensed facility.

III. The lottery commission may employ certain assistants, and contract with certain individuals or entities experienced in the regulation of gaming to carry out the provisions of this section and RSA 284-B. Such assistants and employees shall receive compensation at rates to be established by the department of administrative services, division of personnel. Compensation of assistants, employees, and contractors shall be funded by proceeds paid or

received by the lottery commission pursuant to RSA 284-B. No employee of the lottery commission shall have any pecuniary or other interest whatsoever in any supplier or agent to the commission or in any gaming location or license licensed under RSA 284-B.

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

V. No later than November 1 of each calendar year, the lottery commission shall provide a report to the fiscal committee of the general court regarding the generation of revenues of video lottery machines and table games by licensees.

VI. With regard to meetings, minutes, and records of the lottery commission:

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

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

(c) All information and data required by the commission, to be furnished to the commission, or which may otherwise be obtained, shall be maintained as confidential consistent with RSA 284-B:2, VII.

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

284-B:16 Declaration of Limited Exemption from Operation of Provisions of 15 U.S.C. sections 1171-1178. Pursuant to section 2 of an act of Congress of the United States entitled "An Act to Prohibit Transportation of Gambling Devices in Interstate and Foreign Commerce," designated as 15 U.S.C. sections 1171-1178, the state of New Hampshire, acting by and through the duly elected and qualified members of its legislature, does hereby, in accordance with and in compliance with the provisions of that section 2 of that act of Congress, declare and proclaim that it is in the state's best interest to benefit from limiting gambling device revenues but prevent the proliferation of gambling devices by limiting approved facility locations and therefore that section 2 of that act of Congress shall not apply to any gambling device in this state where the transportation of such a device is specifically authorized by and done in compliance with the provisions of this chapter and any rules adopted pursuant to it, and that any such gambling device transported in compliance with state law and rules shall be exempt from the provisions of that act of Congress.

284-B:17 Legal Shipment of Gaming Devices into New Hampshire. All shipments into this state of gaming devices, the registering, recording, and labeling of which has been duly made by the manufacturer or dealer in accordance with sections 3 and 4 of an act of Congress of the United States entitled "An Act to Prohibit Transportation of Gambling Devices in Interstate and Foreign Commerce," designated as 15 U.S.C. sections 1171-1172, shall be deemed legal shipments into this state.

284-B:18 Sanction Powers of the Lottery Commission.

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

(a) Revocation or suspension of a license.

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

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

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

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

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

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

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

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

(c) Any justification or excuse for such conduct.

(d) The prior history of the person involved.

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

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

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

3 New Section; Lottery Commission; Administration of Video Lottery. Amend RSA 284 by inserting after section 21-v the following new section:

284:21-w Administration of Video Lottery and Table Games. The lottery commission shall administer and enforce the provisions of RSA 284:B.

4 New Sections; Department of Safety; Gaming Enforcement Unit Established. Amend RSA 21-P by inserting after section 7-c the following new sections:

21-P:7-d Division of State Police; Gaming Enforcement Unit.

I. There is established within the division of state police a gaming enforcement unit under the supervision of the commissioner of the department of safety. Notwithstanding RSA 106-B:15, the unit shall:

(a) Investigate violations of RSA 284-B and the rules adopted under the provisions of RSA 284-B, and initiate proceedings before the lottery commission for such violations. The unit shall report the results of any investigation conducted to the lottery commission.

(b) Participate in any hearing conducted by the lottery commission.

(c) Investigate crimes which may involve a violation of RSA 284-B that occur at a gaming location.

II. The commissioner of the department of safety shall organize the unit as the commissioner deems necessary. The commissioner of safety may employ such state police personnel as the commissioner deems necessary to fulfill the responsibilities of the unit.

21-P:7-e Enforcement Expenditures. The governor and council with the prior approval of the fiscal committee of the general court, upon request from the commissioner of the department of safety, may authorize the transfer of general funds as authorized in RSA 284-B:8, I(a)(1) to the department of safety to implement and enforce RSA 21-P:7-d and RSA 284-B.

5 New Section; Racing and Charitable Gaming Commission; Duties. Amend RSA 284 by inserting after section 6-a the following new section:

284:6-b Duties of the Racing and Charitable Gaming Commission. The racing and charitable gaming commission shall:

I. Provide to the lottery commission, attorney general, or division of state police gaming enforcement unit, all records pertaining to the licensing of a pari-mutuel licensee to the extent a pari-mutuel licensee is an applicant or gaming location relevant to the lottery commission's approval process under RSA 284-B within 30 days after the racing and

charitable gaming commission receives a request. All records provided to the lottery commission shall be confidential in accordance with RSA 284-B:15, VI.

II. Notice of the contents of any information or data released, except to a duly authorized law enforcement agency pursuant to paragraph I, shall be given to any applicant, registrant, or licensee in a manner prescribed by the rules adopted by the racing and charitable gaming commission.

III.(a) The racing and charitable gaming commission shall determine the total dollars awarded to charities pursuant to RSA 287-D and RSA 287-E during the fiscal year ended June 30, 2013 ("FY 13"), and deduct from that total any amount awarded to charities pursuant to RSA 287-D and RSA 287-E during FY 13 at a charitable gaming facility that becomes licensed as a gaming licensee location pursuant to RSA 284-B. This adjusted amount shall be referred to as the "adjusted FY 13 charitable benefit."

(b)(1) Within 60 days after the close of any fiscal year during which fiscal year a gaming licensee has operated video lottery machines and table games pursuant to RSA 284-B, the racing and charitable gaming commission shall determine the aggregate amount actually awarded to all charities throughout the state from the operation of games during that fiscal year pursuant to RSA 287-D and RSA 287-E, which aggregate amount shall be referred to as the "annual charitable benefit." The racing and charitable gaming commission shall deduct from the annual charitable benefit the amount awarded to charities by any gaming licensee at any gaming location during the same year. This amount shall be referred to as the "adjusted annual charitable benefit."

(2)(A) The racing and charitable gaming commission shall determine whether the adjusted FY 13 charitable benefit exceeds the adjusted annual charitable benefit, and such excess, if any, shall be referred to as the "adjusted charitable benefit amount." The racing and charitable gaming commission shall notify the lottery commission and each gaming licensee of the adjusted charitable benefit amount.

(B) If there is only one gaming licensee, the gaming licensee shall pay the adjusted charitable benefit amount to the racing and charitable gaming commission within 30 days of receipt of the notice. If two gaming licensees are in operation, then each gaming licensee shall pay its pro rata share of the adjusted charitable benefit amount within 30 days of receipt of the notice.

(C) A gaming licensee's pro rata share shall be determined by the racing and charitable gaming commission by multiplying the charitable benefit amount by a fraction; the numerator of which is the net machine income produced by such gaming licensee for such fiscal year and the denominator of which is the total net machine income produced by both gaming licensees for such fiscal year.

(D) The racing and charitable gaming commission shall notify the lottery commission in writing that the racing and charitable gaming commission has received the payments due hereunder in accordance with this paragraph.

(3) To the extent a gaming licensee has operated video lottery machines and table games for only a portion of a fiscal year, its share of any adjusted charitable benefit amount for that year shall be proportionally prorated.

(c)(1) In the event that the gaming location of a gaming licensee was licensed as a charity gaming facility for FY 13, the racing and charitable gaming commission shall determine the amount awarded to charities at such gaming location in FY 13. This amount is referred to as the "gaming location FY 13 charitable benefit."

(2)(A) Within 60 days after the close of any fiscal year, the racing and charitable gaming commission shall compare the gaming location FY 13 charitable benefit to the amount actually awarded to charities at such gaming location in a fiscal year. The amount by which the gaming location FY 13 charitable benefit exceeds the amount actually awarded to charities at such gaming location in a fiscal year shall be referred to as the "gaming location charitable benefit amount." The racing and charitable gaming commission

shall notify the lottery commission and the gaming licensee of the gaming location charitable benefit amount.

(B) The gaming licensee at such gaming location shall pay the gaming location charitable benefit amount to the racing and charitable gaming commission within 30 days of receipt of notice by such gaming licensee. The obligation of a gaming licensee hereunder is in addition to the obligation of the licensee under subparagraph III(b).

(C) The racing and charitable gaming commission shall notify the lottery commission that the racing and charitable gaming commission has received the payment due hereunder.

(3) The payment due under this paragraph is subject to no credits or offsets. This paragraph shall apply to the gaming licensee at whose gaming location the facility was licensed pursuant to RSA 287-D or RSA 287-E as a charitable gaming facility for FY 13.

(d) The racing and charitable gaming commission shall adopt rules with respect to the calculation, collection, and distribution of any adjusted charitable benefit amount and any gaming location charitable benefit amount, consistent with this paragraph.

6 Restriction on Gambling. RSA 284:17-c is repealed and reenacted to read as follows:

284:17-c Restriction on Gambling. Except as provided in the introductory paragraph of RSA 284:22, RSA 284:22-a, and RSA 284-B, no licensee who holds running horse races shall at the same facility hold any other kinds of races or permit any other type of gambling except harness horse races and activities licensed by the lottery commission or the racing and charitable gaming commission.

7 New Paragraph; Facility Licensee; Cocktail Lounge License. Amend RSA 178:22 by inserting after paragraph V the following new paragraph:

VI. The commission may issue a special license to a person holding a gaming license under the provisions of RSA 284-B, provided the gaming location has an existing liquor license. Such special license shall allow the sale of liquor and beverage within the gaming location, including dining room, function room, gaming room, lounge, or any other area designated by the commission, without regard to whether meals are served therein, but only during the time gaming is being conducted under RSA 284-B.

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

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

9 Rehabilitation of Problem Gaming. Amend RSA 172:2-a to read as follows:

172:2-a Program Established. The commissioner shall provide for the scientific care, treatment, and rehabilitation of **gambling**, alcohol, and drug abusers, and work towards the prevention of, and assist in the control of, alcohol and drug abuse within the state through education, treatment, community organization, and research.

