

State of New Hampshire HOUSE RECORD

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Concord, N. H.

Wednesday, March 28, 2012

No. 30

HOUSE JOURNAL No. 14 (cont.)

Wednesday, March 21, 2012

Rep. Hess moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 15

Wednesday, March 28, 2012

The House assembled at 9:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Heavenly Father, we continue to discover that diversity of opinion does not always translate into a symphony pleasing to hearts and minds. Today we ask that You uplift us and turn our policy debates to reflect not the moral disarray of culture but the virtues You have built into us and which are reflected in the legacy of the founders of our state and country. As You did for them, under the banner of nature and nature's God, help us to see the ethical principles deriving from the inborn law that is compassionate without being sentimental, rugged in justice yet tempered with mercy and finally responsible in our liberties without being radically selfish. In all this we ask for Your guidance to be instrumental in the conduct of our political score. We may not resolve every issue satisfactorily, but Lord help us to be cogent for the profit of our constituents and ourselves. They look to us for the framework which guarantees genuine truth in preserving human happiness, social prospering and the common good. Give us Your guidance and love each moment of this day. As always, we ask for Your intercession for our men and women in uniform. Protect them and bring them home safely. Keep our own streets free of violence and shower healing upon those who need it. We pray this in Your Holy name. Amen.

Representative Edith Hogan, member from Nashua, led the Pledge of Allegiance.

The National Anthem was sung by Caroline Burns, a sixth grade student at Hollis Upper Elementary School.

LEAVES OF ABSENCE

Reps. Case, Champagne, Gagne, Gandia, Hofemann, Jeudy, Jane Johnson, Palfrey, Schroadter, Serlin and Tobin, the day, illness.

Reps. Brosseau, DeJong, Greazzo, Bruce MacMahon, Panek, Jon Richardson, Scala, Shackett, Simpson, Suzanne Smith, Tamburello, Wallner and Waterhouse, the day, important business.

Reps. Beattie, Hatch, Okerman and Jenna Roberts, the day, illness in the family.

Rep. Ferrante, the day, death in the family.

INTRODUCTION OF GUESTS

Eric Alburn, guest of Rep. Ritter. Ginger Hermes, Debbie Hermes, Alere Fabima, sister-in-law and nieces of Rep. Blankenbaker. Paula Davenport, mother of Rep. Davenport. Jo Dog, guest of Representatives Foose and Kidder. Steve and Rhonda Burns, Charles Burns, Andrew Burns and Sharon Holcombe, parents and family of the singer, guests of the Hillsborough District 5 Delegation.

MOTION TO VACATE

Rep. Renzullo moved that the House vacate the reference of **SB 400**, including owls within the definition of raptor for the purpose of falconry, to the Committee on Resources, Recreation and Development.
Adopted.

The Speaker referred **SB 400** to the Committee on Fish and Game and Marine Resources.

CONSENT CALENDAR

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

HB 1249, relative to the child protection reporting law, removed by Rep. Bergevin.

HB 1260-FN, relative to poker games and charitable gaming, removed by Rep. Vaillancourt.

HB 1435, establishing a committee to oversee the department of environmental services, removed by Rep. Carol McGuire.

Consent Calendar adopted.

HB 1325, relative to legal residency requirements for purposes of school attendance for children of divorced parents and children whose parents share decision making responsibility pursuant to a parenting plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David S. Robbins for Children and Family Law: The committee received this bill as a second committee. The House adopted the recommendation on a voice vote. After a second hearing, the committee voted and recommends Ought to Pass with Amendment. The amendment deletes the phrase, "where parents are awarded joint decision making responsibility." The committee believes this minor change rightly allows the provision to apply to all parenting plans. Vote 12-0.

Amendment (1334h)

Amend the bill by replacing section 1 with the following:

1 School Attendance; Legal Residence Required. Amend RSA 193:12, II(a)(2) to read as follows:

(2) In a divorce decree, **or parenting plan developed pursuant to RSA 461-A** ~~[where parents are awarded joint decision-making responsibility or joint legal custody]~~, the legal residence of a minor child is the residence of the parent with whom the child resides, **however the child may attend school in the school district in which either parent resides**. If a parent is awarded sole or primary residential responsibility ~~[or physical custody]~~ by a court of competent jurisdiction in this or any other state, legal residence of a minor child is the residence of the parent who has sole or primary residential responsibility ~~[or physical custody]~~, **however the child may attend school in the school district in which either parent resides**. If the parent with sole or primary ~~[physical custody]~~ **residential responsibility** lives outside the state of New Hampshire, the pupil does not have residence in New Hampshire. If the court order is for equal or approximately equal periods of residential responsibility, the child's legal residence for school attendance purposes shall be as stated in the order, **provided that the child may attend school in the school district in which either parent resides**. If a child is in a court-ordered residential placement, foster home, or group home pursuant to RSA 169-B, RSA 169-C, RSA 169-D, RSA 170-C, or RSA 463, residence shall be determined in accordance with RSA 193:28. **Nothing in this subparagraph shall require a school district to provide transportation for a child to another school in the school district in which the child resides or beyond the geographical limits of the school district in which the child resides.**

HB 1241, relative to table wines. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris F. Nevins for Commerce and Consumer Affairs: The intent of this bill was to amend RSA 175:1 and RSA 178:8 regarding the definition of "wine table" and the wine manufacturer license. The bill remains basically as submitted but the committee added a minor amendment that removed unnecessary verbiage regarding products that "naturally contains sugar" to "contains sugar." Vote 13-0.

Amendment (1336h)

Amend RSA 178:8, I as inserted by section 2 of the bill by replacing it with the following:

I. Wine manufacturer licensees may ferment fruit or other agricultural products ~~[naturally]~~ containing sugar to produce table wine ~~[containing at least 6 but not more than 15.5 percent alcohol by volume]~~, and to produce from that wine fortified wine ~~[containing at least 15.5 but not more than 24 percent alcohol by volume]~~.

HB 1402, relative to the sale of homemade food and licensing of certain milk producer-distributors. **OUGHT TO PASS.**

Rep. Jennifer R. Coffey for Commerce and Consumer Affairs: This bill exempts certain homestead food operations and homestead food products from licensure by the department of health and human services. The committee overwhelmingly approved of this bill which helps small farmers prosper by reducing restrictions on them. The bill was the result of hard work by the Environment and Agriculture Committee as well as the sponsors and various groups involving the department of health and human services. The committee unanimously joins this group in enhancing farming and small enterprise in New Hampshire. Vote 13-0.

HB 1597, relative to taking by eminent domain for certain purposes. **OUGHT TO PASS.**

Rep. Donna C. Mauro for Commerce and Consumer Affairs: This bill grants an owner of real property which was subject to eminent domain and whose valuation will be impacted if transmission lines are constructed because of eminent domain, the right to be compensated by the owner of the transmission lines for the difference in value. While the committee does not support eminent domain by private entities in general and we were assured in committee that it has rarely been used in the past, this bill would assure fair treatment and choices of compensation to a residential property owner in case eminent domain is exercised on that

property owner. Vote 13-0.

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

Rep. Stephen J. Shurtleff for Criminal Justice and Public Safety: This bill would prohibit the use of tracking devices to track an individual without the consent of the individual or a court order. The committee feels that this bill has tremendous merit. Unfortunately, the committee has many unanswered questions. However, the committee felt that a true Interim Study, which should include representatives from the Science and Technology Committee, would produce an excellent piece of legislation. Vote 14-0.

HB 1331, relative to the grounds for termination of employment of a school administrative unit or school district employee. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph A. Pitre for Education: The committee felt that this bill was not needed and would actually weaken RSA 189:14-d by removing convictions for child pornography and kidnapping as reasons for school employee terminations. Vote 12-0.

HB 1360, relative to the rulemaking authority of the state board of education. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter T. Hansen for Executive Departments and Administration: This bill, as passed by the House, expressed the policy that the House and Senate education committees would review and approve the rules of the department of education and the state board of education. ED&A, as a second committee, concentrated on the process of this approval. After testimony from parents, the public, school boards and the department, the committee decided that augmenting, rather than replacing, the normal rules review process was preferable. In addition, it became apparent that the curriculum frameworks, which are the state's technical guidelines to the local school boards, have not been approved as rules and the department did not believe the legislature needed to approve them. The committee amendment deletes the separate education committee approval process and instead: (1) requires all education rules to be sent to the policy committee before the public hearing on the initial proposed rules (2) requires the curriculum frameworks and technical advisories be approved as rules, except for the style and formatting requirements which are not appropriate here (3) requires the department to notify the policy committees when it starts to consider a new or updated rule and (4) updates the membership and duties of the existing legislative oversight committee to better reflect its policy oversight. The policy committee review of all existing rules was retained. Vote 12-1.

Amendment (1321h)

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

1 Legislative Oversight Committee; Membership and Duties. Amend RSA 193-C:7 and 8 to read as follows:

193-C:7 Legislative Oversight Committee. An oversight committee shall be established consisting of:

- I. The chairperson of the house education committee, or a designee.
- II. The chairperson of the senate education committee, or a designee.
- III. ~~[One member]~~ **Two members** of the house of representatives, **at least one of whom shall be a member of the education committee**, appointed by the speaker of the house.
- IV. One member of the senate, appointed by the senate president.
- ~~V. One member of the house finance committee, appointed by the speaker of the house.~~
- ~~VI. One member of the senate finance committee, appointed by the senate president.]~~

193-C:8 Duties of the Legislative Oversight Committee. The committee shall:

I. Review the development and implementation of the ~~[school performance and accountability program set forth in RSA 193-H to ensure compliance with state and federal law. Implementation of the program shall be in conjunction with the committee's review]~~ ***school approval and student proficiency standards and curriculum guidelines.***

II. ~~[Review the provisions of RSA 193-H and]~~ Submit a report ~~[of such review]~~ ***on all of its activities*** annually to the speaker of the house of representatives, the president of the senate, the governor, and the chairpersons of the house and senate education committees.

III. Propose legislation that is needed as a result of the review of the progress and results of the policies implemented under this chapter and under RSA 193-H, including any changes necessitated by federal law.

IV. Confer with the commissioner and the state board of education to identify operational principles which should guide the work of the department of education in supporting improved school performance and accountability.

V. Analyze existing department of education programs and initiatives which support improved school performance and accountability.

VI. Receive reports from the commissioner regarding the status of public education in New Hampshire, updates on the improvement made by local school districts toward achieving satisfactory progress in statewide student performance under RSA 193-H:2 and status reports on the on-going issues and implications of school accountability at the state and federal level. Reports by the commissioner shall occur at least once annually or more frequently as needed, as determined by the committee and the commissioner.

VII. Review and approve statewide performance targets required under RSA 193-H:2 developed by the department of education and recommended to the legislative oversight committee by the state board of education.

VIII. Receive reports from the state board of education including rules recommended by the department to be adopted by the state board of education under RSA 541-A relative to statewide performance targets required under RSA 193-H:2. The legislative oversight committee shall propose legislation to be submitted to establish such statewide performance targets in state statute during the legislative session following the approval of any recommendations which the state board of education is required to make.

IX. Review the unique pupil identification system established in RSA 193-E:5 and propose legislation needed as a result of the review.

X. Review the implementation and results of the program relative to accountability for the opportunity for an adequate education established in RSA 193-E, consult and receive reports on such program, evaluate and review existing and emergent performance-based measurement tools, and propose legislation for improvements to the accountability program, as necessary.

XI. Review the development and implementation of all curriculum frameworks and technical advisories, including all requirements included on a school approval checklist.

2 Substantive Educational Content of an Adequate Education. Amend RSA 193-E:2-a, V to read as follows:

V. The general court requires the state board of education and the department of education to institute procedures for maintaining, updating, improving, and refining curriculum frameworks for each area of education identified in paragraph I. ***The house and senate education committees and the oversight committee established in RSA 193-C:7 shall be notified of all efforts to revise the curriculum frameworks to ensure that proposed changes conform with legislative policy.*** The curriculum frameworks shall present educational goals, broad pedagogical approaches and strategies for assisting students in the development of the skills, competencies, and knowledge called for by the academic standards for each area of education identified in paragraph I. The curriculum frameworks shall serve as a guide and reference to what New Hampshire students should

know and be able to do in each area of education. The frameworks do not establish a statewide curriculum. It is the responsibility of local teachers, administrators, and school boards to identify and implement approaches best suited for the students in their communities to acquire the skills and knowledge included in the frameworks, to determine the scope, organization, and sequence of course offerings, and to choose the methods of instruction, the activities, and the materials to be used.

3 New Section; Administrative Procedures Act; Procedure for Adoption of State Board of Education Rules. Amend RSA 541-A by inserting after section 3-b the following new section:

541-A:3-c Procedure for Adoption of State Board of Education Rules. In addition to the procedures outlined in RSA 541-A:3, the state board of education shall send an electronic copy of all proposed rules to the chairpersons of the house and senate education committees for distribution to the members of their committees. The house and senate education committee members may review the proposed rules and submit comments to the board. All committee comments may be sent to the board via e-mail and shall be delivered so as to be received by the board no later than the deadline for public comment period specified in the rulemaking notice. If the board does not receive notice from the education committees by the end of the public comment period, the board may proceed with the rulemaking process.

4 New Subparagraph; Department of Education; Rulemaking. Amend RSA 21-N:9, II by inserting after subparagraph (bb) the following new subparagraph:

(cc) All curriculum frameworks and technical advisories, including all requirements included on a school approval checklist. All frameworks and advisories adopted under this subparagraph shall be exempt from the requirements of RSA 541-A:8.

5 Joint Meeting of Committees. Between January 1, 2013 and December 31, 2013, the house and senate standing committees with jurisdiction over education shall meet jointly to review all state board of education rules and shall prepare and submit a report with recommendations to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library.

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

AMENDED ANALYSIS

This bill:

I. Amends the membership and duties of the oversight committee established in RSA 193-C:7.

II. Requires the department of education and state board of education to notify the members of the house and senate education committees and the members of the oversight committee established in RSA 193-C:7 of all efforts to revise the curriculum frameworks to ensure that proposed changes conform with legislative policy.

III. Establishes a procedure for the adoption of rules by the state board of education.

IV. Requires the state board of education to adopt rules relative to all curriculum frameworks and technical advisories, including all requirements included on a school approval checklist.

V. Requires the house and senate education committees to meet jointly during 2013 to review all state board of education rules.

HB 1436, establishing a committee to oversee the management of natural resources by the department of resources and economic development. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steven J. Winter for Executive Departments and Administration: This bill was originally assigned to the Resources, Recreation and Development Committee, its first policy committee. After passage by the House, it was sent to the Executive Departments and Administration Committee as a second committee. The original committee presented ED&A with an amendment to the bill, changing its purpose from “a committee to oversee the management of natural resources by the department of resources and economic development” to “a liaison committee on resources and economic development.” The purpose

of the bill is to “provide for communication and coordination between the legislature and the department of resources and economic development in order to best serve citizens, businesses and visitors to promote effective management of the state’s reservations.” The amendment proposed to us by the original committee slightly expanded the membership from the bill as introduced. The ED&A Committee pared down the size of the liaison committee from nine to seven members. We also reduced the quorum required from five to four and clarified the effective dates. Vote 13-1.

Amendment (1200h)

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

AN ACT establishing a liaison committee to monitor the management of natural resources by the department of resources and economic development.

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

1 New Subdivision; Liaison Committee on Resources and Economic Development.

Amend RSA 12-A by inserting after section 61 the following new subdivision:

Liaison Committee on Resources and Economic Development

12-A:62 Liaison Committee; Establishment; Purpose.

I. There is established a liaison committee on resources and economic development consisting of 7 members as follows:

(a) Two members of the senate, one of whom shall be a member of the senate energy and natural resources committee and one of whom shall be a member of the senate finance committee, appointed by the president of the senate; and

(b) Five members of the house of representatives, 3 of whom shall be from the resources, recreation, and development committee, one of whom shall be from the ways and means committee, and one of whom shall be from the house finance committee, appointed by the speaker of the house of representatives. The 5 members shall proportionally represent both parties in the house of representatives.

(c) A quorum shall consist of 4 members.

II. Membership on the liaison committee shall be for the biennium and shall be coterminous with membership in the general court.

III. The liaison committee on resources and economic development shall provide for communication and coordination between the legislature and the department of resources and economic development in order to best serve citizens, businesses, and visitors to promote effective management of the state’s reservations, as defined by RSA 227-G:2, including parks, trails, and natural areas

12-A:63 Organization and Compensation. The liaison committee shall have a chairperson who shall be chosen by vote from among the committee membership. The chairperson’s term of office shall be for the biennium. The committee shall have a clerk who shall be chosen by vote by the members of the committee. The clerk’s term of office shall be for the biennium. The members of the committee shall receive legislative mileage when in performance of their duties.

12-A:64 Duties of Liaison Committee.

I. The committee shall

(a) Maintain regular communications with the department of resources and economic development to understand the parks and natural resource activities and programs administered by the department;

(b) Bring issues of concern to the attention of the department;

(c) Periodically review existing statutes and rules for effectiveness and relevance;

(d) Review proposed legislation and rules affecting the department;

(e) Propose legislation to improve the efficiency and effectiveness of park management and of natural resource programs and services provided by the department; and

(f) Depend as much as possible on existing data and reports and shall minimize its requirements of department of resources and economic resources in the execution of its duties.

II. The committee shall meet at the call of the chair but in no case less than every 2 months.

III. The committee shall make a preliminary report no later than November 1, 2014 and a final report no later than November 1, 2016 as to its activities and recommendations to the speaker of the house of representatives and the president of the senate.

2 Repeal. RSA 12-A:62 through RSA 12-A:64, relative to the liaison committee on resources and economic development, are repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 2, 2016.

II. The remainder of this act shall take effect January 1, 2013.

AMENDED ANALYSIS

This bill establishes a committee to monitor the management of natural resources by the department of resources and economic development.

HB 1476, prohibiting the enforcement of out-of-state laws, rules, codes, and fees not approved by the New Hampshire legislature. **INEXPEDIENT TO LEGISLATE.**

Rep. Calvin D. Pratt for Executive Departments and Administration: The language of this bill is a reiteration of Section 1, Article 28 of the New Hampshire constitution. The hearings and subcommittee meetings revealed that the legislature has specifically authorized a number of interstate compacts, creating an apparent conflict. A related bill, HB 1475, on interstate compacts, will incorporate the intent of HB 1476 while resolving the issues of the compacts, making this bill unnecessary. Vote 13-0.

HB 1508, relative to procedures of the board of mental health practice. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Spec Bowers for Executive Departments and Administration: This bill, as amended, makes various changes to the regulation of mental health practitioners. It includes technical changes such as clarifying educational requirements, establishing fees for late license renewal and requiring that allegations of misconduct be signed by the accuser. More significantly, it requires that the board, after investigating any complaint of misconduct, must disclose to a practitioner a summary of the investigation, including an overview of the evidence, and specifically including any exculpatory evidence. Another important part of the bill protects the privacy of patient records, especially records of third-party patients, i.e. patients who were not part of a charge of misconduct by a practitioner but whose name came up during the investigation of a practitioner. This sets in statute the replacement of the rules the Legislature objected to with last year's HJR 3. The amendment replaces the original bill. Vote 13-0.

Amendment (1307h)

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

1 Mental Health Practice; Client Bill of Rights. RSA 330-A:15 is repealed and reenacted to read as follows:

330-A:15 Mental Health Client Bill of Rights. The board shall adopt rules under RSA 541-A for the provision of informed consent for client or patient rights, based on the professional codes of ethics as they apply in the variety of settings in which licensed mental health providers practice. When addressing the client or patient rights, reasonable accommodations shall be made for those persons who cannot read or who have communication impairments and those who do not understand English.

2 Fees; Retroactive Renewal. Amend RSA 330-A:12 to read as follows:

330-A:12 Fees. The board shall establish fees pursuant to RSA 541-A for review of applicants for licensure; supervisory agreements; applications for licensed psychologist, pastoral psychotherapist, independent clinical social worker, clinical mental health counselor, and marriage and family therapist; renewal of license; renewal of dual license; **retroactive renewal of license**; reinstatement of license; inactive license status; reactivation of an inactive license; examination of applicants; transcribing and transferring records; and other services, including investigations and hearings conducted under this chapter.

3 Qualifications for Licensure for Psychologists. Amend RSA 330-A:16, I(b) as follows:

(b) Has received the doctoral degree based on a program of studies, the content of which was primarily psychological, from a regionally accredited educational institution, having a graduate program, or its substantial equivalent in both subject matter and extent of training. ***The standards shall permit licensure of candidates from regionally accredited educational institutions, including online institutions and those that are not accredited by the American Psychological Association, providing that the candidate satisfies residency, academic, and other requirements as determined by the board.***

4 License Reinstatement. Amend RSA 330-A:31, II to read as follows:

II. If a license is not renewed it may be **retroactively** reinstated not later than 6 months after the date of license expiration upon payment of the **retroactive renewal** fee and compliance with rules adopted by the board. A license may be placed on inactive status pursuant to rules adopted by the board.

5 New Paragraphs; Definitions; Mental Health Practitioners. Amend 330-A:2 by inserting after paragraph II the following new paragraphs:

II-b. "Communication of alleged misconduct" or "allegation" means a written statement received by the board describing a claim of professional misconduct of a licensee under this chapter. The term "allegation" shall include but not be limited to, such uses as "allegation of professional misconduct," "letter of alleged misconduct," "statement of alleged misconduct," and "submission of allegation of misconduct."

II-c. "Complaint" means a communication of alleged misconduct containing information that, as the board shall determine, if true, could violate ethical codes, administrative rules, or the law. A matter is considered a complaint when the board orders the change of status from allegation to complaint.

6 Mental Health Practice; Undertaking Disciplinary Action. Amend RSA 330-A:27, I(c) to read as follows:

(c) Upon written, **signed, and sworn statement** ~~[complaint]~~ of any person which charges that a person licensed under this chapter has committed misconduct under paragraph II and which specifies the grounds for such charges.

7 New Subparagraph; Disciplinary Proceedings; Misconduct. Amend RSA 330-A:27, II by inserting after subparagraph (h) the following new subparagraph:

(i) Any misconduct according to the law, rule, or ethical requirements applicable at the time of the alleged misconduct.

8 Board Investigations; Disclosure. Amend RSA 330-A:28, I to read as follows:

I. The board shall investigate possible misconduct by licensees and other matters within the scope of this chapter. Investigations may be conducted formally, after issuance of a board order setting forth the general scope of the investigation, or informally, after a board vote to seek additional information, without such an order. In either case, information gathered subsequent to the initiation of and during such investigations shall be exempt from the public disclosure provisions of RSA 91-A, except to the extent such information may later become the subject of a public disciplinary hearing. The existence of a complaint and status of the investigation, without disclosing the identity of those involved, shall be subject to the disclosure provisions of RSA 91-A. The board may disclose information acquired in an investigation to law enforcement ~~[or]~~ **only if it involves suspected criminal activity, to**

health licensing agencies in this state or any other jurisdiction ***if the licensee has or is seeking additional licenses***, or ~~[in response to]~~ ***as required by*** specific statutory requirements or court orders. A licensee under this chapter shall be promptly informed of the nature and scope of any pending investigation.

9 Mental Health Records. RSA 330-A:28, V is repealed and reenacted to read as follows:

V. Subject to the limitations of RSA 330-A:32, and this section, the board may, with just cause and at any time, subpoena copies of mental health records from its licensees and from hospitals and other health care providers licensed in this state. Such subpoenas shall be served by certified mail or by personal delivery. A minimum of 15 days' advance notice shall be allowed for complying with a subpoena duces tecum issued under this section. The board shall obtain, handle, archive, and destroy mental health records as follows:

(a) In the event that the client/patient owning the privilege is the person who has made the allegations against the licensee, the board may access the records of such client/patient. The allegation statement form provided by the board and initial follow up correspondence shall clearly indicate that the making of allegations of misconduct by a client/patient who is the owner of the privilege shall override the privacy of that record for the purpose of the board's confidential investigations and proceedings. The client/patient's identity, however, shall not be disclosed to the public in any manner or in any proceeding of the board without his or her consent. In the event that the client/patient named in the complaint is a child, the legitimate assertion of the privilege by one natural or adoptive parent or legal guardian is sufficient for this paragraph to apply. The board may act on that parent or guardian's initiation of complaint regardless of the objection of the other parent or guardian.

(b) In the event that the person who has made the allegations against the licensee is not the owner of the privilege for the records of the client/patient named in the complaint whose treatment is under investigation by the board, the records for an investigation shall be treated as follows:

(1) When the board reviews the initial allegations and upon all further reviews of the case by the board, the identity of the named client/patient shall be redacted from the documents reviewed by the board.

(2) Upon issuance by the board of an order of investigation and prior to the assignment of the case to the investigation team, the name of the client/patient under this subparagraph shall be provided to the immediate investigation team in order to determine the need for recusal of those members before accepting the assignment in a manner as described in subparagraph (g).

(3) The record of a client/patient under this subparagraph that has been specifically named in the complaint may be obtained by the board's investigation team as specified:

(A) The board may order its administrator or investigator to request permission from the client/patient to obtain the record for the investigation, informing the client/patient about the bounds of confidentiality of such records and the nature of the investigation process. If the client/patient grants permission, the board may obtain the copies of the record from the licensee.

(B) If the client/patient denies permission for access to the record, or if the board chooses to omit the request for permission, the procedures of subparagraphs (c)(4), (5), (6), and (8) shall apply to the handling of those records and requests for interviews.

(4) Personally identifiable information pertaining to a client/patient under this subparagraph shall remain known only to the immediate investigation team assigned to the case, which may include an administrative prosecution unit attorney, a professional conduct investigator, the board administrator, and only those additional investigative assistants as the immediate investigation team deems necessary to accomplish the investigation of the case.

(5) All communication beyond the immediate investigation team, with the professional conduct committee, consultants, or the board, pertaining to these clients/patients shall be conducted without the use of personally identifiable information.

(6) At the conclusion of the investigation and prior to review of the report of investigation, the identity of the client/patient under subparagraph (b) shall be disclosed to members of the board to determine the need for recusal of its members as described in subparagraph (g) of this section.

(7) The identity of a client/patient defined in subparagraph (b) shall not be disclosed to the public in any manner or in any proceeding of the board without his or her consent.

(c) Records of client/patients who are not named in the initial allegations shall be treated as follows:

(1) If the investigation team wishes to obtain records of, or contact, clients/patients not named in the original order of investigation, the investigation team shall make its request to the board with reasons for the request, shall specify the scope of cases and types of records requested, and shall state the name of the individual authorized to contact any client/patient.

(2) Upon issuance of an order of investigation by the board pertaining to treatment of patients defined in this subparagraph, the names of the clients/patients that fulfill the criteria of selection may be made available to the immediate investigation team for purposes of determining whether recusal issues pertain to their selection for the investigation as described in subparagraph (g).

(3) If the board orders investigation into client/patient cases who are not named in the original allegations, it shall specify whether these clients/patients may be contacted directly by the investigation team.

(4) For records requested under this subparagraph, a licensee shall be instructed to provide records that are redacted of personally identifiable information as specified in subparagraph (f). Each record shall be marked with an identifying code and the licensee shall provide to the board administrator the contact information for corresponding clients/patients.

(5) The board administrator shall separately store in a secure manner the list of these client/patient codes with corresponding contact information.

(6) In the event the investigation team has just cause to verify its redacted copies against originals of the records of specified cases, it shall request permission of the board giving reason for its request. If the board grants permission, the investigation team may have access to the identified records. Originals of the records may be viewed at a time and location determined by the investigation team. The investigation team may request a copy of the identified original records be sent to the immediate investigation team. The investigation team may then proceed to review the original or copies of the identified records in comparison with the redacted copies to ascertain their completeness and accuracy. Copies and corrections to the redacted records may be made by the investigation team, after which any identified copies in the possession of the investigation team shall be destroyed and original records returned to the licensee.

(7) When permission has been granted by the board pursuant to subparagraph (c)(1) to contact clients/patients pertaining to this subparagraph, access to the contact information is limited to the professional conduct investigators and administrative prosecution unit attorneys assigned to the case, the administrative clerk who manages the confidential files of the case, and any assistants specifically approved by the board for contact.

(8) The member of the immediate investigation team making contact with clients/patients pursuant to subparagraph (c)(1), shall request permission from the clients/patients to conduct an interview and shall include an explanation that they may grant or refuse permission for such interview and that there are no adverse personal

consequences of any kind for refusal to grant permission or for withdrawing permission at any time in the process. The investigation team member may inform the clients/patients that refusal to participate may prevent the investigation to proceed or reach a conclusion. The investigation team member shall predicate continuation of the interview on the client/patient's agreement to a confidentiality agreement concerning the licensee and the existence of the investigation.

(9) At the conclusion of the investigation and prior to review of the report of investigation, the identity of the client/patient under this paragraph shall be disclosed to members of the board to determine the need for recusal of its members as described in subparagraph (g).

(10) The identity of each client/patient shall be redacted by the administrator or investigation team from any documents reviewed by the board.

(11) The identity of a client/patient defined in this subparagraph shall not be disclosed to the public in any manner or in any proceeding of the board without his or her consent.

(d) The mental health records obtained through subparagraphs (a), (b), and (c) shall, if archived, be treated as follows:

(1) At or before the conclusion of the licensee investigation case, including all disciplinary action and completion, remediation and sanctions ordered and completed, and completion of all appeals, and appeal periods, the client/patient records shall be reduced to those clients/patients and sections of records that had been included in the prosecution, defense, deliberation, and determination of the case. Client/patient materials not pertinent to the above shall be destroyed;

(2) Materials retained in subparagraph (d)(1) pertaining to clients/patients other than the complainant shall be redacted of all personally identifiable information; and

(3) The identification and contact information collected during the investigation for clients/patients other than the complainant shall be destroyed prior to archiving.

(e) The archived mental health records shall be destroyed according to the attorney general's archive destruction schedule.

(f) For the purposes of this paragraph:

(1) "Record" means health information collected from or about an individual that:

(A) Is created or received by a health care provider, health plan, employer, or health care clearinghouse; and

(B) Relates to the individual, the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual.

(2) "Personally identifiable information" means information which identifies an individual or which a reasonable person would believe can be used to identify an individual, which includes common and uncommon identifiers, including but not limited to name, address, birth date, social security number, court docket number, insurance policy number, and any other identifiers of an individual and of the individual's known relatives, household members, and employers that a reasonable person would believe could identify the individual to whom the record pertains.

(g) In the process of determining recusal, the security of the client/patient's identity shall be preserved, as follows:

(1) Before engaging in any cases as defined in subparagraph (a), board members, investigators, and others as specified in this paragraph with access to case files shall first review the name of the client/patient before proceeding with the case. If a conflict of interest is revealed, that person shall recuse himself or herself from the case.

(2) Before engaging in any cases defined in subparagraph (b), the immediate investigation team members at the onset of investigation, board members at the time of

reviewing the findings of the formal investigation, and any others authorized in this paragraph to have access to the case prior to commencing review of such cases shall first determine if there is a need for recusal. The name and town of the client/patient shall be embedded in a list of at least 12 other names and towns prepared by the board administrator. The list shall be reviewed by the team member in the presence of the board administrator. Telephonic review is permitted. The member shall not retain a written record of the list. The member shall indicate which if any names would present reasons for recusal for that member. If the names indicated by the member do not include the client/patient as known to the administrator, then the member shall be permitted to participate in the case.

(3) If a client/patient as defined in subparagraphs (b) or (c) testifies or intends to attend the hearing of the case involving his or her treatment, in which the board may see the client/patient inadvertently or directly, the client/patient's name shall be revealed to the board members so that they may have the opportunity to recuse themselves prior to the proceeding, and the client/patient shall be informed beforehand of such disclosure.

(4) For recusal issues pertaining to clients/patients selected under paragraph (c) of this section, the investigation team shall review the names of the clients/patients who qualify for the scope of investigation as defined in the order by the board, after which team members shall determine if recusal issues occur. The names and towns of the selected clients/patients shall be embedded in a list containing at least 25 percent other names and towns prepared by the board administrator. The list shall be reviewed by the team member in the presence of the board administrator. Telephonic review is permitted. The member shall not retain a written record of the list. Each member shall indicate which if any names would present reasons for recusal for that member. If the names indicated by the member do not include the clients/patients as known to the administrator, then the member shall be permitted to participate in the case. If a case presents a recusal issue, then the investigation team shall either disqualify clients/patients from the list or shall disqualify the team member from handling those cases, as the expeditious handling of the investigation and the interests of justice require.

(5) When board members review the reports of investigations that include case information pertaining to clients/patients as defined in subparagraph (c), they shall review their names prior to reading such reports in the following manner:

(A) If there are 10 or fewer cases with individual clinical information presented, then the methods of testing for recusal shall follow the recusal procedures of subparagraph (g)(2).

(B) When the report includes clinical information pertaining to more than ten cases, then the recusal methods of subparagraph (g)(4) shall apply.

(C) When such clients'/patients' information is presented only in aggregate form, no recusal is required.

(h) Testimony by clients/patients shall be handled with utmost regard for their privacy and protection of their identity from public disclosure.

(1) A client/patient as defined under subparagraphs (b) or (c) shall not be compelled to testify at a board hearing.

(2) If a client/patient as defined in subparagraphs (b) or (c) testifies at hearing, his or her identity shall be screened from the public view and knowledge, although the respondent and attorneys shall be within the view of the client/patient. The board may view the client/patient. The public's access to the view or information that would identify the client/patient shall be restricted. At the board's discretion, the hearing may be closed to the public for the duration of the client/patient's testimony.

(3) If a client/patient who is party to the complaint requests such privacy safeguards as in subparagraph (h)(2), the accommodations of that subparagraph may likewise be made at the discretion of the board.

(i) Licensees shall comply with board requests for client/patient records and all redaction requirements specified under this section. Failure to comply with lawful requests of the board under this section may subject the licensee to discipline as the board may determine.

10 Mental Health Practice; Investigations and Complaints; Summary. RSA 330-A:28, VII and VIII are amended to read as follows:

VII. Except for good cause shown, ~~[upon its determination that a formal or informal investigation shall be conducted,]~~ the board shall mail a copy of ~~[a complaint]~~ **any allegations of misconduct** to any licensee who is the subject of the ~~[complaint, and require the licensee to provide a detailed and good faith written response to allegations identified by the board]~~ **allegation. Allegations that do not rise to the level of complaint shall not require a response from the licensee. In the case of allegations meeting the level of complaint, licensees shall provide a detailed and good faith written response as directed by the board.** The licensee shall provide complete copies of the licensee's office records concerning any client identified in the complaint **pursuant to RSA 330-A:28, V.** The licensee shall respond to such request within a reasonable time period of not less than 30 days, as the board shall specify in its written request. The detailed complaint and licensee's response shall be exempt from disclosure under RSA 91-A unless the licensee successfully petitions the board to make them available pursuant to RSA 91-A:4.

VIII. Any person may file a written complaint, **as described in RSA 330-A:27, I,** with the board which charges that a person licensed under this chapter has committed misconduct. The board may dismiss complaints when the undisputed allegations do not warrant disciplinary actions and may settle complaints informally with the consent of the licensee. Some or all of the allegations in a complaint may be consolidated with another complaint or with issues which the board chooses to investigate or hear on its own motion. If an investigation of a complaint results in an offer of settlement by the licensee, the board may settle the allegations against the licensee without the consent of a complainant, provided that the complainant is given an opportunity to comment on the terms of the proposed settlement. **Prior to the settlement or other negotiated termination of proceedings, the board shall provide the licensee with a summary of the investigation, which shall include an overview of the evidence, including incriminating and exculpatory elements.**

11 New Paragraphs; Investigations and Complaints; Court-Ordered Evaluations. Amend 330-A:28 by inserting after paragraph VIII the following new paragraphs:

IX. Notwithstanding any other provisions of this chapter, if an allegation of professional misconduct arises in the course of a court-ordered evaluation against a mental health practitioner under this chapter, the board shall not make the determination of a complaint concerning any allegation of professional misconduct, or proceed with the formal investigation of, or prosecution against, the mental health practitioner unless the court has first determined, after a closed hearing conducted on the allegation, that a substantial basis exists to refer the allegation to the board for its consideration. Such closed hearing shall be given priority on the court's calendar and the allegation shall be considered confidential. After any determination has been made, the court shall then order the allegation be placed under seal and remain confidential. If the court fails to make a determination under this paragraph by the time of the final disposition of the case, the board may proceed with a determination on the allegation. Provided, however, that an exception to the court review of the allegation under this paragraph shall exist if:

(a) The board in its preliminary review of the allegation considers that gross misconduct may have occurred or that client/patient safety may be in jeopardy; or

(b) The licensee has affirmatively waived the court's review of the allegation.

X. Except as otherwise provided in this chapter, including RSA 330-A:28, VII, the existence of an allegation of misconduct shall be confidential and shall not be required to be reported by the licensee to any person. Insurance carriers and certifying bodies shall be

prohibited from asking about the existence of such allegations and shall not hold the existence of such allegations in this chapter against the licensee in any way including but not limited to denial of any professional privileges, or increased costs, fees, or charges.

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

AMENDED ANALYSIS

This bill makes various changes to the regulation of mental health practitioners including the requirements of the board of mental health practice relating to investigation and hearings concerning disciplinary proceedings, fees for late renewals of licensure, the form of complaints against licensees, and the disclosure of patient records.

HB 234-FN-A, relative to food service licensure and establishing a committee to study the regulation of food service establishments. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William S. Belvin for Finance: This bill originated in the Commerce Committee, passed the House and came to Finance as a second committee. The bill, as requested by health and human services, brings New Hampshire law into alignment with federal food and food processing law. The amendment saves cost by resolving a duplication of regulatory authority between health and human services and the department of agriculture. The department of agriculture will have clear authority for its voluntary regulation of small food processing for maple products, honey, apple cider and other small scale baked goods. Vote 24-0.

Amendment (1033h)

Amend the bill by replacing section 1 with the following:

1 Food Service Licensure; Definitions. Amend RSA 143-A:3, IV to read as follows:

IV. "Food service establishment" means any fixed or mobile, attended or unattended restaurant; coffee shop; cafeteria; short order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; industrial feeding establishment; **food processing plants**; food vending operation; private or public organization or institution, whether profit or nonprofit, which routinely serves food; catering kitchen; commissary, or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating and drinking establishment or operation in which potentially hazardous food is served or provided for the public with or without charge.

IV-a. "Food processing plant" means a type of food service establishment that is a commercial operation that processes food for human consumption and provides processed food for sale and distribution to other business entities such as other food establishments. The term does not include an operation that processes food under the oversight of the department of agriculture in accordance with RSA 426, RSA 427, RSA 428, RSA 429, and RSA 434.

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:

7 Repeal. The following are repealed:

I. RSA 428:30, relative to interpretation of the subdivision relative to the sale of eggs.

II. RSA 429:28, relative to interpretation of the subdivision relative to maple and honey products.

III. RSA 434:32, relative to interpretation of the subdivision relative to apples.

IV. RSA 434:40-h, relative to interpretation of the subdivision relative to cider.

HB 604, relative to the procedures for approval of plans, specifications, and costs of school building construction or renovation. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen C. Umberger for Finance: The committee incorporated the requirements for approval of plans, specifications and costs enumerated in HB 604 into HB 533. Therefore this bill is unnecessary. Vote 24-0.

HB 1521-FN, relative to retired state employees group insurance participation. **OUGHT TO PASS.**

Rep. Lynne M. Ober for Finance: This bill resulted from a department of administrative services performance audit, which cited ten observations. The final three citations required legislation and were incorporated into this bill. When administration of the retiree health benefit program was transferred from the New Hampshire Retirement System [NHRS] to the department of administrative services, the department continued the practices that were put in place by the NHRS, but the audit discovered that a number of these practices were not specifically authorized to DAS by statute. This bill sets out authorization for these ongoing practices in a revision to RSA 21-I:30 and re-writes that statute in a more logical format. Under this bill, retirees with disabled children will be able to purchase health coverage from the state. Retired employees who are eligible for Medicare may voluntarily cease participation in plan benefits at any time and may reenroll without restriction, which allows retirees who work again to take medical benefits from their current employer, but remain eligible for start benefits that would be provided to all state retirees. Retirees who are not eligible for Medicare may voluntarily cease participation in plan benefits at any time. If an unmarried retiree marries after retirement, the benefit plan shall be extended to the new spouse and if a retiree divorces, COBRA coverage will be offered to the divorced spouse, per federal law, but the ex-spouse may no longer participate in the retiree's benefit plan. Vote 24-0.

HB 1361, relative to fiscal notes on bills. **OUGHT TO PASS.**

Rep. J. Michael Ball for Legislative Administration: This is a simple housekeeping issue that clarifies the language which is permissible on a fiscal note to a bill. This is in keeping with our duty to act as good stewards of the taxpayers' hard earned dollar. Vote 9-0.

HB 1390, relative to the regulation of incumbent local exchange carriers. **INEXPEDIENT TO LEGISLATE.**

Rep. Nickolas J. Levasseur for Science, Technology and Energy: This bill was intended as a placeholder bill pending the Senate's disposition of SB 48, a comprehensive deregulation of New Hampshire's telecommunications industry. With SB 48 now in the committee's possession and with the reporting deadline approaching, the committee no longer felt it necessary to retain HB 1390 as a vehicle. As SB 48 is a far more effective piece of legislation the committee recommends ITL. Vote 14-0.

