

**COMMITTEE OF CONFERENCE
COMPARISON OF
SB 450 AND HB 1128 SECTIONS
AS PASSED**

**LBAO
05/24/10
8:00 am**

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30	30	21	Operating Budget; General Fund Appropriation Reductions; Department of Information Technology.		
31	31	21	Operating Budget; General Fund Appropriation Reduction; Department of State.		
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33	33	22	New Paragraph; Animal Population Control Program; Management of Fund.		
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44	42	24-25	Department of Health and Human Services; Suspension of Residential Rate Setting Rule.		
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47	N/A	25	Department of Health and Human Services; Suspension of Catastrophic Aid Payment.		
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48	45	26	Department of Health and Human Services; Public Assistance; Definitions.		
49	46	26-27	New Subdivision; Optional Local Meals and Rooms Tax.		
50	N/A	27-28	Rooms and Meals Tax; Distribution to Cities and Towns.		
51	47	28	Meals and Rooms Tax; Definition of Hotel; Campsites.		
52	48	28	Authorization for Debt Restructuring.		
53	49	28-29	Capital Appropriation; University System of New Hampshire.		
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63	59	33	Taxation of Interest and Dividends; What Taxable.		
64	60	33-34	New Sections; Taxation of Interests and Dividends; Partnerships and Limited Liability Companies.		
65	61	34	Repeal RSA 77:1-a, relative to definitions.		
66	62	34	Applicability. Clarifies when taxable period shall apply.		
67	63	34-36	New Chapter; Commission to Study Business Taxes Established.		
68	64	36	Repeal RSA 77-F, relative to a commission to study business taxes.		
69	N/A	36-37	New Hampshire Retirement System; Employer Contributions; State Payment.		
70	65	37-38	Department of Agriculture; Licenses; Transfers of Animals and Birds.		
71	66	38	Lottery Commission; Report Required.		
72	67	38-39	Operating Budget; Transfer of Appropriations; Adequate Education Grants; Funds From Education Trust Fund Transferred to General Fund.		
73	68	39	Application; Appropriations Reductions; All State Agencies.		
74-75	69-70	39	Special School District Meetings.		
76-77	71-72	39-40	Special Meeting of Towns for the Fiscal Year Ending June 30, 2011.		
78	73	40	State Agencies; Supplanting General Fund Reductions With Other Funds.		

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79	N/A	40	Furloughs Required for Certain State Employees.		
80	N/A	40	Reductions in Personnel Expenditures.		
81	N/A	40-41	Vacant Positions; Bumping Rights; Layoffs.		
82	N/A	41	Vacant Positions; Rehiring of Laid Off State Employees.		
83	N/A	41	New Section; Certain Transfers Prohibited.		
84	74	41-42	Department of Health and Human Services; Reduction in Appropriation.		
85	75	42	Transfer of Anna Philbrook Center Residents. (AMENDED BY THE SENATE)		
86	76	42	Shelter Care Services.		
87	N/A	42-43	Shea Farm Transitional Housing Unit; Transfer to Tobey Building.		
88	77	43	Committee to Study the Youth Development Center and State Prison for Women. (AMENDED BY THE SENATE)		
89	78	43-44	Fine Revenues.		
90-93	N/A	44-48	New Chapter; Electricity Generation Tax.		
94-95	N/A	48	Insurance Premium Tax.		
96-98	N/A	48-50	Taxation of Transfers of Certain Estates.		
99	79	50	Documentation of Marriages; Marriage License Fee.		
100	80	50-51	Fees for Copies, Verifications, and Amendments to Vital Records.		
101	81	51	Prohibition on Delay of Payment or Expenditure.		
102	82	51	Appropriations and Charges. (AMENDED BY THE SENATE)		

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N/A	83	51	Operating Budget; General Fund Appropriation Reduction; Judicial Branch.		
N/A	84	52	Department; Powers and Duties; Publication of Rates of Reimbursement Exempt From Rulemaking.		
N/A	85	52	New Paragraph; Administrative Procedure Act; Exception Added.		
N/A	86	52	Eligibility for Services Under the Medicaid Waiver.		
N/A	87	52	Repeal 2009, 144:160, relative to the catastrophic aid program.		
N/A	88	52-53	Catastrophic Aid Program.		
N/A	89	53	Department of Health and Human Services; Suspension of Home Health Rate Setting Rule.		
N/A	90	53	Authorization for general court to modify 2010-2011 state budget.		
N/A	91	53	Appropriation; Department of Health and Human Services		
N/A	92	53	Department of Health and Human Services. Alcohol Abuse Prevention and Treatment Fund.		
N/A	93-94	53-55	Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention, and Treatment.		
N/A	95	55-56	New Subdivision; Commission Exploring Certain State Inventory.		
N/A	96	56	Repeal RSA 21-I:86-91, relative to a commission to study the inventory of all state assets, enterprises, and resources that may be monetized by sale or		
N/A	97-99	56-62	Pari-Mutuel Pools on Simulcast Racing; Historical Races Added./Pari-Mutuel Pools; Distribution of Tax. /Unclaimed Ticket Money.		
N/A	100	62-63	Statement of Purpose related to regulated gaming		
N/A	101	63-110	New Chapters; Video Lottery Machines; Table Games; Commission to Study Regulatory Oversight Commission.		
N/A	102	110-113	New Section; Lottery Commission; Administration of Video Lottery.		
N/A	103	113-114	New Sections; Department of Safety; Gaming Enforcement Unit Established.		