10 Rehabilitation of Problem Gaming. Amend RSA 172:8 to read as follows:

172:8 Duties of Commissioner. The commissioner shall:

I. Study the problems presented by **gambling**, alcohol, and drug abuse, including methods and facilities available for the care, treatment, custody, employment, and rehabilitation of persons who are **problem gamers**, inebriates, alcohol abusers, drug dependent, or drug abusers.

II. Promote meetings and programs for the discussion of **gambling**, alcohol, and drug dependency and abuse for the guidance and assistance of individuals, schools, courts, and other public and private agencies.

III. Conduct, promote, and finance, in full or in part, studies, and other appropriate facilities dealing with the physical, psychological, and/or social aspects of **gambling**, alcohol, and drug abuse.

IV. Have the authority to accept or reject for examination, diagnosis, guidance, and treatment, insofar as funds and facilities permit, any resident of the state who comes to the commissioner voluntarily for advice and treatment.

V. [Repealed.]

VI. Render biennially to the governor and council a report of his *or her* activities including recommendations for improvements therein by legislation or otherwise.

VII. Coordinate community medical resources for the emergency medical care of persons suffering acute mental or physical reaction to **gambling**, alcohol, or drugs and of persons suffering from drug dependency.

VIII. Employ such assistants as may be necessary to carry out the purposes of this chapter, in accordance with state personnel regulations, and within available appropriations and funds.

IX. Disseminate information on the subjects of **gambling**, alcohol, and drug abuse for the guidance and assistance of individuals, schools, courts, and other public and private agencies.

X. [Repealed.]

11 Problem Gaming Added. Amend RSA 172:8-a to read as follows:

172:8-a Confidentiality of Client Records. No reports or records or the information contained therein on any client of the program or a certified **gambling**, alcohol, or drug abuse treatment facility or any client referred by the commissioner shall be discoverable by the state in any criminal prosecution. No such reports or records shall be used for other than rehabilitation, research, statistical, or medical purpose, except upon the written consent of the person examined or treated. Confidentiality shall not be construed in such manner as to prevent recommendation by the commissioner to a referring court, nor shall it deny release of information through court order pursuant to appropriate federal regulations.

12 Problem Gaming Added. Amend RSA 172:8-b to read as follows:

172:8-b Rulemaking. The commissioner shall adopt rules under RSA 541-A relative to the following:

I. The acceptance, care, and treatment of **gambling**, alcohol, or drug dependent persons and alcohol or drug abusers who are clients of the program established under this chapter or a certified substance abuse treatment facility.

II. A fee schedule and collection of fees under RSA 172:14, IV.

III. Certification of substance abuse treatment facilities including, but not limited to:

- (a) Program content;
- (b) Qualifications of program staff; and
- (c) Type of substance abuse treatment offered.

IV. Certification and recertification of **gambling**, alcohol, and drug abuse counselors including, but not limited to:

- (a) Peer review of applicants.
- (b) Minimum qualifications and competency.
- (c) Education and continuing education.
- (d) Experience required.
- (e) Required knowledge of **gambling**, alcohol, and drug abuse counseling.
- (f) Such other matters as the commissioner may deem necessary to carry out the purposes of this chapter.

V. Voluntary admissions under RSA 172:13.

13 Acceptance of Funds; Treatment of Problem Gamblers. Amend RSA 172:9 to read as follows:

172:9 Acceptance of ~~[Grants]~~ **Funds**. The commissioner is authorized to accept in the name of the state special grants or money or services from the federal or state governments or any of their agencies and may accept gifts to carry on the functions provided for in this chapter.

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

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

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

AMENDED ANALYSIS

This bill:

I. Allows video lottery machines and table games at 2 gaming locations in the state pursuant to a competitive application process.

II. Distributes proceeds of video lottery machines and table games to the municipalities where the facility is located and abutting communities, and to the general fund to offset business taxes.

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

IV. Requires the lottery commission to regulate, license, and enforce the provisions for video lottery and table games operated at a gaming location.

Rep. Stepanek moved Recommit and spoke in favor.

Reps. Campbell and Hess spoke in favor.

On a division vote, 257 members having voted in the affirmative and 91 in the negative, the motion was adopted.

Recommitted to the Committee on Ways and Means.

REGULAR CALENDAR (CONT'D)

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

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

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

Majority Amendment (0475h)

Amend the bill by replacing section 13 with the following:

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

Majority committee amendment adopted.

Rep. St. Cyr offered floor amendment (0556h).

Floor Amendment (0556h)

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

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

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

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

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

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

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

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

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

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

(b) The student trustees shall be elected by the student body at the school responsible for providing the student trustees. The term of the student trustees shall be for one year commencing July 1 of the year for which the student was elected and ending June 30 of the next year. Student trustees shall be expected to serve the full duration of their elected term. In the event that a student trustee ceases for any reason to attend the school from which the student was elected, the chancellor of the university system shall declare a vacancy in that student trustee position, and the school causing the vacancy shall elect a replacement student trustee who shall serve for the remainder of the predecessor's term. Graduation of a student trustee shall not constitute a vacancy under this paragraph.

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

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

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

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

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

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

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

Rep. St. Cyr spoke in favor and yielded to questions.

Rep. Balboni spoke against.

On a division vote, 144 members having voted in the affirmative and 192 in the negative, floor amendment (0556h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Reps. Bettencourt and Parsons spoke in favor.

Rep. Gile spoke against.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 247 NAYS 105

YEAS 247

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
Swinford, Elaine

Bolster, Peter
Greemore, Robert
Russell, David
Tilton, Franklin

Comtois, Guy
Kingsbury, Robert
Simpson, Tyler
Tobin, William

Fields, Dennis
Luther, Robert
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
McConkey, Mark
Scala, Dino

Chandler, Gene
Merrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey

McCarthy, Frank
Pettengill, Laurie

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Robert Jr

Dwinell, Richard
Sterling, Franklin Jr

Hunt, John

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Richardson, Herbert

Theberge, Robert

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Cebrowski, John

Balboni, Michael
Belanger, James
Brownrigg, Randall Jr
Christensen, D.L.
Chris

Ball, J. Michael
Bergevin, Jerry
Burt, John
Christiansen, Lars

Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Coffey, James

Condra, William
Day, Russell
Erickson, Duane
Gandia, Laura
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McCarthy, Michael
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Scotsas, Lisa
Soucy, Connie
Summers, James
Twombly, Timothy
Warden, Mark

Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Gimas, John
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Daniels, Gary
Drisko, Richard
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Dan
Seaworth, G. Brian
Winter, Steven

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
Reed, Dennis
Smith, Molly

Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
Richardson, Jon
Smith, Todd

Hess, David
Kotowski, Frank
McGuire, Carol
Sanborn, Laurie
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Mauro, Donna
O'Connor, John
Perkins, Amy
Rice, Frederick
Schlachman, Donna
Sullivan, Kevin
Tremblay, Stella
Webb, James

Allen, Mary
Bates, David
Charron, Gene
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
McKinney, Betsy
Okerman, Richard
Perkins, Lawrence
Ritter, Glenn
Schroadter, Adam
Sytek, John
Tucker, Pamela
Welch, David

Antosz, Jason
Belanger, Ronald
Chirichiello, Brian
Devine, James
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Major, Norman
McMahon, Charles
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Manuse, Andrew
Nevins, Chris
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Tasker, Kyle
Waterhouse, Kevin

STRAFFORD

Andolina, Donald
Groen, Warren
Newton, Clifford
Vita, Carol

Cataldo, Sam
Jones, Kyle
O'Connor, William
Vita, Lucien

DeLemus, Susan
Jones, Laura
Parsons, Robbie
Weeden, Michael

Ginsburg, Philip
Munck, Philip
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 105

BELKNAP

Millham, Alida

Pilliod, James

CARROLL

Babson, David Jr

Knox, J. David

Umberger, Karen

CHESHIRE

Butynski, William
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary

Hatch, William

Merrick, Evalyn

Remick, William

Thomas, Yvonne

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Shackett, Jeffrey	Smith, Suzanne	Taylor, Kathleen
Townsend, Charles	White, Andrew		

HILLSBOROUGH

Baroody, Benjamin	Belvin, William	Campbell, David	Cote, David
Daler, Jennifer	Garrity, Patrick	Gidge, Kenneth	Goley, Jeffrey
Gorman, Mary	Jeudy, Jean	Leishman, Peter	Long, Patrick
Messier, Irene	Pilotte, Maurice	Porter, Marjorie	Rhodes, Brian
Rokas, Ted	Shaw, Barbara		

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Frazer, June
Gile, Mary	Hamm, Christine	Kidder, David	Lockwood, Priscilla
MacKay, James	Owen, Derek	Patten, Dick	Potter, Frances
Rice, Chip	Shurtleff, Stephen	Wallner, Mary Jane	Watrous, Rick
Williams, Robert			

ROCKINGHAM

Cali-Pitts, Jacqueline	Copeland, Timothy	DiPentima, Rich	Dowling, Patricia
Janvrin, Kevin	Lovejoy, Patricia	Moody, Marcia	Murphy, Brian
Norelli, Terie	Pantelakos, Laura	Quandt, Marshall	Read, Robin Jr
Serlin, Christopher	Smith, William	Sullivan, James	Waddell, James

STRAFFORD

Berube, Roger	Brown, Julie	Grassie, Anne	Horrigan, Timothy
Keans, Sandra	Perry, Robert	Schmidt, Peter	Spainhower, Dale
Spang, Judith	Sprague, Dale	Wall, Janet	Watters, David

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Lovett, Charlene
Schmidt, Andrew			

and the majority committee report was adopted.
Referred to the Committee on Finance.