HB 1428, relative to public utilities commission orders concerning renewable portfolio standards. **INEXPEDIENT TO LEGISLATE.**

Rep. Sam A. Cataldo for Science, Technology and Energy: This bill would have made changes in New Hampshire's electric renewable portfolio standard (RPS) law. Since the Senate just passed a comprehensive RPS bill (SB 218), which will be coming to the House, the committee felt that this bill (HB 1429) is not needed. The committee will spend its time on the Senate bill. Vote 13-1.

MOTION TO LIMIT DEBATE

Rep. Sanborn moved that debate on the reports, bills, amendments and motions arising out of the current House Calendar be limited to 20 minutes: 10 minutes each for proponents and opponents, 5 minutes for each speaker.
Adopted.

REGULAR CALENDAR

HB 1560, relative to the interstate Health Care Compact. **MAJORITY: OUGHT TO PASS**

WITH AMENDMENT. MINORITY: OUGHT TO PASS.

Rep. Chris F. Nevins for the Majority of Commerce and Consumer Affairs: A compact is an agreement of two or more states and according to Article One of the US Constitution; no state shall, without the consent of Congress, enter into any agreement or compact with another state. A healthcare compact moves the responsibilities and authority for regulating healthcare from the federal government to the states. Medicare has an unfunded liability of between \$38-43 trillion, and we should take a long look at any program that would potentially shift NH's portion of that burden to state taxpayers. The committee was also concerned that there will be an unknown cost to join the compact and, even more importantly, what health insurance it will actually cover: Medicare, Medicaid, or individuals and employer based group insurance? The legislation, however, does allow New Hampshire to join after the commission has been enacted by congress and formed. After hearing much testimony about pros and cons on health care compacts, the committee concurs with the sponsor, that further study with a study committee would be appropriate. The committee is directed to report by Nov. 1. Vote 11-2.

Rep. Andrew J. Manuse for the Minority of Commerce and Consumer Affairs: This bill was sent to Commerce as a second committee. The minority of Commerce agrees with the statement: "This compact recognizes that New Hampshire's health care needs are best solved by those here in New Hampshire and not by Washington DC regulators trying to force all 50 states into the same one-size-fits-all solution." The minority also thinks that the Commerce Committee has not articulated sufficient rationale to study the idea of a Health Care Compact further. A compact is a constitutionally permitted contract among two or more states that must be ratified by Congress to take effect, according to Article 1, Section 10 of the U.S. Constitution. Due to the legal nature of a compact, the Commerce Committee or a study committee cannot recommend amended language for HB 1560 or the compact can not legally take effect. Practically speaking, the study committee is just an option to talk more about the idea of a compact and then make a recommendation whether to pass this bill in the exact same form that you see it in today. Such a conversation is unneeded and wasteful of valuable state resources for one very clear reason: Even if we do pass this compact, and even if two or more other states pass this compact in the exact same form, and even if Congress passes this compact in the exact same form, the only thing that will come from it is that the New Hampshire Legislature will have been legally granted permission to write statutory laws and executive rules regarding health care that do not comply with federal law. Even if the health care compact is ratified, there will be no other change to the way New Hampshire citizens are treated under the law. Only if a future Legislature decides to make changes to our law will there be any change, but at that point, such changes will be permitted and the supremacy clause of the U.S. Constitution will not apply. Whether the New Hampshire Legislature decides to write such laws is completely up to a future Legislature, and a future Legislature may decide to do nothing. Ultimately, with the compact in place, the New Hampshire Legislature will have power granted by Congress to develop more efficient and effective policies to regulate health care within the State of New Hampshire, notwithstanding federal law. The minority of this committee thinks that the federal government has done an abysmal job regulating health care and thinks the New Hampshire Legislature could do a better job—perhaps even by letting the free market do most of the regulating itself.

Majority Amendment (1328h)

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

AN ACT establishing a committee to study interstate compacts and health care.

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

1 Committee Established. There is established a committee to study interstate compacts and health care.

2 Membership and Compensation.

- I. The members of the committee shall be as follows:
 - (a) Three members of the house of representatives, appointed by the speaker of the house of representatives.
 - (b) Two 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's study shall include, but not be limited to the following:
 - I. A determination of the cost implications by enacting the rights of the state by vote of the legislature.
 - II. A determination of areas of federal regulation that are made redundant and time consuming by similar state mandates.
 - III. Identifying potential areas where New Hampshire could provide health care under an interstate health care compact.
- 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 interstate compacts and health care.

SPECIAL ORDERED

Without objection, the Speaker made **HB 1560**, relative to the interstate Health Care Compact, a Special Order to later in the day.

REGULAR CALENDAR (CONT'D)

HB 1227, relative to disqualification of certain members of the general court. **REFER FOR INTERIM STUDY.**

Rep. Seth Cohn for Constitutional Review and Statutory Recodification: This committee heard a number of bills this year on the topic of who should be disqualified from running or serving in the House and when. Having rejected other bills as clearly unconstitutional, we felt this bill was a good vehicle for the discussion of the issues raised regarding advocacy, lobbying, compensation, conflicts of interest, ethical guidelines, qualifications for office, and all of the related constitutional issues, and what is the best solution, still to be determined, if any is needed. With the committee unsure if that potential answer should be via house rules, constitutional amendment, statute, or ethical guidelines, more time and discussion is needed, and hopefully an interim study will allow the best legislative effort to return next year. Vote 11-5.

Rep. Ball spoke against.

Rep. Itse spoke in favor.

Committee report adopted.

HB 1350, relative to the style and form of new articles and amendments to articles proposed by constitutional amendment concurrent resolutions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Seth Cohn for Constitutional Review and Statutory Recodification: This bill is concerned with matching the style and format of the New Hampshire Constitution as it was originally. By ensuring that capitalization remains intact on certain key words that the

titles which may limit the interpretation are not enshrined in the constitution proper, we can help preserve the integrity of the legacy of our founders, and the foundation of laws by which we, the People, have formed this government. The secretary of state is in agreement with this intent. Vote 11-5.

Amendment (1359h)

Amend the bill by replacing section 1 with the following:

1 New Section; Constitutional Amendments; Style and Form. Amend RSA 17-A by inserting after section 7 the following new section:

17-A:8 Constitutional Amendments; Style and Form.

I. The style and form of new articles and amendments to articles proposed by constitutional amendment concurrent resolutions shall conform to the general style and form of articles of the New Hampshire Constitution when it took effect on September 5, 1792.

II. No new article or amended article of the New Hampshire Constitution shall have an enrolled title or section heading.

III. A new article or amended article of the constitution shall capitalize the following words: State; United States; Constitution; Legislature; Executive; Judiciary; Judicia; Congress; General Court; New Hampshire; Jury; Liberty of the Press; God; Marriage; Rights of Conscience; Christian; Freedom; Free Speech; House; House of Representatives; Senate; and the titles of all officers including Governor; Representative; Senator; Executive Councilor; Judge; Secretary of State; State Treasurer; House Clerk; and Senate Clerk.

IV. Notwithstanding the provisions of paragraphs I-III, the secretary of state and the clerks of the house of representatives and the senate shall have the power to publish the New Hampshire Constitution with numbers and titles for articles.

AMENDED ANALYSIS

This bill requires the style and form of new articles and amendments to articles proposed by constitutional amendment concurrent resolutions to conform to the general style and form of the New Hampshire Constitution when it took effect on September 5, 1792.

Rep. Itse spoke against.

Amendment failed.

Rep. Itse offered floor amendment (1433h).

Floor Amendment (1433h)

Amend the bill by replacing section 1 with the following:

1 New Section; Constitutional Amendments; Style and Form. Amend RSA 17-A by inserting after section 7 the following new section:

17-A:8 Constitutional Amendments; Style and Form.

I. The style and form of new articles and amendments to articles proposed by constitutional amendment concurrent resolutions shall conform to the general style and form of articles of the New Hampshire Constitution when it took effect on June 5, 1793.

II. No new article or amended article of the New Hampshire Constitution shall have an enrolled title or section heading.

III. A new article or amended article of the constitution shall capitalize the following words: State; United States; Constitution; Legislature; Executive; Judiciary; Judicia; Congress; General Court; New Hampshire; Jury; Liberty of the Press; God; Marriage; Rights of Conscience; Christian; Freedom; Free Speech; House; House of Representatives; Senate; and the titles of all officers including Governor; Representative; Senator; Executive Councilor; Judge; Secretary of State; State Treasurer; House Clerk; and Senate Clerk.

IV. Notwithstanding the provisions of paragraphs I-III, the secretary of state, the clerks of the house of representatives and the senate, and the director of legislative services shall have the authority to publish the unnumbered articles of the constitution with the numbers used by convention and with titles approved by the legislature or a constitutional convention.

AMENDED ANALYSIS

This bill requires the style and form of new articles and amendments to articles proposed by constitutional amendment concurrent resolutions to conform to the general style and form of the New Hampshire Constitution when it took effect on June 5, 1793.

Rep. Itse spoke in favor.

Floor amendment (1433h) adopted.

Committee report adopted and ordered to third reading.

HB 1395*, revoking amendments to supreme court rules 50 and 50-A. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.*

Rep. Daniel C. Itse for the Majority of Constitutional Review and Statutory Recodification:

This bill reverses the changes to Supreme Court rules 50 and 50-A made in 2010. Attorneys often put client payments into a common escrow account. Previously, the supreme court determined it was unethical for those attorneys to retain the interest from these accounts because the interest was properly the property of the clients; and therefore, required the interest turned over to the Supreme Court to be given to the bar association to be then given to legal aid. The bar association receives 10% for administration of the program. However, attorneys had the power to put the money into non-interest bearing accounts to avoid this conundrum. Currently, the state budget supports legal aid through the judicial budget.

When the state contribution was cut, the supreme court changed the rules such that it became mandatory to put the escrow money into interest bearing accounts. The taking of this interest income for a public purpose amounts to taxation of 100%. The Constitution of the State of New Hampshire, Part 1, Article 28 prohibits taxation “under any pretext whatsoever” by any body other than the people or the Legislature, making this action patently unconstitutional. Since neither the attorneys nor their clients have any direct power in the selection of the supreme court justices - this is taxation without representation - one of the chief causes of the Revolutionary War. Furthermore, since this is a “charitable” program, and quite possibly not all of the clients want their money to be given to this charity, this is also forced association violating the Constitution of New Hampshire, Part 1, Article 4, which recognizes the rights of conscience. The Constitution of New Hampshire Part 2, Article 73 authorizes the supreme court to make rules for “the administration of the courts, in the state and the practice and procedure to be followed in all such courts.” This disposition of interest on escrow accounts is not an act that occurs in the courts. Vote 10-5.

Rep. Gary B. Richardson for the Minority of Constitutional Review and Statutory Recodification: This bill seeks to revoke rules issued by the Supreme Court relating to interest on a lawyer’s escrow account containing funds received on behalf of clients for short periods of time. The interest on these accounts is not traceable to a particular client because the funds are only held for very short periods of time in a commingled account on behalf of multiple clients. (Any client funds that are held in an individual account are the property of the client and must be segregated for the benefit of the client who is entitled to the funds.) The interest that is earned on these commingled accounts is paid to a public foundation and used to provide legal services for the poor and other public services related to the practices of law. The majority argues that it is a violation of an attorney’s constitutional rights to be compelled to contribute money for legal services for the poor. The minority believes that since this money does not belong to the lawyer if any constitutional rights are involved they are the constitutional rights of the clients, not the lawyer. The minority also notes that pursuant to Part II, Article 73-a of the constitution, the Supreme Court has authority to adopt rules relating to “the practice and procedure to be followed” in the courts, which includes the practice of law. If the majority has problems with Article 73-a, the remedy is through constitutional amendment rather than crippling a program providing legal service for the poor without providing state funding to make up for the loss of revenue. Seeking to over-turn Supreme Court rules by statute is a violation of Part I, Article 37.

The question being adoption of the majority committee report of Ought to Pass.
Rep. Gary Richardson spoke against.
Rep. Itse spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Benn moved that **HB 1395**, revoking amendments to supreme court rules 50 and 50-A, be laid on the table.

On a division vote, 110 members having voted in the affirmative and 217 in the negative, the motion failed.

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

Rep. Gary Richardson requested a roll call; sufficiently seconded.

YEAS 235 NAYS 99

YEAS 235

BELKNAP

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

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

Comtois, Guy
Kingsbury, Robert
Russell, David
Worsman, Colette

Fields, Dennis
Luther, Robert
St. Cyr, Jeffrey

CARROLL

Babson, David Jr
Merrow, Harry
Tregenza, Norman

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Pettengill, Laurie

McCarthy, Frank
Schmidt, Stephen

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Dwinell, Richard
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

Ingbretson, Paul
Simard, Paul

HILLSBOROUGH

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

Balboni, Michael
Belvin, William
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
Hansen, Peter

Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Hardwick, Harry

Cusson-Cail, Kathleen
Donovan, Daniel
Graham, John
Hawkins, Kenneth

Daniels, Gary
Drisko, Richard
Haefner, Robert
Hikel, John

Hinch, Richard
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Palmer, Stephen
Proulx, Mark
Rowe, Robert
Soucy, Connie
Summers, James
Vaillancourt, Steve

Hogan, Edith
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Ober, Lynne
Pellegrino, Tony
Reed, Michael
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Villeneuve, Moe

Holden, Frank
Kurk, Neal
Marcus, Bruce
Messier, Irene
Ober, Russell III
Peterson, Lenette
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Warden, Mark

Hopper, Gary
Lambert, George
McCarthy, Michael
Murphy, Keith
Ohm, Bill
Pratt, Calvin
Robbins, David
Simmons, Tammy
Stroud, Kathleen
Ulery, Jordan
Whitehead, Randall

MERRIMACK

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

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

Cohn, Seth
Keane, Thomas
Lindsley, Mark
Reed, Dennis
Smith, Todd

Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Devine, James
Fesh, Robert
Headd, James
Janvrin, Kevin
Lundgren, David
McMahon, Charles
Oigny, Jeffrey
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Smith, William
Tremblay, Stella
Webb, James

Allen, Mary
Bates, David
Brown, Paul
Copeland, Timothy
Dowling, Patricia
Garcia, Marilinda
Hoelzel, Kathleen
Kappler, Lawrence
Major, Norman
Murphy, Brian
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tucker, Pamela
Welch, David

Antosz, Jason
Belanger, Ronald
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garrity, James
Introne, Robert
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Waddell, James
Weyler, Kenneth

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Griffin, Mary
Itse, Daniel
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tasker, Kyle
Ward, Joanne

STRAFFORD

Andolina, Donald
Jones, Kyle

Cataldo, Sam
Jones, Laura

DeLemus, Susan
Larsen Schultz,
Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr

Munck, Philip
Pitre, Joseph

Newton, Clifford
Vita, Carol

Parsons, Robbie

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

BELKNAP

Millham, Alida

CARROLL

None

CHESHIRE

Butynski, William
Lerandeau, Alfred
Sad, Tara

Chase, Cynthia
Meader, David
Tatro, Bruce

Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

Johnsen, Gladys
Roberts, Kris
Weed, Charles

COOS

Coulombe, Gary
Thomas, Yvonne

Merrick, Evalyn

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Townsend, Charles

Benn, Bernard
Nordgren, Sharon
White, Andrew

Cooney, Mary
Pastor, Beatriz

HILLSBOROUGH

Baroody, Benjamin
Daler, Jennifer
Gimas, John
Leishman, Peter
Pilotte, Maurice
Shaw, Barbara

Belanger, James
Emerton, Larry
Goley, Jeffrey
Long, Patrick
Porter, Marjorie
Sullivan, Daniel

Campbell, David
Fredette, Robert
Gorman, Mary
Moran, Edward
Rhodes, Brian
Sullivan, Peter

Cote, David
Gargas, Carolyn
Hutchinson, Winfred
Palmer, Barry
Rosenwald, Cindy
Willette, Robert

MERRIMACK

Bouchard, Candace
Frazer, June
Lockwood, Priscilla
Potter, Frances
Watrous, Rick

Deloge, Helen
Gile, Mary
MacKay, James
Rice, Chip
Williams, Robert

DeStefano, Stephen
Hess, David
Owen, Derek
Richardson, Gary

Foose, Robert
Kidder, David
Patten, Dick
Shurtleff, Stephen

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Sapienza, Marie

DiPentima, Rich
Norelli, Terie
Schlachman, Donna

Lovejoy, Patricia
Pantelakos, Laura

McKinney, Betsy
Read, Robin Jr

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Spang, Judith

Brown, Julie
Hooper, Dorothea
Perry, Robert
Wall, Janet

Browne, Brendon
Horrigan, Timothy
Schmidt, Peter
Watters, David

Ginsburg, Philip
Kaen, Naida
Spainhower, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Schmidt, Andrew

and the majority committee report was adopted and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. DeLemus moved that the House reconsider its action whereby, on a voice vote, it adopted the committee report of Inexpedient to Legislate on **HB 1267**, relative to adjustments to the child support guidelines based on child support expenses documented by the parties.

Reps. DeLemus and Oligny spoke in favor.

Rep. Moran spoke against.

On a division vote, 103 members having voted in the affirmative and 233 in the negative, the motion failed.

REGULAR CALENDAR (CONT'D)

HB 1475, relative to enforcement of interstate compacts. **REFER FOR INTERIM STUDY.**

Rep. Joshua C. Davenport for Constitutional Review and Statutory Recodification: The text of this bill reads "Enforcement of Interstate Compacts. No state official shall enforce any provision of an interstate compact which is based on another state's law or rule which has not been specifically approved by the New Hampshire legislature." While the bill has simple language, interstate compacts have significant subtleties. The committee didn't feel it had the time to disentangle all the variables, and so voted for interim study. In particular, carefully defining "specifically approved" may be required to avoid ambiguities that could undermine the intent of the bill. See "Drivers License Compact" for an example. Vote 11-2. Committee report adopted.

HB 1659-FN, relative to the women's right to know act regarding abortion information.

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

Rep. Jason P. Antosz for the Majority of Criminal Justice and Public Safety: The bill would allow women to know the complete and accurate information on abortions and its alternatives. The amendment removes the criminal penalty contained in the regular bill. Vote 8-7.

Rep. Stephen J. Shurtleff for the Minority of Criminal Justice and Public Safety: The minority remains deeply concerned that this legislation represents government overreach into the practice of medicine. It will compromise the quality of care for women seeking reproductive health services and literally put government into the exam room between a woman and her doctor. Instead of offering individualized counseling and advice tailored to each patient, this legislation will force medical providers to read from a script with biased information. It is simply not the role of the state to be forcing women to watch a government-created video and forcing medical providers to show ultrasound images and give medically unsound information. While we recognize that the efforts of the majority to adjust the criminal penalties take a small step to remedy one of the many problems with the bill, it is still a fundamentally bad public policy which we believe should be defeated.

Majority Amendment (1327h)

Amend RSA 132-B as inserted by section 1 of the bill by deleting RSA 132-B:7 and renumbering the original RSA 132-B:8-RSA 132-B:12 to read as RSA 132-B:7-RSA 132-B:11, respectively.

On a division vote, 210 members having voted in the affirmative and 106 in the negative, the majority committee amendment was adopted.

Rep. Keans offered floor amendment (1458h).

Floor Amendment (1458h)

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

AN ACT relative to the women's right to know act regarding abortion information and establishing the men's right to know act regarding erectile dysfunction treatments.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 New Chapter; Men's Right to Know Act Regarding Erectile Dysfunction Treatments.
Amend RSA by inserting after chapter 132-B the following new chapter:

CHAPTER 132-C

MEN'S RIGHT TO KNOW ACT REGARDING ERECTILE DYSFUNCTION TREATMENTS

132-C:1 Title. This act shall be known as the "Men's Right to Know Act Regarding Erectile Dysfunction Treatments."

132-C:2 Legislative Findings. The general court finds that:

I. It is essential to the psychological and physical well-being of a man considering treatment for erectile dysfunction that he receives complete and accurate information on treatment for erectile dysfunction and its alternatives.

II. The knowledgeable exercise of a man's decision to be treated for erectile dysfunction depends on the extent to which he receives sufficient information to make an informed choice between 2 alternatives: receiving treatment or abstaining from sexual activity.

III. The medical, emotional, and psychological consequences of treatment for erectile dysfunction can be serious and lasting. Many of the risks associated with the medications prescribed for erectile dysfunction, like stroke, heart attack, and renal failure, commonly result in death.

132-C:3 Purpose Statement. It is the purpose of this chapter to:

I. Ensure that every man considering treatment for erectile dysfunction receives complete information on erectile dysfunction and its alternatives and that every man submitting to treatment does so only after giving his voluntary and fully-informed consent to the erectile dysfunction treatment.

II. Protect men from an uninformed decision to treat erectile dysfunction.

III. Reduce risks associated with treatments for erectile dysfunction, which include but are not limited to: severe hypotension, stroke, increased intraocular pressure, sudden hearing loss, and priapism. Medications used to treat erectile dysfunction also interact with other medications to cause decreased liver function and severe impairment in renal function.

132-C:4 Definitions. In this chapter:

I. "Complication" means any adverse physical or psychological condition arising from erectile dysfunction medication, which include but are not limited to: severe hypotension, stroke, increased intraocular pressure, sudden hearing loss, and priapism. Medications used to treat erectile dysfunction also interact with other medications to cause decreased liver function and severe impairment in renal function.

II. "Erectile dysfunction" means persistent difficulty getting or maintaining an erection in response to sexual stimulation or arousal.

III. "Department" means the department of health and human services.

132-C:5 Informed Consent; Counseling About Alternatives; 24-hour Reflection Period Required. No erectile dysfunction medication shall be prescribed without the voluntary and informed consent of the man to whom the prescription will be issued. Consent to a prescription for erectile dysfunction medication is voluntary and informed if and only if:

I. At least 24 hours before the prescription is given, the physician who is to administer the medication or the referring physician has informed the man, orally and in person, of the following:

(a) Medically-accurate information that a reasonable patient would consider material to the decision of whether or not to take the medication, including:

(1) A description of the erectile dysfunction medication compounds;

(2) The immediate and long-term medical risks associated with sexual intercourse and prescription medication treatment for erectile dysfunction, but not limited to, severe hypotension, stroke, increased intraocular pressure, sudden hearing loss, vision loss, and priapism; and

(3) Alternatives to sexual intercourse and taking prescription medication for erectile dysfunction, such as abstinence and celibacy, sexual-partner counseling, or weight loss;

- (b) The probable cause of erectile dysfunction;
- (c) Any need for sexual-partner counseling;
- (d) That the man is free to withhold or withdraw his consent to taking medications that treat erectile dysfunction at any time.

II. The information required in paragraph I is provided to the man individually and in a private room to protect his privacy, to maintain the confidentiality of his decision, and to ensure that the information focuses on his individual circumstances and that he has an adequate opportunity to ask questions.

III. Prior to accepting the prescription, and after a 24-hour reflection period, the man certifies in writing on a checklist form provided or approved by the department that the information required above has been provided.

IV. The physician who is to prescribe erectile dysfunction medication shall receive and sign a copy of the written certification described in paragraph III prior to prescribing the erectile dysfunction medication. The physician shall retain a copy of the checklist certification form in the man's medical record.

132-C:6 Reporting for Erectile Dysfunction.

I. For the purpose of promoting sexual health and life by adding to the sum of medical and public health knowledge through the compilation of relevant data, and to promote the state's interest in protecting against damage to men's health, a report of each prescription for erectile dysfunction medication issued shall be made to the department on forms prescribed by it. The reports shall be completed by the facility in which the prescription was issued, signed by the physician who issued the prescription, and transmitted to the department within 15 days after each reporting month. The report forms shall not identify the individual patient by name and shall include the following information:

- (a) Identification of the physician who issued the prescription, the facility where the prescription was issued, and the referring physician, agency, or service, if any.
- (b) The county and state in which the man resides.
- (c) The man's age.
- (d) The physician's best judgment as to the cause of the impotence.
- (e) The type of medication prescribed and the date of the issued prescription.
- (f) Medical complication or complications which contributed to his erectile dysfunction, if known.

II. Every facility in which erectile dysfunction medication is administered within this state during any quarter year shall file with the department a report showing the total number of erectile dysfunction prescriptions issued within the facility during that quarter year.

III. Reports filed pursuant to paragraphs I or II shall be exempt from disclosure under RSA 91-A and shall remain confidential, except that disclosure may be made to law enforcement officials upon an order of a court after application showing good cause. The court may condition disclosure of the information upon any appropriate safeguards it may impose.

IV. The department shall prepare a comprehensive annual statistical report for the general court based upon the data gathered from reports under paragraphs I and II. The statistical report shall not lead to the disclosure of the identity of any physician or person filing a report under those paragraphs, nor of any patient about whom a report is filed. The statistical report shall be available for public inspection and copying.

V. Any person or facility required under this section to file a report, keep any records, or supply any information, who willfully fails to file such report, keep such records, or supply such information at the time or times required by law or regulation, shall be

subject to disciplinary proceedings or remedial proceedings under RSA 329:17, and his or her or its license shall be subject to suspension or revocation.

AMENDED ANALYSIS

This bill establishes the women's right to know act.

This bill also establishes the men's right to know act regarding erectile dysfunction treatments.

Rep. Keans spoke in favor.

The Speaker ruled floor amendment (1458h) non-germane.

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

Rep. Shurtleff spoke against.

Rep. Notter spoke in favor.

Rep. Gary Richardson requested a roll call; sufficiently seconded.

YEAS 164 NAYS 181

YEAS 164

BELKNAP

Accornero, Harry	Comtois, Guy	Fields, Dennis	Flanders, Donald
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Tilton, Franklin	Worsman, Colette		

CARROLL

Ahlgren, Christopher	Fleck, Joseph	McCarthy, Frank	Pettengill, Laurie
Schmidt, Stephen	Tregenza, Norman		

CHESHIRE

Byrnes, John	Cartwright, Anne	Moore, Charles
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COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tholl, John Jr			

GRAFTON

Bradley, Lester	Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul
Mirski, Paul	Reilly, Harold Sr	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Bergevin, Jerry	Brown, Kevin
Brownrigg, Randall Jr	Burt, John	Buxton, Michael	Cebrowski, John
Coffey, James	Daniels, Gary	Doherty, Shaun	Donovan, Daniel
Emerton, Larry	Gonzalez, Carlos	Haefner, Robert	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Hinch, Richard	Hogan, Edith
Hopper, Gary	Hutchinson, Winfred	Jasper, Shawn	Krasucki, Joseph
Lambert, George	LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce
McCarthy, Michael	McClarren, Donald	McGuinness, Sean	Moran, Edward
Murphy, Keith	Notter, Jeanine	Ohm, Bill	Palmer, Barry
Palmer, Stephen	Parison, James	Pellegrino, Tony	Peterson, Lenette
Pilotte, Maurice	Reed, Michael	Renzullo, Andrew	Seidel, Carl
Silva, Peter	Soucy, Connie	Souza, Kathleen	Stepanek, Stephen

Stroud, Kathleen
Twombly, Timothy
Willette, Robert

Summers, James
Ulery, Jordan

Terrio, Ross
Villeneuve, Moe

Thomas, Joseph
Whitehead, Randall

MERRIMACK

Giuda, J. Brandon
Lauer-Rago, Kathleen
Sanborn, Laurie

Hess, David
Lindsley, Mark
Smith, Molly

Hoell, J.R.
McDonnell, John
Smith, Todd

Kotowski, Frank
McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Bettencourt, David
Duarte, Joe
Griffin, Mary
Itse, Daniel
Kolodziej, Walter
Murphy, Brian
Peckham, Michele
Ritter, Glenn
Shuler, Wyman III
Sytek, John
Webb, James

Antosz, Jason
Birdsell, Regina
Fesh, Robert
Headd, James
Janvrin, Kevin
Lundgren, David
Nevins, Chris
Quandt, Matt
Sapareto, Frank
Smith, William
Tremblay, Stella
Weyler, Kenneth

Baldasaro, Alfred
Chirichiello, Brian
Garcia, Marilinda
Hoelzel, Kathleen
Kappler, Lawrence
Manuse, Andrew
O'Connor, John
Reichard, Kevin
Sedensky, John
Sullivan, James
Tucker, Pamela

Bates, David
Comerford, Timothy
Garrity, James
Introne, Robert
Katsakiores, Phyllis
McMahon, Charles
Oigny, Jeffrey
Rice, Frederick
Sheffert, Kenneth
Sullivan, Kevin
Ward, Joanne

STRAFFORD

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

Berube, Roger
Jones, Kyle
O'Connor, William

Cataldo, Sam
Jones, Laura
Pitre, Joseph

DeLemus, Susan
Munck, Philip
Vita, Carol

SULLIVAN

Bowers, Spec
Rodeschin, Beverly

LaCasse, Paul Sr

Laware, Thomas

Osgood, Joe

NAYS 181

BELKNAP

Bolster, Peter
St. Cyr, Jeffrey

Millham, Alida
Swinford, Elaine

Pilliod, James

Russell, David

CARROLL

Babson, David Jr
Merrow, Harry

Chandler, Gene
Patten, Betsey

Knox, J. David
Umberger, Karen

McConkey, Mark

CHESHIRE

Butynski, William
Hunt, John
Moore, Robert Jr
Smith, Edwin
Weed, Charles

Chase, Cynthia
Johnsen, Gladys
Parkhurst, Henry
Sterling, Franklin Jr

Dwinell, Richard
Lerandeau, Alfred
Roberts, Kris
Tatro, Bruce

Hawkes, Samuel
Meader, David
Sad, Tara
Weber, Lucy

COOS

Coulombe, Gary
Tremblay, Marc

Merrick, Evalyn

Theberge, Robert

Thomas, Yvonne

GRAFTON

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

Almy, Susan
Harding, Laurie
Simard, Paul

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Ball, J. Michael
Belanger, James
Christensen, D.L.
Chris
Cusson-Cail, Kathleen
Erickson, Duane
Gidge, Kenneth
Graham, John
Kurk, Neal
Ober, Lynne
Proulx, Mark
Rosenwald, Cindy
Sullivan, Daniel
Warden, Mark

Baroody, Benjamin
Belvin, William
Condra, William
Daler, Jennifer
Flanagan, Jack
Gimas, John
Hikel, John
Leishman, Peter
Ober, Russell III
Rhodes, Brian
Rowe, Robert
Sullivan, Peter

Barry, J. Gail
Boehm, Ralph
Cote, David
Day, Russell
Fredette, Robert
Goley, Jeffrey
Holden, Frank
Long, Patrick
Porter, Marjorie
Robbins, David
Shaw, Barbara
Swank, Matthew

Barry, Richard
Campbell, David
Coughlin, Sean
Drisko, Richard
Gargas, Carolyn
Gorman, Mary
Katsiantonis, Thomas
Messier, Irene
Pratt, Calvin
Rokas, Ted
Simmons, Tammy
Vaillancourt, Steve

MERRIMACK

Blankenbeker, Lynne
Deloge, Helen
Gile, Mary
Kidder, David
McGuire, Carol
Reed, Dennis
Shurtleff, Stephen

Bouchard, Candace
DeStefano, Stephen
Hamm, Christine
Kreis, Kenneth Sr
Owen, Derek
Rice, Chip
Watrous, Rick

Coffey, Jennifer
Foose, Robert
Hill, Gregory
Lockwood, Priscilla
Patten, Dick
Richardson, Gary
Williams, Robert

Cohn, Seth
Frazer, June
Keane, Thomas
MacKay, James
Potter, Frances
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Allen, Mary
Cali-Pitts, Jacqueline
DeSimone, Debra
Elliott, Robert
McKinney, Betsy
Pantelakos, Laura
Read, Robin Jr
Schlachman, Donna

Azarian, Gary
Charron, Gene
Devine, James
Lovejoy, Patricia
Moody, Marcia
Perkins, Amy
Reagan, John
Tasker, Kyle

Belanger, Ronald
Copeland, Timothy
DiPentima, Rich
Major, Norman
Norelli, Terie
Perkins, Lawrence
Sanders, Elisabeth
Waddell, James

Brown, Paul
Davenport, Joshua
Dowling, Patricia
Mauro, Donna
Packard, Sherman
Quandt, Marshall
Sapienza, Marie
Welch, David

STRAFFORD

Brown, Julie
Hooper, Dorothea
Larsen Schultz,
Kirsten
Schmidt, Peter
Watters, David

Browne, Brendon
Horrigan, Timothy
Leonard, Frederick Jr
Spainhower, Dale

Ginsburg, Philip
Kaen, Naida
Parsons, Robbie
Spang, Judith

Grassie, Anne
Keans, Sandra
Perry, Robert
Wall, Janet

SULLIVAN

Cloutier, John	Cunningham, Steven	Gagnon, Raymond	Lefebvre, Benjamin
Lovett, Charlene	Schmidt, Andrew	Smith, Steven	

and the majority committee report failed.

Rep. Shurtleff moved the minority committee report of Inexpedient to Legislate.

Rep. Simmons spoke against.

Rep. Hikel requested a roll call; sufficiently seconded.

YEAS 170 NAYS 179

YEAS 170

BELKNAP

Millham, Alida	Pilliod, James	Russell, David	St. Cyr, Jeffrey
Swinford, Elaine			

CARROLL

Babson, David Jr	Chandler, Gene	Knox, J. David	McConkey, Mark
Merrow, Harry	Patten, Betsey	Umberger, Karen	

CHESHIRE

Butynski, William	Chase, Cynthia	Dwinell, Richard	Hawkes, Samuel
Hunt, John	Johnsen, Gladys	Lerandean, Alfred	Meador, David
Moore, Robert Jr	Parkhurst, Henry	Roberts, Kris	Sad, Tara
Smith, Edwin	Sterling, Franklin Jr	Tatro, Bruce	Weber, Lucy
Weed, Charles			

COOS

Coulombe, Gary	Merrick, Evalyn	Rappaport, Laurence	Theberge, Robert
Thomas, Yvonne	Tremblay, Marc		

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Barry, J. Gail	Belanger, James	Belvin, William
Campbell, David	Christensen, D.L.	Condra, William	Cote, David
	Chris		
Coughlin, Sean	Cusson-Cail, Kathleen	Daler, Jennifer	Day, Russell
Drisko, Richard	Erickson, Duane	Flanagan, Jack	Fredette, Robert
Gargas, Carolyn	Gidge, Kenneth	Gimas, John	Goley, Jeffrey
Gorman, Mary	Graham, John	Hikel, John	Holden, Frank
Katsiantonis, Thomas	Kurk, Neal	LeBrun, Donald	Leishman, Peter
Levasseur, Nickolas	Long, Patrick	Messier, Irene	Ober, Lynne
Ober, Russell III	Pilotte, Maurice	Porter, Marjorie	Pratt, Calvin
Proulx, Mark	Renzullo, Andrew	Rhodes, Brian	Robbins, David
Rokas, Ted	Rosenwald, Cindy	Rowe, Robert	Shaw, Barbara
Sullivan, Daniel	Sullivan, Peter	Vaillancourt, Steve	Warden, Mark

MERRIMACK

Bouchard, Candace
DeStefano, Stephen
Hamm, Christine
Kreis, Kenneth Sr
Patten, Dick
Richardson, Gary
Williams, Robert

Coffey, Jennifer
Foose, Robert
Hill, Gregory
Lockwood, Priscilla
Potter, Frances
Seaworth, G. Brian
Winter, Steven

Cohn, Seth
Frazer, June
Keane, Thomas
MacKay, James
Reed, Dennis
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
Kidder, David
Owen, Derek
Rice, Chip
Watrous, Rick

ROCKINGHAM

Allen, Mary
Charron, Gene
Elliott, Robert
Moody, Marcia
Pantelakos, Laura
Sanders, Elisabeth
Waddell, James

Azarian, Gary
Copeland, Timothy
Lovejoy, Patricia
Murphy, Brian
Quandt, Marshall
Sapienza, Marie
Welch, David

Belanger, Ronald
DiPentima, Rich
Major, Norman
Norelli, Terie
Read, Robin Jr
Schlachman, Donna

Cali-Pitts, Jacqueline
Dowling, Patricia
McKinney, Betsy
Packard, Sherman
Reagan, John
Tasker, Kyle

STRAFFORD

Brown, Julie
Hooper, Dorothea
Parsons, Robbie
Spang, Judith

Browne, Brendon
Horrigan, Timothy
Perry, Robert
Watters, David

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Weeden, Michael

Grassie, Anne
Keans, Sandra
Spainhower, Dale

SULLIVAN

Cloutier, John
Rodeschin, Beverly

Cunningham, Steven
Schmidt, Andrew
Gagnon, Raymond

Lefebvre, Benjamin

NAYS 179

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert

Bolster, Peter
Greemore, Robert
Tilton, Franklin

Comtois, Guy
Kingsbury, Robert
Worsman, Colette

Fields, Dennis
Luther, Robert

CARROLL

Ahlgren, Christopher
Schmidt, Stephen

Fleck, Joseph
Tregenza, Norman

McCarthy, Frank

Pettengill, Laurie

CHESHIRE

Byrnes, John

Cartwright, Anne

Moore, Charles

COOS

Daugherty, Duffy

Remick, William

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bulis, Lyle
Reilly, Harold Sr

Gionet, Edmond
Sorg, Gregory

Ingbretson, Paul
Sova, Charles

Mirski, Paul

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, Richard
Bergevin, Jerry	Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr
Burt, John	Buxton, Michael	Cebrowski, John	Coffey, James
Daniels, Gary	Doherty, Shaun	Donovan, Daniel	Emerton, Larry
Gonzalez, Carlos	Haefner, Robert	Hansen, Peter	Hardwick, Harry
Hawkins, Kenneth	Hinch, Richard	Hogan, Edith	Hopper, Gary
Hutchinson, Winfred	Jasper, Shawn	Krasucki, Joseph	Lambert, George
Maltz, Jonathan	Marcus, Bruce	McCarthy, Michael	McClarren, Donald
McGuinness, Sean	Moran, Edward	Murphy, Keith	Notter, Jeanine
Ohm, Bill	Palmer, Barry	Palmer, Stephen	Parison, James
Pellegrino, Tony	Peterson, Lenette	Reed, Michael	Seidel, Carl
Silva, Peter	Simmons, Tammy	Soucy, Connie	Souza, Kathleen
Stepanek, Stephen	Stroud, Kathleen	Summers, James	Swank, Matthew
Terrio, Ross	Thomas, Joseph	Twombly, Timothy	Ulery, Jordan
Villeneuve, Moe	Whitehead, Randall	Willette, Robert	

MERRIMACK

Blankenbeker, Lynne	Giuda, J. Brandon	Hess, David	Hoell, J.R.
Kotowski, Frank	Lauer-Rago, Kathleen	Lindsley, Mark	McDonnell, John
McGuire, Carol	McGuire, Dan	Sanborn, Laurie	Smith, Molly
Smith, Todd	Soltani, Tony		

ROCKINGHAM

Abrami, Patrick	Antosz, Jason	Baldasaro, Alfred	Bates, David
Bettencourt, David	Birdsell, Regina	Brown, Paul	Chirichiello, Brian
Comerford, Timothy	Davenport, Joshua	DeSimone, Debra	Devine, James
Duarte, Joe	Fesh, Robert	Garcia, Marilinda	Garrity, James
Griffin, Mary	Hagan, Joseph	Headd, James	Hoelzel, Kathleen
Introne, Robert	Itse, Daniel	Janvrin, Kevin	Kappler, Lawrence
Katsakiores, Phyllis	Kolodziej, Walter	Lundgren, David	Manuse, Andrew
Mauro, Donna	McMahon, Charles	Nevins, Chris	O'Connor, John
Oligny, Jeffrey	Peckham, Michele	Perkins, Amy	Perkins, Lawrence
Quandt, Matt	Reichard, Kevin	Rice, Frederick	Ritter, Glenn
Sapareto, Frank	Sedensky, John	Sheffert, Kenneth	Shuler, Wyman III
Smith, William	Sullivan, James	Sullivan, Kevin	Sytek, John
Tremblay, Stella	Tucker, Pamela	Ward, Joanne	Webb, James
Weyler, Kenneth			

STRAFFORD

Andolina, Donald	Berube, Roger	Cataldo, Sam	DeLemus, Susan
Groen, Warren	Jones, Kyle	Jones, Laura	Larsen Schultz, Kirsten
Leonard, Frederick Jr	Munck, Philip	Newton, Clifford	O'Connor, William
Pitre, Joseph	Vita, Carol	Vita, Lucien	Wall, Janet

SULLIVAN

Bowers, Spec	LaCasse, Paul Sr	Laware, Thomas	Lovett, Charlene
Osgood, Joe	Smith, Steven		

and the minority committee report failed.
Rep. Bettencourt moved Ought to Pass.