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

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

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

Rep. David M. Pierce for the Minority of Election Law: This bill would impose one fixed meaning of the term "resident" for all legal purposes for any citizen who registers to vote in New Hampshire. At first glance, this may seem like a good idea. But it was clear from the testimony and committee discussion that HB 1354 is a bad bill for several reasons. First, this legislature should pass a bill only if it knows how that bill will impact our citizens. The

proponents argue that the bill is simple and clear and would help clarify the law. But although the bill will most likely impact state revenues, the bill carried no fiscal note for the committee to judge that impact. Also, there are 398 RSAs that use the word “resident” or “nonresident” and an additional 183 RSAs that use the term “domicile.” These statutes address literally hundreds of issues, many of them having nothing to do with our elections but with rather mundane topics like commercial, transportation, land use and tax matters. The committee discussed at great length the impact this bill would have on a few of those statutes, but failed to reach a consensus understanding on any of them. The committee had an hours-long discussion on this bill, but even then could not agree on what the full impact of this change might be across those dozens of statutes. Second, this legislature should revise the election laws only if it is certain the bill protects the process by which our citizens cast their vote. HB 1354 reverses a change to the voting domicile statute that the secretary of state told the committee in 2009 helped local election officials manage their polling places and the registration process much better. The minority believes the reversal made by HB 1354 will result in chaos and confusion at our polls. Third, but most important, this legislature should revise the election laws only if it is certain the change in the law will not be used to suppress the vote and intimidate voters. Campaign literature and press statements from many prior election cycles have warned about the supposed consequences of voting in New Hampshire, but, very tellingly, targeted those warnings to only very specific groups of our citizens, including college students, low-income residents and members of our military. Those who devote so much effort targeting these populations will no doubt welcome HB 1354 as another weapon in their arsenal to try to target these groups of citizens to suppress their vote. Finally, the meaning of the word “domicile” for voting purposes should not be tied without exception to the hundreds of statutes that have nothing to do with exercising the most fundamental right the constitution guarantees us. But let it be also clear that the minority believes that untangling the meaning of voting domicile from all other non-voting statutes does not excuse anyone who lives in New Hampshire from obeying all of the laws of New Hampshire. All citizens, whether they choose to vote here or not, have an obligation to obey all of our laws. The recognition, though, that voting is the most fundamental constitutional right and certainly not the same as a commercial or land use transaction is a critical recognition of a distinction that has protected our citizens’ most fundamental right and our very form of limited government. We should tread much more lightly before seeking to undo those protections.

The question being adoption of the majority committee report of Ought to Pass.
Rep. Bates spoke in favor and yielded to questions.
Reps. Soltani, Pierce and Perry spoke against.

MOTION TO LAY ON THE TABLE

Rep. Vaillancourt moved that **HB 1354**, relative to a person's residence for voting and all other legal purposes, be laid on the table.
Rep. Jasper requested a roll call; sufficiently seconded.

YEAS 113 NAYS 233

YEAS 113

BELKNAP

None

CARROLL

Knox, J. David

CHESHIRE

Butynski, William	Chase, Cynthia	Hawkes, Samuel	Johnsen, Gladys
Lerandeau, Alfred	Lindsey, Steven	Meador, David	Parkhurst, Henry
Roberts, Kris	Sad, Tara	Tatro, Bruce	Weber, Lucy
Weed, Charles			

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Remick, William
Theberge, Robert	Thomas, Yvonne	Tremblay, Marc	

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Simard, Paul	Smith, Suzanne	Taylor, Kathleen
Townsend, Charles	White, Andrew		

HILLSBOROUGH

Baroody, Benjamin	Campbell, David	Cote, David	Daler, Jennifer
Daniels, Gary	Fredette, Robert	Gidge, Kenneth	Gimas, John
Goley, Jeffrey	Gorman, Mary	Hutchinson, Winfred	Infantine, William
Jeudy, Jean	Leishman, Peter	Messier, Irene	Ober, Russell III
Peterson, Lenette	Pilotte, Maurice	Porter, Marjorie	Rhodes, Brian
Rokas, Ted	Rosenwald, Cindy	Shaw, Barbara	Thomas, Joseph
Vaillancourt, Steve	Warden, Mark		

MERRIMACK

Bouchard, Candace	Cohn, Seth	Deloge, Helen	DeStefano, Stephen
Frazer, June	Gile, Mary	Hamm, Christine	Kidder, David
Mackay, James	Owen, Derek	Potter, Frances	Rice, Chip
Seaworth, G. Brian	Shurtleff, Stephen	Soltani, Tony	Watrous, Rick
Williams, Robert			

ROCKINGHAM

Charron, Gene	Copeland, Timothy	DiPentima, Rich	Elliott, Robert
Hoelzel, Kathleen	Lovejoy, Patricia	Manuse, Andrew	Moody, Marcia
Norelli, Terie	Pantelakos, Laura	Quandt, Marshall	Read, Robin Jr
Schlachman, Donna	Serlin, Christopher	Waddell, James	

STRAFFORD

Berube, Roger	Brown, Julie	Ginsburg, Philip	Grassie, Anne
Horrigan, Timothy	Kaen, Naida	Keans, Sandra	Pelletier, Marsha
Perry, Robert	Schmidt, Peter	Spainhower, Dale	Spang, Judith
Sprague, Dale	Wall, Janet	Watters, David	

SULLIVAN

Cloutier, John	Gagnon, Raymond	LaCasse, Paul Sr	Lefebvre, Benjamin
Schmidt, Andrew			

BELKNAP

Accornero, Harry
Flanders, Donald
Millham, Alida
Swinford, Elaine

Bolster, Peter
Greemore, Robert
Pilliod, James
Tilton, Franklin

Comtois, Guy
Kingsbury, Robert
Russell, David
Tobin, William

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Merrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Robert Jr

Dwinell, Richard
Sterling, Franklin Jr

Hunt, John

COOS

Daugherty, Duffy

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sorg, Gregory

Brosseau, Charles
Ladd, Rick Jr
Sova, Charles

Bulis, Lyle
Mirski, Paul

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael

Balboni, Michael
Belanger, James
Brown, Kevin
Cebrowski, John

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Christensen, D.L.
Chris

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christiansen, Lars

Coffey, James
Day, Russell
Erickson, Duane
Gargas, Carolyn
Haefner, Robert
Hikel, John
Hopper, Gary
Lambert, George
McCarthy, Michael
Murphy, Keith
Palmer, Barry
Pepino, Leo
Robbins, David
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Whitehead, Randall

Condra, William
Doherty, Shaun
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Willette, Robert

Coughlin, Sean
Donovan, Daniel
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Ober, Lynne
Parison, James
Proulx, Mark
Scotsas, Lisa
Soucy, Connie
Summers, James
Ulery, Jordan

Cusson-Cail, Kathleen
Drisko, Richard
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Keane, Thomas
Lindsley, Mark
Reed, Dennis

Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Richardson, Jon

Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Sanborn, Laurie

Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Smith, Molly

Smith, Todd

Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Kolodziej, Walter
McMahon, Charles
Okerman, Richard
Perkins, Lawrence
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Webb, James

Allen, Mary
Bates, David
Cali-Pitts, Jacqueline
DeSimone, Debra
Fesh, Robert
Hagan, Joseph
Janvrin, Kevin
Major, Norman
Murphy, Brian
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Welch, David

Antosz, Jason
Belanger, Ronald
Chirichiello, Brian
Devine, James
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Mauro, Donna
Nevins, Chris
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Smith, William
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Duarte, Joe
Garrity, James
Introne, Robert
Katsakiores, Phyllis
McKinney, Betsy
O'Connor, John
Perkins, Amy
Rice, Frederick
Schroadter, Adam
Sullivan, James
Tasker, Kyle
Waterhouse, Kevin

STRAFFORD

Andolina, Donald
Jones, Kyle
O'Connor, William
Vita, Lucien

Cataldo, Sam
Jones, Laura
Parsons, Robbie
Weeden, Michael

DeLemus, Susan
Munck, Philip
Pitre, Joseph

Groen, Warren
Newton, Clifford
Vita, Carol

SULLIVAN

Bowers, Spec
Lovett, Charlene
and the motion failed.

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

The question now being adoption of the majority committee report of Ought to Pass.
Rep. Dan McGuire requested a roll call; sufficiently seconded.

YEAS 248 NAYS 101

YEAS 248

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
St. Cyr, Jeffrey

Bolster, Peter
Greemore, Robert
Millham, Alida
Swinford, Elaine

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Tilton, Franklin

Fields, Dennis
Luther, Robert
Russell, David
Tobin, William

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Umberger, Karen

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Tregenza, Norman

CHESHIRE

Byrnes, John

Cartwright, Anne

Dwinell, Richard

Hunt, John

Johnson, Jane

Moore, Robert Jr

Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael

Balboni, Michael
Belanger, James
Brown, Kevin
Cebrowski, John

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Christensen, D.L.
Chris

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christiansen, Lars

Coffey, James
Daniels, Gary
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Willette, Robert

Condra, William
Day, Russell
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Parison, James
Pratt, Calvin
Scontsas, Lisa
Soucy, Connie
Summers, James
Ulery, Jordan

Coughlin, Sean
Doherty, Shaun
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McCarthy, Michael
Messier, Irene
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Villeneuve, Moe

Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kotowski, Frank
Lockwood, Priscilla
Richardson, Jon
Smith, Todd

Cohn, Seth
Hoell, J.R.
Kreis, Kenneth Sr
McGuire, Carol
Sanborn, Laurie
Winter, Steven

Giuda, J. Brandon
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Dan
Seaworth, G. Brian

Hess, David
Kidder, David
Lindsley, Mark
Reed, Dennis
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Elliott, Robert
Garritty, James
Introne, Robert
Katsakiores, Phyllis

Allen, Mary
Bates, David
Charron, Gene
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Kolodziej, Walter

Antosz, Jason
Belanger, Ronald
Chirichiello, Brian
Devine, James
Fesh, Robert
Hagan, Joseph
Janvrin, Kevin
Major, Norman