LAI D ON THE TABLE

Rep. Shurtleff moved that **HB 1659-FN**, relative to the women's right to know act regarding

abortion information, be laid on the table.
Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 190 NAYS 161

YEAS 190

BELKNAP

Bolster, Peter	Flanders, Donald	Millham, Alida	Pilliod, James
Russell, David	St. Cyr, Jeffrey	Swinford, Elaine	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Knox, J. David
McConkey, Mark	Morrow, Harry	Patten, Betsey	Pettengill, Laurie
Umberger, Karen			

CHESHIRE

Butynski, William	Chase, Cynthia	Dwinell, Richard	Hawkes, Samuel
Hunt, John	Johnsen, Gladys	Lerandeau, Alfred	Meador, David
Moore, Robert Jr	Parkhurst, Henry	Roberts, Kris	Sad, Tara
Smith, Edwin	Sterling, Franklin Jr	Tatro, Bruce	Weber, Lucy
Weed, Charles			

COOS

Coulombe, Gary	Merrick, Evalyn	Remick, William	Theberge, Robert
Tholl, John Jr	Thomas, Yvonne	Tremblay, Marc	

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bradley, Lester
Bulis, Lyle	Cooney, Mary	Gould, Franklin	Harding, Laurie
Ladd, Rick Jr	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Simard, Paul	Taylor, Kathleen	Townsend, Charles	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Barry, J. Gail	Barry, Richard	Belvin, William
Campbell, David	Christensen, D.L.	Coffey, James	Cote, David
	Chris		
Coughlin, Sean	Cusson-Cail, Kathleen	Daler, Jennifer	Day, Russell
Drisko, Richard	Erickson, Duane	Flanagan, Jack	Fredette, Robert
Gargas, Carolyn	Gidge, Kenneth	Gimas, John	Goley, Jeffrey
Gorman, Mary	Graham, John	Hikel, John	Holden, Frank
Katsiantonis, Thomas	Kurk, Neal	Leishman, Peter	Levasseur, Nickolas
Long, Patrick	Marcus, Bruce	Messier, Irene	Ober, Lynne
Ober, Russell III	Palmer, Barry	Pilotte, Maurice	Porter, Marjorie
Pratt, Calvin	Proulx, Mark	Reed, Michael	Renzullo, Andrew
Rhodes, Brian	Robbins, David	Rokas, Ted	Rosenwald, Cindy
Rowe, Robert	Shaw, Barbara	Sullivan, Daniel	Sullivan, Peter
Vaillancourt, Steve	Warden, Mark		

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	Coffey, Jennifer	Cohn, Seth
Deloge, Helen	DeStefano, Stephen	Foose, Robert	Frazer, June

Gile, Mary
Kidder, David
Owen, Derek
Rice, Chip
Watrous, Rick

Hamm, Christine
Kreis, Kenneth Sr
Patten, Dick
Richardson, Gary
Williams, Robert

Hill, Gregory
Lockwood, Priscilla
Potter, Frances
Shurtleff, Stephen
Winter, Steven

Keane, Thomas
MacKay, James
Reed, Dennis
Soltani, Tony

ROCKINGHAM

Allen, Mary
Copeland, Timothy
Elliott, Robert
Mauro, Donna
Norelli, Terie
Read, Robin Jr
Sapareto, Frank
Waddell, James

Brown, Paul
Davenport, Joshua
Lovejoy, Patricia
McKinney, Betsy
Packard, Sherman
Reagan, John
Sapienza, Marie
Ward, Joanne

Cali-Pitts, Jacqueline
DiPentima, Rich
Lundgren, David
Moody, Marcia
Pantelakos, Laura
Rice, Frederick
Schlachman, Donna
Welch, David

Charron, Gene
Dowling, Patricia
Major, Norman
Murphy, Brian
Quandt, Marshall
Sanders, Elisabeth
Tasker, Kyle

STRAFFORD

Brown, Julie
Grassie, Anne
Keans, Sandra

Browne, Brendon
Hooper, Dorothea
Larsen Schultz,
Kirsten

Cataldo, Sam
Horrigan, Timothy
Parsons, Robbie

Ginsburg, Philip
Kaen, Naida
Perry, Robert

Pitre, Joseph
Sprague, Dale

Schmidt, Peter
Wall, Janet

Spainhower, Dale
Watters, David

Spang, Judith
Weeden, Michael

SULLIVAN

Cloutier, John
Rodeschin, Beverly

Cunningham, Steven
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

NAYS 161

BELKNAP

Accornero, Harry
Kingsbury, Robert
Worsman, Colette

Comtois, Guy
Luther, Robert

Fields, Dennis
Malone, Robert

Greemore, Robert
Tilton, Franklin

CARROLL

Fleck, Joseph

McCarthy, Frank

Schmidt, Stephen

Tregenza, Norman

CHESHIRE

Byrnes, John

Cartwright, Anne

Moore, Charles

COOS

Daugherty, Duffy

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Gionet, Edmond
Sorg, Gregory

Ingbretson, Paul
Sova, Charles

Mirski, Paul

Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin

Balboni, Michael

Ball, J. Michael

Belanger, James

Bergevin, Jerry
Burt, John
Daniels, Gary
Gonzalez, Carlos
Hawkins, Kenneth
Hutchinson, Winfred
LeBrun, Donald
McGuinness, Sean
Ohm, Bill
Peterson, Lenette
Soucy, Connie
Summers, James
Twombly, Timothy
Willette, Robert

Boehm, Ralph
Buxton, Michael
Doherty, Shaun
Haefner, Robert
Hinch, Richard
Jasper, Shawn
Maltz, Jonathan
Moran, Edward
Palmer, Stephen
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Ulery, Jordan

Brown, Kevin
Cebrowski, John
Donovan, Daniel
Hansen, Peter
Hogan, Edith
Krasucki, Joseph
McCarthy, Michael
Murphy, Keith
Parison, James
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Villeneuve, Moe

Brownrigg, Randall Jr
Condra, William
Emerton, Larry
Hardwick, Harry
Hopper, Gary
Lambert, George
McClarren, Donald
Notter, Jeanine
Pellegrino, Tony
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Whitehead, Randall

MERRIMACK

Giuda, J. Brandon
Lauer-Rago, Kathleen
McGuire, Dan
Smith, Todd

Hess, David
Lindsley, Mark
Sanborn, Laurie

Hoell, J.R.
McDonnell, John
Seaworth, G. Brian

Kotowski, Frank
McGuire, Carol
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Bates, David
Chirichiello, Brian
Duarte, Joe
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Nevins, Chris
Perkins, Amy
Ritter, Glenn
Smith, William
Tremblay, Stella

Antosz, Jason
Belanger, Ronald
Comerford, Timothy
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Kolodziej, Walter
O'Connor, John
Perkins, Lawrence
Sedensky, John
Sullivan, James
Tucker, Pamela

Azarian, Gary
Bettencourt, David
DeSimone, Debra
Garcia, Marilinda
Headd, James
Janvrin, Kevin
Manuse, Andrew
Oligny, Jeffrey
Quandt, Matt
Sheffert, Kenneth
Sullivan, Kevin
Webb, James

Baldasaro, Alfred
Birdsell, Regina
Devine, James
Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence
McMahon, Charles
Peckham, Michele
Reichard, Kevin
Shuler, Wyman III
Sytek, John
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Jones, Kyle
Newton, Clifford

Berube, Roger
Jones, Laura
O'Connor, William

DeLemus, Susan
Leonard, Frederick Jr
Vita, Carol

Groen, Warren
Munck, Philip
Vita, Lucien

SULLIVAN

Bowers, Spec
Osgood, Joe

LaCasse, Paul Sr
Smith, Steven

Laware, Thomas

Lovett, Charlene

and the motion was adopted.

REGULAR CALENDAR (CONT'D)

SPECIAL ORDER

HB 1560, relative to the interstate Health Care Compact. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Chris F. Nevins for the Majority of Commerce and Consumer Affairs: A compact is an agreement of two or more states and according to Article One of the US Constitution; no state shall, without the consent of Congress, enter into any agreement or compact with another state. A healthcare compact moves the responsibilities and authority for regulating

healthcare from the federal government to the states. Medicare has an unfunded liability of between \$38-43 trillion, and we should take a long look at any program that would potentially shift NH's portion of that burden to state taxpayers. The committee was also concerned that there will be an unknown cost to join the compact and, even more importantly, what health insurance it will actually cover: Medicare, Medicaid, or individuals and employer based group insurance? The legislation, however, does allow New Hampshire to join after the commission has been enacted by congress and formed. After hearing much testimony about pros and cons on health care compacts, the committee concurs with the sponsor, that further study with a study committee would be appropriate. The committee is directed to report by Nov. 1. Vote 11-2.

Rep. Andrew J. Manuse for the Minority of Commerce and Consumer Affairs: This bill was sent to Commerce as a second committee. The minority of Commerce agrees with the statement: "This compact recognizes that New Hampshire's health care needs are best solved by those here in New Hampshire and not by Washington DC regulators trying to force all 50 states into the same one-size-fits-all solution." The minority also thinks that the Commerce Committee has not articulated sufficient rationale to study the idea of a Health Care Compact further. A compact is a constitutionally permitted contract among two or more states that must be ratified by Congress to take effect, according to Article 1, Section 10 of the U.S. Constitution. Due to the legal nature of a compact, the Commerce Committee or a study committee cannot recommend amended language for HB 1560 or the compact can not legally take effect. Practically speaking, the study committee is just an option to talk more about the idea of a compact and then make a recommendation whether to pass this bill in the exact same form that you see it in today. Such a conversation is unneeded and wasteful of valuable state resources for one very clear reason: Even if we do pass this compact, and even if two or more other states pass this compact in the exact same form, and even if Congress passes this compact in the exact same form, the only thing that will come from it is that the New Hampshire Legislature will have been legally granted permission to write statutory laws and executive rules regarding health care that do not comply with federal law. Even if the health care compact is ratified, there will be no other change to the way New Hampshire citizens are treated under the law. Only if a future Legislature decides to make changes to our law will there be any change, but at that point, such changes will be permitted and the supremacy clause of the U.S. Constitution will not apply. Whether the New Hampshire Legislature decides to write such laws is completely up to a future Legislature, and a future Legislature may decide to do nothing. Ultimately, with the compact in place, the New Hampshire Legislature will have power granted by Congress to develop more efficient and effective policies to regulate health care within the State of New Hampshire, notwithstanding federal law. The minority of this committee thinks that the federal government has done an abysmal job regulating health care and thinks the New Hampshire Legislature could do a better job—perhaps even by letting the free market do most of the regulating itself.

Majority Amendment (1328h)

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

AN ACT establishing a committee to study interstate compacts and health care.

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

1 Committee Established. There is established a committee to study interstate compacts and health care.

2 Membership and Compensation.

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

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

(b) Two 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's study shall include, but not be limited to the following:

I. A determination of the cost implications by enacting the rights of the state by vote of the legislature.

II. A determination of areas of federal regulation that are made redundant and time consuming by similar state mandates.

III. Identifying potential areas where New Hampshire could provide health care under an interstate health care compact.

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 interstate compacts and health care.

Rep. Nevins spoke in favor.

Rep. Manuse spoke against and requested the roll call; sufficiently seconded.

YEAS 163 NAYS 182

YEAS 163

BELKNAP

Bolster, Peter
Pilliod, James

Fields, Dennis
Russell, David

Flanders, Donald
St. Cyr, Jeffrey

Millham, Alida
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Knox, J. David
Schmidt, Stephen

Babson, David Jr
McConkey, Mark
Umberger, Karen

Chandler, Gene
Morrow, Harry

Fleck, Joseph
Patten, Betsey

CHESHIRE

Butynski, William
Meador, David
Smith, Edwin

Dwinell, Richard
Moore, Robert Jr
Tatro, Bruce

Hunt, John
Parkhurst, Henry

Lerandean, Alfred
Roberts, Kris

COOS

Daugherty, Duffy
Tholl, John Jr

Merrick, Evalyn
Thomas, Yvonne

Remick, William
Tremblay, Marc

Richardson, Herbert

GRAFTON

Almy, Susan
Pastor, Beatriz

Bradley, Lester
Taylor, Kathleen

Gould, Franklin
Townsend, Charles

Ladd, Rick Jr
White, Andrew

HILLSBOROUGH

Baroody, Benjamin

Barry, J. Gail

Barry, Richard

Belanger, James

Belvin, William	Boehm, Ralph	Campbell, David	Christensen, D.L. Chris
Coffey, James	Cusson-Cail, Kathleen	Daler, Jennifer	Day, Russell
Doherty, Shaun	Donovan, Daniel	Drisko, Richard	Gargas, Carolyn
Gidge, Kenneth	Gimas, John	Goley, Jeffrey	Gorman, Mary
Graham, John	Haefner, Robert	Hawkins, Kenneth	Hikel, John
Hinch, Richard	Holden, Frank	Hutchinson, Winfred	Jasper, Shawn
Kurk, Neal	McGuinness, Sean	Messier, Irene	Moran, Edward
Ober, Lynne	Ober, Russell III	Parison, James	Pellegrino, Tony
Pepino, Leo	Robbins, David	Rowe, Robert	Shaw, Barbara
Silva, Peter	Soucy, Connie	Stepanek, Stephen	Sullivan, Daniel
Sullivan, Peter	Vaillancourt, Steve	Whitehead, Randall	Willette, Robert

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	DeStefano, Stephen	Hess, David
Kidder, David	Kotowski, Frank	Lauer-Rago, Kathleen	Lindsley, Mark
Lockwood, Priscilla	McDonnell, John	Patten, Dick	Reed, Dennis
Sanborn, Laurie	Watrous, Rick	Winter, Steven	

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Belanger, Ronald
Bettencourt, David	Cali-Pitts, Jacqueline	Charron, Gene	Chirichiello, Brian
Copeland, Timothy	DeSimone, Debra	Dowling, Patricia	Duarte, Joe
Elliott, Robert	Garrity, James	Griffin, Mary	Hagan, Joseph
Headd, James	Introne, Robert	Kappler, Lawrence	Lovejoy, Patricia
Major, Norman	McKinney, Betsy	McMahon, Charles	Murphy, Brian
Nevins, Chris	O'Connor, John	Packard, Sherman	Pantelakos, Laura
Perkins, Amy	Perkins, Lawrence	Quandt, Marshall	Quandt, Matt
Rice, Frederick	Sanders, Elisabeth	Schlachman, Donna	Sullivan, Kevin
Sytek, John	Waddell, James	Ward, Joanne	Welch, David
Weyler, Kenneth			

STRAFFORD

Brown, Julie	Browne, Brendon	Cataldo, Sam	Ginsburg, Philip
Horrigan, Timothy	Keans, Sandra	Schmidt, Peter	Spainhower, Dale
Wall, Janet			

SULLIVAN

Cloutier, John	Cunningham, Steven	Gagnon, Raymond	LaCasse, Paul Sr
Lefebvre, Benjamin	Lovett, Charlene	Rodeschin, Beverly	

NAYS 182

BELKNAP

Accornero, Harry	Comtois, Guy	Greemore, Robert	Kingsbury, Robert
Luther, Robert	Malone, Robert	Tilton, Franklin	Worsman, Colette

CARROLL

McCarthy, Frank	Pettengill, Laurie	Tregenza, Norman
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CHESHIRE

Byrnes, John
Johnsen, Gladys
Weed, Charles

Cartwright, Anne
Moore, Charles

Chase, Cynthia
Sad, Tara

Hawkes, Samuel
Weber, Lucy

COOS

Coulombe, Gary

Rappaport, Laurence Theberge, Robert

GRAFTON

Aguiar, James
Gionet, Edmond
Nordgren, Sharon
Sorg, Gregory

Benn, Bernard
Harding, Laurie
Pierce, David
Sova, Charles

Bulis, Lyle
Ingbretson, Paul
Reilly, Harold Sr

Cooney, Mary
Mirski, Paul
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Brown, Kevin
Cote, David
Erickson, Duane
Hansen, Peter
Katsiantonis, Thomas
Leishman, Peter
McClarren, Donald
Ohm, Bill
Pilotte, Maurice
Reed, Michael
Rosenwald, Cindy
Stroud, Kathleen
Twombly, Timothy

Balboni, Michael
Burt, John
Coughlin, Sean
Flanagan, Jack
Hardwick, Harry
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Palmer, Barry
Porter, Marjorie
Renzullo, Andrew
Seidel, Carl
Summers, James
Ulery, Jordan

Ball, J. Michael
Cebrowski, John
Daniels, Gary
Fredette, Robert
Hogan, Edith
Lambert, George
Marcus, Bruce
Murphy, Keith
Palmer, Stephen
Pratt, Calvin
Rhodes, Brian
Simmons, Tammy
Swank, Matthew
Villeneuve, Moe

Bergevin, Jerry
Condra, William
Emerton, Larry
Gonzalez, Carlos
Hopper, Gary
LeBrun, Donald
McCarthy, Michael
Notter, Jeanine
Peterson, Lenette
Proulx, Mark
Rokas, Ted
Souza, Kathleen
Thomas, Joseph
Warden, Mark

MERRIMACK

Bouchard, Candace
Frazer, June
Hill, Gregory
MacKay, James
Potter, Frances
Shurtleff, Stephen
Williams, Robert

Cohn, Seth
Gile, Mary
Hoell, J.R.
McGuire, Carol
Rice, Chip
Smith, Molly

Deloge, Helen
Giuda, J. Brandon
Keane, Thomas
McGuire, Dan
Richardson, Gary
Smith, Todd

Foose, Robert
Hamm, Christine
Kreis, Kenneth Sr
Owen, Derek
Seaworth, G. Brian
Soltani, Tony

ROCKINGHAM

Azarian, Gary
Brown, Paul
DiPentima, Rich
Itse, Daniel
Lundgren, David
Norelli, Terie
Reagan, John
Sapienza, Marie
Smith, William
Tucker, Pamela

Baldasaro, Alfred
Comerford, Timothy
Fesh, Robert
Janvrin, Kevin
Manuse, Andrew
Oigny, Jeffrey
Reichard, Kevin
Sedensky, John
Sullivan, James
Webb, James

Bates, David
Davenport, Joshua
Garcia, Marilinda
Katsakiores, Phyllis
Mauro, Donna
Peckham, Michele
Ritter, Glenn
Sheffert, Kenneth
Tasker, Kyle

Birdsell, Regina
Devine, James
Hoelzel, Kathleen
Kolodziej, Walter
Moody, Marcia
Read, Robin Jr
Sapareto, Frank
Shuler, Wyman III
Tremblay, Stella

STRAFFORD

Andolina, Donald

Berube, Roger

DeLemus, Susan

Grassie, Anne

Groen, Warren
Larsen Schultz,
Kirsten
O'Connor, William
Spang, Judith
Weeden, Michael

Jones, Kyle
Leonard, Frederick Jr

Parsons, Robbie
Sprague, Dale

Jones, Laura
Munck, Philip

Perry, Robert
Vita, Carol

Kaen, Naida
Newton, Clifford

Pitre, Joseph
Watters, David

SULLIVAN

Bowers, Spec
Smith, Steven

Laware, Thomas

Osgood, Joe

Schmidt, Andrew

and the majority committee amendment failed.

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

YEAS 221 NAYS 131

YEAS 221

BELKNAP

Accornero, Harry
Greemore, Robert
Pilliod, James
Worsman, Colette

Comtois, Guy
Kingsbury, Robert
Russell, David

Fields, Dennis
Luther, Robert
Swinford, Elaine

Flanders, Donald
Malone, Robert
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McConkey, Mark
Tregenza, Norman

Babson, David Jr
Merrow, Harry

Fleck, Joseph
Pettengill, Laurie

McCarthy, Frank
Schmidt, Stephen

CHESHIRE

Byrnes, John
Moore, Robert Jr

Cartwright, Anne

Hunt, John

Moore, Charles

COOS

Daugherty, Duffy

Rappaport, Laurence

Tholl, John Jr

Tremblay, Marc

GRAFTON

Bradley, Lester
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

Ingbretson, Paul
Simard, Paul

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
Coffey, James

Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Condra, William

Coughlin, Sean
Donovan, Daniel
Flanagan, Jack
Hansen, Peter

Cusson-Cail, Kathleen
Drisko, Richard
Gonzalez, Carlos
Hardwick, Harry

Daniels, Gary
Emerton, Larry
Graham, John
Hawkins, Kenneth

Doherty, Shaun
Erickson, Duane
Haefner, Robert
Hikel, John

Hinch, Richard
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Peterson, Lenette
Renzullo, Andrew
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Hogan, Edith
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Parison, James
Pratt, Calvin
Rowe, Robert
Soucy, Connie
Summers, James
Twombly, Timothy
Warden, Mark

Holden, Frank
Lambert, George
McCarthy, Michael
Messier, Irene
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Hopper, Gary
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Palmer, Barry
Pepino, Leo
Reed, Michael
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Seaworth, G. Brian
Winter, Steven

Coffey, Jennifer
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Dan
Smith, Molly

Cohn, Seth
Hoell, J.R.
Lindsley, Mark
Reed, Dennis
Smith, Todd

Giuda, J. Brandon
Keane, Thomas
McDonnell, John
Sanborn, Laurie
Soltani, Tony

ROCKINGHAM

Antosz, Jason
Belanger, Ronald
Charron, Gene
DeSimone, Debra
Fesh, Robert
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Weyler, Kenneth

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
Devine, James
Garcia, Marilinda
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
O'Connor, John
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Ward, Joanne

Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Duarte, Joe
Garrity, James
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Oigny, Jeffrey
Rice, Frederick
Sapienza, Marie
Smith, William
Tasker, Kyle
Webb, James

Bates, David
Brown, Paul
Davenport, Joshua
Elliott, Robert
Griffin, Mary
Itse, Daniel
Lundgren, David
McMahon, Charles
Peckham, Michele
Ritter, Glenn
Sedensky, John
Sullivan, James
Tremblay, Stella
Welch, David

STRAFFORD

Andolina, Donald
Jones, Kyle

Munck, Philip
Pitre, Joseph

Cataldo, Sam
Jones, Laura

Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen Schultz,
Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr

Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Smith, Steven

Laware, Thomas

Lovett, Charlene

NAYS 131

BELKNAP

Bolster, Peter

Millham, Alida

St. Cyr, Jeffrey

CARROLL

Chandler, Gene

Knox, J. David

Patten, Betsey

Umberger, Karen

CHESHIRE

Butynski, William
Johnsen, Gladys
Roberts, Kris
Weber, Lucy

Chase, Cynthia
Lerandeau, Alfred
Sad, Tara
Weed, Charles

Dwinell, Richard
Meador, David
Smith, Edwin

Hawkes, Samuel
Parkhurst, Henry
Tatro, Bruce

COOS

Coulombe, Gary
Theberge, Robert

Merrick, Evalyn
Thomas, Yvonne

Remick, William

Richardson, Herbert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Daler, Jennifer
Gidge, Kenneth
Hutchinson, Winfred
Levasseur, Nickolas
Pilotte, Maurice
Rokas, Ted
Sullivan, Peter

Belvin, William
Day, Russell
Gimas, John
Katsiantonis, Thomas
Long, Patrick
Porter, Marjorie
Rosenwald, Cindy

Campbell, David
Fredette, Robert
Goley, Jeffrey
Kurk, Neal
Moran, Edward
Rhodes, Brian
Shaw, Barbara

Cote, David
Gargasz, Carolyn
Gorman, Mary
Leishman, Peter
Ober, Russell III
Robbins, David
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Frazer, June
Kotowski, Frank
Patten, Dick
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Watrous, Rick

DeStefano, Stephen
Hamm, Christine
MacKay, James
Rice, Chip
Williams, Robert

Foose, Robert
Kidder, David
Owen, Derek
Richardson, Gary

ROCKINGHAM

Abrami, Patrick
DiPentima, Rich
Lovejoy, Patricia
Norelli, Terie
Perkins, Lawrence
Schlachman, Donna

Allen, Mary
Dowling, Patricia
McKinney, Betsy
Packard, Sherman
Quandt, Marshall
Waddell, James

Cali-Pitts, Jacqueline
Hagan, Joseph
Moody, Marcia
Pantelakos, Laura
Quandt, Matt

Copeland, Timothy
Janvrin, Kevin
Nevins, Chris
Perkins, Amy
Read, Robin Jr

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Spang, Judith

Brown, Julie
Hooper, Dorothea
Perry, Robert
Sprague, Dale

Browne, Brendon
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

Ginsburg, Philip
Kaen, Naida
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John
Rodeschin, Beverly

Gagnon, Raymond
Schmidt, Andrew

LaCasse, Paul Sr

Lefebvre, Benjamin

and the minority committee report was adopted and ordered to third reading.

SPECIAL ORDER

CACR 8, relating to education. Providing that the legislature shall have the power to authorize schools. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael A. Balboni for the Majority of Education: CACR 8 restores the people's right to local control of education and the authority of the Legislature in education and education funding. In 1968, NH ballots included Question No. 3, a proposed Constitutional amendment which read: "Are you in favor of amending Article 6 of Part I of the Constitution so as to strike out certain specific sectarian references ..." The ballot question included this summary of the original Article 6: "Article 6 authorizes local public taxation for the support of 'Protestant' clergymen only, and promises equal protection of the law solely to 'every denomination of Christians'." The ballot question provided voters with the following explanation of the effect of the proposed amendment: "If the amendment is adopted, the above-described sectarian references will be stricken from the state constitution, putting all religious denominations on a basis of equality and removing the present conflict with the U.S. Constitution." Though the voters were told that only the sectarian references were to be removed, the actual amendment changes went far beyond this. The amendment also removed and altered several non-religious phrases in the Article, and these changes were not explained to the voters. CACR 8 would give the people the opportunity to restore to their Constitution the non-religious aspects that were removed in 1968. These restorations include the following: the purpose of education as being to teach the fundamental principles of the Constitution so that the people are better able to control their government; empowering the legislature to authorize schools, to create and regulate public schools; providing school districts the exclusive control over the selection of their teachers and their compensation; the school districts control over curriculum which is inherent in the original Article's exclusive control over the selection of teachers; and each school district's responsibility as the first payers of education expense consistent with the exclusive control over teacher selection and compensation and curriculum selection. CACR 8 then proposes two further changes: it ratifies judicial rulings which enable the state to pay for non-religious education at religious schools; and it clarifies the legislature's power to supplement local funding of public education. The first change makes clearly and permanently constitutional the state's current practices such as funding the non-religious education component for special needs students as required, for example, under federal special ed regulations, and the giving of scholarships to nursing students for the non-religious part of their education at religious schools. The second part ensures that the state funding of education will be consistent with the coordinating Articles of the Constitution of New Hampshire, specifically Part I, Articles 12, 28 and 29 and Part II, Articles 2 and 5 which make the legislature the supreme policy body of the state, and the only body capable of determining state spending. CACR 8 can be summed up as restoring the local control of education and the authority of the legislature in regard to education and education funding; thereby returning the people firmly in control of public education. Vote 12-5.

Rep. June M. Frazer for the Minority of Education: This constitutional amendment opens the door to local funding of schools without any supplement from the state. Note the word "may" in the following sentence: "The several political subdivisions... shall make adequate provision at their own expense for their schools, provided that the legislature may supplement that provision in the manner and degree that the legislature finds most beneficial to the general good." Should a future legislature choose to unfund the public schools, funding them would force already overburdened property taxpayers to pay markedly

higher taxes to maintain the quality of their schools. Moreover, CACR 8, in this same language, has already been rejected by the House. The reason why it was recommitted to the education committee was to hold it in case other related bills did not materialize. Since CACR 12 is still in process, passing CACR 8, already rejected once, would be in opposition to the reason it was recommitted.

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

Reps. Gorman and Gary Richardson spoke against.

Reps. Pitre and Laura Jones spoke in favor.

Rep. Mirski spoke in favor and yielded to questions.

Rep. Dan McGuire requested a roll call; sufficiently seconded.

YEAS 222 NAYS 133

YEAS 222

BELKNAP

Accornero, Harry	Comtois, Guy	Fields, Dennis	Flanders, Donald
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Pilliod, James	Russell, David	Swinford, Elaine	Tilton, Franklin
Worsman, Colette			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
McCarthy, Frank	McConkey, Mark	Morrow, Harry	Patten, Betsey
Pettengill, Laurie	Schmidt, Stephen	Tregenza, Norman	Umberger, Karen

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Hunt, John
Moore, Charles	Moore, Robert Jr	Sterling, Franklin Jr	

COOS

Daugherty, Duffy	Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr
Tremblay, Marc			

GRAFTON

Bradley, Lester	Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul
Mirski, Paul	Reilly, Harold Sr	Simard, Paul	Sorg, Gregory
Sova, Charles			

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Bergevin, Jerry	Boehm, Ralph
Brown, Kevin	Brownrigg, Randall Jr	Burt, John	Buxton, Michael
Cebrowski, John	Christensen, D.L.	Christiansen, Lars	Condra, William
	Chris		
Daniels, Gary	Doherty, Shaun	Donovan, Daniel	Drisko, Richard
Emerton, Larry	Gonzalez, Carlos	Haefner, Robert	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hinch, Richard
Hogan, Edith	Holden, Frank	Hopper, Gary	Hutchinson, Winfred
Infantine, William	Krasucki, Joseph	Lambert, George	LeBrun, Donald
Maltz, Jonathan	Marcus, Bruce	McCarthy, Michael	McClarren, Donald

McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Reed, Michael
Silva, Peter
Stroud, Kathleen
Thomas, Joseph
Warden, Mark

Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Renzullo, Andrew
Simmons, Tammy
Summers, James
Twombly, Timothy
Whitehead, Randall

Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Willette, Robert

Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Villeneuve, Moe

MERRIMACK

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

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

Cohn, Seth
Keane, Thomas
Lindsley, Mark
Reed, Dennis
Smith, Todd

Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Sanborn, Laurie
Soltani, Tony

ROCKINGHAM

Antosz, Jason
Belanger, Ronald
Charron, Gene
DeSimone, Debra
Garcia, Marilinda
Headd, James
Janvrin, Kevin
Lundgren, David
Murphy, Brian
Perkins, Amy
Reichard, Kevin
Sapienza, Marie
Sullivan, James
Tremblay, Stella

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
Devine, James
Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence
Major, Norman
Nevins, Chris
Perkins, Lawrence
Rice, Frederick
Sedensky, John
Sullivan, Kevin
Tucker, Pamela

Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Duarte, Joe
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Manuse, Andrew
Oigny, Jeffrey
Quandt, Matt
Ritter, Glenn
Shuler, Wyman III
Sytek, John
Welch, David

Bates, David
Brown, Paul
Davenport, Joshua
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Kolodziej, Walter
McMahon, Charles
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Smith, William
Tasker, Kyle
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Jones, Kyle

Cataldo, Sam
Jones, Laura

DeLemus, Susan
Larsen Schultz,
Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr

Munck, Philip
Pitre, Joseph

Newton, Clifford
Vita, Carol

Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 133

BELKNAP

Bolster, Peter

Millham, Alida

St. Cyr, Jeffrey

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Lerandeau, Alfred
Sad, Tara
Weed, Charles

Chase, Cynthia
Meader, David
Smith, Edwin

Hawkes, Samuel
Parkhurst, Henry
Tatro, Bruce

Johnsen, Gladys
Roberts, Kris
Weber, Lucy

COOS

Coulombe, Gary
Thomas, Yvonne

Merrick, Evalyn

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pastor, Beatriz
White, Andrew

Almy, Susan
Harding, Laurie
Pierce, David

Benn, Bernard
Ladd, Rick Jr
Taylor, Kathleen

Cooney, Mary
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Day, Russell
Gargas, Carolyn
Gorman, Mary
Leishman, Peter
Pilotte, Maurice
Rokas, Ted
Sullivan, Daniel

Belvin, William
Coughlin, Sean
Erickson, Duane
Gidge, Kenneth
Graham, John
Levasseur, Nickolas
Porter, Marjorie
Rosenwald, Cindy
Sullivan, Peter

Campbell, David
Cusson-Cail, Kathleen
Flanagan, Jack
Gimas, John
Katsiantonis, Thomas
Long, Patrick
Rhodes, Brian
Shaw, Barbara
Vaillancourt, Steve

Coffey, James
Daler, Jennifer
Fredette, Robert
Goley, Jeffrey
Kurk, Neal
Messier, Irene
Robbins, David
Stepanek, Stephen

MERRIMACK

Bouchard, Candace
Frazer, June
Kidder, David
Patten, Dick
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Watrous, Rick

DeStefano, Stephen
Hamm, Christine
MacKay, James
Rice, Chip
Williams, Robert

Foose, Robert
Hess, David
Owen, Derek
Richardson, Gary

ROCKINGHAM

Abrami, Patrick
DiPentima, Rich
Mauro, Donna
O'Connor, John
Read, Robin Jr
Waddell, James

Allen, Mary
Dowling, Patricia
McKinney, Betsy
Pantelakos, Laura
Sapareto, Frank
Ward, Joanne

Cali-Pitts, Jacqueline
Elliott, Robert
Moody, Marcia
Peckham, Michele
Schlachman, Donna
Webb, James

Copeland, Timothy
Lovejoy, Patricia
Norelli, Terie
Quandt, Marshall
Sheffert, Kenneth

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Spang, Judith

Brown, Julie
Hooper, Dorothea
Perry, Robert
Sprague, Dale

Browne, Brendon
Horriggan, Timothy
Schmidt, Peter
Wall, Janet

Ginsburg, Philip
Kaen, Naida
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

Schmidt, Andrew

and the majority committee report failed lacking the constitutionally required three-fifths vote.

Rep. Gary Richardson moved the minority committee report of Inexpedient to Legislate.

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

On a division vote, 165 members having voted in the affirmative and 190 in the negative, the minority committee report failed.

LAID ON THE TABLE

Rep. Itse moved that **CACR 8**, relating to education. Providing that the legislature shall have the power to authorize schools, be laid on the table.

On a division vote, 299 members having voted in the affirmative and 56 in the negative, the motion was adopted.

The Speaker declared a recess at 11:30 a.m.

RECESS

The House reconvened at 11:55 a.m.

(Speaker O'Brien in the Chair)

MOTION TO PRINT VETO MESSAGE

Rep. Bettencourt moved that the Governor's veto Message on **HB 592**, apportioning state representative districts and relative to the boundaries of wards, be printed in the Permanent Journal and considered at this time.

The Speaker announced consideration of the Governor's veto of **HB 592**.

APPEAL OF THE RULING OF THE CHAIR

Rep. Weber appealed the ruling of the Chair whereby the Chair ruled that the Governor's veto Message on **HB 592**, apportioning state representative districts and relative to the boundaries of wards, be considered without first being printed in the House Calendar.

The question being shall the ruling of the Chair be upheld.

Rep. Weber requested a roll call; sufficiently seconded.

YEAS 255 NAYS 97

YEAS 255

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
Worsman, Colette

CARROLL

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

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Merrow, Harry
Tregenza, Norman

CHESHIRE

Byrnes, John

Cartwright, Anne

Dwinell, Richard

Hunt, John

Moore, Charles

Moore, Robert Jr

Smith, Edwin

Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

Ingbretson, Paul
Simard, Paul

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
Coffey, James

Condra, William
Day, Russell
Emerton, Larry
Gargas, Carolyn
Hansen, Peter
Hinch, Richard
Infantine, William
Lambert, George
McCarthy, Michael
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Robbins, David
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Warden, Mark

Coughlin, Sean
Doherty, Shaun
Erickson, Duane
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Rowe, Robert
Soucy, Connie
Summers, James
Twombly, Timothy
Whitehead, Randall

Cusson-Cail, Kathleen
Donovan, Daniel
Flanagan, Jack
Graham, John
Hawkins, Kenneth
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Reed, Michael
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Ulery, Jordan

Daniels, Gary
Drisko, Richard
Fredette, Robert
Haefner, Robert
Hikel, John
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kidder, David
Lindsley, Mark
McGuire, Dan
Smith, Molly

Coffey, Jennifer
Hill, Gregory
Kotowski, Frank
Lockwood, Priscilla
Reed, Dennis
Smith, Todd

Cohn, Seth
Hoell, J.R.
Kreis, Kenneth Sr
McDonnell, John
Sanborn, Laurie
Winter, Steven

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

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Devine, James
Fesh, Robert
Hagan, Joseph
Itse, Daniel

Allen, Mary
Bates, David
Brown, Paul
Copeland, Timothy
Dowling, Patricia
Garcia, Marilinda
Headd, James
Janvrin, Kevin

Antosz, Jason
Belanger, Ronald
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis

Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Peckham, Michele
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Welch, David

Lundgren, David
McKinney, Betsy
O'Connor, John
Perkins, Amy
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Waddell, James
Weyler, Kenneth

Major, Norman
McMahon, Charles
Oigny, Jeffrey
Perkins, Lawrence
Rice, Frederick
Sapienza, Marie
Smith, William
Tasker, Kyle
Ward, Joanne

Manuse, Andrew
Murphy, Brian
Packard, Sherman
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, James
Tremblay, Stella
Webb, James

STRAFFORD

Andolina, Donald
Jones, Kyle

Cataldo, Sam
Jones, Laura

DeLemus, Susan
Larsen Schultz,
Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr

Munck, Philip
Pitre, Joseph

Newton, Clifford
Vita, Carol

Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

NAYS 97

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Lerandau, Alfred
Sad, Tara

Chase, Cynthia
Meader, David
Tatro, Bruce

Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

Johnsen, Gladys
Roberts, Kris
Weed, Charles

COOS

Coulombe, Gary
Thomas, Yvonne

Merrick, Evalyn

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gidge, Kenneth
Hopper, Gary
Long, Patrick
Ramsey, Peter
Shaw, Barbara

Campbell, David
Gimas, John
Katsiantonis, Thomas
Messier, Irene
Rhodes, Brian
Sullivan, Daniel

Cote, David
Goley, Jeffrey
Leishman, Peter
Pilotte, Maurice
Rokas, Ted
Sullivan, Peter

Daler, Jennifer
Gorman, Mary
Levasseur, Nickolas
Porter, Marjorie
Rosenwald, Cindy
Vaillancourt, Steve

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	MacKay, James
Owen, Derek	Patten, Dick	Potter, Frances	Rice, Chip
Richardson, Gary	Shurtleff, Stephen	Watrous, Rick	Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline	DiPentima, Rich	Lovejoy, Patricia	Moody, Marcia
Norelli, Terie	Pantelakos, Laura	Quandt, Marshall	Read, Robin Jr
Schlachman, Donna			

STRAFFORD

Browne, Brendon	Ginsburg, Philip	Grassie, Anne	Hooper, Dorothea
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	LaCasse, Paul Sr	Lefebvre, Benjamin	Schmidt, Andrew
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and the ruling of the Chair was upheld.

The question now being adoption of the motion to print the Governor's Veto Message and consider at this time.

Motion adopted.

GOVERNOR'S VETO MESSAGE ON HB 592

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on March 23, 2012, I vetoed HB 592. The New Hampshire Constitution provides that the House of Representatives shall be "founded on the principles of equality, and representation therein shall be as equal as circumstances will admit." Consistent with this provision, in 2006, the citizens of New Hampshire overwhelmingly adopted a constitutional amendment that further enshrined the principle of equal representation by providing each town and city ward a representative with sufficient population to warrant one. The right to vote is central to our democratic government. But that right is meaningless unless equal representation is assured when citizens vote. I am vetoing HB 592 because it violates the constitutional principle for equal representation and local representation; it is inconsistent in its treatment of similarly situated towns and wards, and it unnecessarily changes the boundaries of existing districts. The population of New Hampshire based on the 2010 census is 1,316,470. A straight division into 400 districts yields an ideal population per district of 3,291. Under federal and state law, towns and wards that equal or are within 5% of this ideal population are entitled to their own representative. Based on the 2010 census, there are 152 towns and wards in New Hampshire that qualify for their own representative. HB 592 denies a total of 62 New Hampshire towns and wards their own seats in the House. For example, the towns of Atkinson, Hudson, Meredith, and Pelham all have sufficient population under state and federal constitutional standards to have their own representative, but all are denied their own representative under the House-approved plan. This is completely contrary to what the citizens of New Hampshire called for in the state constitutional amendment adopted in 2006. Another significant flaw with the House-approved redistricting plan is that it unnecessarily breaks-up cities and wards. For example, in Manchester, the state's largest city, HB 592 combines Wards 8 and 9 with the town of Litchfield. Pelham will again share its

representatives with Hudson. Strafford will share a representative with New Durham. And Concord's Ward 5 will now be made part of a district that includes the Town of Hopkinton. The leaders and governing bodies of each of these communities have expressed their strong opposition to HB 592, noting that it unnecessarily and unconstitutionally dilutes local representation, and have asked me to veto this bill. As the Board of Mayor and Alderman in Manchester has expressed, "this is not a partisan issue." "Local municipal budgets are separate, schools are in different districts, police officers and firefighters . . . belong to different departments and station houses." The same is true in Pelham, Concord, Strafford and all of the towns and wards affected in this manner by HB 592. Supporters of HB 592 have argued that in crafting a redistricting plan, the legislature must balance the one-person-one-vote principle enshrined in the federal constitution with the requirements for local representation as required by the state constitution. But satisfaction of federal requirements does not require abandonment of the principles of the New Hampshire Constitution. The House-passed plan unnecessarily breaks-up towns and wards. One of the unique advantages to living in New Hampshire is the ability of citizens to encounter his or her state representative in their daily activities – at the grocery store, in a house of worship, or walking main street. HB 592 undermines that very special quality of life in New Hampshire and the critical component of representative local democracy that is expressed in a commonality of interest among a community's citizens. For all of these reasons, I have vetoed HB 592. I urge the House to take up my veto quickly in order to allow time for alternative plans to be brought forward or for litigation in the event of the absence of agreement on a constitutional plan. The House was presented with alternative plans by members of both political parties that would go further to satisfy the requirement for equal representation and fairness. There is still time before the candidate filing period to enact redistricting legislation that will assure equal voting rights of all New Hampshire citizens.

Respectfully submitted, John H. Lynch, Governor

The question being, notwithstanding the Governor's veto, shall **HB 592**, apportioning state representative districts and relative to the boundaries of wards, become law?

Reps. Vaillancourt and Soltani spoke against.

Rep. Mirski spoke in favor.

MOTION TO RECESS

Rep. Shurtleff moved that the House stand in Recess for 15 minutes.

The Speaker ruled the motion out of order.

APPEAL OF THE RULING OF THE CHAIR

Rep. Soltani appealed the ruling of the Chair.

The Speaker ruled the motion to appeal out of order.

The question now being, notwithstanding the Governor's veto, shall **HB 592**, apportioning state representative districts and relative to the boundaries of wards, become law?

Rep. Chandler spoke in favor.