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Mauro, Donna

McKinney, Betsy
O'Connor, John
Perkins, Amy
Reichard, Kevin
Sapareto, Frank
Smith, William
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

McMahon, Charles
Okerman, Richard
Perkins, Lawrence
Rice, Frederick
Schroadter, Adam
Sullivan, James
Tasker, Kyle
Waterhouse, Kevin

Murphy, Brian
Packard, Sherman
Quandt, Marshall
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Webb, James

Nevins, Chris
Peckham, Michele
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Welch, David

STRAFFORD

Andolina, Donald
Jones, Kyle
O'Connor, William
Vita, Lucien

Cataldo, Sam
Jones, Laura
Parsons, Robbie
Weeden, Michael

DeLemus, Susan
Munck, Philip
Pitre, Joseph

Groen, Warren
Newton, Clifford
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 101

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Drisko, Richard
Goley, Jeffrey
Long, Patrick
Rhodes, Brian

Campbell, David
Gargasz, Carolyn
Gorman, Mary
Ober, Russell III
Robbins, David

Cote, David
Gidge, Kenneth
Jeudy, Jean
Pilotte, Maurice
Rokas, Ted

Daler, Jennifer
Gimas, John
Leishman, Peter
Porter, Marjorie
Rosenwald, Cindy

Shaw, Barbara

Thomas, Joseph

Vaillancourt, Steve

Warden, Mark

MERRIMACK

Bouchard, Candace
Gile, Mary
Potter, Frances
Watrous, Rick

Deloge, Helen
Hamm, Christine
Rice, Chip
Williams, Robert

DeStefano, Stephen
MacKay, James
Shurtleff, Stephen

Frazer, June
Owen, Derek
Soltani, Tony

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Pantelakos, Laura
Waddell, James

Copeland, Timothy
Manuse, Andrew
Read, Robin Jr

DiPentima, Rich
Moody, Marcia
Schlachman, Donna

Hoelzel, Kathleen
Norelli, Terie
Serlin, Christopher

STRAFFORD

Berube, Roger
Horrigan, Timothy
Perry, Robert
Sprague, Dale

Brown, Julie
Kaen, Naida
Schmidt, Peter
Wall, Janet

Ginsburg, Philip
Keans, Sandra
Spainhower, Dale
Watters, David

Grassie, Anne
Pelletier, Marsha
Spang, Judith

SULLIVAN

Cloutier, John Gagnon, Raymond Lefebvre, Benjamin Schmidt, Andrew
and the majority committee report was adopted and ordered to third reading.

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

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

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

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

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

Rep. Steven J. Winter for Executive Departments and Administration: This bill would allow political subdivisions to join the state employee health plans, if they desire. All costs of the plan would be borne by the city, town or other subdivision with no unreimbursed costs to the state. Early indications are that the costs to political subdivisions would be less than they are currently paying for an insurance program that is as good as or possibly better than they

are currently getting. Information from the department of administrative services, however, pointed to considerable problems with implementation. Nevertheless, the majority of the committee felt that the potential savings to the political subdivisions was worth pursuing. Interim study may provide the answers to the thorny problems brought to our attention and the committee hopes that further discussions with the department may bring the plan to fruition. Vote 8-3.

Committee report adopted.

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

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

Amendment (0489h)

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

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

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

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

2 Membership and Compensation.

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

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

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

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

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

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

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

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

AMENDED ANALYSIS

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

Amendment adopted.

On a division vote, 251 members having voted in the affirmative and 92 in the negative, the committee report was adopted.

Referred to the Committee on Municipal and County Government.

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

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

Committee report adopted.

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

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

Committee report adopted and ordered to third reading.

The House recessed at 12:50 p.m.

RECESS

The House reconvened at 1:50 p.m.

(Speaker O'Brien in the Chair)

SPECIAL ORDERED

Without objection, the Speaker made the bills from the Committee on Ways and Means in the Regular Calendar be made Special Orders as the next order of business.

SPECIAL ORDER

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

INEXPEDIENT TO LEGISLATE.

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

Committee report adopted.

SPECIAL ORDER

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

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

Amendment (0449h)

Amend the bill by replacing section 2 with the following:

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

Amend the bill by replacing section 4 with the following:

4 Effective Date.

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

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

Amendment adopted.

Committee report adopted and ordered to third reading.

SPECIAL ORDER

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

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

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

The question being adoption of the majority committee report of Inexpedient to Legislate. Rep. Almy requested a roll call; sufficiently seconded.

YEAS 241 NAYS 83

YEAS 241

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Tilton, Franklin

Fields, Dennis
Luther, Robert
Russell, David
Tobin, William

CARROLL

Ahlgren, Christopher
Knox, J. David
Pettengill, Laurie

Babson, David Jr
McCarthy, Frank
Scala, Dino

Chandler, Gene
Merrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Robert Jr

Dwinell, Richard
Sterling, Franklin Jr

Hunt, John

COOS

Rappaport, Laurence

Richardson, Herbert

Tremblay, Marc

GRAFTON

Bradley, Lester
Ladd, Rick Jr
Simard, Paul

Brosseau, Charles
Mirski, Paul
Sova, Charles

Bulis, Lyle
Reilly, Harold Sr

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael

Balboni, Michael
Belanger, James
Brown, Kevin
Cebrowski, John

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Christensen, D.L.
Chris

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christiansen, Lars

Coffey, James
Daniels, Gary
Drisko, Richard
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Condra, William
Day, Russell
Erickson, Duane
Gandia, Laura
Graham, John
Hardwick, Harry
Holden, Frank
Jeudy, Jean
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Parison, James
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Greazzo, Phil
Hawkins, Kenneth
Hopper, Gary
Krasucki, Joseph
McCarthy, Michael
Messier, Irene
Ober, Lynne
Pellegrino, Tony
Proulx, Mark
Scontsas, Lisa
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Gimas, John
Haefner, Robert
Hikel, John
Hutchinson, Winfred
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Pepino, Leo
Rhodes, Brian
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
Kreis, Kenneth Sr
McGuire, Carol
Seaworth, G. Brian
Winter, Steven

Cohn, Seth
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Dan
Smith, Molly

Giuda, J. Brandon
Kidder, David
Lindsley, Mark
Reed, Dennis
Smith, Todd

Hill, Gregory
Kotowski, Frank
Lockwood, Priscilla
Sanborn, Laurie
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene
Davenport, Joshua
Elliott, Robert
Garrity, James

Allen, Mary
Belanger, Ronald
Chirichiello, Brian
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary

Antosz, Jason
Bettencourt, David
Comerford, Timothy
Devine, James
Fesh, Robert
Hagan, Joseph

Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James

Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Sullivan, James
Tucker, Pamela
Welch, David

Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Perkins, Amy
Rice, Frederick
Schroadter, Adam
Sytek, John
Waddell, James
Weyler, Kenneth

Janvrin, Kevin
Lovejoy, Patricia
McKinney, Betsy
O'Connor, John
Perkins, Lawrence
Ritter, Glenn
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Smith, William
Tremblay, Stella
Webb, James

STRAFFORD

Andolina, Donald
DeLemus, Susan
Newton, Clifford
Vita, Lucien

Berube, Roger
Jones, Laura
Parsons, Robbie
Weeden, Michael

Brown, Julie
Kaen, Naida
Pitre, Joseph

Cataldo, Sam
Munck, Philip
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 83

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meader, David
Tatro, Bruce

Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Nordgren, Sharon
Townsend, Charles

Benn, Bernard
Pastor, Beatriz
White, Andrew

Cooney, Mary
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Gidge, Kenneth
Leishman, Peter
Ramsey, Peter

Campbell, David
Goley, Jeffrey
Long, Patrick
Rokas, Ted

Cote, David
Gorman, Mary
Pilotte, Maurice
Rosenwald, Cindy

Daler, Jennifer
Kurk, Neal
Porter, Marjorie
Shaw, Barbara

MERRIMACK

Bouchard, Candace	Deloge, Helen	Frazer, June	Gile, Mary
Hamm, Christine	MacKay, James	Owen, Derek	Patten, Dick
Potter, Frances	Rice, Chip	Shurtleff, Stephen	Wallner, Mary Jane
Watrous, Rick	Williams, Robert		

ROCKINGHAM

Cali-Pitts, Jacqueline	DiPentima, Rich	Moody, Marcia	Norelli, Terie
Pantelakos, Laura	Read, Robin Jr	Schlachman, Donna	Serlin, Christopher

STRAFFORD

Ginsburg, Philip	Grassie, Anne	Horrigan, Timothy	Keans, Sandra
Pelletier, Marsha	Perry, Robert	Schmidt, Peter	Spainhower, Dale
Sprague, Dale	Wall, Janet	Watters, David	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
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and the majority committee report was adopted.

REGULAR CALENDAR (CONT'D)

HB 1189, establishing a committee to study the privatizing of county corrections operations.

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

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

Rep. John A. Burt for the Minority of Municipal and County Government: Hardly a day goes by that you don't pick up the paper and read about privatization of prisons at some level. At a time when government must find efficiencies at every level, all this bill does is establish a study committee to gather information as to whether or not county correctional facilities could be privatized. Nothing in this bill would mandate privatization. In fact, the study committee might well come back with the recommendation that it is not a good idea. Also, nothing in this bill would force any single county to follow any recommendations. We simply would have a report pulling together information that individual counties could use in making crucial decisions. The minority is convinced that in fact, since savings could be realized from such a study, we are not living up to our fiduciary obligations should we let this opportunity pass us by. After all, except for county nursing homes, which to a large degree generate income to pay for themselves, correctional facilities are the largest expense at the county level. If savings could be realized by moving toward privatization, we ought to know. If not, we ought to know as well. This is a classic example of a bill that can do no harm and could do a great deal of good.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Reps. Vaillancourt and Dan McGuire spoke against.

Rep. James Belanger spoke in favor and yielded to questions.

On a division vote, 226 members having voted in the affirmative and 114 in the negative, the majority committee report was adopted.

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

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

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

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

The question being adoption of the majority committee report of Inexpedient to Legislate. Reps. Vaillancourt and Simard spoke against.

Rep. James Coffey spoke in favor and yielded to questions.

On a division vote, 253 members having voted in the affirmative and 92 in the negative, the majority committee report was adopted.

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

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

Rep. Fredette spoke against and yielded to questions.

Rep. Theberge spoke in favor.

Rep. Soltani requested a roll call; sufficiently seconded.

YEAS 327 NAYS 8

YEAS 327

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Tregenza, Norman

Knox, J. David
Patten, Betsey
Umberger, Karen

CHESHIRE

Butynski, William
Dwinell, Richard
Johnson, Jane
Moore, Robert Jr
Tatro, Bruce

Byrnes, John
Hawkes, Samuel
Lerandeau, Alfred
Parkhurst, Henry
Weber, Lucy

Cartwright, Anne
Hunt, John
Lindsey, Steven
Roberts, Kris
Weed, Charles

Chase, Cynthia
Johnsen, Gladys
Meador, David
Sad, Tara

COOS

Coulombe, Gary
Rappaport, Laurence
Tholl, John Jr

Daugherty, Duffy
Remick, William
Thomas, Yvonne

Hatch, William
Richardson, Herbert
Tremblay, Marc

Merrick, Evalyn
Theberge, Robert

GRAFTON

Aguiar, James
Brosseau, Charles
Harding, Laurie
Nordgren, Sharon
Simard, Paul
Taylor, Kathleen

Almy, Susan
Bulis, Lyle
Ingbretson, Paul
Pierce, David
Smith, Suzanne
Townsend, Charles

Benn, Bernard
Cooney, Mary
Ladd, Rick Jr
Reilly, Harold Sr
Sorg, Gregory
White, Andrew

Bradley, Lester
Gionet, Edmond
Mirski, Paul
Shackett, Jeffrey
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L.
Chris

Balboni, Michael
Barry, Richard
Boehm, Ralph
Buxton, Michael
Christiansen, Lars

Ball, J. Michael
Belanger, James
Brown, Kevin
Campbell, David
Coffey, James

Baroody, Benjamin
Belvin, William
Brownrigg, Randall Jr
Cebrowski, John
Condra, William

Cote, David
Daniels, Gary
Drisko, Richard
Gagne, Larry
Gidge, Kenneth
Graham, John
Hawkins, Kenneth
Hutchinson, Winfred
Kurk, Neal
Long, Patrick

Coughlin, Sean
Day, Russell
Erickson, Duane
Gandia, Laura
Gimas, John
Haefner, Robert
Hikel, John
Jasper, Shawn
Lambert, George
Maltz, Jonathan

Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jeudy, Jean
LeBrun, Donald
Marcus, Bruce

Daler, Jennifer
Donovan, Daniel
Fredette, Robert
Garrity, Patrick
Gorman, Mary
Hardwick, Harry
Holden, Frank
Krasucki, Joseph
Leishman, Peter
McCarthy, Michael

McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pepino, Leo
Pratt, Calvin
Rhodes, Brian
Rowe, Robert
Silva, Peter
Stroud, Kathleen
Ulery, Jordan
Willette, Robert

Mecheski, Holly
Notter, Jeanine
Palmer, Stephen
Peterson, Lenette
Proulx, Mark
Robbins, David
Scontsas, Lisa
Simmons, Tammy
Swank, Matthew
Vaillancourt, Steve

Messier, Irene
Ober, Lynne
Parison, James
Pilotte, Maurice
Ramsey, Peter
Rokas, Ted
Seidel, Carl
Soucy, Connie
Thomas, Joseph
Villeneuve, Moe

Moran, Edward
Ober, Russell III
Pellegrino, Tony
Porter, Marjorie
Renzullo, Andrew
Rosenwald, Cindy
Shaw, Barbara
Souza, Kathleen
Twombly, Timothy
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Hoell, J.R.
Kreis, Kenneth Sr
MacKay, James
Patten, Dick
Sanborn, Laurie
Smith, Todd
Williams, Robert

Bouchard, Candace
Frazer, June
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Carol
Potter, Frances
Seaworth, G. Brian
Soltani, Tony
Winter, Steven

Cohn, Seth
Gile, Mary
Kidder, David
Lindsley, Mark
McGuire, Dan
Reed, Dennis
Shurtleff, Stephen
Wallner, Mary Jane

Deloge, Helen
Hill, Gregory
Kotowski, Frank
Lockwood, Priscilla
Owen, Derek
Rice, Chip
Smith, Molly
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Bates, David
Cali-Pitts, Jacqueline
Copeland, Timothy
DiPentima, Rich
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Packard, Sherman
Perkins, Lawrence
Ritter, Glenn
Serlin, Christopher
Sullivan, James
Tremblay, Stella
Webb, James

Allen, Mary
Belanger, Ronald
Charron, Gene
Davenport, Joshua
Dowling, Patricia
Garcia, Marilinda
Headd, James
Janvrin, Kevin
Lovejoy, Patricia
McKinney, Betsy
Norelli, Terie
Pantelakos, Laura
Read, Robin Jr
Sanders, Elisabeth
Sheffert, Kenneth
Sytek, John
Tucker, Pamela
Welch, David

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Duarte, Joe
Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence
Major, Norman
McMahon, Charles
O'Connor, John
Peckham, Michele
Reagan, John
Sapareto, Frank
Shuler, Wyman III
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Devine, James
Elliott, Robert
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Okerman, Richard
Perkins, Amy
Reichard, Kevin
Schlachman, Donna
Smith, William
Tasker, Kyle
Ward, Joanne

STRAFFORD

Andolina, Donald
DeLemus, Susan
Horriggan, Timothy
Munck, Philip
Pelletier, Marsha
Spainhower, Dale
Wall, Janet

Berube, Roger
Ginsburg, Philip
Jones, Kyle
Newton, Clifford
Perry, Robert
Sprague, Dale
Watters, David

Brown, Julie
Grassie, Anne
Jones, Laura
O'Connor, William
Pitre, Joseph
Vita, Carol
Weeden, Michael

Cataldo, Sam
Groen, Warren
Kaen, Naida
Parsons, Robbie
Schmidt, Peter
Vita, Lucien

SULLIVAN

Bowers, Spec

Cloutier, John

Cunningham, Steven

Gagnon, Raymond

Howard, Thomas
Lovett, Charlene

LaCasse, Paul Sr
Rodeschin, Beverly

Laware, Thomas
Schmidt, Andrew

Lefebvre, Benjamin
Smith, Steven

NAYS 8

BELKNAP

None

CARROLL

None

CHESHIRE

Sterling, Franklin Jr

COOS

None

GRAFTON

Gould, Franklin

HILLSBOROUGH

McClarren, Donald

MERRIMACK

Giuda, J. Brandon

Hamm, Christine

ROCKINGHAM

Moody, Marcia

STRAFFORD

Keans, Sandra

SULLIVAN

Osgood, Joe

and the committee report was adopted and ordered to third reading.

MOMENT OF SILENCE

A moment of remembrance and honor was observed for our brothers and sisters, our fathers and mothers who fought in Vietnam.

UNANIMOUS CONSENT

Rep. Fields addressed the House.

MOTION TO PRINT DEBATE

Rep. Sapareto moved that the debate on ***HB 1229***, declaring March 30 as Welcome Home Veterans Day to honor veterans of Vietnam, be printed in the Permanent Journal.
Adopted.

DEBATE ON HB 1229

Rep. Fredette: Thank you, Mister Speaker. I am a Vietnam veteran. I remember vividly how I was treated when I returned. This is a feel good conscience bill, soothe your conscience bill. This is all this is. There is no changing how I or other Vietnam veterans feel. We were spit on by the American people for doing our duty for our country. Am I bitter? Of course I am, but that was in the past and is now ancient history. Let's leave it buried where it belongs in the history books. We don't need to rehash old wounds and bring back bad memories. By naming a day Welcome Home Veterans Day, you will not make a single Vietnam veteran feel any better. Thank you for the thought, but it's too late. Don't waste any state money to do something that just isn't necessary. Thank you.

Speaker O'Brien: Will the member take a question? Rep. Baldasaro.

Rep. Baldasaro: Thank you, Mister Speaker. Thank you, Representative, for your service. My question is would you believe that the State Advisory Committee that is made up of about 18 or 20 veterans organizations; Vietnam Veterans of America, the Patriot Guard, the Marine Corps League, VFW, American Legion, the Women's Veterans and everyone of those groups unanimously supported this bill and said its about time that we welcome home all Vietnam veterans. Would you believe that?

Rep. Fredette: Yes I would.

Speaker O'Brien: The question before the House is the majority committee report of Ought to Pass for HB 1229. The Chair recognizes the gentleman from Londonderry, Rep. Tamburello to speak to the question. Mr. Tamburello waives his remarks. The Chair recognizes Rep. Theberge to speak to the question.

Rep. Theberge: Thank you, Mister Speaker. It was a unanimous vote in committee and it could have gone on the consent calendar, but I addressed members of the committee wanting to put in on the regular calendar to draw attention to this issue in honor for those of us who served in Vietnam. Unless you served in the military and went through war and had someone die in your arms, you don't understand the true meaning behind this, as the chairman of the State Veterans Advisory committee did mention. I am also on the State Veterans Advisory committee and they unanimously support this bill so I plead with you in honor of our vets who suffered a great deal when we came back. We met with protest. I had my car tires slashed, damaged and I was insulted. I've was called baby bomber. It's about time that you recognize our service. Thank you.

REGULAR CALENDAR (CONT'D)

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

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

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

The question being adoption of the majority committee report of Ought to Pass.

Rep. Theberge spoke against.

Rep. Notter spoke in favor.

Rep. Baldasaro yielded to questions.