CLERK'S NOTE

At the Speaker's request, the House Clerk read the Governor's Veto Message on **HB 592**, apportioning state representative districts and relative to the boundaries of wards.

MOTION TO RECESS

Rep. Leishman moved that the House stand in Recess for 15 minutes to allow time for a Democratic caucus.

The Speaker ruled the motion out of order.

MOTION TO ADJOURN

Rep. Vaillancourt moved that the House adjourn.

On a division vote, 57 members having voted in the affirmative and 301 in the negative, the motion failed.

The question now being, notwithstanding the Governor's veto, shall **HB 592**, apportioning state representative districts and relative to the boundaries of wards, become law?

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds vote of the House for approval, was taken.

YEAS 246 NAYS 112

YEAS 246

BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Flanders, Donald	Kingsbury, Robert	Luther, Robert	Malone, Robert
Millham, Alida	Pilliod, James	Russell, David	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin	Worsman, Colette	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Morrow, Harry
Patten, Betsey	Pettengill, Laurie	Schmidt, Stephen	Tregenza, Norman
Umberger, Karen			

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Hunt, John
Moore, Charles	Moore, Robert Jr	Smith, Edwin	Sterling, Franklin Jr

COOS

Daugherty, Duffy	Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr
Tremblay, Marc			

GRAFTON

Bradley, Lester	Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul
Ladd, Rick Jr	Mirski, Paul	Reilly, Harold Sr	Simard, Paul
Sorg, Gregory	Sova, Charles		

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, Richard
Belanger, James	Belvin, William	Boehm, Ralph	Brown, Kevin
Brownrigg, Randall Jr	Burt, John	Buxton, Michael	Cebrowski, John
Christensen, D.L.	Christiansen, Lars	Coffey, James	Condra, William
Chris			
Coughlin, Sean	Cusson-Cail, Kathleen	Daniels, Gary	Day, Russell
Donovan, Daniel	Drisko, Richard	Emerton, Larry	Erickson, Duane
Flanagan, Jack	Fredette, Robert	Gargas, Carolyn	Gonzalez, Carlos

Graham, John
Hawkins, Kenneth
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Silva, Peter
Summers, James
Ulery, Jordan
Willette, Robert

Haefner, Robert
Hikel, John
Hopper, Gary
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Soucy, Connie
Terrio, Ross
Villeneuve, Moe

Hansen, Peter
Hinch, Richard
Infantine, William
Lambert, George
McCarthy, Michael
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Stepanek, Stephen
Thomas, Joseph
Warden, Mark

Hardwick, Harry
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Reed, Michael
Seidel, Carl
Stroud, Kathleen
Twombly, Timothy
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Sanborn, Laurie
Winter, Steven

Coffey, Jennifer
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Carol
Seaworth, G. Brian

Giuda, J. Brandon
Kidder, David
Lindsley, Mark
McGuire, Dan
Smith, Molly

Hess, David
Kotowski, Frank
Lockwood, Priscilla
Reed, Dennis
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Devine, James
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Waddell, James
Weyler, Kenneth

Allen, Mary
Bates, David
Brown, Paul
Copeland, Timothy
Dowling, Patricia
Garcia, Marilinda
Headd, James
Janvrin, Kevin
Lundgren, David
McKinney, Betsy
O'Connor, John
Perkins, Amy
Rice, Frederick
Sapienza, Marie
Smith, William
Tasker, Kyle
Ward, Joanne

Antosz, Jason
Belanger, Ronald
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence
Major, Norman
McMahon, Charles
Oigny, Jeffrey
Perkins, Lawrence
Ritter, Glenn
Sedensky, John
Sullivan, James
Tremblay, Stella
Webb, James

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Welch, David

STRAFFORD

Andolina, Donald
Jones, Kyle

Cataldo, Sam
Jones, Laura

DeLemus, Susan
Larsen Schultz,
Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr

Munck, Philip
Pitre, Joseph

Newton, Clifford
Vita, Carol

Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

NAYS 112

BELKNAP

Greemore, Robert

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lerandeu, Alfred
Sad, Tara

Emerson, Susan
Meader, David
Tatro, Bruce

Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary
Thomas, Yvonne

Merrick, Evalyn

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Gimas, John
Katsiantonis, Thomas
Messier, Irene
Ramsey, Peter
Shaw, Barbara
Sullivan, Peter

Barry, J. Gail
Daler, Jennifer
Goley, Jeffrey
Leishman, Peter
Pilotte, Maurice
Rhodes, Brian
Simmons, Tammy
Swank, Matthew

Bergevin, Jerry
Doherty, Shaun
Gorman, Mary
Levasseur, Nickolas
Porter, Marjorie
Rokas, Ted
Souza, Kathleen
Vaillancourt, Steve

Campbell, David
Gidge, Kenneth
Hutchinson, Winfred
Long, Patrick
Proulx, Mark
Rosenwald, Cindy
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Foose, Robert
Hoell, J.R.
Potter, Frances
Soltani, Tony

Cohn, Seth
Frazer, June
MacKay, James
Rice, Chip
Watrous, Rick

Deloge, Helen
Gile, Mary
Owen, Derek
Richardson, Gary
Williams, Robert

DeStefano, Stephen
Hamm, Christine
Patten, Dick
Shurtleff, Stephen

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie
Read, Robin Jr

DiPentima, Rich
Pantelakos, Laura
Schlachman, Donna

Lovejoy, Patricia
Quandt, Marshall

Moody, Marcia
Quandt, Matt

STRAFFORD

Berube, Roger
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Browne, Brendon
Horrigan, Timothy
Perry, Robert
Sprague, Dale

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

LaCasse, Paul Sr

Lefebvre, Benjamin

and the veto was overridden by the necessary two-thirds vote.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Bettencourt moved that the House reconsider its action whereby, on a roll call vote of 246-112 and by the necessary two-thirds vote, it voted to override the Governor's veto of **HB 592**, apportioning state representative districts and relative to the boundaries of wards.

Rep. Bettencourt spoke against.

On a division vote, 104 members having voted in the affirmative and 254 in the negative, the motion failed.

MOTION TO PRINT DEBATE

Rep. Bettencourt moved that the debate on **HB 592**, apportioning state representative districts and relative to the boundaries of wards, be printed in the Permanent Journal.

Motion adopted.

CLERK'S NOTE

Debate on **HB 592** will be found at the end of House action on the bill.

PROTEST

The following protest was presented to be entered in the Permanent Journal.

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, I protest the unconstitutional vote on HB 592.

Reps. Aguiar, Baroody, Benn, Berube, Brendon Browne, Butynski, Cali-Pitts, Chase, Cloutier, Cooney, Cote, Coulombe, Daler, Deloge, DeStefano, DiPentima, Foose, Frazer, Gagnon, Gile, Gimas, Ginsburg, Goley, Gould, Grassie, Hamm, Hooper, Gladys Johnsen, Kaen, Katsiantonis, Keans, Lefebvre, Leishman, Levasseur, Lovejoy, MacKay, Merrick, Moody, Nordgren, Norelli, Owen, Pantelakos, Parkhurst, Pastor, Dick Patten, Pelletier, Perry, Pierce, Porter, Potter, Ramsey, Robin Read, Chip Rice, Gary Richardson, Rosenwald, Schlachman, Peter Schmidt, Shaw, Shurtleff, Sprague, Daniel Sullivan, Peter Sullivan, Tatro, Taylor, Theberge, Yvonne Thomas, Townsend, Watrous, Watters, Weed and Robert Williams.

PROTEST

The following protest was presented to be entered in the Permanent Journal.

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, I protest the vote on HB 592. This vote was in direct and intentional violation of the New Hampshire Constitutional 2006 Amendment. The procedure on debate and voting violated rules of the House and the New Hampshire Constitution.

Rep. Soltani.

PROTEST

The following protest was presented to be entered in the Permanent Journal.

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, I protest the action of the Speaker of the House today, March 28, whereby he decided to take up the Governor's veto of the redistricting plan under HB 592, in violation of the New Hampshire Constitution.

Rep. Spang.

PROTEST

The following protest was presented to be entered in the Permanent Journal.
Pursuant to Part 2, Article 24 of the New Hampshire Constitution, I am protesting the vote on HB 592 because its redistricting plan violates the State Constitution. The scheduling of the veto vote was also unconstitutional; it was not properly noticed.
Rep. Horrigan.

PROTEST

The following protest was presented to be entered in the Permanent Journal.
Pursuant to Part 2, Article 24 of the New Hampshire Constitution, I protest the vote on HB 592 taken March 28, 2012. I protest the unfair and deceptive process used to take up the vote. The process lacked transparency at all levels.
Rep. White.

PROTEST

The following protest was presented to be entered in the Permanent Journal.
Pursuant to Part 2, Article 24 of the New Hampshire Constitution and in the cause of open and transparent government, please enter my protest of the vote on HB 592 on the record.
Rep. Weber.

PROTEST

The following protest was presented to be entered in the Permanent Journal.
Pursuant to Part 2, Article 24 of the New Hampshire Constitution, I protest the vote on the Governor's veto of HB 592, which was carried out against the Constitution and all precedent in this House. I protest not being allowed to have a chance to caucus, when the Republicans held a caucus, we had no knowledge of the subject of, and that this vote would come up in defiance of the Constitution and precedent. I do not text. We needed to discuss it. We had no time to organize a debate. This is simple tyranny.
Rep. Almy.

APPEAL OF THE RULING OF THE CHAIR

Rep. Vaillancourt appealed the ruling of the Chair whereby the Chair ruled that the call for a Division vote on the motion to print the debate on **HB 592**, apportioning state representative districts and relative to the boundaries of wards, was not made.

The question being shall the ruling of the Chair be upheld.

Reps. Vaillancourt and Soltani spoke against.

Rep. Jasper spoke in favor.

On a division vote, 221 members having voted in the affirmative and 104 in the negative, the ruling of the Chair was upheld.

DEBATE ON HB 592

Rep. Bettencourt: Mister Speaker, I move to make a motion. I move that the Governor's Veto Message of HB 592 be printed in the Permanent Journal and that the House now take up that veto.

Speaker O'Brien: The question before the House is shall the Governor's Veto Message be placed in the Permanent Journal and shall the House now take up the Veto.

Rep. Bettencourt: Mister Speaker, Parliamentary Inquiry.

Speaker O'Brien: Yes, what is your inquiry?

Rep. Bettencourt: Mister Speaker, my inquiry is of the Chair. Is the House Calendar the Permanent Journal of the House?

Speaker O'Brien: The House Calendar is not the Permanent Journal of the House. The House Journal is mentioned in describing Part 2, Article 24 of the Constitution wherein it says that there shall be a Journal of the proceedings of the Legislature and it shall be printed and published immediately after every adjournment and prorogation. What it is is a record of what happened, not a forecast or notice of what is going to happen.

Rep. Bettencourt: Further inquiry.

Speaker O'Brien: What is your inquiry?

Rep. Bettencourt: Mister Speaker, does the Governor's Veto or any other Message have to be printed in the Permanent Journal before it can be taken up by this House?

Speaker O'Brien: There is no requirement that a Senate Message or a Gubernatorial Message first be printed in the House Calendar or referenced in the House Calendar before those Messages can be received and acted on by this body. Indeed, as the Representative might remember from our prior terms here, there are instances where we exchanged back and forth Senate Messages and immediately acted on those Messages. We don't wait until the House Journal/House Calendar is printed in order to do so. The question before the House... What is your inquiry?

Rep. Weber: Mister Speaker, in light of your explanation just prior, I am looking at the Constitution, Article 44, which says, "that the Veto shall go to that House in which it shall have originated" and then it says, "Who shall enter the objections at large on their Journal." Neither our Journal, nor our Calendar have been printed and it's my understanding that the procedure has always been to print Journal Messages in the Calendar, but given that neither of those objections have been entered in anything, and then, and the word "then" is not there, but after that phrase come the words, "and to proceed to reconsider it." Does that not mean that some kind of entry of objections has to occur well in advance of the matter being taken up?

Speaker O'Brien: The inquiry goes to the explanation that has already been given and I will give it one last time. The Journal referenced in Article 44, is described in Part 2, Article 24 and it is clear from the description that it is a record of what happened, not what's going to happen and indeed your description of the underlying practice is inaccurate because we do not print the Messages from the Senate or the Governor in the Journal until they are taken up. There has been at times, although it's not required in the Rules, Statute or Constitution, the printing of Messages from the Senate or the Governor in the House Calendar, neither of that is required. Do you have a further inquiry?

Rep. Weber: With great reluctance and great deference to my understanding of the Constitution which would have required us to print this before the reconsideration because you can't proceed to the reconsideration until after something has happened, I would challenge the ruling of the Chair and I would ask for a roll call vote, Mister Speaker.

Speaker O'Brien: This will be a roll call vote. Will members please take their seats? The House will come to order. Members will please take their seats. The question before the House is notwithstanding the appeal, shall the ruling of the Chair stand? What is your inquiry?

Rep. Gary Richardson: Mister Speaker, I have never read the Governor's Veto Message. I don't know how we could be expected to vote on whether to uphold the veto or not when we haven't read the message.

Speaker O'Brien: That's argument, Representative. As you well know, it's not a Parliamentary Inquiry. There is no response required by the Chair. The question before the House is notwithstanding the appeal, shall the ruling of the Chair stand? This is a division vote. Okay, is the roll call sufficiently seconded? It is sufficiently seconded. This is a roll call vote. The Chair recognizes Rep. Weber for a Parliamentary Inquiry.

Rep. Weber: Thank you, Mister Speaker. Mister Speaker, if I know that the Constitution

in Article 44, requires that the Veto Message from the Governor shall be entered on the Journal, which we have always in our practice used to mean in the Calendar, but if it means in the Journal, it has not yet been printed in the Journal either. And, if I know that Article 44 then says, and then proceed to reconsider it. If I know that we have not had the Veto Message to read and if I know that our Constitution requires openness in Government and this is in no way openness in Government, would I now vote no on the question of shall the ruling of the Chair be upheld? Thank you, Mister Speaker.

Speaker O'Brien: The question on this roll call vote is notwithstanding the appeal, shall the ruling of the Chair stand. The Chair recognizes Rep. Bettencourt for a Parliamentary Inquiry.

Rep. Bettencourt: Mister Speaker, if I know that the basis of this challenge pulls one specific word out of the Constitution, out of context and does not look at the Constitution as a whole. And, Mister Speaker...

Speaker O'Brien: The Representative will suspend. Please show respect. You may proceed.

Rep. Bettencourt: Mister Speaker, if I know that it is clear that Journal does not refer to notice, but it is a record, would I now press the green button?

Speaker O'Brien: This is a roll call vote. The question before the House is notwithstanding the appeal, shall the ruling of the Chair stand. If you want the ruling of the Chair to stand, you'll press the green button. If you do not want the ruling of the Chair to stand, you'll press the red button. Voting stations will be open for 30 seconds. The House will be attentive to the state of the vote. 255 members having voted in the affirmative, 97 in the negative, the ruling of the Chair will stand. The question before the House is shall the Governor's Veto Message be placed in the Permanent Journal and the House proceed to take up the veto. Are you ready for the question? All those in favor, say Aye. Those opposed, Nay. The Ayes have it and the Governor's Veto Message shall be placed in the Permanent Journal and the House shall take up the veto. The question before the House is, "Notwithstanding the governor's veto, shall HB 592 become law?" The Chair recognizes Rep. Weber to speak to the question. Rep. Weber, you are recognized. The Representative waives her remarks. The Chair recognizes Rep. Vaillancourt to speak to the question and again, the question is, "Notwithstanding the governor's veto, shall HB 592 become law?"

Rep. Vaillancourt: Thank you, Mister Speaker. I rise in opposition to the idea of this becoming law, contrary to the Governor's veto. It's been a long and arduous process and no matter what we do today, we are not going there yet because we know, I believe as far as we can know anything, that if this passes today, we are going to end up in court which is going to drag on and on. I suggest to you that there is one way to solve this problem once and for all and the only way to do that is to vote red on this motion which will sustain the Governor's veto and this is where a lot of the scare tactics and the misinformation comes in. A lot of people in my party have been told that if you do not override the Governor's veto, the court will come up with a redistricting plan. That is simply not true. As we heard on the redistricting committee, the court does not want to draw up a plan. Ten years ago, the court virtually begged the House to go back and come up with a plan which we will then approve, but ten years ago, no plan ever got a majority as far as overriding a Governor's veto. I suggest it is very simple for us to come up with a plan that will get enough votes so that it will not be vetoed and so that it will never have to go to the courts. A few changes are all that is needed. We can fix the problem and there is only two or three that exists. The Chairman of Manchester's delegation was in contact with the Democratic Leader trying to negotiate changes in Merrimack and Hillsborough and a couple other places and that's all we need to do to get this plan fixed. It's very easily fixed. I suggest to you that the Governor is right when he says that the plan we have come up with is unconstitutional and that saddest thing of all is that the Republicans fought for the 2006 Constitutional Amendment that says that when the population of any town or ward, according to the last census, is within a reasonable deviation from the ideal population for one or more representative seats, the town

or ward shall have its own district of one or more representatives. We are violating that in so many areas. If we vote green on this motion and override the Governor's veto, there is no need to go against the Constitutional Amendment which we fought so hard for to give every small Town with 3,291, the representatives that it deserves. We can fix this. Unfortunately, the only way to do it now is to sustain the veto so that we can go back to the drawing board. It's not going to have to go to the courts. We still have months to fix this and the idea that I read in Kevin Landrigan's column in the Nashua Telegraph that the chief of staff of the House was saying that this would set in motion...

Speaker O'Brien: The member will suspend. The member will stick to the bill and not talk about staff of the House.

Rep. Vaillancourt: Well, the bill...

Speaker O'Brien: Do not argue with the Chair.

Rep. Vaillancourt: I'm not arguing with the Chair, Mister Speaker. I'm simply saying that the idea that the court will solve this proportional representation where one Town votes more than another, that's just preposterous. The court would never conceive of doing that. As I say, the court will send this back to the House to fix it. There is an easy fix. We refer to it as the Parison solution and then one of the representatives from Alton said that if you apply that to the Hudson/Litchfield problem, you'll have to apply it elsewhere. You can apply it to Meredith and Gilford, it will fix Meredith and Gilford, but we can't do it until we say, let's start again, just take a step back. Realize that we are better than what we are being asked to do here today. We can make this better. It won't take a great deal of effort. We will all be much happier when we come up with a plan that can be agreed upon; a plan that the Democrats and the majority of Republicans have already agreed that they would not take to court. Obviously, anybody can take anything to court and that may happen, but if you vote green on this motion now, you are virtually guaranteeing that you are going to be in court over the Meredith/Gilford situation, the Hudson/Pelham/Litchfield situation and the Concord situation. We can fix these minor problems. We owe it to ourselves. We owe it to our constituents. We owe it to the people who voted for the 2006 referendum, Constitutional Amendment. We owe it to all those people to do a better job. It is not taxing us overly to go on with this veto so that we can then put another plan forward. Remember, ten years ago, when the bill was vetoed, another plan came forward. Don't accept the idea that it cannot come forward. You can increase the deviation to fix some problems. We had as much as a 20% deviation and no federal government struck that down. You could go with the aggregate method instead of the cumulative method in fixing districts. None of these are out of the question. We should not kowtow to the federal government, especially because the federal government hasn't even said they would rule this illegal. In fact, all indications are that they would accept a reasonable compromise. The only way for us to get to that reasonable compromise is to vote red on this motion so that we may go back and fix this quickly so that we will not have to go...

Speaker O'Brien: The member will suspend. The member's time is expired. The question before the House is, "Notwithstanding the governor's veto, shall HB 592 become law?" The Chair recognizes the member from Enfield, Rep. Mirski, to speak to the question.

Rep. Mirski: Thank you, Mister Speaker. All I would simply like to say is this, that everything you just heard is pure speculation. There is no telling what the court will do. You know that the likelihood is that we could go to court at any event, but the idea that somehow we are going to leave this room and have an immediate, some kind of magical new plan develop, I can tell you that after all these months, that's not going to happen and a lot of the promises about other ways to do this, have been proven to be futile. We can't go in some of the directions that the previous speaker suggested. We just can't meet the constitutional requirements to do that so my message to you is please support the House plan as it was presented to you. It is my personal belief the best we could possibly do under the circumstances and leave the speculation to speculation.

Speaker O'Brien: Does the member yield to a question? The member does not yield for a

question. The question before the House is, "Notwithstanding the governor's veto, shall HB 592 become law?" The Chair recognizes Rep. Soltani to speak to the question. The representative has four minutes and 30 seconds.

Rep. Soltani: Thank you, Mister Speaker and thank you for the warning on the time. I want to put this in the context of history. The last time that we enacted a redistricting and it was challenged in court, the Supreme Court did everything it could to send it back to the Legislature. We were unable to do what they wanted us to do and they hired some guy named Billy Bob or something from North Carolina to come up and redistrict us at our expense. Well, in that case, my Democratic friends were the plaintiffs and the districts that came out had no knowledge of the history of New Hampshire or of its communities. My district suddenly expanded from the border of Manchester to Belknap County, about a senatorial district. I live in Merrimack County. I didn't move, but my district keeps changing and they did that because I am very popular with the Supreme Court judges and they thought that they could...

Speaker O'Brien: The member will suspend. The member will not question the motives of a member of this House, but will speak to the language and effect of the bill.

Rep. Soltani: I was not speaking to the motives of members of the House. I was talking about the members of the judicial branch, Mister Speaker. I am very popular with them. They love me. So, they thought that hey, big enchilada would outnumber me, but I showed up again to many people's sad surprise and in this case, we are urged to choose between violating the 2006 Amendment that people passed and do something that some unknown district or some unknown circuit has said we cannot do what the 2006 Amendment requires. The victims are many. It's not just Pelham, Manchester, its two of my three towns and they demand that the 2006 Amendment be obeyed. I'm a reasonable man and I'm somewhat educated, contrary to what you might want to believe, I went to Fisher Price Law School. They call themselves University of New Hampshire Law Center now and they charge \$100,000 per year. I didn't have that kind of money. But in any event, I know law. I can read law. We are in the first district along with Maine, Massachusetts and Rhode Island and Puerto Rico. If you have a first circuit precedent or a Supreme Court of the United States precedent that says that we must violate the will of the people, I will read it. I will vote for it. I know the supremacy clause, but no one, but no one has given me something to read to that effect. Then, I am left with only one choice and one choice only, my hand is still on the Bible. I will uphold the New Hampshire Constitution. I will uphold the 2006 Amendment and I will stand with my chest as my shield and any arrow that hits it, I will have a response to it. I will be accountable for it. If they don't like what I did, they can throw me out. If they do, if they like me defending our Constitution, to which my district voted by a higher percentage than other districts because they wanted it, then I have no business in this House. I must obey the law and I would be happy to entertain any questions. Hit me and vote red. Thank you.

Speaker O'Brien: For what reason does the member rise?

Rep. Shurtleff: Thank you. I rise to make a request of the Chair.

Speaker O'Brien: What is your request?

Rep. Shurtleff: My request, Mister Speaker, is a 15 minute recess so the Democratic caucus could have an opportunity to caucus on this very important legislation.

Speaker O'Brien: I understand that the Democratic caucus had knowledge that we were going to take this up immediately as we began to take it up because our members have been receiving text messages indicating the position on it. Your request is not...We are going to go through this vote. We are very close to being done and we are going to conclude it. The question before the House is, "Notwithstanding the governor's veto, shall HB 592 become law?" The Chair recognizes Representative Chandler to speak to the question. What reason does the member rise?

Rep. Soltani: Mister Speaker, I rise for a motion.

Speaker O'Brien: What is your motion?

Rep. Soltani: Whether the will of the House is that of the Chair.

Speaker O'Brien: I didn't pick up the thread of that. What was your motion?

Rep. Soltani: The Clerk will translate it. His ruling on the Democratic caucus has not been appealed.

Speaker O'Brien: I'm not sure I follow you. Could you just be a little bit more cogent?

Rep. Soltani: Whether the House would allow a Democratic caucus. That would be a challenge to the Chair in response to my friend from Concord.

Speaker O'Brien: The Chair hasn't issued a ruling. The Chair has declined to issue a ruling. There is nothing to appeal. Moreover, there has been intervening business. Rep. Chandler, you may proceed.

Rep. Chandler: Thank you, Mister Speaker. I don't know that I'm proud to say this, but this is the third redistricting plan that I've been involved with in my years here. Whether that means that I've been here too long, I'm not sure. I can tell you that having been involved with them and also with the lawsuit of ten years ago, which was very interesting, I can tell you that no plan is perfect. Every time we have had a redistricting plan, no matter what it is, some people feel that they deserve or should have a little different, better, however you want to look at it, district. I can assure you that if we make changes to this plan and that some people have advocated for, it's going to change some other people's districts so it's just going to make different people unhappy, in my opinion. I don't think that's where we need to go. There have been multiple hearings, multiple meetings, floor amendments. All the people that are advocating for changes in these plans have had an opportunity to present floor amendments which this House has voted on. They voted them down. I'm sorry for some of those folks that didn't get their plans adopted, but that's the system. They had an opportunity before this House and all the members to present their plans and have them voted on. We are running out of time. That's our biggest problem here because of the judicial review of the 60 days that is necessary and our planning and filing of June 6, whenever it is. We need to move this process on. I point out my friends on the other side of the aisle. Last time, when we had what we thought was a pretty good plan. There were a couple of districts over in the other side of the state where one of the members from Cornish had a problem, convinced the then Governor to veto the plan and brought a lawsuit, and I can tell you that in my opinion, I doubt that most of the members on the other side of the aisle were happy with the outcome. I just point that out. Be careful what you wish for. We can't afford to do that. We should be doing our redistricting, not anybody else. So, I urge you. This House has taken a position on this bill already once. The Governor has had his say, which he is legally entitled to, but now it is our turn to let the Governor know that we, in this House, are in charge of our redistricting. Please override this veto.

Speaker O'Brien: The time for debate has concluded on this bill. The Chair is going to request that the House Clerk read in the Governor's Veto.

House Clerk: *Governor Lynch's Veto Message on HB 592. By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on March 23, 2012, I vetoed HB 592. The New Hampshire Constitution provides that the House of Representatives shall be "founded on the principles of equality, and representation therein shall be as equal as circumstances will admit." Consistent with this provision, in 2006, the citizens of New Hampshire overwhelmingly adopted a constitutional amendment that further enshrined the principle of equal representation by providing each town and city ward a representative with sufficient population to warrant one. The right to vote is central to our democratic government. But that right is meaningless unless equal representation is assured when citizens vote. I am vetoing HB 592 because it violates the constitutional principle for equal representation and local representation; it is inconsistent in its treatment of similarly situated towns and wards, and it unnecessarily changes the boundaries of existing districts. The population of New Hampshire based on the 2010 census is 1,316,470. A straight division into 400 districts yields an ideal population per district of 3,291. Under federal and state law, towns and wards that equal or are within 5% of this ideal population are entitled to their own*

representative. Based on the 2010 census, there are 152 towns and wards in New Hampshire that qualify for their own representative. HB 592 denies a total of 62 New Hampshire towns and wards their own seats in the House. For example, the towns of Atkinson, Hudson, Meredith, and Pelham all have sufficient population under state and federal constitutional standards to have their own representative, but all are denied their own representative under the House-approved plan. This is completely contrary to what the citizens of New Hampshire called for in the state constitutional amendment adopted in 2006. Another significant flaw with the House-approved redistricting plan is that it unnecessarily breaks-up cities and wards. For example, in Manchester, the state's largest city, HB 592 combines Wards 8 and 9 with the town of Litchfield. Pelham will again share its representatives with Hudson. Strafford will share a representative with New Durham. And Concord's Ward 5 will now be made part of a district that includes the Town of Hopkinton. The leaders and governing bodies of each of these communities have expressed their strong opposition to HB 592, noting that it unnecessarily and unconstitutionally dilutes local representation, and have asked me to veto this bill. As the Board of Mayor and Alderman in Manchester has expressed, "this is not a partisan issue." "Local municipal budgets are separate, schools are in different districts, police officers and firefighters . . . belong to different departments and station houses." The same is true in Pelham, Concord, Strafford and all of the towns and wards affected in this manner by HB 592. Supporters of HB 592 have argued that in crafting a redistricting plan, the legislature must balance the one-person-one-vote principle enshrined in the federal constitution with the requirements for local representation as required by the state constitution. But satisfaction of federal requirements does not require abandonment of the principles of the New Hampshire Constitution. The House-passed plan unnecessarily breaks-up towns and wards. One of the unique advantages to living in New Hampshire is the ability of citizens to encounter his or her state representative in their daily activities – at the grocery store, in a house of worship, or walking main street. HB 592 undermines that very special quality of life in New Hampshire and the critical component of representative local democracy that is expressed in a commonality of interest among a community's citizens. For all of these reasons, I have vetoed HB 592. I urge the House to take up my veto quickly in order to allow time for alternative plans to be brought forward or for litigation in the event of the absence of agreement on a constitutional plan. The House was presented with alternative plans by members of both political parties that would go further to satisfy the requirement for equal representation and fairness. There is still time before the candidate filing period to enact redistricting legislation that will assure equal voting rights of all New Hampshire citizens. Respectfully submitted, John H. Lynch, Governor.

Speaker O'Brien: The question before the House is "Notwithstanding the governor's veto, shall HB 592 become law?" Rep. Leishman, you are recognized.

Rep. Leishman: I rise to ask a question of the Chair.

Speaker O'Brien: What is your question?

Rep. Leishman: Would it be appropriate for me to ask this body vote to allow the Democratic caucus to take a 15 minute recess to discuss this matter as we left the room and allowed your caucus to discuss this matter amongst yourselves. I would ask for a division vote on that request.

Speaker O'Brien: A motion to recess is in order.

Rep. Leishman: I would ask the House to support my motion to allow the Democratic caucus to caucus for 15 minutes and I would ask for a division vote. I would ask that you allow us that courtesy as I sat here in this House during the last redistricting and I believe, looking at my friend from Bartlett, both caucuses worked very closely together and I would just ask for your indulgence for just 15 minutes so we can caucus.

Speaker O'Brien: Representative, you are recognized.

Rep. Jasper: Thank you, Mister Speaker. I have a true Parliamentary Inquiry. Mister Speaker, while I know that a motion to adjourn takes precedence, I don't believe that a motion to recess takes precedence while we are in the middle of a debate and a question is

before us and I'd ask you to rule on that.

Speaker O'Brien: The fact that I'd take the question, you are absolutely correct, Representative and I thank you for reminding me of that, that a motion to recess is not a motion of higher priority than that which is before the House at this moment. What is your motion, Representative?

Rep. Vaillancourt: I move that we adjourn.

Speaker O'Brien: The question before the House is shall the House adjourn. The parliamentary situation is that because the motion didn't say when we'd adjourn to, it is the intention of the Chair, of course, to just call another Session right after we adjourn. With that being stated, the motion is to adjourn. Are you ready for the question? This is a division vote. What reason does the member rise?

Rep. Vaillancourt: I could amend it to a time certain, if you would allow?

Speaker O'Brien: No. Let's just go with the motion. The motion before the House is shall the House adjourn. This is a division vote. If you wish the House to adjourn, you will press the green button. If you do not wish the House to adjourn, you'll press the red button. The House will be attentive to the state of the vote. 57 members having voted in the affirmative and 301 in the negative, the House does not adjourn. The question before the House is, "Notwithstanding the governor's veto, shall HB 592 become law?" Under Part 2, Article 44 of the Constitution, there's a requirement, essentially, that this be a roll call vote. This will be a roll call vote. Will members please take their seats? The House will come to order. The question before the House on this roll call vote is, "Notwithstanding the governor's veto of HB 592, shall the bill still become law?" The Chair recognizes Rep. Vaillancourt for a Parliamentary Inquiry.

Rep. Vaillancourt: Mister Speaker, if I agreed with the gentlemen from Enfield, that nothing is certain when we go to the court, would I now, Mister Speaker, vote so we won't go to the court by the only option we have available, by voting to sustain the Governor's veto so that we may then come up with another plan? Because, Mister Speaker, if I realize that towns are already waiting to go to the court if we pass this, the very same towns that have agreed not to go to the court, if we come up with a slightly better plan. Mister Speaker, if I could read the Constitution and clearly understand that Pelham deserves four Reps of its own and gets zero with this and you don't have to be a constitutional scholar to realize that's just not right. If I realize that ten years ago the court virtually begged this House to come up with its own plan so that they would not have to get involved and in fact, asked the House time and again and was kind of under the idea that we would have a chance to come up with our own plan again, especially because we could do it in the next couple of weeks, that it doesn't need major overhaul, but if I realize to follow the will of the people as expressed in 2006, we can do a better job. We can assure that we make the decision and not the court, would I vote to sustain the veto by pressing the red button?

Speaker O'Brien: The question before the House on this roll call vote is, "Notwithstanding the governor's veto, shall HB 592 become law?" The Chair recognizes Rep. Bettencourt for a Parliamentary Inquiry.

Rep. Bettencourt: Mister Speaker, if I know that no redistricting plan will ever be perfect, but that this plan passes constitutional muster under both federal and state constitutions and that this plan, approximately doubled the number of districts that we currently have and if you know, Mister Speaker, that there is no guarantee as there was not ten years ago that we will be able to come up with another plan. Mister Speaker, if you know that the Governor's concerns have been considered and addressed and now he is left to simply raise constitutional red herrings. And, finally, Mister Speaker, if you believe that this House and not the Governor or the courts should redistrict this House, then would you not join with me in overriding the Governor's veto by pressing the green button?

Speaker O'Brien: The question before the House is, "Notwithstanding the governor's veto of HB 592, shall HB 592 become law?" If you want HB 592 to become law, you'll press the green button. If you do not, you'll press the red button. Voting stations will be open for 30

seconds. The House will be attentive to the state of the vote. 246 members having voted in the affirmative and 112 in the negative, the Governor's veto is overridden. The Chair recognizes Rep. Bettencourt.

Rep. Bettencourt: Thank you, Mister Speaker. Having voted on the prevailing side of the Governor's veto of HB 592, I would move for a reconsideration.

Speaker O'Brien: The question before the House is shall the House reconsider its action on HB 592. Are you ready for the question? All those in favor, say Aye. Those opposed, Nay. A division vote was requested. This will be a division vote. No member will enter. No member will leave. Members will please take their seats. We will proceed to the vote. The question before the House on this division vote is shall the House reconsider its actions in overriding the Governor's veto on HB 592? The Chair recognizes Rep. Bettencourt for a Parliamentary Inquiry.

Rep. Bettencourt: Thank you, Mister Speaker. Mister Speaker, if I know that we just overrode the Governor's veto and don't want to relive the debate and feel that the vote was the right one, would I not vote against reconsideration by pressing the red button.

Speaker O'Brien: The question before the House is shall the House reconsider its action on HB 592 by overriding the Governor's veto? If you do not want to reconsider, you will press the red button. If you do want to reconsider, you'll press the green button. I'll try that again. If you want to reconsider, press the green button. If you do not, press the red button. Thank you. The House will be attentive to the state of the vote. 104 members having voted in the affirmative, 254 in the negative, the motion fails. The Chair recognizes Rep. Bettencourt for a motion.

Rep. Bettencourt: Thank you, Mister Speaker. I would move that the debate regarding the Governor's veto of HB 592 be placed in the Permanent Journal.

Speaker O'Brien: The question before the House is shall the debate surrounding the Governor's veto be placed in the Permanent Journal? It will be a division vote. Could members please take their seats? We are still in Session here. Record your protests with the House Clerks.

Rep. Cali-Pitts: I wish to protest the House vote on HB 592 according to Part 2, Article 24 of the Constitution.

Speaker O'Brien: The practice before and one that has been followed in several terms is that once we know and assuming there is no separate protest, we will just take them. Each one does not need to be read off.

Rep. Almy: Some of ours are slightly different. I would like to read the last sentence of mine.

Speaker O'Brien: Does the representative wish to be recognized.

Rep. Almy: Yes.

Speaker O'Brien: For what purpose?

Rep. Almy: Mine is slightly different as a number of them. I would like to read...

Speaker O'Brien: Those that are different, you can certainly read them off.

Rep. Almy: Thank you. I will just read the last sentence. This is simple tyranny.

Speaker O'Brien: What reason does the member rise.

Rep. Soltani: I wish to read the difference between my protest and others.

Speaker O'Brien: Please go ahead.

Rep. Soltani: Very concise, Mister Speaker. I'm Tony Soltani, a Republican for 32 years. This vote was in direct and intentional violation of the New Hampshire Constitution 2006 Amendment. The procedure on the debate and the vote was in violation of the Rules of the House and the New Hampshire Constitution. Tony Soltani, Allenstown, Epsom and Pittsfield.

Speaker O'Brien: That message will not be received because you haven't stated under what provision of the constitution you stated and you haven't said that you object. So, if you want to revise the message, then it will be received.

Rep. Soltani: Under the 2006 Amendment to the Constitution, Mister Speaker.

Speaker O'Brien: The House will come to order. The question before the House is shall the debate surrounding the overriding of the Governor's veto be placed in the Permanent Journal? Are you ready for the question? All those in favor, say Aye. All those opposed, Nay. The Ayes have it and the debate shall be placed in the Permanent Journal. The House will stand in recess until 10 minutes... No it wasn't, Representative. Representative, bring yourself to order. Bring yourself to order, Representative. We will not be shouting across the House. What reason does the member rise.

Rep. Vaillancourt: Mister Speaker, I understood that a division had been requested and accepted prior to people filing their protest. How could we go back on the division acceptance after the protest?

Speaker O'Brien: The vote will stand, Representative.

Rep. Vaillancourt: I challenge the rule of the Chair and request a division.

Speaker O'Brien: Members will please take their seats. The House will come to order. The question before the House is notwithstanding the challenge to the ruling of the Chair, shall the ruling of the Chair be upheld. The Chair will state that the Chair heard no division vote which, after all, is the criteria to whether there will be a division vote. The question before the House on this division vote is notwithstanding the appeal, shall the ruling of the Chair be upheld. If you want to uphold the ruling of the Chair, you'll press the green button. If you are opposed, you'll press the red button. What reason does the member rise?

Rep. Soltani: I've been rising to be recognized in order to speak to the motion.

Speaker O'Brien: Proceed.

Rep. Soltani: Mister Speaker, I heard it. Many heard it and the birch tree outside of the Ronald Reagan Plaza in Epsom heard it. During debate, a request for division was made. What has become of us? What has become of our Republican Party that we deprive a member of a request for a division? I ask you to please allow him a division. He's going to lose. There is no reason for us to be tyrants about his rights. There is reason for us to vote our conscience and respect the rules. Thank you.

Speaker O'Brien: The question before the House is notwithstanding the appeal, shall the ruling of the Chair stand. This is a division vote. The Chair recognizes Rep. Jasper for a Parliamentary Inquiry.

Rep. Jasper: Thank you, Mister Speaker. Mister Speaker, if I know that this is just about putting the debate in the Permanent Journal and I know that it was an overwhelming vote. Mister Speaker, more importantly, I am tired of the delay tactics and I am tired of temper tantrums on the floor of the House and I know that the Speaker said he didn't hear the request, would I now support our Speaker by pushing the red, the green button, the green button in upholding the ruling of the Chair?

Speaker O'Brien: The question before the House is notwithstanding the appeal, shall the ruling of the Chair stand. If you wish the ruling of the Chair to stand, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. The House will be attentive to the state of the vote. 221 members having voted in the affirmative and 104 in the negative, the ruling of the Chair shall stand.

MOTION TO SPECIAL ORDER

Rep. Stepanek moved that **HB 593-FN-A-L**, relative to video lottery and table gaming, be made a Special Order for 3:00 p.m. today.

Reps. Stepanek and Hess spoke in favor.

On a division vote, 302 members having voted in the affirmative and 20 in the negative, the motion was adopted.

The House recessed at 12:57 p.m.

RECESS

The House reconvened at 2:00 p.m.

(Speaker O'Brien in the Chair)

SPECIAL ORDERED

Without objection, the Speaker made **HB 1238**, relative to divestiture of Public Service of New Hampshire (PSNH) generation assets and **HB 1490-FN**, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions, Special Orders as the next order of business.

SPECIAL ORDER

HB 1238, relative to divestiture of Public Service of New Hampshire (PSNH) generation assets. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James M. Garrity for Science, Technology and Energy: This bill, as amended, instructs the Public Utilities Commission (PUC) to open a docket this year to fully investigate whether or not the divestiture or retirement of any or all of PSNH (Public Service of New Hampshire) generating plants would be in the economic interest of PSNH default service ratepayers. If, after the conclusion of what we anticipate will be a long and exhaustive analysis, the PUC finds that is in the economic interest of PSNH default service customers for one or more power plants to be sold or retired, only then would PSNH be required to file a plan with the PUC to sell such plants. The PUC would oversee such sale and manage the allocation of sale costs and proceeds for the benefit of PSNH ratepayers. The driving factor here is the economic interest of ratepayers. The divestiture question has not been seriously evaluated for over a decade. During that time energy markets, natural resource availability, environmental regulations and competitive factors have changed dramatically. PSNH insists the current model works fine and change is not needed. PSNH competitors insist that divestiture will result in more robust competition and lower end-user rates. All parties have multi-millions of dollars at stake in this fight and have spent considerable resources in lobbying for their cause. The committee feels that this issue is best handled if it is evaluated at the PUC, where all parties can present the facts, economics and arguments in a structured quasi-judicial process relatively free from political pressure. This bill, as amended, also makes some clarifying improvements to current electric utility cost allocation laws, to prevent shifting of electricity generation costs to electricity distribution customers. In addition, it clarifies that PSNH must serve its default customers through the most cost effective mix of its own power generation and market power purchases to the benefit of its ratepayers. Finally, it adds a duty to the Electric Restructuring Oversight Committee instructing it to work with the PUC to study the divestiture issue and its rate impacts. Vote 12-2.