Rep. Wallner requested a roll call; sufficiently seconded.

YEAS 159 NAYS 159

YEAS 159

BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Flanders, Donald	Greemore, Robert	Kingsbury, Robert	Luther, Robert
Malone, Robert	Pilliod, James	Russell, David	Simpson, Tyler
St. Cyr, Jeffrey	Tilton, Franklin		

CARROLL

Babson, David Jr	Fleck, Joseph	McCarthy, Frank	Pettengill, Laurie
Scala, Dino			

CHESHIRE

Butynski, William	Cartwright, Anne	Dwinell, Richard
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COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tholl, John Jr			

GRAFTON

Bradley, Lester	Brosseau, Charles	Gionet, Edmond	Ingbreton, Paul
Mirski, Paul	Reilly, Harold Sr	Sova, Charles	

HILLSBOROUGH

Balboni, Michael	Ball, J. Michael	Barry, J. Gail	Bergevin, Jerry
Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr	Cebrowski, John
Christiansen, Lars	Coffey, James	Condra, William	Coughlin, Sean
Cusson-Cail, Kathleen	Daniels, Gary	Doherty, Shaun	Donovan, Daniel
Drisko, Richard	Gagne, Larry	Gandia, Laura	Gonzalez, Carlos
Haefner, Robert	Hardwick, Harry	Hawkins, Kenneth	Hikel, John
Hogan, Edith	Hopper, Gary	Hutchinson, Winfred	Maltz, Jonathan
Marcus, Bruce	McClarren, Donald	McGuinness, Sean	Mecheski, Holly
Murphy, Keith	Notter, Jeanine	Ohm, Bill	Palmer, Stephen
Parison, James	Pellegrino, Tony	Peterson, Lenette	Pratt, Calvin
Renzullo, Andrew	Seidel, Carl	Silva, Peter	Simmons, Tammy
Soucy, Connie	Souza, Kathleen	Thomas, Joseph	Twombly, Timothy
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne	Cohn, Seth	Giuda, J. Brandon	Hill, Gregory
Hoell, J.R.	Kotowski, Frank	Kreis, Kenneth Sr	Lauer-Rago, Kathleen
Lindsley, Mark	McGuire, Carol	McGuire, Dan	Sanborn, Laurie
Soltani, Tony			

ROCKINGHAM

Abrami, Patrick	Azarian, Gary	Baldasaro, Alfred	Bettencourt, David
Chirichiello, Brian	Comerford, Timothy	Davenport, Joshua	Devine, James
Dowling, Patricia	Duarte, Joe	Elliott, Robert	Ferrante, Beverly

Fesh, Robert
Headd, James
Kappler, Lawrence
Manuse, Andrew
O'Connor, John
Reichard, Kevin
Sheffert, Kenneth
Tucker, Pamela

Garcia, Marilinda
Hoelzel, Kathleen
Katsakiores, Phyllis
McMahon, Charles
Okerman, Richard
Rice, Frederick
Shuler, Wyman III
Webb, James

Garrity, James
Itse, Daniel
Kolodziej, Walter
Murphy, Brian
Peckham, Michele
Ritter, Glenn
Tamburello, Daniel

Griffin, Mary
Janvrin, Kevin
Major, Norman
Nevins, Chris
Perkins, Amy
Sapareto, Frank
Tremblay, Stella

STRAFFORD

Berube, Roger
Jones, Kyle
Parsons, Robbie

Cataldo, Sam
Jones, Laura
Pitre, Joseph

DeLemus, Susan
Munck, Philip
Vita, Carol

Groen, Warren
O'Connor, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Smith, Steven

Laware, Thomas

Lovett, Charlene

NAYS 159

BELKNAP

Millham, Alida

Swinford, Elaine

Tobin, William

CARROLL

Chandler, Gene
Patten, Betsey

Knox, J. David
Tregenza, Norman

McConkey, Mark

Merrow, Harry

CHESHIRE

Byrnes, John
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lerandeau, Alfred
Sad, Tara
Weed, Charles

Hawkes, Samuel
Lindsey, Steven
Sterling, Franklin Jr

Hunt, John
Moore, Robert Jr
Tatro, Bruce

COOS

Hatch, William
Tremblay, Marc

Merrick, Evalyn

Theberge, Robert

Thomas, Yvonne

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
Sorg, Gregory

Almy, Susan
Harding, Laurie
Shackett, Jeffrey
Taylor, Kathleen

Benn, Bernard
Ladd, Rick Jr
Simard, Paul
Townsend, Charles

Bulis, Lyle
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Burt, John
Daler, Jennifer
Fredette, Robert
Gimas, John
Hansen, Peter
Krasucki, Joseph

Barry, Richard
Buxton, Michael
Day, Russell
Gargas, Carolyn
Gorman, Mary
Holden, Frank
Kurk, Neal

Belanger, James
Campbell, David
Erickson, Duane
Garrity, Patrick
Graham, John
Jasper, Shawn
LeBrun, Donald

Belvin, William
Cote, David
Flanagan, Jack
Gidge, Kenneth
Greazzo, Phil
Jeudy, Jean
Leishman, Peter

Long, Patrick
Ober, Russell III
Ramsey, Peter
Rosenwald, Cindy
Stroud, Kathleen

McCarthy, Michael
Pilotte, Maurice
Rhodes, Brian
Rowe, Robert
Swank, Matthew

Messier, Irene
Porter, Marjorie
Robbins, David
Scontsas, Lisa
Willette, Robert

Moran, Edward
Proulx, Mark
Rokas, Ted
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Gile, Mary
MacKay, James
Reed, Dennis
Wallner, Mary Jane

Deloge, Helen
Hamm, Christine
Owen, Derek
Rice, Chip
Watrous, Rick

DeStefano, Stephen
Kidder, David
Patten, Dick
Shurtleff, Stephen
Williams, Robert

Frazer, June
Lockwood, Priscilla
Potter, Frances
Smith, Molly

ROCKINGHAM

Allen, Mary
Charron, Gene
Hagan, Joseph
Moody, Marcia
Perkins, Lawrence
Schlachman, Donna
Sytek, John
Welch, David

Bates, David
Copeland, Timothy
Introne, Robert
Norelli, Terie
Read, Robin Jr
Serlin, Christopher
Tasker, Kyle
Weyler, Kenneth

Belanger, Ronald
DeSimone, Debra
Lovejoy, Patricia
Packard, Sherman
Reagan, John
Smith, William
Waddell, James

Birdsell, Regina
DiPentima, Rich
Mauro, Donna
Pantelakos, Laura
Sanders, Elisabeth
Sullivan, James
Ward, Joanne

STRAFFORD

Andolina, Donald
Horrigan, Timothy
Perry, Robert
Wall, Janet

Brown, Julie
Kaen, Naida
Schmidt, Peter
Watters, David

Ginsburg, Philip
Keans, Sandra
Spainhower, Dale
Weeden, Michael

Grassie, Anne
Pelletier, Marsha
Sprague, Dale

SULLIVAN

Gagnon, Raymond
Schmidt, Andrew

LaCasse, Paul Sr

Lefebvre, Benjamin

Rodeschin, Beverly

CLERK'S NOTE

Pursuant to House Rule 5, the Speaker voted "Yea" which broke the tie vote. The majority committee amendment therefore was adopted, 160-159, and ordered to third reading.

REGULAR CALENDAR (CONT'D)

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

MINORITY: OUGHT TO PASS.

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

Rep. Robert L. Theberge for the Minority of State-Federal Relations and Veterans Affairs: The United States is the only nation in the world with a representative, democratic constitution that denies voting representation in the national legislature to the citizens of the capital. The N.H. legislature is a shining example of representational democracy. Far too many assumptions were made by the majority based on a series of "what-ifs," thus playing the fear card. The citizens of D.C. have a constitutional right under the U.S.

Constitution to fair and equal representation. Years ago this country fought a war against taxation without representation.

The question being adoption of the majority committee report of Inexpedient to Legislate. Reps. Rosenwald and Theberge spoke against and yielded to questions.

Reps. Frank McCarthy and Soltani spoke in favor.

Rep. Tamburello requested a roll call; sufficiently seconded.

YEAS 248 NAYS 79

YEAS 248

BELKNAP

Accornero, Harry	Comtois, Guy	Fields, Dennis	Flanders, Donald
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Millham, Alida	Pilliod, James	Russell, David	Simpson, Tyler
Swinford, Elaine	Tilton, Franklin	Tobin, William	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Merrow, Harry
Patten, Betsey	Pettengill, Laurie	Scala, Dino	Tregenza, Norman
Umberger, Karen			

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Hawkes, Samuel
Hunt, John	Johnson, Jane	Moore, Robert Jr	Parkhurst, Henry
Sterling, Franklin Jr			

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tholl, John Jr	Thomas, Yvonne	Tremblay, Marc	

GRAFTON

Aguiar, James	Bradley, Lester	Brosseau, Charles	Bulis, Lyle
Gionet, Edmond	Gould, Franklin	Ladd, Rick Jr	Mirski, Paul
Pierce, David	Reilly, Harold Sr	Shackett, Jeffrey	Simard, Paul
Sorg, Gregory	Sova, Charles	Townsend, Charles	White, Andrew

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr	Burt, John
Buxton, Michael	Cebrowski, John	Christiansen, Lars	Coffey, James
Condra, William	Coughlin, Sean	Cusson-Cail, Kathleen	Daniels, Gary
Day, Russell	Doherty, Shaun	Donovan, Daniel	Drisko, Richard
Erickson, Duane	Flanagan, Jack	Gagne, Larry	Gandia, Laura
Gargas, Carolyn	Gonzalez, Carlos	Graham, John	Greazzo, Phil
Haefner, Robert	Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth
Hikel, John	Hogan, Edith	Holden, Frank	Hopper, Gary
Hutchinson, Winfred	Jasper, Shawn	Krasucki, Joseph	Kurk, Neal
LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce	McCarthy, Michael

McClarren, Donald
Moran, Edward
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Silva, Peter
Swank, Matthew
Vaillancourt, Steve

McGuinness, Sean
Murphy, Keith
Palmer, Stephen
Pilotte, Maurice
Robbins, David
Simmons, Tammy
Thomas, Joseph
Villeneuve, Moe

Mecheski, Holly
Notter, Jeanine
Parison, James
Pratt, Calvin
Scontsas, Lisa
Soucy, Connie
Twombly, Timothy
Whitehead, Randall

Messier, Irene
Ober, Russell III
Pellegrino, Tony
Proulx, Mark
Seidel, Carl
Souza, Kathleen
Ulery, Jordan
Willette, Robert

MERRIMACK

Cohn, Seth
Keane, Thomas
Lindsley, Mark
Patten, Dick
Smith, Todd

DeStefano, Stephen
Kidder, David
Lockwood, Priscilla
Reed, Dennis
Soltani, Tony

Giuda, J. Brandon
Kotowski, Frank
McGuire, Carol
Seaworth, G. Brian
Watrous, Rick

Hill, Gregory
Kreis, Kenneth Sr
McGuire, Dan
Smith, Molly
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Janvrin, Kevin
Major, Norman
Murphy, Brian
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

Allen, Mary
Belanger, Ronald
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence
Manuse, Andrew
Nevins, Chris
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Smith, William
Tasker, Kyle
Ward, Joanne

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Mauro, Donna
O'Connor, John
Perkins, Amy
Rice, Frederick
Schlachman, Donna
Sullivan, James
Tremblay, Stella
Webb, James

Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Kolodziej, Walter
McMahon, Charles
Okerman, Richard
Perkins, Lawrence
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Tucker, Pamela
Welch, David

STRAFFORD

Andolina, Donald
Jones, Kyle
O'Connor, William
Vita, Carol

Cataldo, Sam
Jones, Laura
Parsons, Robbie
Vita, Lucien

DeLemus, Susan
Munck, Philip
Pitre, Joseph
Weeden, Michael

Groen, Warren
Newton, Clifford
Sprague, Dale

SULLIVAN

Bowers, Spec
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

Laware, Thomas
Schmidt, Andrew

Lovett, Charlene
Smith, Steven

NAYS 79

BELKNAP

Bolster, Peter

St. Cyr, Jeffrey

CARROLL

None

CHESHIRE

Butynski, William	Chase, Cynthia	Johnsen, Gladys	Lerandeau, Alfred
Meador, David	Roberts, Kris	Sad, Tara	Tatro, Bruce
Weber, Lucy	Weed, Charles		

COOS

Coulombe, Gary	Hatch, William	Theberge, Robert
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GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Harding, Laurie
Nordgren, Sharon	Smith, Suzanne	Taylor, Kathleen	

HILLSBOROUGH

Baroody, Benjamin	Campbell, David	Cote, David	Daler, Jennifer
Fredette, Robert	Garrity, Patrick	Gidge, Kenneth	Gimas, John
Goley, Jeffrey	Jeady, Jean	Lambert, George	Leishman, Peter
Long, Patrick	Porter, Marjorie	Ramsey, Peter	Rhodes, Brian
Rokas, Ted	Rosenwald, Cindy	Shaw, Barbara	Stroud, Kathleen

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	Deloge, Helen	Frazer, June
Gile, Mary	Hamm, Christine	MacKay, James	Potter, Frances
Rice, Chip	Shurtleff, Stephen	Wallner, Mary Jane	Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline	DiPentima, Rich	Lovejoy, Patricia	Moody, Marcia
Norelli, Terie	Pantelakos, Laura	Read, Robin Jr	Serlin, Christopher

STRAFFORD

Berube, Roger	Brown, Julie	Ginsburg, Philip	Grassie, Anne
Horrigan, Timothy	Kaen, Naida	Keans, Sandra	Pelletier, Marsha
Perry, Robert	Schmidt, Peter	Spainhower, Dale	Spang, Judith
Wall, Janet	Watters, David		

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin
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and the majority committee report was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR

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

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

Rep. Jane Johnson requested a roll call; not sufficiently seconded.

Committee report adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby, on a roll call vote of 160-159, it adopted the majority committee report of Ought to Pass on **HCR 31**, commending the work of pregnancy care centers in New Hampshire and across the United States.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 132 NAYS 196

YEAS 132

BELKNAP

Bolster, Peter	Millham, Alida	Pilliod, James	Swinford, Elaine
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CARROLL

Babson, David Jr	Chandler, Gene	McConkey, Mark	Merrow, Harry
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CHESHIRE

Chase, Cynthia	Hawkes, Samuel	Hunt, John	Johnsen, Gladys
Johnson, Jane	Lerandeau, Alfred	Lindsey, Steven	Parkhurst, Henry
Roberts, Kris	Sad, Tara	Tatro, Bruce	Weber, Lucy
Weed, Charles			

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Remick, William
Theberge, Robert	Thomas, Yvonne		

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Ladd, Rick Jr	Nordgren, Sharon
Pierce, David	Shackett, Jeffrey	Simard, Paul	Smith, Suzanne
Taylor, Kathleen	Townsend, Charles	White, Andrew	

HILLSBOROUGH

Baroody, Benjamin	Belanger, James	Belvin, William	Burt, John
Campbell, David	Christensen, D.L.	Cote, David	Daler, Jennifer
	Chris		
Erickson, Duane	Fredette, Robert	Gargas, Carolyn	Garrity, Patrick
Gidge, Kenneth	Gimas, John	Goley, Jeffrey	Gorman, Mary
Graham, John	Holden, Frank	Jeudy, Jean	Kurk, Neal
Lambert, George	LeBrun, Donald	Leishman, Peter	Long, Patrick
Messier, Irene	Pilotte, Maurice	Porter, Marjorie	Proulx, Mark
Ramsey, Peter	Rhodes, Brian	Robbins, David	Rokas, Ted
Rosenwald, Cindy	Scotsas, Lisa	Shaw, Barbara	Stroud, Kathleen
Vaillancourt, Steve	Willette, Robert		

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Frazer, June
Gile, Mary	Hamm, Christine	Kidder, David	Lockwood, Priscilla
MackKay, James	Patten, Dick	Potter, Frances	Rice, Chip

Shurtleff, Stephen

Wallner, Mary Jane

Watrous, Rick

Williams, Robert

ROCKINGHAM

Allen, Mary

Introne, Robert

Packard, Sherman

Schlachman, Donna

Cali-Pitts, Jacqueline

Lovejoy, Patricia

Pantelakos, Laura

Serlin, Christopher

Copeland, Timothy

Moody, Marcia

Perkins, Lawrence

Sytek, John

DiPentima, Rich

Norelli, Terie

Read, Robin Jr

Welch, David

STRAFFORD

Berube, Roger

Kaen, Naida

Schmidt, Peter

Wall, Janet

Ginsburg, Philip

Keans, Sandra

Spainhower, Dale

Watters, David

Grassie, Anne

Pelletier, Marsha

Spang, Judith

Weeden, Michael

Horrigan, Timothy

Perry, Robert

Sprague, Dale

SULLIVAN

Cloutier, John

Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Rodeschin, Beverly

NAYS 196

BELKNAP

Accornero, Harry

Greemore, Robert

Russell, David

Tobin, William

Comtois, Guy

Kingsbury, Robert

Simpson, Tyler

Fields, Dennis

Luther, Robert

St. Cyr, Jeffrey

Flanders, Donald

Malone, Robert

Tilton, Franklin

CARROLL

Ahlgren, Christopher

Patten, Betsey

Umberger, Karen

Fleck, Joseph

Pettengill, Laurie

Knox, J. David

Scala, Dino

McCarthy, Frank

Tregenza, Norman

CHESHIRE

Butynski, William

Moore, Robert Jr

Byrnes, John

Sterling, Franklin Jr

Cartwright, Anne

Dwinell, Richard

COOS

Daugherty, Duffy

Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester

Ingbretson, Paul

Sova, Charles

Brosseau, Charles

Mirski, Paul

Bulis, Lyle

Reilly, Harold Sr

Gionet, Edmond

Sorg, Gregory

HILLSBOROUGH

Avard, Kevin

Barry, Richard

Buxton, Michael

Condra, William

Day, Russell

Balboni, Michael

Boehm, Ralph

Cebrowski, John

Coughlin, Sean

Doherty, Shaun

Ball, J. Michael

Brown, Kevin

Christiansen, Lars

Cusson-Cail, Kathleen

Donovan, Daniel

Barry, J. Gail

Brownrigg, Randall Jr

Coffey, James

Daniels, Gary

Drisko, Richard

Flanagan, Jack
Greazzo, Phil
Hawkins, Kenneth
Hutchinson, Winfred
Marcus, Bruce
Mecheski, Holly
Ohm, Bill
Peterson, Lenette
Silva, Peter
Swank, Matthew
Villeneuve, Moe

Gagne, Larry
Haefner, Robert
Hikel, John
Jasper, Shawn
McCarthy, Michael
Moran, Edward
Palmer, Stephen
Pratt, Calvin
Simmons, Tammy
Thomas, Joseph
Whitehead, Randall

Gandia, Laura
Hansen, Peter
Hogan, Edith
Krasucki, Joseph
McClarren, Donald
Murphy, Keith
Parison, James
Renzullo, Andrew
Soucy, Connie
Twombly, Timothy

Gonzalez, Carlos
Hardwick, Harry
Hopper, Gary
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Pellegrino, Tony
Seidel, Carl
Souza, Kathleen
Ulery, Jordan

MERRIMACK

Blankenbeker, Lynne
Keane, Thomas
McGuire, Carol
Seaworth, G. Brian
Winter, Steven

Cohn, Seth
Kotowski, Frank
McGuire, Dan
Smith, Molly

Giuda, J. Brandon
Kreis, Kenneth Sr
Reed, Dennis
Smith, Todd

Hill, Gregory
Lindsley, Mark
Sanborn, Laurie
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Kolodziej, Walter
McMahon, Charles
Okerman, Richard
Rice, Frederick
Sheffert, Kenneth
Tamburello, Daniel
Waddell, James

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Janvrin, Kevin
Major, Norman
Murphy, Brian
Perkins, Amy
Ritter, Glenn
Shuler, Wyman III
Tasker, Kyle
Ward, Joanne

Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Manuse, Andrew
Nevins, Chris
Reagan, John
Sanders, Elisabeth
Smith, William
Tremblay, Stella
Webb, James

Bates, David
Charron, Gene
DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Mauro, Donna
O'Connor, John
Reichard, Kevin
Sapareto, Frank
Sullivan, James
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Jones, Kyle
O'Connor, William
Vita, Lucien

Cataldo, Sam
Jones, Laura
Parsons, Robbie

DeLemus, Susan
Munck, Philip
Pitre, Joseph

Groen, Warren
Newton, Clifford
Vita, Carol

SULLIVAN

Bowers, Spec
Osgood, Joe
and the motion failed.