Amendment (1358h)

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

AN ACT relative to cost recovery and divestiture of Public Service of New Hampshire fossil, hydro, or biomass generation assets and relative to the duties of the legislative oversight committee on electric restructuring.

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

1 Divestiture of PSNH Generation Assets. RSA 369-B:3-a is repealed and reenacted to read as follows:

369-B:3-a Divestiture of PSNH Generation Assets.

I. Notwithstanding RSA 374:30, PSNH shall divest or retire any fossil, hydro, or biomass generation asset for which the commission finds that it is in the economic interest of retail default service customers of PSNH to do so. The commission shall provide for the cost recovery of such divestiture or retirement. Prior to any divestiture or retirement of its generation assets, PSNH may only modify such generation assets if the commission finds that it is in the economic interest of retail default service customers of PSNH to do so. The commission shall provide for the cost recovery of such modification.

II. The commission shall open a docket by August 1, 2012 to consider whether all or some of PSNH's generation assets should be divested or retired. The docket should consider,

at a minimum, the potential market value of the assets, the potential rate impacts of any divestiture or retirement, and the potential rate impacts of continued ownership and operation.

III. If the commission finds in the docket opened under paragraph II or any subsequent docket that it is more likely than not in the economic interest of PSNH's default service customers to divest or retire some or all of its generation assets, then:

(a) PSNH shall develop a plan to put into effect such divestiture or retirement and submit it to the commission within 6 months of the commission's order. The plan shall not address issues of cost recovery or the application of sales revenues. The plan shall require the approval or conditional approval of the commission. The commission shall oversee an open and fair process for buyers to compete for the purchase of the assets if divestiture is required.

(b) In a separate proceeding, the commission shall provide for cost recovery of the divestiture or retirement, as required under paragraph I, and the application of any sales revenues or other benefits that exceed those needed for cost recovery, to the benefit of PSNH's customers.

IV. In order to maintain true unbundling of rates and services and to provide customers with clear price information on the cost components of generation under RSA 374-F:3, III, all costs associated with any PSNH fossil, hydro, or biomass generation asset shall only be recoverable from retail customers through the PSNH default service rates as long as such asset has not been divested or retired.

2 Divestiture of PSNH Generation Assets. Amend RSA 369-B:3, IV(b)(1)(A) to read as follows:

(1)(A) From competition day until the completion of the sale of PSNH's ownership interests in fossil and hydro generation assets located in New Hampshire, PSNH shall supply ~~all~~, except as modified pursuant to RSA 374-F:3, V(f), ~~[transition service and]~~ default service offered in its retail electric service territory from its generation assets and ~~[-if necessary,]~~ through ~~[supplemental]~~ power purchases in a manner approved by the commission. The price of such default service shall be **all of** PSNH's actual, prudent, and reasonable costs of providing such power, as approved by the commission;

3 Existing Cost Allocations. Any costs associated with supplying default service power to PSNH customers that are not included in the price of such default service, as approved by an order or orders of the public utilities commission issued prior to January 1, 2012, need not be included in the price of such default service under this act for the time period authorized in the order or orders. If such costs are stranded costs as defined in RSA 374-F:2 and identified as such by the commission in the order or orders, then exclusion from the price of default service may continue until the identified stranded costs no longer exist, as determined by the commission.

4 New Paragraph; Legislative Oversight Committee on Electric Utility Restructuring; Duties. Amend RSA 374-F:6 by inserting after paragraph IV the following new paragraph:

III. Working with the commission to determine if partial or full divestiture of PSNH generation assets is in the economic interest of retail default service customers of PSNH after accounting for the cost recovery of such divestiture.

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

AMENDED ANALYSIS

This bill:

I. Limits recovery of costs associated with any Public Service of New Hampshire fossil, hydro, or biomass generation asset, that has not been divested or retired, from retail customers only through Public Service of New Hampshire's default service rate.

II. Changes certain requirements for divestiture of PSNH generation assets.

III. Adds a duty to the legislative oversight committee on electric utility restructuring.

LAID ON THE TABLE

Rep. James Garrity moved that **HB 1238**, relative to divestiture of Public Service of New Hampshire (PSNH) generation assets, be laid on the table.

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

On a division vote, 304 members having voted in the affirmative and 19 in the negative, the motion was adopted.

REGULAR CALENDAR (CONT'D)

SPECIAL ORDER

HB 1490-FN, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. **MAJORITY: OUGHT TO PASS.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. James M. Garrity for the Majority of Science, Technology and Energy: This bill reforms how New Hampshire participates in the Regional Greenhouse Gas Initiative (RGGI). It is based on the current political reality that New Hampshire will probably not be able to leave the RGGI program in 2012. Realizing that, this bill aims to reduce the negative direct financial impact of RGGI on electric ratepayers, especially PSNH default service ratepayers. It does so in the following ways: First, in the belief that RGGI should be all about the environment and not all about the money; it lowers the annual emissions cap by 2.5% two years earlier than the other RGGI states planned reductions. It grants emission allowances to the 5 RGGI regulated power plants at no cost, up to the point where they reach their emission caps. Since they are allowances, the plants should be "allowed" to emit up to the cap at no cost. This change will result in an immediate reduction of costs for PSNH default service ratepayers of \$5,000,000 - \$12,000,000 per year. Any emissions over the cap would require the plants to purchase allowances at auction as they do now. Second, it still allows the state to sell the remaining 215,512 allowances at the RGGI auctions and use the proceeds as they are currently used. Third, it repeals New Hampshire's RGGI participation on January 1, 2015, which is the beginning of the next three year compliance period. Meanwhile, New Hampshire remains in the RGGI program using this cost reduction approach. Critics of this reform dislike it because they claim that it will reduce the amount of money in the greenhouse gas emissions reduction fund, and the opportunity for making grants and investing in programs with that money. The majority disagrees. The fund will still exist and will still have some money entering it. But RGGI should be about the environment, not about the money. We believe that New Hampshire citizens should be allowed and trusted to keep their money in their own pockets and use it as they see fit, rather than the state collecting a stealth tax from the many through electric rates to redistribute "green pork" to the few. RGGI has morphed from a program focused on the environment to a public-sector attempt at a stimulus program in which administrators decide what is good for society and then pick winners and losers by directing ratepayer money to the winners. We do not believe this good-intentioned redistribution of wealth is worth the price. Since we cannot get out of the RGGI program, the best we can do is to try to reduce its negative impact on ratepayers. This bill does that. Vote 8-6.

Rep. Naida L. Kaen for the Minority of Science, Technology and Energy: If this legislation becomes law, New Hampshire businesses and New Hampshire citizens will lose their opportunity to readily access information, resources and valuable tools to empower them to use energy more efficiently, thereby reducing our reliance on imported fuels and the need for expensive new power plants. Examples can be found throughout the state of municipalities, businesses and individual homes of efficiency projects which would not otherwise have been undertaken had New Hampshire not been participating in RGGI. New Hampshire ratepayers will continue to pay most of the costs of RGGI whether this bill passes or not. That is because NH is part of a power pool with the other New England states and those states' RGGI costs are embedded in the power we have no choice but to purchase. We would have all of the costs and none of the benefits which would then all flow to our neighboring states along with the associated business opportunities.

The question being adoption of the majority committee report of Ought to Pass.
Rep. James Garrity offered floor amendment (1390h).

Floor Amendment (1390h)

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

AN ACT relative to New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

Amend the bill by replacing all after section 4 with the following:

5 Carbon Dioxide Emissions Budget Trading Program; Auction Proceeds. Amend RSA 125-O:21, II and III to read as follows:

II. The program shall include a statewide annual budget allowance of 8,620,460 tons ~~[during the years 2009 through 2014. Beginning January 1, 2015 and ending December 31, 2018, the budget shall decline by 215,512 tons per year, resulting in a 10 percent total reduction from the initial budget, after which it shall remain unchanged until further legislative action]~~ ***The department shall annually grant to each affected CO₂ source by July 1, 2013 and by July 1, 2014 a number of allowances equal to the specified amount times its historic share of emissions. For purposes of this paragraph, "specified amount" means 8,404,948 minus the number of allowances to be granted for the given year under RSA 125-O:24, VI, and "historic share of emissions" means the average CO₂ emissions of an affected CO₂ source during calendar years 2007, 2008, 2009, 2010, and 2011 divided by the average CO₂ emissions of all affected CO₂ sources during the same time period. Such allowances shall first be used by each affected CO₂ source for compliance with RSA 125-O:22, I before any excess can be sold or transferred to another party.***

III. The department shall make available for sale at one or more auctions ***in a given year*** ~~[all]~~ ***215,512*** of the budget allowances for ~~[a given]~~ ***that*** year, except for those granted or reserved under RSA 125-O:22, VI, ~~125-O:24,~~ and 125-O:25. ***The department shall also include in each auction all budget allowances from prior years that have not been purchased and those from the current year made available at an earlier auction in the year and not purchased.*** The department may also make available for sale at one or more auctions a portion of future year budget allowances. Such auctions may be conducted in coordination with other states. Revenues from the sale of allowances shall be deposited in the greenhouse gas emissions reduction fund established under RSA 125-O:23.

III-a. Budget allowances that are required to be made available for sale at auction under paragraph III, but remain unsold, shall not be retired by the department.

6 Greenhouse Gas Emissions Reduction Fund. Amend RSA 125-O:23, I to read as follows:

I. There is hereby established a greenhouse gas emissions reduction fund. This nonlapsing, special fund shall be continually appropriated to the commission to be expended in accordance with this section. The state treasurer shall invest the moneys deposited therein, as provided by law. Income received on investments made by the state treasurer shall also be credited to the fund. All programs supported by these funds shall be subject to audit by the commission as deemed necessary. A portion of the fund moneys shall be used to pay for commission and department costs to administer this subdivision, including contributions for the state's share of the costs of the RGGI regional organization. ***No fund moneys shall be used by the commission or the department to contract with outside consultants.*** Any new employee positions to be paid for using fund moneys shall be approved by the fiscal committee of the general court pursuant to RSA 124:15. The commission shall transfer from the fund to the department such costs as may be budgeted and expended, or otherwise approved by the fiscal committee and the governor and council, for the department's cost of administering this subdivision.

7 Repeal. The following are repealed:

- I. RSA 125-O:3, III(d), relative to carbon dioxide cap.
- II. RSA 125-O:20 through 125-O:28, relative to the regional greenhouse gas initiative.

8 Compliance.

I. The repeal of the regional greenhouse gas initiative program under section 7 of this act shall not effect each affected CO₂ source's obligation to satisfy the program's requirements for the compliance period ending December 31, 2014, including those contained in adopted rules. All means of enforcement shall remain in place for these requirements, including the provisions of RSA 125-O:7 and any permit issued or modified by the department of environmental services in accordance with RSA 125-O:22, IV.

II. Any affected CO₂ source that is a public utility pursuant to RSA 362:2 shall sell any allowances granted to it under RSA 125-O:21, II that it still holds after meeting the program's requirements for the compliance period ending December 31, 2014. All proceeds from such sale shall be used to reduce the default service rates of the public utility.

9 Funding of Contracts. All contracts executed on or before December 31, 2014 that are funded through the greenhouse gas emissions reduction fund shall remain so funded according to the terms of those contracts.

10 Effective Date.

I. Sections 5-6 of this act shall take effect January 1, 2013.

II. The remainder of this act shall take effect January 1, 2015.

AMENDED ANALYSIS

This bill makes certain changes to New Hampshire's regional greenhouse gas initiative cap and trade program for 2013 and 2014 and repeals the program on January 1, 2015.

MOTION TO LAY ON THE TABLE

Rep. Kaen moved that **HB 1490-FN**, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions, be laid on the table.

On a division vote, 103 members having voted in the affirmative and 228 in the negative, the motion failed.

The question now being adoption of floor amendment (1390h).

Rep. Kaen spoke against.

Rep. James Garrity spoke in favor.

On a division vote, 237 members having voted in the affirmative and 110 in the negative, floor amendment (1390h) was adopted.

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

Rep. Cali-Pitts spoke against.

Rep. James Garrity spoke in favor.

Committee report adopted and ordered to third reading.

SPECIAL ORDERED

Without objection, the Speaker made **HB 1724-FN**, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable, a Special Order as the next order of business.

SPECIAL ORDER

HB 1724-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable. **INEXPEDIENT TO LEGISLATE.**

Rep. Beatriz Pastor for Science, Technology and Energy: This bill proposes to address the

problem of accidental poisoning due to ingestion of engine coolant or antifreeze by requiring manufacturers to add denatonium benzoate as an aversive agent so as to render the antifreeze unpalatable. The committee sympathizes with the good intent of this bill. However, the majority of the committee found itself unable to support this bill for a number of reasons. In the course of the public hearing's lengthy testimony it became clear that, in states where similar legislation has been adopted, adding denatonium benzoate has not turned out to be an effective way to deal with the problem of antifreeze ingestion. Furthermore, there is considerable uncertainty regarding the toxicity of denatonium benzoate used as an additive in this manner and a disturbing lack of data regarding its possible negative impact on animals, people and the environment. The industry acknowledges both the uncertainty and the potential risks associated with this use, and, for that reason, has asked for complete immunity from any liability resulting from the use of antifreeze with the denatonium benzoate additive. While the industry supports this bill and stands ready to manufacture the product, it demands to be protected from any possible risk associated with its use. HB 1724 contains such an immunity clause. The majority of the committee believes that it would be unwise, indeed irresponsible, for this legislature to take the risk of requiring the use of a product with potentially dangerous effects while relieving its manufacturers from all responsibility and liability. Vote 11-3. Reps. Winfred Hutchinson and Lovett spoke against. Rep. Pastor spoke in favor. On a division vote, 274 members having voted in the affirmative and 68 in the negative, the committee report was adopted.

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 citizens of the state overwhelmingly support the idea of expanded gaming. Today, New Hampshire residents spend roughly \$80 million a year gambling outside of the state. That number will grow to upwards of \$120 million if we fail to act on the opportunity presented with this bill. 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 \$500 K for each license application, provides \$100 K 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 category 1 licenses at \$50 million each, one category 2 license for \$20 million and one category 3 license to be reserved for the federal economically disadvantaged areas specifically the north country and or Cheshire county for \$20 million. All license and application fees are directed to the general fund. This bill provides for an equitable process by which any entity can submit an application for any location and makes provisions for the North Country and or Cheshire county. It 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, rooms and meals tax and tourism. Studies have indicated that when the doors open at Massachusetts casinos our state revenue will be negatively impacted by up to \$75 million per year. If we do nothing we will have to make that up by additional spending cuts to our budget. 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. Support the 72% of New Hampshire residents that support expanded gaming by supporting this bill. Vote 14-7.

Rep. David W. Hess for the Minority of Ways and Means: This bill is the same casino gambling bill you thought you were going to vote on February 8th – only worse. It puts to rest once and for all the mantra that the casino interests, their lobbyists and lawyers have been repeating for over a year - the siren song of “limited” expanded gambling. This is proliferation before passage. With one stroke of the pen, two casinos have morphed into four, authorizing 14,000 slot machines and 420 table games, probably the highest concentration of legalized gambling per capita anywhere in the United States outside of Nevada. This bill will almost certainly put a casino within 50 miles of every man, woman and child in New Hampshire. Is that what you want for our state? In addition, this amendment quadruples the administrative review and oversight burdens on the lottery commission and Attorney General’s office while imposing the same short, artificial and unreasonable time lines for applicant vetting, background checks, and verification. And instead of saving the licensing fees by dedicating them to the rainy day fund, where they would at least enhance the state’s fiscal stability and bond rating (as the previous version of this bill did), these sums now go to the general fund. This will inevitably result in bigger government and higher state spending. Is that what you promised your constituents during the last election? Further, this amendment promises the mirage of reduced business taxes, something no one requested during any of the work sessions and single public hearing this amendment received; and something which could be reversed by yet another stroke of the pen before this bill ever went into effect, should it ever actually be passed. Finally, despite expanding the former duopoly into a quadrapoly, which in reality are four territorial monopolies, this amendment continues to perpetuate the same crony capitalism and restraint of trade which Part II, Article 83 of our New Hampshire Constitution abhors. And this latest proposed amendment to the original bill retains almost all of the flaws addressed in the previous iteration of this blurb. At the risk of being repetitious, and with due apologies, a summary of those same comments and observations follow. This amendment continues to be a Great Giveaway to the casino interests. The taxpayers of New Hampshire lose because the licensing fees remain at low, fixed arbitrary amounts, compared to many other states which have adopted a competitive bid process. Massachusetts, for example requires a minimum bid of \$85 million in precisely the same market that casinos in southern New Hampshire will compete in – a market which Millenium has described as perhaps the most potentially-lucrative gambling market in the United States. Why are the renewal fees, at \$125,000 and \$300,000 per year, so absurdly low? Why is a licensee entitled to renew its monopoly every five years, in perpetuity, as long as it is “in good standing under this chapter?” 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 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 slot machine proceeds to our public coffers. Pennsylvania collects 55% and has had no shortage of applicants for its casino licenses, including Millenium. 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. Massachusetts requires a minimum investment of \$500 million. Millenium and Green Meadows have told us they plan to spend hundreds of millions of dollars in Salem and Hudson so 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. In addition to imposing artificial and unreasonable time lines on the Lottery Commission, this bill requires the Commission to adopt “interim rules” governing the licensing process for these casinos within 90 days of passage of the bill. “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 38 pages long; the Massachusetts law is 168 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 (0917h)

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 table games and video lottery machines at a gaming location pursuant to this chapter.

XII. "Gaming licensee" means the person or entity licensed by the lottery commission to possess, conduct, and operate video lottery machines 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. There shall be 3 distinct classifications of gaming licenses designated by category. The lottery commission shall review, select, and grant licenses for no more than 4 gaming locations, including 2 category 1 gaming licenses, one category 2 gaming license, and one category 3 gaming license.

(a) A gaming licensee holding a category 1 gaming license shall operate no more than 150 table games consistent with RSA 284-B:12 and no more than 5,000 video lottery machines at its gaming location.

(b) A gaming licensee holding a category 2 gaming license shall operate no more than 60 table games consistent with RSA 284-B:12 and no more than 2,000 video lottery machines at its gaming location.

(c) A gaming licensee holding a category 3 gaming license shall operate no more than 60 table games consistent with RSA 284-B:12 and no more than 2,000 video lottery machines at its gaming location, which shall be in a municipality in a qualifying community under the federal New Markets Tax Credit Program established in Section 45D of the Internal Revenue Code.

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

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

approve, approve with conditions, or deny all applications submitted. The first request for applications shall be issued simultaneously and within 30 days of the adoption of interim rules by the lottery commission pursuant to RSA 284-B:2, III. The first request for applications shall include a request for applications for the award of 2 category 1 gaming licenses, a request for applications for the award of one category 2 gaming license and a request for applications for the award of one category 3 gaming license. The requests for applications shall require all applications to be submitted within 90 days of the publication of the request.

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 ordinances, commercial development opportunities, the applicant's plan to meet community needs, and, if the applicant is responding to a request for applications for a category 3 gaming license, evidence confirming that the prospective gaming location is in a municipality which is a qualifying community under the federal New Markets Tax Credit Program established in Section 45D of the Internal Revenue Code.

(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 for any one classification of gaming licenses, 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 for any one classification of gaming licenses, 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 a non-refundable application fee of \$500,000 on all applicants submitting an application for a gaming license which shall be used to defray the cost of processing and reviewing the application. If the cost of processing and reviewing the application exceeds the \$500,000 application fee, the applicant shall pay the difference to the lottery commission within 15 days of receiving a detailed invoice.

(b) The attorney general shall impose an investigation fee of \$100,000 on all applicants for a gaming license which shall be used to defray the cost of the background investigation. If the cost of the background investigation exceeds the \$100,000 applicable amount, the applicant shall pay the difference.

(c) Upon approval of a gaming licensee, the lottery commission shall charge an initial license fee of \$50,000,000 for a gaming licensee approved for a category 1 gaming license, and \$20,000,000 for a gaming licensee approved for a category 2 or category 3 license. The license shall expire after 5 years. The lottery commission shall charge a license fee of \$1,500,000 to renew a category 1 gaming license, and \$600,000 to renew a category 2 or category 3 gaming license; however, the person seeking renewal of a gaming license shall pay all costs incurred by the attorney general to conduct an investigation with regard to such application to renew the gaming license.

284-B: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 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 an employee of the attorney general's office or the lottery commission on a full or part-time or contractual basis, the applicant shall be subject to sanctions pursuant to RSA 284-B: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.(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.

VIII. 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.

IX. 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.

X. 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.

XI. 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, XIII, 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.

XII. 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.

XIII. 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 education trust fund and used first to reduce the rate of the business enterprise tax for the succeeding year to a minimum of $\frac{1}{4}$ of one percent as provided under RSA 77:E:2. Any balance remaining after the business enterprise tax rate has been reduced to $\frac{1}{4}$ of one percent shall be deposited into the general fund of the state and used to reduce the rate of the business profits tax for the succeeding year.

(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 of a gaming licensee that operates or permits the operation of games of chance for or on behalf of charitable organizations pursuant to RSA 287-D. The space allocated for games of chance at the facility of a gaming licensee holding a category 1 gaming license shall be at least 5,000 square feet within the principal gaming area of the gaming location, and the number of tables used for table games shall be limited to no more than 150 tables. The space allocated for games of chance at the facility of a gaming licensee holding a category 2 or category 3 gaming license shall be at least 2,000 square feet within the principal gaming area of the gaming location and the number of tables used for table games shall be limited to no more than 60 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 or more 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 all 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 Business Enterprise Tax; Imposition of Tax. Amend RSA 77-E:2 to read as follows:
77-E:2 Imposition of Tax.

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

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

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

77-E:14 Distribution of Funds.

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

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

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

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

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

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

77-A:20-a Distribution of Funds.

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

II. The commissioner shall make quarterly estimates of the amount of ~~[additional]~~ revenues that will be produced by ~~[the increase in]~~ **1.5 percent of the** tax rate for the next fiscal year and shall certify such amounts to the state treasurer for deposit in the education

trust fund established by RSA 198:39. Such estimates shall be certified on June 1, September 1, December 1, and March 1 of each year.

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

AMENDED ANALYSIS

This bill:

I. Allows video lottery machines and table games at 4 gaming locations in the state pursuant to a competitive application process.

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

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

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

Reps. Kurk, Dan McGuire, Shurtleff, Giuda and Hess spoke against.

Reps. Campbell, Bouchard and Azarian spoke in favor.

Reps. Jennifer Coffey spoke in favor and yielded to questions.

Rep. Hess requested a roll call; sufficiently seconded.

YEAS 154 NAYS 195

YEAS 154

BELKNAP

Accornero, Harry

Fields, Dennis

Pilliod, James

Russell, David

CARROLL

Ahlgren, Christopher
Schmidt, Stephen

Knox, J. David
Tregenza, Norman

McConkey, Mark
Umberger, Karen

Merrow, Harry

CHESHIRE

Butynski, William
Johnsen, Gladys
Smith, Edwin

Byrnes, John
Lerandeau, Alfred
Tatro, Bruce

Dwinell, Richard
Moore, Robert Jr

Hawkes, Samuel
Roberts, Kris

COOS

Coulombe, Gary
Richardson, Herbert

Daugherty, Duffy
Theberge, Robert

Rappaport, Laurence
Thomas, Yvonne

Remick, William
Tremblay, Marc

GRAFTON

Bulis, Lyle

Gionet, Edmond

Ladd, Rick Jr

Reilly, Harold Sr

HILLSBOROUGH

Baroody, Benjamin
Boehm, Ralph
Christensen, D.L.
Chris

Barry, J. Gail
Brown, Kevin
Christiansen, Lars

Barry, Richard
Buxton, Michael
Condra, William

Belanger, James
Campbell, David
Day, Russell

Doherty, Shaun
Gimas, John
Haefner, Robert
Katsiantonis, Thomas
McCarthy, Michael
Ober, Russell III

Donovan, Daniel
Goley, Jeffrey
Hinch, Richard
Levasseur, Nickolas
McClarren, Donald
Ohm, Bill

Flanagan, Jack
Gonzalez, Carlos
Hutchinson, Winfred
Long, Patrick
Murphy, Keith
Palmer, Barry

Gidge, Kenneth
Gorman, Mary
Infantine, William
Maltz, Jonathan
Ober, Lynne
Pellegrino, Tony

Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Terrio, Ross

Proulx, Mark
Rhodes, Brian
Shaw, Barbara
Stroud, Kathleen
Ulery, Jordan

Ramsey, Peter
Rokas, Ted
Silva, Peter
Sullivan, Daniel
Whitehead, Randall

Reed, Michael
Scotsas, Lisa
Soucy, Connie
Summers, James

MERRIMACK

Bouchard, Candace
Kotowski, Frank
Reed, Dennis

DeStefano, Stephen
Kreis, Kenneth Sr
Seaworth, G. Brian

Hamm, Christine
McDonnell, John
Smith, Molly

Keane, Thomas
Patten, Dick
Winter, Steven

ROCKINGHAM

Allen, Mary
Belanger, Ronald
Cali-Pitts, Jacqueline
DeSimone, Debra
Griffin, Mary
Janvrin, Kevin
Manuse, Andrew
O'Connor, John
Sapienza, Marie
Welch, David

Azarian, Gary
Bettencourt, David
Charron, Gene
Devine, James
Hagan, Joseph
Kappler, Lawrence
McKinney, Betsy
Pantelakos, Laura
Sedensky, John
Weyler, Kenneth

Baldasaro, Alfred
Birdsell, Regina
Chirichiello, Brian
Duarte, Joe
Headd, James
Katsakiores, Phyllis
McMahon, Charles
Ritter, Glenn
Shuler, Wyman III

Bates, David
Brown, Paul
Davenport, Joshua
Elliott, Robert
Itse, Daniel
Kolodziej, Walter
Nevins, Chris
Sapareto, Frank
Webb, James

STRAFFORD

Berube, Roger
Jones, Kyle
Sprague, Dale

Brown, Julie
Jones, Laura
Weeden, Michael

Browne, Brendon
Kaen, Naida

Cataldo, Sam
Spainhower, Dale

SULLIVAN

Cloutier, John
Rodeschin, Beverly

Cunningham, Steven
Smith, Steven

Gagnon, Raymond

Howard, Thomas

NAYS 195

BELKNAP

Bolster, Peter
Luther, Robert
Swinford, Elaine

Comtois, Guy
Malone, Robert
Tilton, Franklin

Flanders, Donald
Millham, Alida
Worsman, Colette

Greemore, Robert
St. Cyr, Jeffrey

CARROLL

Babson, David Jr
Patten, Betsey

Chandler, Gene
Pettengill, Laurie

Fleck, Joseph

McCarthy, Frank

CHESHIRE

Cartwright, Anne
Meador, David
Sterling, Franklin Jr

Chase, Cynthia
Moore, Charles
Weber, Lucy

Emerson, Susan
Parkhurst, Henry
Weed, Charles

Hunt, John
Sad, Tara

COOS

Tholl, John Jr

GRAFTON

Aguiar, James
Cooney, Mary
Mirski, Paul
Simard, Paul
Townsend, Charles

Almy, Susan
Gould, Franklin
Nordgren, Sharon
Sorg, Gregory
White, Andrew

Benn, Bernard
Harding, Laurie
Pastor, Beatriz
Sova, Charles

Bradley, Lester
Ingbretson, Paul
Pierce, David
Taylor, Kathleen

HILLSBOROUGH

Avard, Kevin
Bergevin, Jerry
Coffey, James

Balboni, Michael
Brownrigg, Randall Jr
Cote, David

Ball, J. Michael
Burt, John
Cusson-Cail,
Kathleen
Emerton, Larry
Graham, John
Hogan, Edith
Krasucki, Joseph
Marcus, Bruce
Moran, Edward
Peterson, Lenette
Robbins, David
Souza, Kathleen
Twombly, Timothy
Willette, Robert

Belvin, William
Cebrowski, John
Daler, Jennifer

Daniels, Gary
Fredette, Robert
Hardwick, Harry
Hopper, Gary
LeBrun, Donald
Mecheski, Holly
Palmer, Stephen
Porter, Marjorie
Rowe, Robert
Swank, Matthew
Villeneuve, Moe

Drisko, Richard
Gargas, Carolyn
Hikel, John
Jasper, Shawn
Leishman, Peter
Messier, Irene
Parison, James
Pratt, Calvin
Simmons, Tammy
Thomas, Joseph
Warden, Mark

Erickson, Duane
Hansen, Peter
Holden, Frank
Kurk, Neal
McGuinness, Sean
Notter, Jeanine
Pilotte, Maurice
Rosenwald, Cindy
Sullivan, Peter
Vaillancourt, Steve

MERRIMACK

Blankenbeker, Lynne
Foose, Robert
Hess, David
Lauer-Rago, Kathleen
McGuire, Carol
Rice, Chip
Smith, Todd

Coffey, Jennifer
Frazer, June
Hill, Gregory
Lindsley, Mark
McGuire, Dan
Richardson, Gary
Soltani, Tony

Cohn, Seth
Gile, Mary
Hoell, J.R.
Lockwood, Priscilla
Owen, Derek
Sanborn, Laurie
Watrous, Rick

Deloge, Helen
Giuda, J. Brandon
Kidder, David
MacKay, James
Potter, Frances
Shurtleff, Stephen
Williams, Robert

ROCKINGHAM

Abrami, Patrick
Dowling, Patricia
Introne, Robert
Moody, Marcia
Packard, Sherman
Read, Robin Jr
Sanders, Elisabeth
Sullivan, James
Tremblay, Stella

Comerford, Timothy
Fesh, Robert
Lovejoy, Patricia
Murphy, Brian
Peckham, Michele
Reagan, John
Schlachman, Donna
Sullivan, Kevin
Tucker, Pamela

Copeland, Timothy
Garrity, James
Major, Norman
Norelli, Terie
Perkins, Amy
Reichard, Kevin
Sheffert, Kenneth
Sytek, John
Waddell, James

DiPentima, Rich
Hoelzel, Kathleen
Mauro, Donna
Oigny, Jeffrey
Perkins, Lawrence
Rice, Frederick
Smith, William
Tasker, Kyle
Ward, Joanne

STRAFFORD

Andolina, Donald
Groen, Warren
Larsen Schultz,
Kirsten
O'Connor, William
Pitre, Joseph
Vita, Lucien

DeLemus, Susan
Hooper, Dorothea
Leonard, Frederick Jr
Parsons, Robbie
Schmidt, Peter
Wall, Janet

Ginsburg, Philip
Horriggan, Timothy
Munck, Philip
Pelletier, Marsha
Spang, Judith
Watters, David

Grassie, Anne
Keans, Sandra
Newton, Clifford

Perry, Robert
Vita, Carol

SULLIVAN

Bowers, Spec
Osgood, Joe

Laware, Thomas
Schmidt, Andrew

Lefebvre, Benjamin

Lovett, Charlene

and the majority committee amendment failed.

Rep. Jennifer Coffey voted Nay and intended to vote Yea.

The question now being adoption of the motion of Ought to Pass.

Rep. Vaillancourt offered floor amendment (1372h).

Floor Amendment (1372h)

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

AN ACT relative to games of chance and establishing a gaming oversight authority and video lottery gaming.

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

1 New Chapter; Gaming Oversight Authority and Video Lottery. Amend RSA by inserting after chapter 287-G the following new chapter:

CHAPTER 287-H

GAMING OVERSIGHT AUTHORITY AND VIDEO LOTTERY

287-H:1 Definitions. In this chapter:

I. "Centralized data provider" means a provider of centralized gambling data, selected by the gaming oversight authority.

II. "Currency" means legal tender in the form of coins or paper which is officially issued by the United States Treasury, but it does not include any type of credit or debit card.

III. "Facility applicant" means the entity, which will participate and apply for a facility license, as applicable.

IV. "Facility license" means the license issued by the gaming oversight authority to a facility licensee.

V. "Facility licensee" means an applicant who is issued a license by the gaming oversight authority to provide facilities and support to state operated video lottery locations.

VI. "Gaming oversight authority" means the authority established by RSA 287-H:2.

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

VIII. "Technology provider" means any person or entity which designs, manufactures, installs, distributes, or supplies video lottery machines for lease to the state for conducting video lottery games in accordance with this chapter.

IX. "Token" means the coin, which is not legal tender, sold by a cashier in a face amount equal to the currency paid by a player for the sole purpose of playing a video lottery machine at a licensed facility, which can be exchanged for currency at the same facility where the video lottery machines are located, but it does not include any type of credit or debit card.

X. "Video lottery employee" means a person employed by the state in the operation of a video lottery location, including without limitation, cashiers; floormen; machine mechanics; security personnel or inspectors; and supervisors or managers. Video lottery employees shall be hired, fired, trained, managed, and supervised by the division of gaming enforcement.

XI. "Video lottery location" means a state operated facility, within a location provided by the facility licensee, authorized by the local community that contains video lottery machines operated in accordance with this chapter.

XII. "Video lottery machines" means an electronic, mechanical, or computerized machine licensed by the lottery commission, which upon the insertion of bills, coins, tokens, or any representative of value is available to be played where, by chance or skill, or both, the player may receive cash, cash equivalents, or tokens. Video lottery machines include, but are

not limited to, slot machines, video poker machines, and other lottery machines. A machine shall be considered a video lottery machine notwithstanding the use of an electronic credit system making the deposit of bills, coins, or tokens unnecessary. Video lottery machines do not include any redemption slot machines and redemption poker machines as defined in RSA 647 or video poker machines or other similar machines used for amusement purposes only.

287-H:2 Gaming Oversight Authority.

I. There is hereby established the New Hampshire gaming oversight authority. The gaming oversight authority shall consist of the commissioner of the department of safety, the commissioner of the department of resources and economic development, and the commissioner of the department of revenue administration, or their respective designees. The commissioner of the department of safety shall serve as the chairperson of the gaming oversight authority.

II. The gaming oversight authority through delegation to the division of gaming enforcement shall exclusively establish, staff, manage, and operate video lottery locations at facilities licensed under the provisions of this chapter. Facilities provided by the facility licensee shall contain non-gaming resources such as, dining, liquor, hotel, and any other support resource approved by the gaming oversight authority. The facility licensee shall, at a minimum, provide and pay for heat, electricity, water, sewer, maintenance, and security surveillance infrastructure for the video lottery location for which the facility licensee shall receive remuneration pursuant to RSA 287-H:17, III.

287-H:3 Duties of the Gaming Oversight Authority. The gaming oversight authority shall:

I. Issue licenses only after completion of the investigations set forth in this chapter. All license applications shall be approved or denied no later than 150 days from the date of application. No license issued under the provisions of this chapter shall be assigned, transferred, or sold without a complete application and the approval of the gaming oversight authority and payment of a \$150,000 application fee. No person or entity may own or have an interest in more than one facility license.

II. Collect all license fees imposed upon any applicant and all fees imposed by this chapter.

III. Certify net machine income by inspecting records, conducting audits, having its agents on site, or by other reasonable means.

IV. Establish a central computer system at a location of its choosing linking all video lottery machines to a central computer to ensure control over the video lottery machines.

V. Enter into lease agreements with up to 3 technology providers to provide video lottery machines to the state. Lease agreements shall provide that the technology provider supply the quantity and quality of video lottery machines determined by the gaming oversight authority in a timely and efficient manner, and shall be paid with a percentage of the net machine income, as provided in RSA 287-H:17, IV. The technology provider shall provide all maintenance and service of its video lottery machines at no additional charge or fee to the state. Each agreement shall also provide that the technology provider shall be required to replace 30 percent of its video lottery machines on a yearly basis.

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

VII. Not later than November 1 in each calendar year of this program, provide a report to the legislative fiscal committee regarding the generation of revenue of video lottery machines. Such report shall include any recommendations for legislation and any community concerns.

VIII. Have the authority to issue subpoenas and compel the attendance of witnesses, to administer oaths, and require testimony of witnesses under oath.

IX. Make and keep records of all proceedings of its public meetings. A copy of the transcript shall be made available to any person upon request and payment of the costs of preparing a copy.

X. Keep and maintain a list of all license applicants and a record of all actions taken with respect to each applicant. A file and record of the actions by the gaming oversight authority shall be open to public.

XI. Maintain such other files and records as it deems necessary. All records maintained by the gaming oversight authority may be maintained in digital format or other technology, provided that such information is capable of being produced in written form.

XII. Maintain the confidentiality of all information and data obtained by the gaming oversight authority. Such information shall not be revealed in whole or in part except as otherwise provided by law, upon the lawful order of a court of competent jurisdiction, lawfully executed and served grand jury subpoenas, or with the approval of the attorney general, to a duly authorized law enforcement agency.

XIII. Provide notice of the contents of any information or data released, except to a duly authorized law enforcement agency or grand jury subpoena pursuant to paragraph XII, shall be given to any applicant, registrant, or licensee in a manner prescribed by the rules adopted by the gaming oversight authority.

XIV. If necessary, contract for and procure financial, economic, or security consultants and any other technical and professional services as the authority deem necessary.

XV. Develop and provide an employee training program which shall include, but not be limited to, information on state law, criminal and civil liability, and management practices.

287-H:4 Rulemaking.

I. The gaming oversight authority shall have general responsibility for the implementation of this chapter and shall adopt rules under RSA 541-A relative to:

(a) Hearing and deciding all license applications or recommendations for the suspension or revocation of any license.

(b) Conducting all investigations required with regard to the application, suspension, or revocation of any licensee or applicant.

(c) Conducting hearings pertaining to administrative violations or rules and collecting all penalties assessed under the provisions of this chapter.

(d) Establishing standards and a reasonable fee structure for the licensing and renewal of licenses for technology providers.

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

(f) Establishing criteria for licensing, suspension, and revocation and the bidding process under RSA 287-H:12.

(g) The value of prizes, which may be awarded, and the cost of play for each video lottery game played on a video lottery machine, as recommended by the technology provider.

(h) Establishing employee qualifications, training, and background investigations for prospective employees.

(i) Standards for the management, and operation, of all video lottery locations.

II. Pending the adoption of rules under RSA 541-A, and notwithstanding RSA 541-A:2, the gaming oversight authority shall adopt interim rules including provisions for the publication of public notice of the period of time for the submission of facility license applications and after public hearing and within 60 days of the effective date of this chapter. Such interim rules shall automatically expire upon the adoption of rules under RSA 541-A.

287-H:5 Restrictions. No member or employee of the gaming oversight authority, the department of revenue administration, the department of resources and economic development, or the department of safety shall have a fiduciary interest in any technology provider, facility licensee, or centralized data provider.

287-H:6 Licensure of Technology Provider and Centralized Data Provider. No technology provider or centralized data provider shall engage in the business of providing, installing, or repairing video lottery machines used in this program without a license issued by the gaming oversight authority.

287-H:7 Restriction on Technology and Centralized Data Provider. No technology provider or centralized data provider or their employees shall be entitled to operate video lottery machines within the state.

287-H:8 Restriction of Minors.

I. No person under the age of 21 shall play a video lottery machine authorized by this chapter.

II. No member or employee of any video lottery location, department of safety, the attorney general's office, or the gaming oversight authority shall knowingly permit a person under the age of 21 to play or participate in any aspect of the playing of a video lottery machine.

III. Each violation of this section shall be punishable by a fine of no more than \$1,000 and shall be payable by such person who violates paragraph I. If such violator is a state employee, then the employee shall also be subject to appropriate sanctions in conformance with the adopted policies and procedures of the division of gaming enforcement, and the department of administrative services, division of personnel.

IV. Each violation of this section shall be punishable by a fine of no more than \$1,000 and shall be payable by the employee or facility licensee that is found to have violated paragraph II.

287-H:9 Person Misrepresenting Age.

I. A person who falsely represents his age for the purpose of playing video lottery machines shall be guilty of a misdemeanor. Any person who violates any of the provisions of this section shall be fined for his or her first offense a minimum of \$250. No portion of this mandatory minimum fine shall be waived, continued for sentencing or suspended by the court. A second or subsequent offense shall carry a \$500 minimum fine.

II. Notwithstanding paragraph I or any other law to the contrary, any person who possesses or uses or displays in any manner a false identification card, document, license or any other document which represents such person's age for the purpose of playing video lottery machines shall be fined a minimum of \$250. No portion of this mandatory minimum fine shall be waived, continued for sentencing, or suspended by the court. The provisions of this paragraph shall not reduce the maximum penalty which could be imposed for such an offense pursuant to paragraph I. A second or subsequent offense shall carry a \$500 minimum fine.

III. An identification card issued under the provisions of RSA 260:21 shall be withdrawn for violation of this section for 90 days. In addition, the director of the division of motor vehicles shall withdraw, for 90 days, the identification card of any person who allows his or her card to be used or displayed by another person for the purpose of playing video lottery machines.

287-H:10 Penalty for Tampering or Manipulating. Any person who, with the intent to manipulate the outcome, payoff, or operation of a video lottery machine, manipulates the outcome, payoff, or operation of any video lottery machine by physical, electronic, or mechanical means, shall be guilty of a class A felony.

287-H:11 Video Lottery Machine Requirements.

I. No video lottery machine shall be used to conduct gaming unless it is identical in all electrical, mechanical, and other aspects to a model, which has been specifically tested and licensed for use by the gaming oversight authority.

II. All video lottery machines in operation shall pay out as winnings at least 92 percent on an annual basis.

III. The gaming oversight authority shall establish the days and hours of operation of video lottery locations and shall not be restricted by the facility licensee.