Howard, Thomas
Smith, Steven

Laware, Thomas

Lovett, Charlene

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

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

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

Vote 17-0.

Rep. Frank McCarthy spoke against and yielded to questions.

Reps. James Belanger and Theberge spoke in favor.

Committee report adopted.

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

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

Amendment (0408h)

Amend the bill by replacing section 3 with the following:

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

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Reps. Gail Barry and Vaillancourt spoke against.

Rep. Belvin spoke against and yielded to questions.

Reps. Seidel and James Coffey spoke in favor.

On a division vote, 107 members having voted in the affirmative and 192 in the negative, the committee report failed.

Rep. Jasper moved Inexpedient to Legislate.

Motion adopted.

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

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

Amendment (0383h)

Amend the bill by replacing section 2 with the following:

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

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

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

AMENDED ANALYSIS

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

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Rep. Cali-Pitts spoke against.

Rep. Tucker spoke in favor.

On a division vote, 239 members having voted in the affirmative and 60 in the negative, the committee report was adopted and ordered to third reading.

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENTS

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

Rep. James Garrity moved that the House concur and spoke in favor.

Rep. Rappaport spoke in favor.

Adopted.

RESOLUTION

Rep. Bettencourt offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 15, 2012 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1633, relative to a tally requirement on school district warrant articles.

HB 1378, relative to transfer by pharmacy technicians of prescription drugs between pharmacies.

HB 1505-FN, relative to public employee suggestions for cost-saving measures.

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

HB 1203, relative to the membership of the capital budget overview committee.

HCR 37, urging the New Hampshire delegation to support any legislation requiring a comprehensive audit of the Federal Reserve.

HR 24, urging relief from the current level of federal nursing home regulation.

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

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

HB 1592, establishing a committee to study the reporting of business tax revenues collected by the state.

HB 1138, naming a bridge in Pelham in honor of Sergeant Daniel R. Gionet.

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

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

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

HB 1302-FN, relative to underpayment of estimated taxes and equalization of valuations administered by the department of revenue administration.

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

HCR 31, commending the work of pregnancy care centers in New Hampshire and across the United States.

HB 1563, relative to Greenland's water rights, removed by Rep. DiPentima.

UNANIMOUS CONSENT

Reps. Shurtleff, St. Cyr, Pelletier, Winter and Frank McCarthy addressed the House.

RECESS MOTION

Rep. Bettencourt moved that the House stand in recess for the purposes of the introduction of bills, the reading-in of petitions, receiving Senate messages, enrolled bill amendments and enrolled bill reports.

Adopted.

The House recessed at 4:50 p.m.

RECESS

(Speaker O'Brien in the Chair)

RESOLUTION

Rep. Bettencourt offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 41, 175, 201, 232, 241, 253, 254, 255, 302, 362, 363 and 369 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 41, relative to enforcement of the timber tax and excavation tax by the department of revenue administration. (Judiciary)

SB 175, regulating the commercial use of a person's identity. (Commerce and Consumer Affairs)

SB 201, apportioning state senate districts. (Special Committee on Redistricting)

SB 232, relative to the date for the state primary election. (Election Law)

SB 241, relative to expiration and extension of terrain alteration permits and permits for grading or reclamation projects. (Resources, Recreation and Development)

SB 253, relative to debt-related mortgage disability and mortgage accidental death insurance. (Commerce and Consumer Affairs)

SB 254, relative to funding and expenditures from certain municipal special revenue funds. (Municipal and County Government)

SB 255, relative to liens for land use change tax assessments. (Municipal and County Government)

SB 302, relative to the Honor and Remember Flag as an official symbol to recognize and honor fallen members of the armed forces and relative to certain maintenance at the rotary in the town of Epsom. (State-Federal Relation and Veterans Affairs)

SB 362-FN, relative to benefits related to service of certain part-time judges of probate retiring because of permanent disability. (Finance)

SB 363, establishing a commission to study the regulation and licensing of youth camps, including youth skills camps. (Health, Human Services and Elderly Affairs)

SB 369-FN-L, relative to aid to assisted persons. (Finance)

RECESS

(Rep. Bettencourt in the Chair)

RESOLUTION

Rep. Mirski offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee, House Bills numbered 1722 and 1723 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 1722, relative to disqualification of judges and lawyers from practicing in the circuit courts. (Rowe, Hills 6: Judiciary)

HB 1723, making technical corrections regarding parental notification prior to abortion. (Rowe, Hills 6: Judiciary)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 110.

Rep. Kidder, Sen. Prescott for the Committee

SENATE MESSAGE

REFERRED FOR INTERIM STUDY

HB 194, relative to the prohibition on having or carrying a loaded crossbow, rifle, or shotgun in or on a vehicle.

HB 210-FN, relative to the use of deadly force to protect oneself.

HB 330-FN, relative to carrying firearms.

HB 334, relative to the state's authority to prohibit or regulate firearms, firearms components, ammunition, firearms supplies, and knives.

HB 378-FN, inserting an exception to the criminal threatening statute, relative to the minimum mandatory sentence for a felony conviction involving the possession, use, or attempted use of a firearm, and relative to the definition of "non-deadly" force.

RECESS

(Rep. Bettencourt in the Chair)

RESOLUTION

At the request of the State-Federal Relations and Veterans Affairs Committee and pursuant to House Rule 35c, Rep. Mirski offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Resolution numbered 29 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE RESOLUTION

First, second reading and referral

HR 29, urging the United States Department of Health and Human Services to rescind its rule requiring health plans to provide sterilizations and contraceptives. (Bettencourt, Rock 4; O'Brien, Hills 4; Baldasaro, Rock 3; Ulery, Hills 27: State-Federal Relations and Veterans Affairs)

RECESS

(Speaker O'Brien in the Chair)

RESOLUTION

Rep. Bettencourt offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 214, 233, 235, 236, 239, 252, 282, 285, 290, 296, 315, 319, 324, 330, 332, 338, 346, 356, 358, 360, 367 and 374 and Senate Concurrent

Resolution numbered 1 and 2 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.
Adopted.

INTRODUCTION OF SENATE BILLS AND SCRS

First, second reading and referral

SB 214, relative to the applicability of the right-to-know law to public libraries. (Judiciary)

SB 233-L, relative to special elections of the charter commission. (Municipal and County Government)

SB 235, relative to registration of business organizations with the secretary of state. (Commerce and Consumer Affairs)

SB 236, relative to nomination of candidates. (Election Law)

SB 239-FN, relative to the membership and duties of the installation standards board. (Executive Departments and Administration)

SB 252, increasing the maximum term for energy performance contracts. (Science, Technology and Energy)

SB 282, authorizing the commissioner of safety to require the installation of an ignition interlock device or enhanced technology ignition interlock device as a condition of restoring driving privileges in certain instances. (Transportation)

SB 285, authorizing suspension or revocation of a driver's license for serious boating offenses and relative to loss of motorboat privileges for aggravated driving while intoxicated. (Transportation)

SB 290, naming a bridge in Woodstock, New Hampshire the Hilliard Family Bridge. (Public Works and Highways)

SB 296, relative to including next-of-kin contact information on a driver's license. (Transportation)

SB 315, requiring motorists to give wide berth to highway maintenance vehicles. (Transportation)

SB 319, changing the membership of and extending the commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans. (Health, Human Services and Elderly Affairs)

SB 324-FN, relative to the use of funds generated by the Hampton Beach parking facilities. (Resources, Recreation and Development/Finance)

SB 330-FN, requiring an independent financial opinion prior to the leasing of any state park property to a private entity. (Resources, Recreation and Development/Finance)

SB 332, repealing a prohibition relative to auxiliary state troopers and repealing the law governing motor vehicles carrying property for hire. (Executive Departments and Administration/Finance)

SB 338-FN, relative to military discipline by the national guard. (Executive Departments and Administration)

SB 346, extending the committee to study the laws relating to electronic prescriptions. (Health, Human Services and Elderly Affairs)

SB 356, limiting the authority of delegates to Article V amendment conventions. (Constitutional Review and Statutory Recodification)

SB 358-FN, expanding eligibility for free admission to the state park system to certain members and their families and retired members of the armed forces. (Resources, Recreation and Development)

SB 360, naming a pond in the town of Sandown. (Public Works and Highways)

SB 367, naming a bridge in the town of Londonderry in honor of Lance Corporal Peter J. Sora, Jr., U.S.M.C. and Private First Class Eric D. Currier, U.S.M.C. (Public Works and Highways)

SB 374, naming marine patrol headquarters in honor of David Barrett. (Public Works and

Highways)

SCR 1, urging Congress to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States. (State-Federal Relations and Veterans Affairs/Constitutional Review and Statutory Recodification)

SCR 2, regarding the White Mountain National Forest. (State-Federal Relations and Veterans Affairs)

RECESS