IV. No automatic teller machines shall be located within 150 feet of a video lottery machine.

287-H:12 Licenses; Number of Video Lottery Machines.

I. From the effective date of this chapter, the number of video lottery machines statewide shall be limited to 5,000 to be distributed at the discretion and judgment of the gaming oversight authority.

II. The gaming oversight authority shall issue not more than a total of 6 facility licenses in the state of New Hampshire. Four facility licensees shall have 600 video lottery machines and 2 facility licensees shall have 1,300 video lottery machines. Prior to issuing any facility licenses and when there are fewer than 6 facility licenses, the gaming oversight authority shall issue facility licenses pursuant to the bidding process described in paragraph III. Eligibility shall be based on, but not limited to the following:

(a) Evidence provided by the applicant that the applicant has received any required local approval.

(b) Regional location of prospective facility licensee, provided that no more than one facility licensee shall operate in each county.

(c) A detailed economic plan, filed with the gaming oversight authority, for the municipality and the surrounding region where the prospective facility licensee is located with supporting documentation to explain the following:

(1) Unemployment in the area.

(2) Direct and indirect employment gain.

(3) Effect on tourism-based economy.

(4) Effect on regional economic development.

(5) Tourist trends.

(d) A business plan, filed with the gaming oversight authority, to support video lottery machines.

(e) Qualifications of those persons who own or manage the prospective licensee facility.

(f) Regional population.

(g) Vehicle traffic.

(h) Total square footage of the facility and total acreage of such facility.

(i) Availability of suitable infrastructure.

(j) Availability of adequate parking.

(k) Other information that the gaming oversight authority may require.

III. Within 60 days of the effective date of this chapter and whenever there are fewer than 6 facility licensees, the gaming oversight authority shall solicit sealed bids through a competitive bidding process for the available facility license or licenses. The minimum bid for the facility licenses for 600 video lottery machines shall be \$5,000,000. The minimum bid for the facility licenses for 1,300 video lottery machines shall be \$10,000,000. If there are more bidders who are equally eligible than the number of available facility licenses, the gaming oversight authority shall conduct a drawing to determine which bidder or bidders will be issued facility licenses.

287-H:13 Application and License Requirements.

I. A facility licensee applicant shall obtain a facility license from the gaming oversight authority. An applicant shall complete and sign an application on the forms prescribed by the gaming oversight authority. The application shall include the full name, residence, date of birth, and other personal identifying information of the applicant, and if a corporation or other form of business enterprise, the same information shall be provided with respect to each partner, trustee, officer, director, and any shareholder or other holder who

owns more than 3 percent of the legal or beneficial interests of such entity. All such business entities shall be registered with the secretary of state.

II. The gaming oversight authority shall refer applications to the attorney general who shall conduct an investigation. The investigation may be conducted through any appropriate state or federal law enforcement system and may seek information as to the applicant's financial, criminal, or business background, or any other information which the attorney general, in his or her sole discretion, may deem relevant to the subject's fitness to be associated with the ownership or management of the operation of a facility licensee in New Hampshire, including but not limited to, the subject's character, personal associations, and the extent to which the subject is properly doing business in the manner in which it purports to operate. The attorney general shall report the results of the investigation to the gaming oversight authority within 90 days after the receipt of the application. Notwithstanding any other law to the contrary, the results of any such investigation shall be confidential and shall not be subject to disclosure or to public inspection.

III. In any investigation conducted pursuant to paragraph II, the attorney general or any duly authorized member of the attorney general's staff may subpoena the attendance of witnesses and require the production of such correspondence, documents, books and papers as deemed advisable, and for purposes of this section, may administer oaths and take the testimony of witnesses.

287-H:14 Licensure Requirements.

I. No facility license shall be issued by the gaming oversight authority unless the applicant has proven to the satisfaction of the gaming oversight authority by clear and convincing evidence:

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

(b) The trustworthiness and good reputation of all financial backers, investors, mortgagees, bondholders, and holders of indentures, notes and other evidences of indebtedness of the applicant.

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

(d) In addition, no facility license shall be issued by the gaming oversight authority to any applicant unless the applicant has proven to the satisfaction of the gaming oversight authority by clear and convincing evidence that each director, officer or similar principal employee and each direct or indirect owner satisfies the standards for licensure contained in RSA 287-H:13.

(e) The gaming oversight authority may, in its discretion, waive the qualification requirement for any such person who is not significantly involved in the activities of the applicant, does not have the ability to significantly influence or control the applicant, or for other good cause, only when written justification is provided.

(f) Except as provided in this chapter, no person who owns, directly or indirectly, legally or beneficially, 5 percent or less of the equity securities or 50 percent or less of the outstanding debt securities of a publicly traded holding company of an applicant for a facility license shall be required to be qualified pursuant to the provisions of this section prior to the issuance of such a license to the applicant.

(g) If a facility licensee has 25 or fewer holders of its equity securities, either directly or indirectly, legally or beneficially, then each such holder shall satisfy the standards of this chapter.

II. No technology provider's license shall be issued by the gaming oversight unless the applicant has demonstrated to the satisfaction of the gaming oversight authority by clear

and convincing evidence that it satisfies the standards contained in paragraph I of this section. The gaming oversight authority shall establish the form of application that shall be completed by each applicant for a technology provider's license. Each technology provider license applicant shall be subject to the investigation set forth in RSA 287-H:13 except that all investigatory reports shall be provided to the gaming oversight authority.

III. All information and data required by the gaming oversight authority, or the division of gaming enforcement to be furnished pursuant to this chapter, or which may otherwise be obtained by the gaming oversight authority, or the division of gaming enforcement in the performance of their duties under this chapter, except information regarding net machine income, shall be considered to be confidential and shall not be revealed in whole or in part except as otherwise provided by law, or upon the lawful order of a court of competent jurisdiction, or with the approval of attorney general to a duly authorized law enforcement agency.

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

287-H:15 License and Investigation Fees. A non-refundable license application fee for each class or type of license to be issued under this chapter shall be \$150,000. Renewal fees shall be \$150,000 for each class or type of license. Upon application for a facility license, the applicant shall pay a one-time fee of 10 percent of the applicant's bid amount under RSA 287-H:12 which will be used by the gaming oversight authority as start-up capital at each location for training and an initial bank. If the facility license applicant is not issued a license under RSA 287-H:12, the one-time application fee shall be returned to the applicant by the gaming oversight authority. If the facility license applicant is issued a license under RSA 287-H:12, the one-time application fee shall be subtracted from the amount of the bid owed by the applicant. Upon issuance of a facility licensee, the facility licensee shall pay the amount of bid owed to the gaming oversight authority. Fifteen percent of such amount shall be used by the gaming oversight authority as start-up capital at each location for training and an initial bank and 75 percent shall be deposited in the general fund.

287-H:16 Term of License. Any facility license or technology provider's license issued pursuant to this chapter and any renewal thereof shall be valid for 5 years unless earlier suspended or revoked by the gaming oversight authority. All licenses issued under this chapter shall be issued as a privilege and not by right. No person or entity may claim any sort of property right to, or in conjunction with, any license issued under this chapter. The gaming oversight authority shall be informed within 10 days of any anticipated change in ownership or stockholders of a licensee that would normally be subject to investigation and licensing requirements in RSA 287-H:15. Failure to inform the gaming oversight authority of said anticipated changes shall result in license revocation.

287-H:17 Distribution of Net Income; Machine Income Fund. There is hereby established a machine income fund in the office of the state treasurer to be administered by the state treasurer. The fund shall be nonlapsing and continually appropriated to the state treasurer for the purposes set forth in this section. The state treasurer shall distribute the funds on the fifth of each month as follows:

I. Sixty percent of the annual net machine income shall be deposited in the general fund.

II. Twelve percent of the net machine income shall be paid to the gaming oversight authority to be used to pay for the establishment, administration, and operation of the division of gaming enforcement.

III. Nineteen percent of the net machine income shall be paid to the facility licensee as a gross lease.

IV. Six percent of the net machine income shall be paid to the technology provider for the leasing and maintenance of the video lottery machines.

V. Two percent of the net machine income shall be paid to the centralized data provider to carry out the responsibilities outlined in this chapter.

VI. One percent of the net machine income shall be paid to the city or town where the facility licensee facility is located. Revenue will be distributed based on the number of video lottery machines in that location.

287-H:18 Gaming Oversight.

I. The gaming oversight authority or the division of gaming enforcement shall be present at all facility licensee location at which video lottery machines are operated by the state at all times whether the facility is open to the public or not.

II. The division of gaming enforcement shall be present at all times when a video lottery machine is opened to remove or insert any drop box, hopper, or other mechanism containing money, tokens, or other items of value. The division of gaming enforcement shall be present in the count room at all times that money, tokens, or other items of value utilized in video lottery machines are counted.

287-H:19 Hearings; Investigations; False Statement; Enforcement Policy.

I. The gaming oversight authority shall adopt and publish rules pursuant to RSA 541-A, to govern its proceedings and to regulate the mode and manner of all investigations and hearings before it.

(a) All hearings before the gaming oversight authority shall be in accordance with RSA 541-A:31-36. In any such investigation or hearing the gaming oversight authority shall not be bound by the technical rules of evidence.

(b) The gaming oversight authority, or any member, may subpoena witnesses and administer oaths in any proceeding or examination instituted before or conducted by it, and may compel, by subpoena, the production of any accounts, books, contracts, records, documents, memoranda and papers of any kind whatever.

(c) Witnesses summoned before the superior court, and such summons issued by any justice of the peace shall have the same effect as though issued for appearance before such court. Justices of the peace and all other magistrates empowered to issue subpoenas and compel the attendance of witnesses in the courts of this state shall have the same power to compel their attendance and the production of evidence in any proceeding before the gaming oversight authority.

(d) The gaming oversight authority may apply to the superior court, under the provisions of RSA 491:19-20, to have punished for contempt any witness who refuses to obey a subpoena, or who refuses to be sworn or affirmed to testify, or who is guilty of any contempt after summons to appear.

II. If any false statement is knowingly made in any statement under oath which may be required by the provisions of this title or by the gaming oversight authority, the person making the same shall be deemed guilty of perjury. The making of any such false statement in any such application or in any such accompanying statements, whether made with or without the knowledge or consent of the applicant, shall, in the discretion of the gaming oversight authority, constitute sufficient cause for the revocation of the license.

III.(a) The gaming oversight authority shall adopt by rule under RSA 541-A a formal enforcement policy for licensees under its jurisdiction. This policy shall specify the disciplinary action which the gaming oversight authority shall take for violations of various laws under its jurisdiction. The enforcement policy shall also specify mitigating and aggravating factors which the gaming oversight authority shall consider in determining penalties for specific actions. The gaming oversight authority shall not suspend or revoke a license until the licensee has been provided a hearing under RSA 541-A.

(b) In applying its enforcement policy, the gaming oversight authority shall establish and enforce specific determinate penalties for specific offenses. The gaming oversight authority shall not apply penalties such as license suspensions for indefinite periods of time.

287-H:20 Suspension or Revocation; Administrative Fines.

I. If any licensee violates any of the provisions of law or any of the rules of the gaming oversight authority adopted under this title, the license may be suspended or revoked after notice and hearing, in accordance with RSA 541-A:31-36. Notwithstanding any other provisions of this chapter, the gaming oversight authority, after the appropriate hearing, may impose a fine of a specific sum, which shall not be less than \$1,000 nor more than \$50,000 for any one offense. Such a fine may be imposed instead of, or in addition to, any suspension or revocation of a license by the gaming oversight authority.

II. Notwithstanding any other provision of law, the gaming oversight authority may accept at any time, a petition from the governing body of a city or town who has voted to accept the provisions of RSA 287-H, to revoke a license held by a facility licensee who is located within that community. Any petition filed under this paragraph shall state with particularity all relevant facts and circumstances that sustain the opinion of the petitioner to revoke a license. A licensee against whom a petition is filed shall be entitled to a public hearing before any decision by the gaming oversight authority. All proceedings conducted in conjunction with this paragraph shall conform to the requirements of RSA 541-A.

III. Appeals from a decision of the gaming oversight authority shall be in accordance with RSA 541.

287-H:21 Penalties. Any person who violates any of the provisions of this chapter or any of the rules adopted pursuant to this chapter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. In case of appeal by a licensee, the license of such licensee may be suspended at the discretion of the gaming oversight authority during the pendency of such appeal.

287-H:22 Prosecutions. The gaming oversight authority shall appoint gaming investigators whose primary function shall be the proper prosecution of this chapter. The investigators shall have all the powers of the sheriff in any county, with reference to enforcement of all laws either in cooperation with, or independently of, the officers of any county or town. The gaming oversight authority shall have the primary responsibility for the enforcement of all video lottery gaming. Any person violating the provisions of any law may be prosecuted by the gaming oversight authority or any of its investigators as provided in this section, or by the attorney general, or by county or city attorneys, or by sheriffs or their deputies, or by police officials of towns.

287-H:23 Interference With Gaming Investigators. It shall be unlawful to resist or attempt to resist arrest by a gaming investigator, or to obstruct, or to intimidate or interfere with a gaming investigator in the performance of his or her duty. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor.

287-H:24 Fines.

I. All fines imposed by any court and collected for the violation of the provisions of this chapter shall be paid to the state, county, or town, the officials of which instituted the prosecution.

II. All fines imposed by the gaming oversight authority shall be deposited into the general fund.

287-H:25 Procedures for Adoption by Local Community.

I. Any town or city in which a facility licensee location is situated may adopt the provisions of RSA 287-H, to allow the operation of electronic games of chance, in the following manner:

(a) In a town, the question shall be placed on the warrant of a special or annual town meeting under the procedures set out in RSA 39:3, and shall be voted on a ballot; provided, however, if the question is placed on the warrant at a special town meeting, it shall be the only question at such special town meeting. In a city, the legislative body may vote to place the question on the official ballot for any regular municipal election, or, in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(b) The selectmen, aldermen, or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The wording of the question shall be substantially as follows: "Shall we adopt the provisions of RSA 287-H, allowing the operation of electronic games of chance at the licensed facility located within the town and operated by the state?"

II. If a majority of those voting on the question vote "Yes," RSA 287-H shall apply within the city or town.

III. If the question is not approved, the question may later be voted upon according to the provisions of paragraph I, provided, however, that the town may consider the question at no more than one special town meeting and the annual town meeting in the same calendar year.

287-H:26 Declaration of Limited Exemption. Pursuant to section 2 of an act of Congress of the United States entitled "An act to prohibit transportation of gambling devices in interstate and foreign commerce," approved January 2, 1951, being Chapter 1194, 64 Stat. 1134, and also designated as 15 U.S.C. sections 1171-1177, the state of New Hampshire, acting by and through the duly elected and qualified members of its legislature, does hereby, in accordance with and in compliance with the provisions of that section 2 of that act of Congress, declare and proclaim that section 2 of that act of Congress shall not apply to any gambling device in this state where the transportation of such a device is specifically authorized by and done in compliance with the provisions of this chapter and any rules adopted pursuant to it, and that any such gambling device transported in compliance with state law and rules shall be exempt from the provisions of that act of Congress.

287-H:27 Legal Shipment of Gaming Devices into New Hampshire. All shipments into this state of gaming devices, the registering, recording and labeling of which has been duly made by the manufacturer or dealer in accordance with sections 3 and 4 of an act of Congress of the United States entitled "An act to prohibit transportation of gambling devices in interstate and foreign commerce," approved January 2, 1951, being chapter 1194, 64 Stat. 1134, and also designated as 15 U.S.C. sections 1171-1172, shall be deemed legal shipments into this state.

2 New Paragraph; Attorney General; Gaming Investigators. Amend RSA 21-M:3 by inserting after paragraph VII the following new paragraph:

VII-a. The attorney general may hire investigators or contract for investigatory services to facilitate background investigations required under RSA 287-H, and said investigators shall be paid from licensing fees paid under RSA 287-H:15.

3 New Sections; Division of Gaming Enforcement. Amend RSA 21-P by inserting after section 8 the following new sections:

21-P:8-a Division of Gaming Enforcement.

I. There is hereby established a division of gaming enforcement under the supervision of an unclassified director of gaming enforcement whom shall be responsible for the following functions, in accordance with applicable laws:

(a) Manage and hire employees for the day-to-day operation of all video lottery locations ensuring the integrity of the program. Gaming enforcement employees shall be assigned to all locations and will be present at all times whether the location is open or closed.

(b) Investigate violations of RSA 284 or RSA 287-H and the rules adopted under the provisions of RSA 284 or RSA 287-H.

(c) Report the results of any investigation conducted to the gaming oversight authority.

(d) Participate in any hearing conducted by the gaming oversight authority.

II. The commissioner of safety shall organize the division into such units as the commissioner deems necessary.

21-P:8-b Powers and Duties; Gaming Enforcement. The director of gaming enforcement shall be the chief administrative officer of the division of gaming enforcement and shall have the following powers and duties:

I. The director shall manage all operations of the division of gaming enforcement and the daily operation of video lottery locations and administer and enforce the laws with which the division is charged. The director shall report directly to the gaming oversight authority.

II. The director shall have every power enumerated in the laws, whether granted to the director, the division, or any administrative unit of the division. In accordance with these provisions, the director shall:

(a) Biennially compile a comprehensive program budget which reflects all fiscal matters related to the operation of the division and each program and activity of the division.

(b) Adopt all rules of the division with approval of the gaming oversight authority, pursuant to RSA 541-A.

(c) Exercise general supervisory and appointing authority over all division employees, subject to applicable personnel statutes and rules.

(d) Delegate authority to subordinates as the director deems necessary and appropriate, except that rulemaking authority shall not be delegated. All such delegations shall be made in writing, shall be disseminated, shall clearly delineate the authority delegated and the limitations thereto, and shall be kept on file in the director's office.

(e) Adopt practices which will improve the efficiency of the division and the provision of services to the citizens of the state.

(f) Provide cooperation, at the request of the heads of administratively attached agencies in order to:

(1) Minimize or eliminate duplication of services and jurisdictional conflicts;

(2) Coordinate activities and resolve problems of mutual concern; and

(3) Resolve by agreement the manner and extent to which the division shall provide budgeting, recordkeeping and related clerical assistance to administratively attached agencies.

(g) Give bond, and require division directors to give bond, to the state as specified in RSA 93-B.

(h) Where functions of divisions overlap or a function assigned to one division could better be performed by another division, recommend appropriate legislation to the next regular session of the general court.

III. The director shall adopt such reasonable internal practices and procedures, which shall not be considered rules subject to the provisions of RSA 541-A, as may be necessary to carry out the duties of the division and its divisions, consistent with this chapter, including without limitation a comprehensive manual of procedures for the operation of video lottery locations.

IV. The director may not accept, on behalf of the division, any grants of money without first obtaining the express consent of the legislative fiscal committee established by RSA 14:30-a.

V. The director shall have the authority to adopt rules, pursuant to RSA 541-A, necessary to assure the continuation or granting of federal funds or other assistance not otherwise provided for by law.

VI. The director may enter into contracts for services, supplies, or other needs of the division.

VII. The director shall report annually to the gaming oversight authority with respect to the division's operation for the preceding year, and render such other reports as the governor and council, the general court, or the gaming oversight authority shall from time to time request.

VIII. The director shall develop, publish, and periodically revise an annual comprehensive plan for the division which shall indicate, among other things, the division's

goals, objectives, resources, current conditions, and needs. The director shall annually submit such comprehensive plan to the gaming oversight authority.

IX. The director, the gaming oversight authority, the commissioner of the department of safety, and if necessary, the sweepstakes commission shall jointly establish procedures for sharing data, background investigation, technology and technology providers, and facilities. These procedures shall not be considered rules subject to RSA 541-A and shall be established so as to ensure compliance with state and federal confidentiality and privacy laws.

X. If this section conflicts with other powers and duties specifically granted by statute to the director, the specific powers and duties shall control. If this section conflicts with other statutes specifically limiting the powers of the director, the specific limitations shall control.

4 Director of Gaming Enforcement; Salary. The salary for the unclassified position authorized in section 3 of this act shall be established as provided in RSA 14:14-c, RSA 17-A:7, and RSA 94:1-d.

5 New Subparagraph; Authorized Video Lottery of Games of Chance Machines Not Prohibited. Amend RSA 647:2, V by inserting after subparagraph (c) the following new subparagraph:

(d) Video lottery machines authorized pursuant to RSA 287-H.

6 New Subparagraph; Application of Receipts; Machine Income Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (307) the following new subparagraph:

(308) Moneys deposited in the machine income fund established under RSA 287-H:17.

7 New Paragraph; Facility Licensee; Cocktail Lounge License. Amend RSA 178:20, by inserting after paragraph V the following new paragraph:

VI. The liquor commission may issue a special license to a person holding a facility license as defined by RSA 287-H:1, IV. Such special license shall allow the sale of liquor, wine, and beverages within the facility licensee location, including dining room, function room, gaming room, lounge, or any other area designated by the commission, without regard to whether meals are served therein, but only during the time gaming is being conducted under RSA 287-H. A person licensed under this section shall comply with RSA 179:44.

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

AMENDED ANALYSIS

This bill:

I. Regulates video gaming, establishes the division of gaming enforcement, and establishes the gaming oversight authority.

II. Determines the disbursement of all proceeds of video gambling with 60 percent of the proceeds distributed to the general fund.

III. Establishes a new fund in the state treasurer's office for machine income.

IV. Allows facility licensees to receive a cocktail lounge license.

Rep. Vaillancourt spoke in favor.

Rep. Stepanek spoke against.

On a division vote, 104 members having voted in the affirmative and 239 in the negative, floor amendment (1372h) failed.

The question being adoption of the motion of Ought to Pass.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Jennifer Coffey moved that the House reconsider its action whereby, on a roll call vote of 154-195, it failed to adopt the majority committee amendment on ***HB 593-FN-A-L***, relative to video lottery and table gaming.

Reps. Jennifer Coffey and Campbell spoke in favor.

Reps. Hess and Groen spoke against.

Rep. Hess requested a roll call; sufficiently seconded.

YEAS 118 NAYS 226

YEAS 118

BELKNAP

Accornero, Harry
Swinford, Elaine

Fields, Dennis

Pilliod, James

Russell, David

CARROLL

Knox, J. David
Umberger, Karen

McConkey, Mark

Merrow, Harry

Schmidt, Stephen

CHESHIRE

Dwinell, Richard
Tatro, Bruce

Johnsen, Gladys

Lerandeau, Alfred

Moore, Robert Jr

COOS

Coulombe, Gary
Thomas, Yvonne

Remick, William
Tremblay, Marc

Richardson, Herbert

Theberge, Robert

GRAFTON

Bulis, Lyle

Gionet, Edmond

Ladd, Rick Jr

Reilly, Harold Sr

HILLSBOROUGH

Baroody, Benjamin
Brown, Kevin

Barry, J. Gail
Buxton, Michael

Belanger, James
Campbell, David

Boehm, Ralph
Christensen, D.L.
Chris

Christiansen, Lars
Donovan, Daniel
Gonzalez, Carlos
Katsiantonis, Thomas
Ober, Lynne
Proulx, Mark
Rhodes, Brian
Silva, Peter
Terrio, Ross

Condra, William
Gidge, Kenneth
Gorman, Mary
Levasseur, Nickolas
Ober, Russell III
Ramsey, Peter
Rokas, Ted
Stroud, Kathleen
Ulery, Jordan

Day, Russell
Gimas, John
Haefner, Robert
Long, Patrick
Ohm, Bill
Reed, Michael
Scontsas, Lisa
Sullivan, Daniel
Whitehead, Randall

Doherty, Shaun
Goley, Jeffrey
Infantine, William
McCarthy, Michael
Pellegrino, Tony
Renzullo, Andrew
Shaw, Barbara
Summers, James

MERRIMACK

Coffey, Jennifer
Kreis, Kenneth Sr
Smith, Molly

DeStefano, Stephen
McDonnell, John

Hamm, Christine
Patten, Dick

Kotowski, Frank
Reed, Dennis

ROCKINGHAM

Allen, Mary
Belanger, Ronald
Chirichiello, Brian
Elliott, Robert
Janvrin, Kevin
McMahon, Charles

Azarian, Gary
Bettencourt, David
DeSimone, Debra
Griffin, Mary
Kappler, Lawrence
Nevins, Chris

Baldasaro, Alfred
Birdsell, Regina
Devine, James
Hagan, Joseph
Katsakiores, Phyllis
O'Connor, John

Bates, David
Charron, Gene
Duarte, Joe
Headd, James
Kolodziej, Walter
Pantelakos, Laura

Ritter, Glenn
Webb, James

Sapareto, Frank
Weyler, Kenneth

Sapienza, Marie

Sedensky, John

STRAFFORD

Berube, Roger
Spainhower, Dale

Brown, Julie
Weeden, Michael

Browne, Brendon

Cataldo, Sam

SULLIVAN

Cloutier, John
Smith, Steven

Gagnon, Raymond

Howard, Thomas

Rodeschin, Beverly

NAYS 226

BELKNAP

Bolster, Peter
Malone, Robert
Worsman, Colette

Comtois, Guy
Millham, Alida

Flanders, Donald
St. Cyr, Jeffrey

Greemore, Robert
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank

Babson, David Jr
Patten, Betsey

Chandler, Gene
Pettengill, Laurie

Fleck, Joseph
Tregenza, Norman

CHESHIRE

Butynski, William
Emerson, Susan
Moore, Charles
Smith, Edwin

Byrnes, John
Hawkes, Samuel
Parkhurst, Henry
Sterling, Franklin Jr

Cartwright, Anne
Hunt, John
Roberts, Kris
Weber, Lucy

Chase, Cynthia
Meador, David
Sad, Tara
Weed, Charles

COOS

Daugherty, Duffy

Hatch, William

Rappaport, Laurence

Tholl, John Jr

GRAFTON

Aguiar, James
Cooney, Mary
Mirski, Paul
Simard, Paul
Townsend, Charles

Almy, Susan
Gould, Franklin
Nordgren, Sharon
Sorg, Gregory
White, Andrew

Benn, Bernard
Harding, Laurie
Pastor, Beatriz
Sova, Charles

Bradley, Lester
Ingbretson, Paul
Pierce, David
Taylor, Kathleen

HILLSBOROUGH

Avard, Kevin
Belvin, William
Cebrowski, John

Balboni, Michael
Bergevin, Jerry
Coffey, James

Ball, J. Michael
Brownrigg, Randall Jr
Cote, David

Barry, Richard
Burt, John
Cusson-Cail,
Kathleen
Emerton, Larry
Gargas, Carolyn
Hikel, John
Hutchinson, Winfred
Lambert, George
Marcus, Bruce
Messier, Irene
Palmer, Stephen

Daler, Jennifer
Erickson, Duane
Graham, John
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward

Daniels, Gary
Flanagan, Jack
Hansen, Peter
Holden, Frank
Krasucki, Joseph
Leishman, Peter
McGuinness, Sean
Murphy, Keith

Drisko, Richard
Fredette, Robert
Hardwick, Harry
Hopper, Gary
Kurk, Neal
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine

Parison, James
Pratt, Calvin
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy
Willette, Robert

Peterson, Lenette
Robbins, David
Simmons, Tammy
Sullivan, Peter
Vaillancourt, Steve

Pilotte, Maurice
Rosenwald, Cindy
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

Porter, Marjorie
Rowe, Robert
Souza, Kathleen
Thomas, Joseph
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Foose, Robert
Hess, David
Kidder, David
MacKay, James
Potter, Frances
Seaworth, G. Brian
Watrous, Rick

Bouchard, Candace
Frazer, June
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Carol
Rice, Chip
Shurtleff, Stephen
Williams, Robert

Cohn, Seth
Gile, Mary
Hoell, J.R.
Lindsley, Mark
McGuire, Dan
Richardson, Gary
Smith, Todd
Winter, Steven

Deloge, Helen
Giuda, J. Brandon
Keane, Thomas
Lockwood, Priscilla
Owen, Derek
Sanborn, Laurie
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Copeland, Timothy
Fesh, Robert
Itse, Daniel
Mauro, Donna
Norelli, Terie
Perkins, Lawrence
Rice, Frederick
Shuler, Wyman III
Sytek, John
Ward, Joanne

Brown, Paul
Davenport, Joshua
Garrity, James
Lovejoy, Patricia
McKinney, Betsy
Oligny, Jeffrey
Read, Robin Jr
Sanders, Elisabeth
Smith, William
Tremblay, Stella
Welch, David

Cali-Pitts, Jacqueline
DiPentima, Rich
Hoelzel, Kathleen
Major, Norman
Moody, Marcia
Packard, Sherman
Reagan, John
Schlachman, Donna
Sullivan, James
Tucker, Pamela

Comerford, Timothy
Dowling, Patricia
Introne, Robert
Manuse, Andrew
Murphy, Brian
Perkins, Amy
Reichard, Kevin
Sheffert, Kenneth
Sullivan, Kevin
Waddell, James

STRAFFORD

Andolina, Donald
Groen, Warren
Kaen, Naida

DeLemus, Susan
Horrigan, Timothy
Keans, Sandra

Ginsburg, Philip
Jones, Kyle
Larsen Schultz,
Kirsten
O'Connor, William
Pitre, Joseph
Vita, Carol

Grassie, Anne
Jones, Laura
Leonard, Frederick Jr

Munck, Philip
Pelletier, Marsha
Spang, Judith
Wall, Janet

Newton, Clifford
Perry, Robert
Sprague, Dale
Watters, David

Parsons, Robbie
Schmidt, Peter
Vita, Lucien

SULLIVAN

Bowers, Spec
Lovett, Charlene
and the motion failed.

Cunningham, Steven
Osgood, Joe
Laware, Thomas
Schmidt, Andrew

Lefebvre, Benjamin

The question now being adoption of the motion of Ought to Pass.
Rep. Soltani spoke against.
Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 118 NAYS 226

YEAS 118

BELKNAP

Accornero, Harry
Swinford, Elaine

Fields, Dennis

Pilliod, James

Russell, David

CARROLL

Knox, J. David
Umberger, Karen

McConkey, Mark

Merrow, Harry

Schmidt, Stephen

CHESHIRE

Dwinell, Richard
Tatro, Bruce

Johnsen, Gladys

Lerandeau, Alfred

Moore, Robert Jr

COOS

Coulombe, Gary
Thomas, Yvonne

Remick, William
Tremblay, Marc

Richardson, Herbert

Theberge, Robert

GRAFTON

Bulis, Lyle

Gionet, Edmond

Ladd, Rick Jr

Reilly, Harold Sr

HILLSBOROUGH

Baroody, Benjamin
Brown, Kevin

Barry, J. Gail
Buxton, Michael

Belanger, James
Campbell, David

Boehm, Ralph
Christensen, D.L.
Chris

Christiansen, Lars
Donovan, Daniel
Gonzalez, Carlos
Katsiantonis, Thomas
Ober, Lynne
Proulx, Mark
Rhodes, Brian
Silva, Peter
Terrio, Ross

Condra, William
Gidge, Kenneth
Gorman, Mary
Levasseur, Nickolas
Ober, Russell III
Ramsey, Peter
Rokas, Ted
Stroud, Kathleen
Ulery, Jordan

Day, Russell
Gimas, John
Haefner, Robert
Long, Patrick
Ohm, Bill
Reed, Michael
Scontsas, Lisa
Sullivan, Daniel
Whitehead, Randall

Doherty, Shaun
Goley, Jeffrey
Infantine, William
McCarthy, Michael
Pellegrino, Tony
Renzullo, Andrew
Shaw, Barbara
Summers, James

MERRIMACK

Coffey, Jennifer
Kreis, Kenneth Sr
Smith, Molly

DeStefano, Stephen
McDonnell, John

Hamm, Christine
Patten, Dick

Kotowski, Frank
Reed, Dennis

ROCKINGHAM

Allen, Mary
Belanger, Ronald
Chirichiello, Brian
Elliott, Robert
Janvrin, Kevin
McMahon, Charles
Ritter, Glenn
Webb, James

Azarian, Gary
Bettencourt, David
DeSimone, Debra
Griffin, Mary
Kappler, Lawrence
Nevins, Chris
Sapareto, Frank
Weyler, Kenneth

Baldasaro, Alfred
Birdsell, Regina
Devine, James
Hagan, Joseph
Katsakiores, Phyllis
O'Connor, John
Sapienza, Marie

Bates, David
Charron, Gene
Duarte, Joe
Headd, James
Kolodziej, Walter
Pantelakos, Laura
Sedensky, John

STRAFFORD

Berube, Roger
Spainhower, Dale

Brown, Julie
Weeden, Michael

Browne, Brendon

Cataldo, Sam

SULLIVAN

Cloutier, John
Smith, Steven

Gagnon, Raymond

Howard, Thomas

Rodeschin, Beverly

NAYS 226

BELKNAP

Bolster, Peter
Malone, Robert
Worsman, Colette

Comtois, Guy
Millham, Alida

Flanders, Donald
St. Cyr, Jeffrey

Greemore, Robert
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank

Babson, David Jr
Patten, Betsey

Chandler, Gene
Pettengill, Laurie

Fleck, Joseph
Tregenza, Norman

CHESHIRE

Butynski, William
Emerson, Susan
Moore, Charles
Smith, Edwin

Byrnes, John
Hawkes, Samuel
Parkhurst, Henry
Sterling, Franklin Jr

Cartwright, Anne
Hunt, John
Roberts, Kris
Weber, Lucy

Chase, Cynthia
Meador, David
Sad, Tara
Weed, Charles

COOS

Daugherty, Duffy

Hatch, William

Rappaport, Laurence

Tholl, John Jr

GRAFTON

Aguiar, James
Cooney, Mary
Mirski, Paul
Simard, Paul
Townsend, Charles

Almy, Susan
Gould, Franklin
Nordgren, Sharon
Sorg, Gregory
White, Andrew

Benn, Bernard
Harding, Laurie
Pastor, Beatriz
Sova, Charles

Bradley, Lester
Ingbreton, Paul
Pierce, David
Taylor, Kathleen

HILLSBOROUGH

Avard, Kevin
Belvin, William
Cebrowski, John

Balboni, Michael
Bergevin, Jerry
Coffey, James

Ball, J. Michael
Brownrigg, Randall Jr
Cote, David

Barry, Richard
Burt, John
Cusson-Cail,
Kathleen
Emerton, Larry
Gargasz, Carolyn
Hikel, John
Hutchinson, Winfred
Lambert, George
Marcus, Bruce
Messier, Irene
Palmer, Stephen
Porter, Marjorie
Rowe, Robert
Souza, Kathleen
Thomas, Joseph
Warden, Mark

Daler, Jennifer
Erickson, Duane
Graham, John
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Parison, James
Pratt, Calvin
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy
Willette, Robert

Daniels, Gary
Flanagan, Jack
Hansen, Peter
Holden, Frank
Krasucki, Joseph
Leishman, Peter
McGuinness, Sean
Murphy, Keith
Peterson, Lenette
Robbins, David
Simmons, Tammy
Sullivan, Peter
Vaillancourt, Steve

Drisko, Richard
Fredette, Robert
Hardwick, Harry
Hopper, Gary
Kurk, Neal
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Pilotte, Maurice
Rosenwald, Cindy
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	Cohn, Seth	Deloge, Helen
Foose, Robert	Frazer, June	Gile, Mary	Giuda, J. Brandon
Hess, David	Hill, Gregory	Hoell, J.R.	Keane, Thomas
Kidder, David	Lauer-Rago, Kathleen	Lindsley, Mark	Lockwood, Priscilla
MacKay, James	McGuire, Carol	McGuire, Dan	Owen, Derek
Potter, Frances	Rice, Chip	Richardson, Gary	Sanborn, Laurie
Seaworth, G. Brian	Shurtleff, Stephen	Smith, Todd	Soltani, Tony
Watrous, Rick	Williams, Robert	Winter, Steven	

ROCKINGHAM

Abrami, Patrick	Brown, Paul	Cali-Pitts, Jacqueline	Comerford, Timothy
Copeland, Timothy	Davenport, Joshua	DiPentima, Rich	Dowling, Patricia
Fesh, Robert	Garrity, James	Hoelzel, Kathleen	Introne, Robert
Itse, Daniel	Lovejoy, Patricia	Major, Norman	Manuse, Andrew
Mauro, Donna	McKinney, Betsy	Moody, Marcia	Murphy, Brian
Norelli, Terie	Oligny, Jeffrey	Packard, Sherman	Perkins, Amy
Perkins, Lawrence	Read, Robin Jr	Reagan, John	Reichard, Kevin
Rice, Frederick	Sanders, Elisabeth	Schlachman, Donna	Sheffert, Kenneth
Shuler, Wyman III	Smith, William	Sullivan, James	Sullivan, Kevin
Sytek, John	Tremblay, Stella	Tucker, Pamela	Waddell, James
Ward, Joanne	Welch, David		

STRAFFORD

Andolina, Donald	DeLemus, Susan	Ginsburg, Philip	Grassie, Anne
Groen, Warren	Horrigan, Timothy	Jones, Kyle	Jones, Laura
Kaen, Naida	Keans, Sandra	Larsen Schultz, Kirsten	Leonard, Frederick Jr
Munck, Philip	Newton, Clifford	O'Connor, William	Parsons, Robbie
Pelletier, Marsha	Perry, Robert	Pitre, Joseph	Schmidt, Peter
Spang, Judith	Sprague, Dale	Vita, Carol	Vita, Lucien
Wall, Janet	Watters, David		

SULLIVAN

Bowers, Spec	Cunningham, Steven	Laware, Thomas	Lefebvre, Benjamin
Lovett, Charlene	Osgood, Joe	Schmidt, Andrew	

and the motion failed.

Rep. Hess moved the minority committee report of Inexpedient to Legislate and spoke in favor.

On a division vote, 236 members having voted in the affirmative and 108 in the negative, the minority committee report was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Hess moved that the House reconsider its action whereby, on a roll call vote of 236-108, it adopted the minority committee report of Inexpedient to Legislate on **HB 593-FN-A-L**, relative to video lottery and table gaming.

Rep. Hess spoke against.

Motion failed.

MOTION TO SPECIAL ORDER

Rep. Bettencourt moved that **HB 1658-FN**, limiting financial assistance for mothers who

have additional children while receiving Temporary Assistance to Needy Families (TANF), be made a Special Order as the next order of business.
Adopted.

HB 1658-FN, limiting financial assistance for mothers who have additional children while receiving Temporary Assistance to Needy Families (TANF). **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Thomas E. Keane for the Majority of Finance: This bill, as amended by committee, expands and improves existing fraud-detection procedures in the Medicaid and welfare programs. The objective is to more comprehensively identify and disqualify applicants and recipients who are defrauding the state. The bill as amended requires the department of health and human services to seek bids and implement a system that uses additional readily available public- and private-sector data bases to verify residential and financial eligibility for state-funded services. The committee heard testimony that similar systems in other states had resulted in substantial savings by eliminating fraudulently obtained services. In Pennsylvania, the savings were estimated at over \$300 million. Given the size of New Hampshire Medicaid and welfare program and the state's current fraud-avoidance measures, it is not expected that the state will save hundreds of millions, but it may save millions of dollars. The bill as amended also provides for the payment of a final court judgment of \$3.9 million total funds (\$2.6 million general funds) against the state in the so-called Chase Homes case. The first \$2,600,000 of general fund savings through the expanded fraud detection and elimination system are set aside for this legal obligation. The committee removed the so-called "family cap" on cash welfare payments contained in the bill as introduced, and it declined to include a freeze on the amount of cash welfare payments at the amount first received by a recipient. Both measures would likely have resulted in unintended, punitive consequences. Vote 20-6.

Rep. Cindy Rosenwald for the Minority of Finance: The amendment, which replaces the entire bill, includes a complex policy change that was never reviewed by a policy committee and was only brought to the Finance Committee the morning of the executive session. There has, therefore, been no investigation of the complicated policy change's impact on the program, beneficiaries, or department staff resources. A number of problems with the proposed policy were identified at the hearing. First, the proposed new electronic identity and income verification system program would duplicate the state's current process that is required under federal law. The department of health and human services already successfully cross-checks government databases to determine eligibility. Furthermore, even though the current procedure is extremely time-consuming, requiring up to two hours to validate each discrepancy report, the majority amendment adds no staff to handle the increased workload that would result from a data mining report of electronic discrepancy "hits." Third, beyond being duplicative and labor-intensive, the information provided by electronic databases is less up-to-date than the information the department currently collects and, according to department testimony, also less reliable. Since the department clearly does not have either the staff or technical infrastructure to implement the proposed electronic program, the state would have no choice but to contract with a private, commercial vendor. This vendor has a system that data mines various national databases to indicate areas that need further investigation, not definite attempts at fraud. However, because no fiscal note was developed, and the department was not asked to determine fiscal impact, the Finance Committee was asked to approve a potentially expensive new program with absolutely no idea of the cost or any potential savings. The minority, believing such a cavalier approach to governing is irresponsible, recommends ITL for this unnecessary, unreliable information program.

Majority Amendment (1376h)

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

AN ACT establishing an income and identity verification system for public assistance recipients; relative to the department of health and human services payment of residential care services; and relative to implementation of the Sean William Corey pilot program.

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

1 New Section; Income and Identity Verification System. Amend RSA 167 by inserting after section 4-b the following new section:

167:4-c Income and Identity Verification System.

I. The department shall establish uniform procedures to identify, investigate, and resolve potential cases of fraud, misrepresentation, or inadequate documentation prior to determining an applicant's eligibility for assistance under this chapter and RSA 161. The procedures shall ensure that every case is reviewed. Each review shall include utilization of the income and identity verification system established under this section.

II. The department shall establish a computerized income and identity eligibility verification system in order to verify eligibility, eliminate duplication of assistance, and deter fraud.

III. Prior to awarding or continuing assistance under this chapter or RSA 161, the department shall, to the extent such data bases are available to the department, match the name, date of birth, and social security number of each applicant and recipient against the following:

- (a) Unearned income information maintained by the Internal Revenue Service.
- (b) Employer quarterly reports of income and unemployment insurance payment information maintained by the department of employment security.
- (c) Earned income information maintained by the Social Security Administration.
- (d) Immigration status information maintained by the United States Citizenship and Immigration Services.
- (e) Death register information maintained by the Social Security Administration.
- (f) Prisoner information maintained by the Social Security Administration.
- (g) Public housing and Section 8 Housing Assistance payment information maintained by the Department of Housing and Urban Development.
- (h) National fleeing felon information maintained by the Federal Bureau of Investigation.
- (i) Wage reporting and similar information maintained by states contiguous to this state.
- (j) Beneficiary records and earnings information maintained by the Social Security Administration in its Beneficiary and Earnings Data Exchange (BENDEX) database.
- (k) Earnings and pension information maintained by the Social Security Administration in its Beneficiary Earnings Exchange Record System (BEERS) database.
- (l) Employment information maintained by the department of employment security in its new hire directory database.
- (m) Employment information maintained by the United States Department of Health and Human Services in its National Directory of New Hires database.
- (n) Supplemental Security Income information maintained by the Social Security Administration in its State Data Exchange (SDX) database.
- (o) Veterans' benefits information maintained by the United States Department of Health and Human Services, in coordination with the Department of Health and Human Services and the Department of Veterans' Affairs, in the federal Public Assistance Reporting Information System (PARIS) database.
- (p) Child care services information maintained by the department of health and human services under its child care assistance program.
- (q) Utility payments information maintained by the office of energy and planning under the fuel assistance program.

(r) A database which is substantially similar to or a successor of a database established in this section.

(s) A database of all persons who currently hold a license, permit, or certificate from a state agency.

IV. Prior to awarding or continuing assistance under this chapter or RSA 161, the department shall match the name, date of birth, and social security number of each applicant and recipient against the following public records:

(a) A nationwide public records data source of physical asset ownership such as real property, automobiles, watercraft, aircraft and luxury vehicles.

(b) A nationwide public records data source of incarcerated individuals.

(c) A nationwide best-address and driver's license data source to verify individuals are residents of the state.

(d) A comprehensive public records database that identifies potential identity fraud or identity theft that can closely associate name, social security number, date of birth, phone and address information.

V. If a discrepancy results between an applicant's or recipient's social security number and one or more of the databases or information tools listed under paragraph II, III, or IV, the department shall review the applicant's or recipient's case using the following procedures:

(a) If the information discovered under paragraph III and IV does not result in the department finding the applicant or recipient ineligible for assistance under this section, the department shall take no further action.

(b) If the information discovered results in the department finding the applicant or recipient ineligible for assistance, the applicant or recipient shall be given an opportunity to explain the discrepancy. The department shall provide written notice to the applicant or recipient which shall describe in sufficient detail the circumstances of the discrepancy, the manner in which the applicant or recipient may respond, and the consequences of failing to take action. The applicant or recipient shall have 10 business days to respond in an attempt to resolve the discrepancy. The explanation provided by the recipient or applicant shall be given in writing. After receiving the explanation, the department may request additional documentation if it determines that there is a substantial risk of fraud.

(c) If the applicant or recipient does not respond to the notice, the department shall deny assistance for failure to cooperate, in which case the department shall provide notice of intent to discontinue assistance. Eligibility for assistance shall not be reestablished until the discrepancy has been resolved.

(d) If an applicant or recipient responds to the notice and disagrees with the findings of the match between his or her social security number and one or more databases or information tools listed under this section, the department shall reinvestigate the matter. If the department finds that there has been an error, the department shall take immediate action to correct it and no further action shall be taken. If, after an investigation, the department determines that there is no error, the department shall determine the effect on the applicant's or recipient's case and take appropriate action. Written notice of the department's action shall be given to the applicant or recipient.

(e) If the applicant or recipient agrees with the findings of the match between the applicant's or recipient's social security number and one or more databases or information tools listed under this section, the department shall determine the effect on the applicant's or recipient's case and take appropriate action. Written notice of the department's action shall be given to the applicant or recipient. In no case shall the department discontinue medical assistance coverage as a result of a match between the applicant's or recipient's social security number and one more databases or information tools listed under this section until the applicant or recipient has been given notice of the discrepancy and the opportunity to respond.

(f) The applicant or recipient have an opportunity for a fair hearing in the event of any adverse action affecting eligibility for assistance under this chapter or RSA 161.

VI. The department may contract with third party entities to perform the review of such enrollees as authorized under this section or to provide information to facilitate such reviews.

VII. The department shall, pursuant to RSA 541-A, adopt any rules necessary to implement this section.

2 Department of Health and Human Services; Residential Childcare Services. From sums already appropriated to the department of health and human services, a sum of up to \$3,925,000 for the fiscal year ending June 30, 2013 shall be made available for the purpose of paying certain residential care providers pursuant to the supreme court order in Chase Home for Children and another vs. New Hampshire Division for Children, Youth and Families, No. 2010-548, 162 N.H. 720 (2011) and in accordance with RSA 491:8. Of the amount made available, up to \$2,600,000 shall be from the state general fund savings realized pursuant to section 1 and up to \$1,325,000 shall be from federal funds.

3 Department of Health and Human Services; Sean William Corey Program. The department of health and human services shall implement, as soon as practicable, the Sean William Corey pilot program established in 2011, 224:298. The program shall be funded within existing appropriations to the department of health and human services.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect 6 months after its passage.

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

AMENDED ANALYSIS

This bill:

I. Establishes an income and identity verification system for public assistance recipients.

II. Makes funds available to the department of health and human services for payment of certain residential care providers.

III. Directs the department of health and human services to implement the Sean William Corey pilot program, a previously enacted program to provide home health aide services for medically fragile children.

Majority committee amendment adopted.

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

Rep. Rosenwald spoke against.

Rep. Thomas Keane spoke in favor.

Rep. Silva requested a roll call; sufficiently seconded.

YEAS 245 NAYS 84

YEAS 245

BELKNAP

Accornero, Harry
Flanders, Donald
Pilliod, James

Bolster, Peter
Greemore, Robert
Russell, David

Comtois, Guy
Malone, Robert
St. Cyr, Jeffrey

Fields, Dennis
Millham, Alida
Tilton, Franklin

CARROLL

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

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Merrow, Harry
Tregenza, Norman

CHESHIRE

Byrnes, John
Moore, Robert Jr

Cartwright, Anne
Smith, Edwin

Dwinell, Richard
Sterling, Franklin Jr

Moore, Charles

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Thomas, Yvonne

Remick, William
Tremblay, Marc

Richardson, Herbert

GRAFTON

Bradley, Lester
Ladd, Rick Jr

Bulis, Lyle
Mirski, Paul

Gionet, Edmond
Sorg, Gregory

Ingbretson, Paul
Sova, Charles

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
Emerton, Larry
Gimas, John
Hansen, Peter
Hinch, Richard
Infantine, William
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Lynne
Parison, James
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Condra, William
Doherty, Shaun
Flanagan, Jack
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Pepino, Leo
Reed, Michael
Scontsas, Lisa
Soucy, Connie
Summers, James
Ulery, Jordan
Whitehead, Randall

Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Graham, John
Hawkins, Kenneth
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Daniels, Gary
Drisko, Richard
Gargas, Carolyn
Haefner, Robert
Hikel, John
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Stephen
Pratt, Calvin
Robbins, David
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kidder, David
Lindsley, Mark
McGuire, Dan
Smith, Molly

Coffey, Jennifer
Hill, Gregory
Kotowski, Frank
Lockwood, Priscilla
Reed, Dennis
Smith, Todd

Cohn, Seth
Hoell, J.R.
Kreis, Kenneth Sr
McDonnell, John
Sanborn, Laurie
Soltani, Tony

Giuda, J. Brandon
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Carol
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
Copeland, Timothy
Dowling, Patricia
Garritty, James

Allen, Mary
Belanger, Ronald
Charron, Gene
Davenport, Joshua
Duarte, Joe
Griffin, Mary

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Hagan, Joseph

Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Devine, James
Fesh, Robert
Hoelzel, Kathleen

Itse, Daniel
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Perkins, Lawrence
Ritter, Glenn
Sedensky, John
Sullivan, James
Tucker, Pamela
Welch, David

Janvrin, Kevin
Major, Norman
McMahon, Charles
Oigny, Jeffrey
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Waddell, James
Weyler, Kenneth

Kappler, Lawrence
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Ward, Joanne

Katsakiores, Phyllis
Mauro, Donna
Nevins, Chris
Perkins, Amy
Rice, Frederick
Sapienza, Marie
Smith, William
Tremblay, Stella
Webb, James

STRAFFORD

Andolina, Donald
Jones, Kyle

Cataldo, Sam
Jones, Laura

DeLemus, Susan
Larsen Schultz,
Kirsten
O'Connor, William
Vita, Carol

Groen, Warren
Leonard, Frederick Jr

Munck, Philip
Pitre, Joseph
Weeden, Michael

Newton, Clifford
Spang, Judith

Parsons, Robbie
Vita, Lucien

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

NAYS 84

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lerandeau, Alfred
Sad, Tara

Emerson, Susan
Meader, David
Tatro, Bruce

Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary

Hatch, William

GRAFTON

Aguiar, James
Harding, Laurie
Taylor, Kathleen

Almy, Susan
Nordgren, Sharon
Townsend, Charles

Benn, Bernard
Pastor, Beatriz

Cooney, Mary
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Gidge, Kenneth
Leishman, Peter
Porter, Marjorie
Rosenwald, Cindy

Campbell, David
Goley, Jeffrey
Levasseur, Nickolas
Ramsey, Peter
Shaw, Barbara

Cote, David
Gorman, Mary
Long, Patrick
Rhodes, Brian
Sullivan, Daniel

Daler, Jennifer
Katsiantonis, Thomas
Pilotte, Maurice
Rokas, Ted
Sullivan, Peter

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	MacKay, James
Owen, Derek	Patten, Dick	Potter, Frances	Rice, Chip
Richardson, Gary	Shurtleff, Stephen	Watrous, Rick	

ROCKINGHAM

Cali-Pitts, Jacqueline	DiPentima, Rich	Lovejoy, Patricia	Moody, Marcia
Norelli, Terie	Read, Robin Jr	Schlachman, Donna	

STRAFFORD

Brown, Julie	Browne, Brendon	Ginsburg, Philip	Grassie, Anne
Horrigan, Timothy	Kaen, Naida	Keans, Sandra	Pelletier, Marsha
Perry, Robert	Schmidt, Peter	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 and ordered to third reading.

REMOVED FROM THE TABLE

Rep. Souza moved that **HB 1659-FN**, relative to the women's right to know act regarding abortion information, be removed from the table.

On a division vote, 165 members having voted in the affirmative and 162 in the negative, the motion was adopted.

The question being adoption of the motion of Ought to Pass.

Rep. Simmons offered floor amendment (1482h).

Floor Amendment (1482h)

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

1 New Chapter; Women's Right to Know Act. Amend RSA by inserting after chapter 132-A the following new chapter:

CHAPTER 132-B

WOMEN'S RIGHT TO KNOW ACT

132-B:1 Title. This act shall be known as the "Women's Right to Know Act."

132-B:2 Definitions. In this chapter:

I. "Abortion" means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will with reasonable likelihood cause the death of the unborn child. Such use, prescription, or means is not an abortion if done with the intent to:

- (a) Save the life or preserve the health of an unborn child;
- (b) Remove a dead unborn child caused by spontaneous abortion; or
- (c) Remove an ectopic pregnancy.

II. "Facility" or "medical facility" means any public or private hospital, clinic, center, medical school, medical training institution, health care facility, physician's office, infirmary, dispensary, ambulatory surgical treatment center, or other institution or location wherein medical care is provided to any person.

III. "Gestational age" means the time that has elapsed since the first day of the woman's last menstrual period.

IV. "Hospital" means a facility licensed under RSA 151.

V. "Medical emergency" means that condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate termination of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function.

VI. "Physician" means any person licensed under RSA 329. The term includes medical doctors and doctors of osteopathy.

VII. "Pregnant" or "pregnancy" means that female reproductive condition of having an unborn child in the woman's uterus.

VIII. "Qualified person" means an agent of the physician who is a psychologist, licensed social worker, licensed professional counselor, registered nurse, or physician.

IX. "Unborn child" means the offspring of human beings from conception until birth.

132-B:3 Informed Consent Requirement. No abortion shall be performed or induced without the voluntary and informed consent of the woman upon whom the abortion is to be performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed if and only if:

I. At least 24 hours before the abortion, the physician who is to perform the abortion or the referring physician has informed the woman, orally and in person, of the following:

(a) The name of the physician who will perform the abortion;

(b) Medically-accurate information that a reasonable patient would consider material to the decision of whether or not to undergo the abortion, including (1) a description of the proposed abortion method; (2) the immediate and long-term medical risks associated with the proposed abortion method including, but not limited to, the risks of infection, hemorrhage, cervical or uterine perforation, danger to subsequent pregnancies; and (3) alternatives to the abortion;

(c) The probable gestational age of the unborn child at the time the abortion is to be performed;

(d) The medical risks associated with carrying her child to term; and

(e) Any need for anti-Rh immune globulin therapy if she is Rh negative, the likely consequences of refusing such therapy, and the cost of the therapy.

II. At least 24 hours before the abortion, the physician who is to perform the abortion, the referring physician, or a qualified person has informed the woman, orally and in person, that she is free to withhold or withdraw her consent to the abortion at any time without affecting her right to future care or treatment and without the loss of any state or federally-funded benefits to which she might otherwise be entitled.

III. In the event of a medical emergency requiring an immediate termination of pregnancy, the physician who performed the abortion shall clearly certify in writing the nature of the medical emergency and the circumstances which necessitated the waiving of the informed consent requirements of this chapter. This certification shall be signed by the physician who performed the emergency abortion, and shall be permanently filed in both the records of the physician performing the abortion and the records of the facility where the abortion takes place.

IV. A physician shall not require or obtain payment for a service provided in relation to abortion to a patient who has inquired about an abortion or scheduled an abortion until the expiration of the 24-hour reflection period required in this section.

132-B:4 Medical Emergencies. When a medical emergency compels the performance of an abortion, the physician shall inform the woman, before the abortion if possible, of the medical indications supporting the physician's judgment that an immediate abortion is necessary to avert her death or that a 24-hour delay will cause substantial and irreversible impairment of a major bodily function.

132-B:5 Civil Penalties.

I. In addition to any and all remedies available under the common or statutory law of this state, failure to comply with the requirements of this chapter shall:

(a) Provide a basis for a civil malpractice action for actual and punitive damages.

(b) Provide a basis for a professional disciplinary action under RSA 329.

II. No civil liability may be assessed against the female upon whom the abortion is performed.

III. When requested, the court shall allow a woman to proceed using solely her initials or a pseudonym and may close any proceedings in the case and enter other protective orders to preserve the privacy of the woman upon whom the abortion was performed.

IV. If judgment is rendered in favor of the plaintiff, the court shall also render judgment for a reasonable attorney's fee in favor of the plaintiff against the defendant.

V. If judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall also render judgment for reasonable attorney's fees in favor of the defendant against the plaintiff.

132-B:6 Construction. Nothing in this chapter shall be construed as creating or recognizing a right to abortion. It is not the intention of this law to make lawful an abortion that is currently unlawful.

132-B:7 Right of Intervention. The general court, by joint resolution, may appoint one or more of its members, who sponsored or cosponsored this chapter in his or her official capacity, to intervene as a matter of right in any case in which the constitutionality of this chapter is challenged.

132-B:8 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

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

Rep. Simmons spoke in favor.

MOTION TO SPECIAL ORDER

Rep. Rowe moved that ***HB 1659-FN***, relative to the women's right to know act regarding abortion information, be made a Special Order as the first order of business for the next Session day of March 29, 2012.

Reps. Rowe and Spang spoke in favor.

Reps. Simmons and Bouchard spoke against.

On a division vote, 93 members having voted in the affirmative and 237 in the negative, the motion failed.

The question being adoption of floor amendment (1482h).

On a division vote, 178 members having voted in the affirmative and 152 in the negative, floor amendment (1482h) was adopted.

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

Rep. Kris Roberts spoke against.

Rep. Simmons spoke in favor.

Rep. Bouchard requested a roll call; sufficiently seconded.

YEAS 185 NAYS 138

YEAS 185

BELKNAP

Accornero, Harry

Bolster, Peter

Comtois, Guy

Fields, Dennis

Flanders, Donald
Russell, David

Greemore, Robert
St. Cyr, Jeffrey

Malone, Robert
Tilton, Franklin

Pilliod, James

CARROLL

Ahlgren, Christopher
Schmidt, Stephen

Fleck, Joseph
Tregenza, Norman

McCarthy, Frank

Pettengill, Laurie

CHESHIRE

Butynski, William
Moore, Robert Jr

Byrnes, John

Cartwright, Anne

Moore, Charles

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Mirski, Paul

Bulis, Lyle
Sorg, Gregory

Gionet, Edmond
Sova, Charles

Ingbretson, Paul

HILLSBOROUGH

Avard, Kevin
Boehm, Ralph
Buxton, Michael
Condra, William
Donovan, Daniel
Haefner, Robert
Hogan, Edith
Jasper, Shawn
Maltz, Jonathan
Mecheski, Holly
Palmer, Stephen
Peterson, Lenette
Renzullo, Andrew
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Willette, Robert

Balboni, Michael
Brown, Kevin
Cebrowski, John
Daniels, Gary
Emerton, Larry
Hansen, Peter
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Murphy, Keith
Parison, James
Pilotte, Maurice
Rowe, Robert
Soucy, Connie
Summers, James
Ulery, Jordan

Ball, J. Michael
Brownrigg, Randall Jr
Christiansen, Lars
Day, Russell
Flanagan, Jack
Hardwick, Harry
Hutchinson, Winfred
Lambert, George
McCarthy, Michael
Notter, Jeanine
Pellegrino, Tony
Pratt, Calvin
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Villeneuve, Moe

Bergevin, Jerry
Burt, John
Coffey, James
Doherty, Shaun
Gonzalez, Carlos
Hinch, Richard
Infantine, William
LeBrun, Donald
McGuinness, Sean
Ohm, Bill
Pepino, Leo
Reed, Michael
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
McDonnell, John
Seaworth, G. Brian

Giuda, J. Brandon
Kotowski, Frank
McGuire, Carol
Smith, Molly

Hess, David
Lauer-Rago, Kathleen
McGuire, Dan
Smith, Todd

Hill, Gregory
Lindsley, Mark
Sanborn, Laurie
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Bettencourt, David
Davenport, Joshua
Griffin, Mary
Itse, Daniel
Kolodziej, Walter
Murphy, Brian

Baldasaro, Alfred
Birdsell, Regina
Duarte, Joe
Hagan, Joseph
Janvrin, Kevin
Manuse, Andrew
Nevins, Chris

Bates, David
Chirichiello, Brian
Fesh, Robert
Headd, James
Kappler, Lawrence
Mauro, Donna
O'Connor, John

Belanger, Ronald
Comerford, Timothy
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
McMahon, Charles
Oligny, Jeffrey

Perkins, Amy
Ritter, Glenn
Shuler, Wyman III
Sytek, John
Webb, James

Perkins, Lawrence
Sapareto, Frank
Smith, William
Tremblay, Stella
Welch, David

Reichard, Kevin
Sedensky, John
Sullivan, James
Tucker, Pamela
Weyler, Kenneth

Rice, Frederick
Sheffert, Kenneth
Sullivan, Kevin
Ward, Joanne

STRAFFORD

Andolina, Donald
Jones, Kyle

Cataldo, Sam
Jones, Laura

DeLemus, Susan
Larsen Schultz,
Kirsten

Groen, Warren
Leonard, Frederick Jr

Munck, Philip
Pitre, Joseph

Newton, Clifford
Vita, Lucien

O'Connor, William
Weeden, Michael

Parsons, Robbie

SULLIVAN

Bowers, Spec
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

Lovett, Charlene

NAYS 138

BELKNAP

Millham, Alida

Swinford, Elaine

CARROLL

Babson, David Jr
Merrow, Harry

Chandler, Gene
Patten, Betsey

Knox, J. David
Umberger, Karen

McConkey, Mark

CHESHIRE

Chase, Cynthia
Hunt, John
Parkhurst, Henry
Sterling, Franklin Jr

Dwinell, Richard
Johnsen, Gladys
Roberts, Kris
Tatro, Bruce

Emerson, Susan
Lerandeau, Alfred
Sad, Tara
Weber, Lucy

Hawkes, Samuel
Meador, David
Smith, Edwin
Weed, Charles

COOS

Coulombe, Gary

Thomas, Yvonne

GRAFTON

Aguiar, James
Harding, Laurie
Pierce, David

Almy, Susan
Ladd, Rick Jr
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz

HILLSBOROUGH

Barry, J. Gail
Christensen, D.L.
Chris
Drisko, Richard
Gimas, John
Katsiantonis, Thomas
Long, Patrick
Proulx, Mark
Rokas, Ted
Sullivan, Daniel

Barry, Richard
Cote, David
Fredette, Robert
Goley, Jeffrey
Kurk, Neal
Messier, Irene
Ramsey, Peter
Rosenwald, Cindy
Sullivan, Peter

Belanger, James
Cusson-Cail, Kathleen
Gargas, Carolyn
Gorman, Mary
Leishman, Peter
Moran, Edward
Rhodes, Brian
Scontsas, Lisa
Vaillancourt, Steve

Belvin, William
Daler, Jennifer
Gidge, Kenneth
Hikel, John
Levasseur, Nickolas
Porter, Marjorie
Robbins, David
Shaw, Barbara
Warden, Mark

MERRIMACK

Cohn, Seth	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Keane, Thomas
Kidder, David	Kreis, Kenneth Sr	Lockwood, Priscilla	Mackay, James
Owen, Derek	Patten, Dick	Potter, Frances	Reed, Dennis
Rice, Chip	Richardson, Gary	Shurtleff, Stephen	Watrous, Rick
Winter, Steven			

ROCKINGHAM

Allen, Mary	Azarian, Gary	Brown, Paul	Cali-Pitts, Jacqueline
Charron, Gene	Copeland, Timothy	DeSimone, Debra	Devine, James
DiPentima, Rich	Dowling, Patricia	Elliott, Robert	Lovejoy, Patricia
McKinney, Betsy	Moody, Marcia	Norelli, Terie	Packard, Sherman
Read, Robin Jr	Reagan, John	Sanders, Elisabeth	Sapienza, Marie
Schlachman, Donna	Tasker, Kyle	Waddell, James	

STRAFFORD

Brown, Julie	Browne, Brendon	Ginsburg, Philip	Grassie, Anne
Horriggan, Timothy	Kaen, Naida	Keans, Sandra	Pelletier, Marsha
Perry, Robert	Schmidt, Peter	Spang, Judith	Sprague, Dale
Vita, Carol	Wall, Janet	Watters, David	

SULLIVAN

Cloutier, John	Cunningham, Steven	Gagnon, Raymond	Lefebvre, Benjamin
Schmidt, Andrew			

and the majority committee report was adopted and ordered to third reading.

Rep. Flanders voted Yea and intended to vote Nay.

Rep. Bouchard did not vote and notified the Clerk that she wished to be recorded against.

(Rep. Chandler in the Chair)

REGULAR CALENDAR (CONT'D)

HB 1403, allowing a parent or guardian to withdraw a child from a school district which adopts the international baccalaureate program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G. Boehm for the Majority of Education: This bill, as originally presented, would allow parents to move their children to schools not utilizing the International Baccalaureate method of instruction. This is not feasible because it would be impossible to accommodate those students, as in most instances there would be no place to send these children, and it is still the responsibility of the resident district to pay for their education. The committee amendment states that school programs cannot be governed by a foreign body or organization. Proof of governance might be shown in any of several ways, including, but not limited to: authorization to use a specific name in promotion of the school (for example "world school") or being subject to inspections or visits to ensure compliance with programs, rules or policies of the foreign body or organization or the determination that any arbitration of disputes relating to the implementation of any program take place outside of the state of New Hampshire, or be settled by or be in accordance with, non-state or non-U.S. law. We have tried to give as much autonomy as possible to the local school district over the state department of education; however we should not allow school districts to give away that autonomy to a foreign government. The amendment also creates a committee to study the IB program and determine whether or not it is in the best interests of the state. The Committee will look at security concerning student information being sent out of state or country,

whether or not sending money to this organization is against federal law, as the IB organization appears to be funded by UNESCO, what to do with existing IB school districts and any other issue that may come up. Vote 9-4.

Rep. Mary Stuart Gile for the Minority of Education: HB 1403, as amended, includes two sections: Section I states that a public school or public academy shall be deemed to meet school approval standards only if the curriculum and instruction of the school or academy promotes state and national sovereignty and is not subject to the governance of a foreign body or organization. Section 1 also describes what is expected as proof of governance. Section II establishes a committee to study issues related to the implementation of the International Baccalaureate (IB) program in the State of New Hampshire. The minority supports the formation of the study committee (Section 2) to research the IB program, originating in Switzerland and singled out by the U.S. Military as a rigorous academic program for children of U.S. service personnel assigned to bases around the world. Issues to be studied include governance, personal and information security, arbitration of disputes and effects of IB programs already implemented in New Hampshire. The minority is opposed to Section I of HB 1403 as amended, which if implemented would supersede every decision made by local school districts in their choice of curriculum and instructional methodology. As stated, it could also impose sweeping changes to New Hampshire school districts who may have already adopted education programs and methods from other states and countries (e.g. Montessori, Reggio Emilia-Italy; Waldorf-Germany; Khan Academy-India; Early Literacy-Australia). Enforceability of Section I would be complicated and intrusive. Perhaps the most damaging effects of Section I would be to limit educational opportunities for New Hampshire students. This is, after all the 21st century, and our students are the next generation of global citizens. It is our responsibility to ensure that they are prepared and have access to the best educational practices and programs.

Majority Amendment (1286h)

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

AN ACT relative to providing pupils with curriculum and instruction regarding state and national sovereignty and establishing a committee to study the implementation of the International Baccalaureate program in New Hampshire.

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

1 New Paragraph; Substantive Educational Content of an Adequate Education. Amend RSA 193-E:2-a by inserting after paragraph VI the following new paragraph:

VII. In continuing recognition of the duty to provide public school pupils with fundamental knowledge and learning as established by the New Hampshire constitution and the Constitution of the United States of America, a public school or public academy shall be deemed to meet school approval standards only if the curriculum and instruction of the school or academy promotes state and national sovereignty and is not subject to the governance of a foreign body or organization. Proof of governance of a foreign body or organization may be demonstrated in several ways, including, but not limited to:

- (a) Use of a specific name to promote the school, such as “world school”; or
- (b) Required inspections or visits to ensure compliance with programs, rules, or policies of the foreign body or organization; or
- (c) A requirement that arbitration of disputes relating to the implementation of any program be conducted outside of the state of New Hampshire, or be settled by, or in accordance with, any source of legal authority other than state or federal law.

2 Intent. Based on the concerns that the education committee of the house of representatives has found to date relating to the International Baccalaureate program, the study committee established in this act shall study issues related to the implementation of the International Baccalaureate program in the state of New Hampshire.

3 Committee Established.

I. There is established a committee to study issues relating to the implementation of the International Baccalaureate program in New Hampshire.

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

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives.

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

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

IV. The committee shall study:

(a) Personal security and information security issues for students participating in the International Baccalaureate program;

(b) Whether sending money outside of the United States to purchase the International Baccalaureate curriculum and related materials violates federal law;

(c) International Baccalaureate programs which have been implemented in school districts in New Hampshire; and

(d) Any other issue related to the implementation of the International Baccalaureate program in a school district in New Hampshire which the committee deems appropriate.

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

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

4 Effective Date.

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

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

AMENDED ANALYSIS

This bill requires that school curriculum and instruction shall only meet school approval standards if such curriculum and instruction promotes state and national sovereignty and is not subject to the governance of a foreign body or organization. The bill also establishes a committee to study issues relating to the International Baccalaureate program in New Hampshire.

Majority committee amendment adopted.

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

Rep. Ladd spoke in favor.

Rep. Boehm spoke in favor and yielded to questions.

Rep. Gile spoke against and requested a roll call; sufficiently seconded.

YEAS 209 NAYS 102

YEAS 209

BELKNAP

Accornero, Harry
Flanders, Donald
Pilliod, James
Tilton, Franklin

Bolster, Peter
Greemore, Robert
Russell, David

Comtois, Guy
Malone, Robert
St. Cyr, Jeffrey

Fields, Dennis
Millham, Alida
Swinford, Elaine

CARROLL

Ahlgren, Christopher	Babson, David Jr	Fleck, Joseph	McCarthy, Frank
McConkey, Mark	Merrow, Harry	Patten, Betsey	Pettengill, Laurie
Schmidt, Stephen	Tregenza, Norman	Umberger, Karen	

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Moore, Charles	Moore, Robert Jr	Smith, Edwin	Sterling, Franklin Jr

COOS

Daugherty, Duffy	Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr
Tremblay, Marc			

GRAFTON

Bradley, Lester	Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul
Ladd, Rick Jr	Mirski, Paul	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brownrigg, Randall Jr	Burt, John	Buxton, Michael
Cebrowski, John	Christensen, D.L.	Coffey, James	Condra, William
	Chris		
Daniels, Gary	Doherty, Shaun	Donovan, Daniel	Drisko, Richard
Emerton, Larry	Flanagan, Jack	Fredette, Robert	Gargasz, Carolyn
Gonzalez, Carlos	Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth
Hikel, John	Hogan, Edith	Hutchinson, Winfred	Infantine, William
Jasper, Shawn	Krasucki, Joseph	Kurk, Neal	Lambert, George
LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce	McCarthy, Michael
McGuinness, Sean	Mecheski, Holly	Murphy, Keith	Notter, Jeanine
Ohm, Bill	Palmer, Stephen	Parison, James	Pellegrino, Tony
Peterson, Lenette	Pratt, Calvin	Proulx, Mark	Rowe, Robert
Scoutsas, Lisa	Seidel, Carl	Silva, Peter	Simmons, Tammy
Soucy, Connie	Souza, Kathleen	Stepanek, Stephen	Stroud, Kathleen
Thomas, Joseph	Twombly, Timothy	Ulery, Jordan	Villeneuve, Moe
Whitehead, Randall	Willette, Robert		

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Giuda, J. Brandon
Hill, Gregory	Hoell, J.R.	Keane, Thomas	Kidder, David
Kotowski, Frank	Kreis, Kenneth Sr	Lauer-Rago, Kathleen	Lindsley, Mark
Lockwood, Priscilla	McDonnell, John	McGuire, Carol	McGuire, Dan
Reed, Dennis	Sanborn, Laurie	Seaworth, G. Brian	Smith, Molly
Smith, Todd	Soltani, Tony	Winter, Steven	

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Azarian, Gary	Baldasaro, Alfred
Bates, David	Belanger, Ronald	Bettencourt, David	Birdsell, Regina
Brown, Paul	Charron, Gene	Chirichiello, Brian	Comerford, Timothy
Davenport, Joshua	DeSimone, Debra	Dowling, Patricia	Duarte, Joe
Elliott, Robert	Fesh, Robert	Garrity, James	Griffin, Mary
Hoelzel, Kathleen	Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis

Kolodziej, Walter
Murphy, Brian
Packard, Sherman
Reichard, Kevin
Sapienza, Marie
Smith, William
Tasker, Kyle
Welch, David

Manuse, Andrew
Nevins, Chris
Perkins, Amy
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Weyler, Kenneth

Mauro, Donna
O'Connor, John
Perkins, Lawrence
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela

McKinney, Betsy
Oigny, Jeffrey
Reagan, John
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Webb, James

STRAFFORD

Cataldo, Sam
Jones, Laura

DeLemus, Susan
Larsen Schultz,
Kirsten

Groen, Warren
Leonard, Frederick Jr

Jones, Kyle
Newton, Clifford

O'Connor, William
Vita, Lucien

Parsons, Robbie
Weeden, Michael

Pitre, Joseph

Vita, Carol

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Smith, Steven

Laware, Thomas

NAYS 102

BELKNAP

None

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Johnsen, Gladys
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lerandeau, Alfred
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

Hunt, John
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary

Remick, William

Thomas, Yvonne

GRAFTON

Aguiar, James
Harding, Laurie
Townsend, Charles

Almy, Susan
Nordgren, Sharon

Benn, Bernard
Pierce, David

Cooney, Mary
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Cusson-Cail, Kathleen
Gorman, Mary
Long, Patrick
Pilotte, Maurice
Robbins, David
Sullivan, Daniel

Campbell, David
Daler, Jennifer
Graham, John
Messier, Irene
Porter, Marjorie
Rokas, Ted
Sullivan, Peter

Christiansen, Lars
Gimas, John
Leishman, Peter
Moran, Edward
Ramsey, Peter
Rosenwald, Cindy
Vaillancourt, Steve

Cote, David
Goley, Jeffrey
Levasseur, Nickolas
Pepino, Leo
Rhodes, Brian
Shaw, Barbara

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Hess, David
MacKay, James	Owen, Derek	Patten, Dick	Potter, Frances
Rice, Chip	Richardson, Gary	Shurtleff, Stephen	Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline	Copeland, Timothy	DiPentima, Rich	Hagan, Joseph
Headd, James	Janvrin, Kevin	Lovejoy, Patricia	McMahon, Charles
Moody, Marcia	Read, Robin Jr	Schlachman, Donna	Waddell, James
Ward, Joanne			

STRAFFORD

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

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Rodeschin, Beverly
Schmidt, Andrew			

and the majority committee report was adopted and ordered to third reading.

HB 1726, exempting the transport of certain electronic waste and universal waste from the hazardous waste transporter registration program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Tara A. Sad for the Majority of Environment and Agriculture: This bill resulted from a miscommunication between the department of environmental services and one municipal agent and would have inserted wording exempting e-waste and universal waste from municipal transporting permit requirements into statute. The exemption already exists in DES rules. A bill passed by this House earlier this year will provide legislative review and oversight of DES statutes and rules. Adding the proposed wording to statute would result in inconsistencies and unnecessary confusion. Therefore the majority thought this bill was unnecessary. Vote 8-5.

Rep. David L. Babson for the Minority of Environment and Agriculture: The minority of the committee felt that because of the confusion created by the volume of the department of environmental services (DES) rules that it would be wise to put the contents of the bill in law so that there is no question that a municipality does not need a hazardous waste transporter permit to move E-waste.

Majority committee report adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Simmons moved that the House reconsider its action whereby, on a roll call vote of 185-138, it adopted the majority committee report of Ought to Pass with Amendment on **HB 1659-FN**, relative to the women's right to know act regarding abortion information.

Rep. Simmons spoke against.

Rep. Kris Roberts spoke in favor.

On a division vote, 106 members having voted in the affirmative and 194 in the negative, the motion failed.

REGULAR CALENDAR (CONT'D)

HB 533-FN-L, establishing a cap on the amount of school building aid grants distributed in each fiscal year. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Karen C. Umberger for the Majority of Finance: This bill changes the methodology for funding school building aid, adds a requirement to submit the least costly plan that meets state building standards, adds to the currently required maintenance plan a requirement for a 20 year maintenance plan and identifies the criteria the department of education will use to rank building construction proposals. Building aid will change from funding over the life of the bond to a one time upfront grant. The bill continues to fund those projects approved prior to July 1, 2012 throughout the life of the bond. Since HB 533 as passed by the House indicated school building aid shall not exceed \$50 million per fiscal year and past school building aid will be paid, the amount of dollars for school building aid may not fully fund the grant to a school district. As a result, a school district may decline a full or partial grant. If that occurs the grant will be made to the next ranked school district. Vote 22-2.

Rep. Steve Vaillancourt for the Minority of Finance: The minority is convinced that, as unlikely as it might seem, this bill does both "too little and too much." Some argue that the state is obligated to fund school building aid; indeed, that if a school building aid program had not been in place at the time of the Claremont decision, then the court would have ordered that such aid be a part of any school funding formula. While the minority challenges that assertion, we would note that if you accept it, the money in this bill is hardly sufficient to accomplish the task. After all, it provides \$43 million to fund projects already approved and only \$7 million in new monies. In that case, this bill does too little. However, it also does too much in that it ties the hands of future legislatures to provide monies for school building aid when in fact no state aid is provided, as was noted in testimony, for such vital services as police or fire buildings. The minority also has a problem with the new funding scheme in this bill. By stipulating that new projects be funded in full rather than proportionally, other equally important projects will be less likely to receive any funding.

Majority Amendment (1064h)

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

1 School Building Aid. Amend RSA 198:15-a, I to read as follows:

I. To aid local school districts in meeting the costs of the payment of debt for school buildings and educational administration buildings, including office facilities for school administrative units, and to meet the costs of leasing permanent space in a building which is used for the operation of a high school vocational technical education program, the department of education shall, from funds appropriated by the general court to carry out the provisions of this subdivision, pay ~~annually~~ to the school districts of the state, sums in accordance with the provisions of this subdivision or the alternative school building aid provisions under RSA 198:15-u through RSA 198:15-w, depending on which option a school district elects. ~~[The annual grant to school districts shall be made in 2 approximately equal payments, one in October and one in April of each fiscal year. No payment shall be made to a school district prior to the district's first payment on the amount of principal borrowed.]~~

2 New Paragraph; School Building Aid. Amend RSA 198:15-a by inserting after paragraph II the following new paragraph:

III. Beginning July 1, 2013, and every fiscal year thereafter, school building aid grants for construction or renovation projects approved by the department of education pursuant to this subdivision or RSA 198:15-u through RSA 198:15-w, shall not exceed \$50,000,000 per fiscal year less any debt service payments owed in the fiscal year, unless otherwise provided by an act of the general court. School building aid grants approved pursuant to this subdivision or RSA 198:15-u through RSA 198:15-w, shall be funded from appropriations in the state operating budget and no state bonds shall be authorized or issued for the purpose of funding such school building aid grants.

3 School Building Aid; Amount of Grant; Approval of Plans. Amend RSA 198:15-b and RSA 198:15-c to read as follows:

198:15-b Amount of ~~[Annual]~~ Grant.

I.(a) ***Beginning July 1, 2013, and every fiscal year thereafter***, the amount of the ~~[annual]~~ grant to any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, any receiving district operating an area school as defined in RSA 195-A:1, or any receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall be a sum equal to 30 percent of the ~~[amount of the annual payment of principal on all outstanding borrowings of the school district, city, cooperative school district, joint maintenance agreement, or receiving district, heretofore or hereafter incurred, for the]~~ cost of construction ~~[or]~~, purchase, ***or renovation*** of school buildings and school administrative unit facilities, or for the cost of acquiring, developing, or renovating any municipally-owned land, buildings, or facilities to be used for school district purposes, to the extent approved by the department of education~~;~~ ~~provided that any school district may receive an annual grant in the amount of 40 percent for the construction of an educational administration building for a school administrative unit, and provided that the amount of the annual grant in the case of a cooperative school district, joint maintenance agreement, a receiving district operating an area school, or any receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall be 40 percent plus 5 percent for each pre-existing district in excess of 2 and each sending district in excess of one, and provided further that no cooperative school district, joint maintenance agreement, or receiving district operating an area school, shall receive an annual grant in excess of 55 percent].~~

(b) For any municipally-owned land, buildings, or facilities for which school building aid is granted under this subdivision, the following shall apply:

(1) A school district, a city maintaining a school department within its corporate organization, a cooperative school district as defined in RSA 195:1, a receiving district operating an area school as defined in RSA 195-A:1, or a receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall have first priority in the use of such land, buildings, or facilities for 10 years or the life of any bond or note issued to provide funds for such land, buildings, or facilities, whichever is greater.

(2) ~~[The cost of any proposed renovation project shall be less than the cost of a new acquisition for the same purpose]~~ ***A school district, a city maintaining a school department within its corporate organization, a cooperative school district as defined in RSA 195:1, a receiving district operating an area school as defined in RSA 195-A:1, or a receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall submit, when applying for aid under this chapter, the least costly building plan that meets minimum state building standards in this chapter along with any alternative plans that may be proposed.***

(3) In the absence of a bond or note or upon the expiration of any bond or note issued to provide funds for land, buildings, or facilities, the principal parties shall enter into an agreement on how such land, buildings, or facilities are to be used.

~~[I a.(a) A receiving district situated in this state which is providing education to students from another school district situated in this state under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall be eligible to receive the higher annual grant amount provided in RSA 198:15-b, I or RSA 198:15-v under the following conditions:~~

~~(1) The contract requires the receiving district to educate at least 70 percent of the public school students at particular grade levels from a sending district as provided in the contract.~~

~~(2) The contract contains a provision for the payment of capital costs for specific capital projects.~~

~~(3) The contract provides the manner in which school building aid is to be credited to school districts.~~

~~(4) The contract or sending district's obligation to pay capital costs is for a period of 10 years or longer.~~

~~(b) The provisions of this paragraph shall only apply for those years in which the contract is in effect. In all other years, the receiving district shall receive aid in the amount for which it would otherwise be eligible under RSA 198:15 b, I or RSA 198:15 v.~~

~~(c) No receiving district shall receive a school building aid grant which is less than what a single school district would receive under RSA 198:15 b, I or RSA 198:15 v.~~

~~I b.(a) A school district, or other entity listed in paragraph I of this section, which is in compliance with the requirements of this section, shall be entitled to receive an additional grant equal to 3 percent of the total construction costs. To be eligible for additional grant moneys, construction projects, as built, shall meet the criteria for designation as a high performance school under the most recent edition of the New England version of standards from the Collaborative for High Performance Schools. Application for the grant of additional moneys shall be submitted on forms developed by the department of education.~~

~~(b) Not more than \$100,000 in any fiscal year in new additional grant moneys shall be awarded. In the event that the total additional grant entitlement in any fiscal year exceeds \$100,000, the full entitlement of grant moneys shall be awarded to the districts having projects which exceed the minimum criteria for designation as a high performance school to the greatest extent.~~

~~(c) The department of education shall review other high performance standards as they are developed and shall recommend adoption of new standards when in the judgment of the department, the new standards better reflect the intent of this section.~~

~~I c.(a) II.(a) [In addition to the requirements of paragraph I,] Each school district, prior to receipt of any grant moneys, shall submit for review and approval a written maintenance plan describing in detail how the school district intends to maintain the new facilities to be constructed with state aid moneys. The required maintenance plan shall include, but not be limited to, the following information:~~

~~(b) A description of the procedures to be used, and the method of staffing in which, the following building services are or will be provided. For work performed by in-house staff, an indication of the staffing level shall be provided, expressed as full-time equivalent positions:~~

- ~~(1) Daily facility cleaning.~~
- ~~(2) Grounds maintenance.~~
- ~~(3) Refuse removal.~~
- ~~(4) Snow removal.~~
- ~~(5) Minor maintenance and repair.~~
- ~~(6) Pest management.~~
- ~~(7) Periodic equipment servicing and preventive maintenance.~~
- ~~(8) Plan for 12 month operations, if applicable.~~

~~(c) The average amount of space, in square feet, assigned to each custodian for daily cleaning.~~

~~(d) The process for reporting, recording, verifying, and prioritizing building problems.~~

~~(e) The process for assigning corrective work.~~

~~(f) The process for determining that corrective work has solved the problem.~~

~~(g) The process for tracking and analyzing recurring problems.~~

~~(h) The process for scheduling and completing preventive maintenance services and inspections on installed equipment and major building systems including, but not~~

limited to heating, ventilation, air conditioning, life safety, elevators, plumbing, roofs, windows, doors, and kitchen appliances.

(i) Custodial or maintenance staff increases or reductions that result from the project.

(j) The training program for employees on new equipment to be installed by the project.

(k) A statement of assurance, signed by the chair of the school board, which indicates that the district intends to maintain and service all installed equipment according to the manufacturer's instructions.

(l) A 20-year maintenance plan that identifies and defines the program and activities necessary to achieve the design life expectancy of the building. Such program shall include activities having to do with scheduled repairs, upkeep, minor alterations and enhancements of the building. The maintenance plan shall also consider preventive maintenance supporting building systems and components.

~~[II. For the purposes of computing grants hereunder, the amount of the annual payment of principal shall be increased by an amount equal to the amount of capital reserve or the amount raised by taxation which was actually expended for the project at any time, divided by the number of years for which bonds or notes were issued to provide funds for such school building or school administrative unit facilities; provided, however that funds received from trusts, bequests, gifts or insurance policies shall not be eligible for computing grants hereunder. When bonds and notes are issued for a period of less than 5 years, the amount of aid for which the district is eligible shall be paid in no fewer than 5 equal installments.~~

~~III. If the project was entirely financed by the use of amounts raised by taxation or by the use of capital reserve other than funds from trusts, bequests, gifts or received from insurance policies the aid provided herein shall be paid in 5 equal installments.~~

~~IV.]~~ **III.** For the purposes of this subdivision, "construction" shall include any one or more of the following for the construction of instructional facilities only:

(a) The acquisition and development of a site.

(b) Planning, construction, or both, of a new building.

(c) Planning, construction, or both, of additions to existing buildings.

(d) Architectural and engineering fees.

(e) Purchase of equipment and any other costs necessary for the completion of a building as approved by the department of education.

(f) Substantial renovations approved by the commissioner of education.

(g) Purchase or lease-purchase of mechanical, structural, or electrical equipment, including the cost of installation of such equipment, which is designed to improve energy efficiency or indoor air quality in school buildings. All grant amounts awarded under this subparagraph shall be returned to the state if such equipment is removed from the school building by the vendor due to the school district's failure to comply with the terms of the lease-purchase agreement. Lease-purchase agreements shall be subject to the requirements of RSA 33:7-e.

~~[V]~~ **IV.** Purchase of school buildings shall include the acquisition and improvement of land in connection therewith and the remodeling, altering, repairing, equipping and furnishing of such buildings as approved by the department of education.

~~[VI. Repealed.~~

~~VII.]~~ **V.** In this paragraph, "new construction" means additional square footage but shall not mean the renovation of school buildings or school administrative unit facilities. The provisions of this paragraph shall apply to any school building aid grants made pursuant to RSA 198:15-a through RSA 198:15-w.

(a) The department of education shall issue annually maximum eligible cost standards for the construction of new school buildings or school administrative unit facilities, less site acquisition costs, qualifying for school building aid. These standards shall take into

account the type, size, and location of the school or school administrative unit facility and shall be based on an appropriate construction cost index developed or adopted by the department which shall reflect cost differences in the several regions of the state. Maximum cost standards shall be computed and published annually and expressed as a maximum cost per square foot.

(b) Maximum size standards for new construction shall be as follows:

(1) Maximum gross square footage per pupil:

	Student Population	
	<u>under 250</u>	<u>250 and over</u>
Elementary school	144	120
Middle or junior high school	168	140
Senior high school (excluding vocational-technical centers)	192	160

(2) Maximum usable site size for new schools:

Elementary School pupils	20 acres plus 1 acre for each 100 pupils
Middle or junior high school pupils	25 acres plus 1 acre for each 100 pupils
Senior high school pupils	30 acres plus 1 acre for each 100 pupils

(c) For the purpose of calculating the total school building aid grants made under RSA 198:15-a through RSA 198:15-w, the final approved cost for school construction or school project shall not exceed the cost that would result if the project conformed to the maximum cost and size standards. The provisions of this section shall not preclude an eligible applicant from exceeding the maximum standards provided, however, the cost of the portion of the facilities which exceed the maximum standards shall not be eligible for school building aid. The maximum cost and size standards in effect at the time general contract work begins shall be used for the purposes of determining school building aid.

(d) The commissioner of the department of education shall have the authority to waive eligible cost and size standards for new construction for good reason shown.

~~[VIII.]~~ **VII.** For the purpose of receiving grants under this section, acquisition of additional land as part of any school renovation project shall not be required unless such additional land is necessary to ensure the safe flow of traffic for school buses or other vehicles entering or exiting school grounds, or the safe boarding or discharge of children using school buses or other vehicles.

198:15-c Approval of Plans, Specifications, and Costs of Construction or Purchase.

I. A school district maintaining approved schools, desiring to avail itself of the grants herein provided shall have the plans, specifications, and cost estimates for school plant construction or proposals for the purchase of school buildings, or both, and the costs for them approved by the ~~[state board]~~ **department of education** prior to the start of construction. For this purpose the district shall submit its plans, specifications, cost, and purchase estimates in writing to the department of education on such forms as the department prescribes. A school district shall also submit a copy of any application for energy efficiency reimbursement under RSA 374-F. The department of education shall coordinate with the public utilities commission to ensure that eligible school districts have submitted applications for funding reimbursement and technical assistance as available from energy utility companies to promote indoor air quality and energy efficiency in public schools. ~~[Application]~~ **Applications** for school building aid shall be submitted before ~~[January 1]~~ **September 1** of each year in order to be eligible for school building aid in the fiscal year following the year of submittal. ~~[The department of education shall not approve the plans, specifications, cost, or purchase estimates, if in the department's judgment the facilities planned will not adequately meet the educational requirements, or if its cost estimates are excessive or unreasonable. The department of education shall not approve the~~

~~plans, specifications, cost, or purchase estimates if in the department's judgment the proposed construction or purchase is in conflict with effective statewide planning pursuant to RSA 9-A or the principles of smart growth pursuant to RSA 9-B]~~

II.(a) The commissioner of the department of education shall accept school building construction proposals based upon completeness. By January 15 of each fiscal year, the department of education shall consider and rank each proposal based on the following criteria:

- (1) Unsafe conditions.***
- (2) Obsolete, inefficient, or unsuitable facilities or mechanical and building systems.***
- (3) Overcrowding and associated influences to instructional areas and programming.***
- (4) Enrollment projections and population shifts.***
- (5) Whether a school district has made a reasonable attempt to accommodate maintenance activities including scheduled and unscheduled repairs, upkeep, minor alterations, enhancements to buildings, and preventive maintenance necessary to achieve the design life expectancy of building systems and components.***

(6) Any other criteria that the commissioner of the department of education may determine are necessary.

(b) The commissioner of the department of education shall develop a list of all school building construction proposals submitted by school districts in descending order of priority. The department of education shall propose interim rules pursuant to RSA 541-A no later than November 1, 2012, and final rules pursuant to RSA 541-A no later than April 30, 2013, relative to the criteria set forth in this paragraph and the procedures necessary to implement this paragraph.

(c) A school district, a city maintaining a school department within its corporate organization, a cooperative school district as defined in RSA 195:1, a receiving district operating an area school as defined in RSA 195-A:1, or a receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, with projects for which there is insufficient state grant funding may resubmit those projects to the department pursuant to the provisions of this section.

III. Necessary costs of the purchase of school buildings may be determined by any recognized method of real estate appraisal with appropriate adjustments for remodeling or other expenditures. Upon approval of the construction or purchase, or both, by the department of education, the school district shall be entitled to receive ~~[an annual]~~ a grant as provided herein.

4 School Building Aid; Proration and Unexpended Funds. Amend RSA 198:15-e to read as follows:

198:15-e Proration and Unexpended Funds. ~~[H]~~ In any *fiscal* year, the amount appropriated for distribution as school building grants in accordance with *the version of RSA 198:15-b in effect prior to July 1, 2012 shall first be awarded to a school district for an eligible project funded before July 1, 2012. If the amount appropriated* is insufficient ~~[therefor, grants for eligible construction work approved by the legislative body of the school district since the approval of the most recent state biennial budget shall be deferred and included in a request for a future appropriation, or partial grants may be made to the extent of the available appropriation. Any partial grant made shall be prorated proportionally among all districts with eligible construction work approved since the approval of the most recent biennial budget. The department of education shall include any unpaid grant amounts in the next biennial budget or request a supplemental appropriation. If the amount appropriated is insufficient after deducting all grants approved since the approval of the most recent biennial budget,]~~ the appropriation shall be prorated

proportionally among the districts entitled to a grant. *If the amount appropriated exceeds the amount necessary to fully fund grants to a school district for eligible construction projects funded before July 1, 2012, the remaining amount of the appropriation shall be awarded to a school district for an eligible new proposal in the ranked order developed pursuant to RSA 198:15-c, II(a) and II(b). Such a district shall receive a grant equal to 100 percent of the eligible amount of the request until the amount appropriated has been exhausted. A partial grant may be awarded to the extent that funds are available. If a school district declines a full or partial grant, a grant shall be made to the next ranked school district until the amount appropriated has been exhausted.* Any amounts not distributed in the first year of any biennium may be distributed in the second year if required to distribute the maximum amount permissible under RSA 198:15-a.

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

Majority committee amendment adopted.

On a division vote, 277 members having voted in the affirmative and 19 in the negative, the majority committee report was adopted and ordered to third reading.

(Speaker O'Brien in the Chair)

HB 1274-FN, transferring the McAuliffe-Shepard discovery center to a private operator and making a supplemental appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.** Rep. William B. Smith for Finance: This bill converts the McAuliffe-Shepard Discovery Center from a state agency to an independent nonprofit at the end of 2012. The majority supports the plan, whereby the state will provide the current building and existing equipment rent-free, retaining ownership and responsibility for debt service and major building maintenance. It will also provide transition costs in 2012, transferring supplies and center funds to the new entity at year end. A board for the entity will be established and submit an operations business plan to the general court fiscal committee for approval by November. To enable the successful transfer, a supplemental appropriation of \$385,740 is required in FY 2013, with a net savings expected in FY 2014 and beyond. Vote 21-3.

Amendment (1324h)

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

AN ACT transferring the McAuliffe-Shepard discovery center to a private nonprofit corporation and making supplemental appropriations.

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

1 Transfer of McAuliffe-Shepard Discovery Center to Private Operator. Pursuant to 2011, 224:88, II and as further provided in sections 2-8 of this act, all of the functions, positions, powers, duties, responsibilities, and funding of the McAuliffe-Shepard discovery center shall be transferred from the commission established in RSA 12-L:3 to a private operator on January 1, 2013. The transfer provided in this section shall include all of the books, papers, and records of the discovery center, except for the equipment, software, buildings and grounds of the discovery center which shall be transferred to the department of administrative services as provided in sections 5 and 6 of this act.

2 New Paragraph; McAuliffe-Shepard Discovery Center; Definition of Private Operator. Amend RSA 12-L:1 by inserting after paragraph IV the following new paragraph:

V. "Private operator" means the McAuliffe-Shepard discovery center corporation established in RSA 12-L:13 and the corporation's board established in RSA 12-L:4 which is responsible for the management and operation of the discovery center beginning January 1, 2013.

3 New Subparagraph; Duties of the McAuliffe-Shepard Discovery Center Commission; Coordination with Private Operator. Amend RSA 12-L:7, I by inserting after subparagraph (f) the following new subparagraph:

(g) Coordinate with the private operator to achieve an orderly transition from operation of the discovery center as a state agency to operation of the discovery center by the private operator.

4 Status of Employees Pending Transition; Discovery Center Transition Fund Established; Transfer of Property and Funds. Amend RSA 12-L:8-11 to read as follows:
12-L:8 Director; Staff.

I. The commission shall employ a discovery center director and such staff as may be necessary to perform the duties assigned by the commission. The director shall be nominated by the commission and confirmed by the governor and council, and shall serve at the pleasure of the commission. The director shall be an unclassified employee whose salary shall be established under RSA 94:1-a. All other employees under this section shall be classified employees.

II. All employees of the discovery center shall remain state employees through midnight on December 31, 2012, allowing for any resignations, terminations, retirements, and new hires between the effective date of this paragraph and December 31, 2012. The state shall assume all applicable state post-retirement and payout costs for these employees. All state employees laid off from the discovery center on or before January 1, 2013 shall be eligible for inclusion in the state reduction-in-force list.

12-L:9 Gifts; Grants; Donations. Notwithstanding any other provision of law, the commission is authorized to institute promotional programs to solicit and receive gifts, grants, or donations, of any kind, made for the development or operation of the discovery center. The commission may accept gifts, grants, and donations of money and property, other than real property, for use in institutional programs without the approval of the governor and council. All monetary grants, gifts, or donations **intended for operations through December 31, 2012**, shall be deposited in the McAuliffe-Shepard discovery center fund. ~~[Authority of the commission granted by this paragraph may be delegated to Touch the Future as the commission deems appropriate. Such delegation shall be reviewed from time to time and the commission shall have the authority to revoke or limit any such delegation.]~~ **All monetary grants, gifts, or donations for operations or endowments for use on or after January 1, 2013 shall be deposited in the McAuliffe-Shepard discovery center transition fund established in RSA 12-L:10, II.**

12-L:10 McAuliffe-Shepard Discovery Center Fund **and Transition Fund.**

I. There is hereby established in the office of the state treasurer a fund to be known as the McAuliffe-Shepard discovery center fund which shall be kept separate and distinct from all other funds. All fees received by the commission pursuant to RSA 12-L:7 and all monetary gifts, grants, and donations pursuant to RSA 12-L:9 **intended for operations through December 31, 2012** shall be deposited in such fund. The fund is established to pay for the operational expenses of the discovery center and the commission **incurred through December 31, 2012**. The moneys in this fund shall be nonlapsing and shall be continually appropriated to the commission.

II. ~~[Nothing in this section shall be construed to prohibit the commission from establishing an endowment fund.]~~ **There is hereby established in the office of the state treasurer a fund to be known as the McAuliffe-Shepard discovery center transition fund which shall be kept separate and distinct from all other funds. All monetary gifts, grants, and donations pursuant to RSA 12-L:9 intended for operations on or after January 1, 2013 shall be deposited in such fund and shall be used to assist the private operator in funding its operations on or after January 1, 2013.**

12-L:11 Transfer of Funds. The commission may transfer funds between and among line items within the discovery center budget regardless of funding source or funding mix, except that such authority shall not apply to the use of donor designated funds **or to the discovery center transition fund. On December 31, 2012, all property and assets of the discovery center, including the planetarium located in Concord, and the buildings**

and grounds related thereto, shall be transferred to the department of administrative services. Also on December 31, 2012, all funds in the McAuliffe-Shepard discovery center transition fund shall be transferred to the private operator.

5 New Sections; Corporation Established; Board; Transfer of Discovery Center Grounds and Equipment. Amend RSA 12-L by inserting after section 12 the following new sections:

12-L:13 Corporation Established. There is hereby created a body politic and corporate which shall have a distinct legal existence separate from the state and shall not constitute a department of state government, to be known as the McAuliffe-Shepard discovery center corporation to carry out the provisions of this chapter. The corporation shall be a private nonprofit corporation and shall have all of the powers necessary to carry out the purposes of this chapter, including but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source, contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this chapter.

12-L:14 McAuliffe-Shepard Discovery Center Board.

I. The powers of the McAuliffe-Shepard discovery center corporation shall be vested in the members of a board consisting of not less than 9 members. One member shall be appointed by the speaker of the house of representatives and one member shall be appointed by the senate president. The number of, the means of selection for, the length of terms, and the initial selection of the remaining board members shall be determined by the McAuliffe-Shepard discovery center commission, established in RSA 12-L:3, working in conjunction with any nonprofit organizations supporting the center, and shall be submitted to the fiscal committee of the general court for approval before September 1, 2012.

II. The McAuliffe-Shepard discovery center commission shall submit a business plan for the operation of the discovery center to the fiscal committee of the general court for approval by November 1, 2012.

III. The board is empowered to manage and operate the McAuliffe-Shepard discovery center beginning January 1, 2013.

12-L:15 Discovery Center Equipment, Software, Buildings, and Grounds.

I. Ownership of the discovery center equipment, software, buildings, and grounds shall be retained by the state.

II. The state shall retain responsibility for all debt service incurred by the discovery center prior to January 1, 2013.

III. The state shall assume all buildings and grounds routine maintenance and repair costs.

IV. The state shall enter into a 10-year, renewable lease with the private operator to occupy and operate the discovery center buildings and grounds and utilize the equipment and software beginning on January 1, 2013, at a charge of \$1 per year. Either party may terminate this lease with 90 days notice if the other party fails to make a good faith effort to meet all of its obligations under RSA 12-L.

12-L:16 Discovery Center Exhibits, Equipment, Software Licenses, and Supplies.

I. The commission shall compile a comprehensive inventory of all equipment, including exhibits and software owned by the discovery center, on June 30, 2012, which shall be updated through December 31, 2012.

II. The annual lease to the private operator shall include the use of all exhibits and equipment owned by the discovery center on December 31, 2012. The state shall allow the private operator, at its own expense, to make any upgrades to the equipment, software, and exhibits the private operator deems necessary.

III. All equipment and exhibits on loan to the discovery center on June 30, 2012, shall be identified and updated in a timely manner through December 31, 2012.

IV. The discovery center director shall work with the private operator to contact the loaners and arrange for transfer of the loans to the private operator, for those loans that the private operator wishes to continue.

V. The state shall transfer at no cost all supplies belonging to the discovery center on December 31, 2012, to the private operator.

12-L:17 Discovery Center Visitor, Donor, Program Records and Archives. All publicly available donor, visitor, and program records and archival materials owned by the discovery center on December 31, 2012, shall continue to be available to the public and to the private operator.

12-L:18 State Funds.

I. All funds appropriated to the McAuliffe-Shepard discovery center in 2011, 224:88 shall be transferred to the private operator on December 31, 2012.

II. All funds in the discovery center transition fund established in RSA 12-L:10, II shall be transferred to the private operator on December 31, 2012.

III. The private operator may apply for state grants for which it is eligible and shall receive due consideration in the state's selection of grant recipients.

6 Department of Administrative Services; Division of Plant and Property Management. Amend RSA 21-I:11, X to read as follows:

X. Subject to the direction and supervision of the commissioner of administrative services, act as custodian of the state house, legislative office building, state house annex, state library, ***the McAuliffe-Shepard discovery center, including the planetarium and all buildings and grounds related thereto***, and, with the exception of interior maintenance of the acute psychiatric services building, the Anna Philbrook center, the Tobey School building, and all transitional housing buildings including the Howard recreation building, all state-owned buildings located on the campus of the New Hampshire hospital as described in RSA 4:39-a, as well as the grounds connected with each of the foregoing properties, and have charge of all matters relating to the care, maintenance and repair of said property.

7 Supplemental Appropriation to McAuliffe-Shepard Discovery Center. In order to facilitate the transition of the McAuliffe-Shepard discovery center to a private operator, the following sums are hereby appropriated to the McAuliffe-Shepard discovery center for the fiscal year ending June 30, 2013. Funds appropriated pursuant to this section shall be in addition to any other funds appropriated to the discovery center for this or any other purpose. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

06 EDUCATION

61 MCAULIFFE-SHEPARD DISCOVERY CENTER

61 MCAULIFFE-SHEPARD DISCOVERY CENTER

610010 McAuliffe-Shepard Discovery Center

3172 REVENUE CENTERS	FY 2013
010 Personal Services-Perm Classi	54,757
019 Holiday Pay	3,210
020 Current Expenses	55,684
022 Rents-Leases Other Than State	1,448
024 Maint Other Than Build- Grnds	2,941
026 Organizational Dues	900
030 Equipment New/Replacement	9,000
040 Indirect Costs	14,258
042 Additional Fringe Benefits	2,574
046 Consultants	2,000
047 Own Forces Maint-Build-Grnds	764
048 Contractual Maint-Build-Grnds	26,258
050 Personal Service-Temp/Appointe	87,962

060 Benefits	39,567
065 Board Expenses	100
070 In-State Travel Reimbursement	1,950
080 Out-Of State Travel	1,703
TOTAL	303,373
ESTIMATED SOURCE OF FUNDS FOR	
REVENUE CENTERS	
009 Agency Income	303,373
TOTAL SOURCE OF FUNDS	303,373
06 EDUCATION	
61 MCAULIFFE-SHEPARD DISCOVERY CENTER	
61 MCAULIFFE-SHEPARD DISCOVERY CENTER	
610010 McAuliffe-Shepard Discovery Center	
3432 ADMINISTRATION	FY 2013
010 Personal Services-Perm Classi	157,327
011 Personal Services-Unclassified	46,289
018 Overtime	204
023 Heat- Electricity - Water	60,908
048 Contractual Maint-Build-Grnds	11,600
060 Benefits	109,412
TOTAL	385,740
ESTIMATED SOURCE OF FUNDS FOR	
ADMINISTRATION	
General Fund	385,740
TOTAL SOURCE OF FUNDS	385,740
06 EDUCATION	
61 MCAULIFFE-SHEPARD DISCOVERY CENTER	
61 MCAULIFFE-SHEPARD DISCOVERY CENTER	
610010 McAuliffe-Shepard Discovery Center	
3480 SCIENCE STORE	FY 2013
010 Personal Services-Perm Classi	19,417
019 Holiday Pay	417
020 Current Expenses	12
040 Indirect Costs	2,466
042 Additional Fringe Benefits	913
050 Personal Service-Temp/Appointe	3,524
060 Benefits	14,439
106 Goods For Resale	11,273
TOTAL	52,461
ESTIMATED SOURCE OF FUNDS FOR	
SCIENCE STORE	
009 Agency Income	52,461
TOTAL SOURCE OF FUNDS	52,461
06 EDUCATION	
61 MCAULIFFE-SHEPARD DISCOVERY CENTER	
61 MCAULIFFE-SHEPARD DISCOVERY CENTER	
610010 McAuliffe-Shepard Discovery Center	
3481 DONATIONS	FY 2013
020 Current Expenses	2
024 Maint Other Than Build- Grnds	2
030 Equipment New/Replacement	2
041 Audit Fund Set Aside	2
043 Debt Service	77,952

046 Consultants	2
066 Employee Training	2
070 In-State Travel Reimbursement	2
080 Out-Of State Travel	2
TOTAL	77,968
ESTIMATED SOURCE OF FUNDS FOR DONATIONS	
005 Private Local Funds	77,960
FEDERAL FUNDS	8
TOTAL SOURCE OF FUNDS	77,968
EXPENDITURE TOTAL FOR MCAULIFFE-SHEPARD DISCOVERY CENTER	
FEDERAL FUNDS	819,542
GENERAL FUND	8
OTHER FUNDS	385,740
TOTAL ESTIMATED SOURCE OF FUNDS FOR MCAULIFFE-SHEPARD DISCOVERY CENTER	433,794

8 Appropriation Reduction. In the event that estimated revenue in revenue class 005-private local funds, and 009-agency income contained in section 7 of this act is less than budgeted, the total appropriation shall be reduced by the amount of the shortfall in either actual or projected budgeted revenue. The agency head shall notify the bureau of accounting services forthwith, in writing, as to precisely which line item appropriation and in what specific amounts reductions are to be made in order to fully compensate for the total revenue deficits.

9 Repeal. The following are repealed:

- I. RSA 12-L:3-6, relative to the discovery center commission.
- II. RSA 12-L:8, relative to discovery center staff.
- III. RSA 12-L:9 and 11, relative to discovery center funds.
- IV. RSA 6:12, I(b)(172), relative to discovery center funds.
- V. RSA 12-L:10, relative to discovery center funds.

10 Supplemental Appropriation; Judicial Council; Counsel for Indigent Parents in Abuse and Neglect Cases. In addition to any other sums appropriated to the judicial council, the sum of \$250,000 is hereby appropriated to the judicial council for the fiscal year ending June 30, 2012, for the purpose of covering costs associated with payment of counsel for indigent parents in abuse and neglect cases filed in the fiscal year ending June 30, 2011 and pending in the fiscal year ending June 30, 2012. The governor is hereby authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

11 Effective Date.

- I. Section 9, paragraphs I, IV, and V of this act shall take effect March 31, 2013.
- II. Section 9, paragraphs II and III of this act shall take effect January 1, 2013.
- III. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill transfers the operations of the McAuliffe-Shepard discovery center from the state to a private nonprofit corporation and includes a supplemental appropriation to the discovery center for this purpose.

The bill also makes a supplemental appropriation to the judicial council for payment of counsel for indigent parents in neglect and abuse cases.

On a division vote, 253 members having voted in the affirmative and 40 in the negative, the committee amendment was adopted.

Committee report adopted and ordered to third reading.

HB 1285-FN, repealing the state art fund. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. William S. Belvin for the Majority of Finance: This bill originated in ED&A, passed the House and came to the House finance committee for second committee review. The bill would repeal the existing state art fund. House finance deals with the financial aspects of the bill and recommends Interim Study for financial reasons. At present, there are over 600 individual works of art and historic items the state has bought and paid for, constituting a valuable state asset in need of curating, maintenance, and as needed, repair. These necessary functions currently receive funds that are to be abolished, leaving it up to the division of cultural resources to seek new funding in future state budgets, for those responsibilities and to maintain the value of the collection. Once HB 1285 becomes law there would be no art spending cap as now exists; and the current prohibition of using funds from building repairs, transportation, fish and game, university system of New Hampshire and federal money for the calculation of art fund revenue would be eliminated, opening the general fund to unknown future art expenditures. It is because of these financial concerns, and with the intent of resolving these concerns, to include alternate funding sources other than as a percent of capital budget projects in HB 25, that the house finance committee recommends Interim Study. Vote 15-9.

Rep. Dan McGuire for the Minority of Finance: When HB 1285 was passed by the House 214-108; the policy was set that art should not be purchased on autopilot. Rather, it should be funded it through the normal budget process as was done for nearly 200 years. This bill has very little to do with art and everything to do with legislators taking responsibility for state expenditures. As the member from public works testified, that committee would budget art for each new building project as needed on a case-by-case basis. There are no complex issues here that need more study. The proposed amendment simply deletes the automatic spending, continues the fund until ongoing projects are completed, and maintains the system used by the department of cultural affairs to purchase art when monies are allocated.

The question being adoption of the majority committee report of Refer for Interim Study.

Rep. Bowers spoke against.

Rep. Belvin spoke in favor and yielded to questions.

Rep. Dan McGuire requested a roll call; sufficiently seconded.

YEAS 210 NAYS 76

YEAS 210

BELKNAP

Accornero, Harry
Millham, Alida

Fields, Dennis
Pilliod, James

Flanders, Donald
Russell, David

Greemore, Robert
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Tregenza, Norman

Fleck, Joseph
Morrow, Harry
Umberger, Karen

Knox, J. David
Patten, Betsey

CHESHIRE

Butynski, William
Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

Byrnes, John
Johnsen, Gladys
Sad, Tara
Weed, Charles

Chase, Cynthia
Moore, Charles
Smith, Edwin

Dwinell, Richard
Moore, Robert Jr
Sterling, Franklin Jr

COOS

Coulombe, Gary

Hatch, William

Rappaport, Laurence

Remick, William

Richardson, Herbert

Tholl, John Jr

Thomas, Yvonne

Tremblay, Marc

GRAFTON

Aguiar, James

Bulis, Lyle

Nordgren, Sharon

Almy, Susan

Cooney, Mary

Pierce, David

Benn, Bernard

Harding, Laurie

Taylor, Kathleen

Bradley, Lester

Ladd, Rick Jr

Townsend, Charles

HILLSBOROUGH

Avard, Kevin

Barry, Richard

Buxton, Michael

Balboni, Michael

Belanger, James

Campbell, David

Baroody, Benjamin

Belvin, William

Cebrowski, John

Barry, J. Gail

Boehm, Ralph

Christensen, D.L.

Chris

Christiansen, Lars

Cusson-Cail, Kathleen

Emerton, Larry

Gimas, John

Hardwick, Harry

Hutchinson, Winfred

LeBrun, Donald

McCarthy, Michael

Ohm, Bill

Porter, Marjorie

Rokas, Ted

Sullivan, Daniel

Ulery, Jordan

Coffey, James

Daler, Jennifer

Flanagan, Jack

Goley, Jeffrey

Hawkins, Kenneth

Jasper, Shawn

Leishman, Peter

McGuinness, Sean

Pellegrino, Tony

Proulx, Mark

Rosenwald, Cindy

Sullivan, Peter

Willette, Robert

Condra, William

Donovan, Daniel

Fredette, Robert

Gorman, Mary

Hikel, John

Krasucki, Joseph

Levasseur, Nickolas

Messier, Irene

Pepino, Leo

Ramsey, Peter

Rowe, Robert

Thomas, Joseph

Cote, David

Drisko, Richard

Gargas, Carolyn

Graham, John

Hogan, Edith

Kurk, Neal

Long, Patrick

Moran, Edward

Pilotte, Maurice

Robbins, David

Shaw, Barbara

Twombly, Timothy

MERRIMACK

Blankenbeker, Lynne

DeStefano, Stephen

Hamm, Christine

Lauer-Rago, Kathleen

McDonnell, John

Rice, Chip

Winter, Steven

Bouchard, Candace

Foose, Robert

Keane, Thomas

Lindsley, Mark

Patten, Dick

Richardson, Gary

Coffey, Jennifer

Frazer, June

Kidder, David

Lockwood, Priscilla

Potter, Frances

Shurtleff, Stephen

Deloge, Helen

Gile, Mary

Kotowski, Frank

MacKay, James

Reed, Dennis

Watrous, Rick

ROCKINGHAM

Abrami, Patrick

Birdsell, Regina

DeSimone, Debra

Garritty, James

Hoelzel, Kathleen

Lovejoy, Patricia

Moody, Marcia

Packard, Sherman

Sedensky, John

Tucker, Pamela

Welch, David

Allen, Mary

Cali-Pitts, Jacqueline

DiPentima, Rich

Griffin, Mary

Kappler, Lawrence

Mauro, Donna

Nevins, Chris

Read, Robin Jr

Shuler, Wyman III

Waddell, James

Weyler, Kenneth

Azarian, Gary

Charron, Gene

Dowling, Patricia

Hagan, Joseph

Katsakiores, Phyllis

McKinney, Betsy

Norelli, Terie

Sapienza, Marie

Smith, William

Ward, Joanne

Belanger, Ronald

Copeland, Timothy

Fesh, Robert

Headd, James

Kolodziej, Walter

McMahon, Charles

Oigny, Jeffrey

Schlachman, Donna

Sullivan, James

Webb, James

STRAFFORD

Brown, Julie

Horrigan, Timothy

Newton, Clifford

Schmidt, Peter

Browne, Brendon

Kaen, Naida

Pelletier, Marsha

Spang, Judith

Ginsburg, Philip

Keans, Sandra

Perry, Robert

Sprague, Dale

Grassie, Anne

Munck, Philip

Pitre, Joseph

Vita, Lucien

Wall, Janet

Watters, David

Weeden, Michael

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Gagnon, Raymond
Rodeschin, Beverly

Laware, Thomas
Schmidt, Andrew

NAYS 76

BELKNAP

Comtois, Guy

Malone, Robert

St. Cyr, Jeffrey

Swinford, Elaine

CARROLL

Pettengill, Laurie

CHESHIRE

Cartwright, Anne

COOS

Daugherty, Duffy

GRAFTON

Gionet, Edmond

Mirski, Paul

Sorg, Gregory

Sova, Charles

HILLSBOROUGH

Ball, J. Michael
Daniels, Gary
Marcus, Bruce
Palmer, Stephen
Scoutsas, Lisa
Soucy, Connie
Villeneuve, Moe

Bergevin, Jerry
Doherty, Shaun
Mecheski, Holly
Parison, James
Seidel, Carl
Souza, Kathleen
Whitehead, Randall

Brownrigg, Randall Jr
Hansen, Peter
Murphy, Keith
Peterson, Lenette
Silva, Peter
Stepanek, Stephen

Burt, John
Maltz, Jonathan
Notter, Jeanine
Pratt, Calvin
Simmons, Tammy
Vaillancourt, Steve

MERRIMACK

Cohn, Seth
Kreis, Kenneth Sr
Smith, Molly

Giuda, J. Brandon
McGuire, Carol
Smith, Todd

Hill, Gregory
McGuire, Dan

Hoell, J.R.
Seaworth, G. Brian

ROCKINGHAM

Baldasaro, Alfred
Comerford, Timothy
O'Connor, John
Ritter, Glenn
Tasker, Kyle

Bates, David
Duarte, Joe
Reagan, John
Sheffert, Kenneth
Tremblay, Stella

Brown, Paul
Itse, Daniel
Reichard, Kevin
Sullivan, Kevin

Chirichiello, Brian
Manuse, Andrew
Rice, Frederick
Sytek, John

STRAFFORD

DeLemus, Susan
Leonard, Frederick Jr

Groen, Warren
O'Connor, William

Jones, Kyle
Parsons, Robbie

Jones, Laura
Vita, Carol

SULLIVAN

Bowers, Spec Howard, Thomas Osgood, Joe
and the majority committee report was adopted.
Rep. Tregenza voted Yea and intended to vote Nay.
Rep. Ingbreton declared a conflict of interest and did not participate.

HB 1552-FN, relative to the reporting of funds. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Charles E. Sova for Finance: This bill expends the number of dedicated funds to be reported by state agencies and calls for frequent publications of those reports in a consolidated biennial report. It has little or no cost associated with it. Vote 23-0.

Amendment (1179h)

Amend the bill by replacing section 1 with the following:

1 Reporting Requirements for Dedicated Funds; Inclusion of All Dedicated Funds, Accounts, or Trusts. Amend RSA 6:12-e and RSA 6:12-f to read as follows:

6:12-e Reporting Requirements for Dedicated Funds. 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 an annual report with the commissioner of administrative services on or before September 15~~[-2009, and each year thereafter]~~ **of each fiscal year, covering the most recently ended fiscal year.** The commissioner of administrative services shall compile these reports into a ~~[single]~~ document **known as the annual compilation of dedicated funds report** on or before November 15 of each year 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],~~ **and** 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].~~ **The compilation shall be made available in a searchable electronic format and an extractable modified version shall be available for sorting.** Each annual report shall **be retained in the office of the state comptroller and made available as requested, and shall** include, but not be limited to:

I. **A description of the** activities the fund, account, or trust is required or intended to carry out, and an identification of all ~~[revenues]~~ **revenue sources** available to said fund, account, or trust.

II. The **actual** amount of revenue deposited into the fund, account, or trust, ~~[and]~~ the **actual** amount expended from said fund, account, or trust ~~[during the prior 2 fiscal]~~, **and the actual amount of transfers into or out of said fund, account or trust, during the prior 4 fiscal years if said data is available in a suitable format for each of those years.**

III. The balance of the fund, account, or trust at the close of the prior ~~[2]~~ **4** fiscal years **if said data is available in a suitable format for each of those years.**

6:12-f Inclusion of All Dedicated Funds, Accounts, or Trusts.

I. The definitions in RSA 6:12 shall apply to this section. Any dedicated fund, account, or trust that is to be maintained separately from the general fund shall be included in RSA 6:12, RSA 6:12-b, RSA 6:12-c, or RSA 6:12-d.

II. The department to which such a dedicated fund, account, or trust is assigned in the enabling statute shall be responsible for:

(a) Submitting a request to the department of administrative services to open an account in the state's financial records, **indicating that the assigned department has been assigned such a dedicated fund, account, or trust in an enabling statute;** and ~~[for]~~

(b) Submitting a request to the state treasurer to open and separately manage a new trust and agency fund, pursuant to RSA 6:12-c, or a new custodial and escrow account, pursuant to RSA 6:12-d.

III. ~~[Beginning on]~~ **By** November 15, 2009, and each odd-numbered year thereafter, it shall be the responsibility of the commissioner of administrative services, ~~[in consultation with the relevant assigned department]~~, to submit a report of funds, accounts, or trusts **identified by requests under subparagraph II(b) and** not included in RSA 6:12, RSA 6:12-b, RSA 6:12-c, or RSA 6:12-d to the chairpersons of the ways and means committees of the senate and house of representatives for introduction in the next legislative session in order to include said funds, accounts, or trusts in RSA 6:12, RSA 6:12-b, RSA 6:12-c, or RSA 6:12-d.

Amendment adopted.

Committee report adopted and ordered to third reading.

MOTION TO REMOVE FROM THE TABLE

Rep. Oligny moved that **HB 591**, relative to the determination of parental rights based on the best interest of the child; relative to grounds for modification of an order regarding parental rights and responsibilities, and relative to grandparent and stepparent visitation rights, be removed from the table.

On a division vote, 133 members having voted in the affirmative and 167 in the negative, the motion failed.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Giuda moved that the House reconsider its action whereby, on a division vote of 163-125 it adopted the committee report of Inexpedient to Legislate on **HB 1438**, relative to confidentiality of police personnel files.

MOTION TO SPECIAL ORDER

Rep. Jasper moved that the motion to reconsider on **HB 1438**, relative to confidentiality of police personnel files, be made a Special Order to the next Session day of March 29, 2012.

On a division vote, 194 members having voted in the affirmative and 90 in the negative, the motion was adopted.

RESOLUTION

Rep. Jasper 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 Thursday, March 29, 2012 at 9:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1325, relative to legal residency requirements for purposes of school attendance for children of divorced parents and children whose parents share decision making responsibility pursuant to a parenting plan.

HB 1241, relative to table wines.

HB 1402, relative to the sale of homemade food and licensing of certain milk producer-distributors.

HB 1597, relative to taking by eminent domain for certain purposes.

HB 1360, relative to the rulemaking authority of the state board of education.

HB 1436, establishing a liaison committee to monitor the management of natural resources by the department of resources and economic development.

HB 1508, relative to procedures of the board of mental health practice.

HB 234-FN-A, relative to food service licensure and establishing a committee to study the regulation of food service establishments.

HB 1521-FN, relative to retired state employees group insurance participation.

HB 1361, relative to fiscal notes on bills.

HB 1350, relative to the style and form of new articles and amendments to articles proposed by constitutional amendment concurrent resolutions.

HB 1395, revoking amendments to supreme court rules 50 and 50-A.

HB 1560, relative to the interstate Health Care Compact.

HB 1490-FN, relative to New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

HB 1658-FN, establishing an income and identity verification system for public assistance recipients; relative to the department of health and human services payment of residential care services; and relative to implementation of the Sean William Corey pilot program.

HB 1659-FN, relative to the women's right to know act regarding abortion information.

HB 1403, relative to providing pupils with curriculum and instruction regarding state and national sovereignty and establishing a committee to study the implementation of the International Baccalaureate program in New Hampshire.

HB 533-FN-L, establishing a cap on the amount of school building aid grants distributed in each fiscal year.

HB 1274-FN, transferring the McAuliffe-Shepard discovery center to a private nonprofit corporation and making supplemental appropriations.

HB 1552-FN, relative to the reporting of funds.

UNANIMOUS CONSENT

Rep. Watrous addressed the House.

RECESS MOTION

Rep. Jasper 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 5:35 p.m.

RECESS

(Rep. Renzullo in the Chair)

RESOLUTION

Rep. Peter Schmidt offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 202 shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee. Adopted.

INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 202, apportioning congressional districts. (Special Committee on Redistricting)

RECESS