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N/A	104	114	New Section; Racing and Charitable Gaming Commission; Duties.		
N/A	105	114	Restriction on Gambling.		
N/A	106	114-115	New Paragraph; Facility Licensee; Cocktail Lounge License.		
N/A	107	115	New Subparagraph; Authorized Video Lottery Machines.		
N/A	108	115	Rehabilitation of Problem Gaming.		
N/A	109	115-116	Duties of Commissioner; Rehabilitation of Problem Gaming.		
N/A	110	116-117	Confidentiality of Client Records; Rehabilitation of Problem Gaming.		
N/A	111	117	Rulemaking; Rehabilitation of Problem Gaming.		
N/A	112	117-118	Acceptance of Grants; Treatment of Problem Gamers.		
N/A	113	118	New Subparagraph; Gambling Offenses; Minors.		
103	114	118	Effective Dates		

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<p>1 Administration of the New Hampshire Employment Program; Duties; Rulemaking. Amend RSA 167:83, V to read as follows:</p> <p>V. The commissioner [shall] may enter into an agreement or contract with the commissioner of the department of employment security to carry out the employment program and may delegate authority and duties for the employment program to the commissioner of the department of employment security and other state agencies. The commissioner shall adopt rules for the employment program [in consultation with the commissioner of the department of employment security].</p>	<p>1 Administration of the New Hampshire Employment Program; Duties; Rulemaking. Amend RSA 167:83, V to read as follows:</p> <p>V. The commissioner [shall] may enter into an agreement or contract with the commissioner of the department of employment security to carry out the employment program and may delegate authority and duties for the employment program to the commissioner of the department of employment security and other state agencies. The commissioner shall adopt rules for the employment program [in consultation with the commissioner of the department of employment security].</p>
<p>2 Non-TANF Funded Program for 2-Parent Families With Dependent Children. Amend RSA 167:77-e to read as follows:</p> <p>167:77-e Assistance Program for 2-Parent Families with Dependent Children. [By October 1, 2008,] The department [shall] may establish a non-TANF, state-funded financial assistance program for 2-parent needy families with dependent children in which one parent is underemployed or unemployed. With the exception of parental underemployment or unemployment, client eligibility and program requirements and administration shall be in accordance with this chapter and the rules adopted under this chapter. In order to meet the federal work participation rate and avoid federally-imposed penalties, the commissioner may add additional groups of families to this state-funded, financial assistance program as funding permits and also may transfer cases back to the TANF program, pursuant to rules adopted under RSA 541-A.</p>	<p>2 Non-TANF Funded Program for 2-Parent Families With Dependent Children. Amend RSA 167:77-e to read as follows:</p> <p>167:77-e Assistance Program for 2-Parent Families with Dependent Children. [By October 1, 2008,] The department [shall] may establish a non-TANF, state-funded financial assistance program for 2-parent needy families with dependent children in which one parent is underemployed or unemployed. With the exception of parental underemployment or unemployment, client eligibility and program requirements and administration shall be in accordance with this chapter and the rules adopted under this chapter. In order to meet the federal work participation rate and avoid federally-imposed penalties, the commissioner may add additional groups of families to this state-funded, financial assistance program as funding permits and also may transfer cases back to the TANF program, pursuant to rules adopted under RSA 541-A.</p>
<p>3 Authorizing the Department of Health and Human Services to File Claims for Medical and Financial Assistance Against Abandoned Property Held by the Treasury; Filing of Claim With Administrator. Amend RSA 471-C:26, I(c)(2) and (3) to read as follows:</p> <p>(2) Except as provided in subparagraphs (5)-(7), in the case of a closed estate where the unclaimed property is valued at less than \$5,000 and does not include securities in share form, in accordance with the final distribution of assets as approved by the probate court.</p>	<p>3 Authorizing the Department of Health and Human Services to File Claims for Medical and Financial Assistance Against Abandoned Property Held by the Treasury; Filing of Claim With Administrator. Amend RSA 471-C:26, I(c)(2) and (3) to read as follows:</p> <p>(2) Except as provided in subparagraphs (5)-(7), in the case of a closed estate where the unclaimed property is valued at less than \$5,000 and does not include securities in share form, in accordance with the final distribution of assets as approved by the probate court.</p>

<p>(3) <i>Except as provided in subparagraphs (5)-(7)</i>, in the absence of an open estate or probate court decree of final distribution, and the unclaimed property is valued at less than \$5,000 and does not include securities in share form, by the surviving spouse of the deceased owner, or, if there is no surviving spouse, then to the next of kin in accordance with the provisions of RSA 561:1.</p>	<p>(3) <i>Except as provided in subparagraphs (5)-(7)</i>, in the absence of an open estate or probate court decree of final distribution, and the unclaimed property is valued at less than \$5,000 and does not include securities in share form, by the surviving spouse of the deceased owner, or, if there is no surviving spouse, then to the next of kin in accordance with the provisions of RSA 561:1.</p>
<p>4 New Subparagraphs; Filing of Claim With Administrator. Amend RSA 471-C:26, I(c) by inserting after subparagraph (4) the following new subparagraphs:</p> <p>(5) Before distributing any unclaimed property pursuant to subparagraphs (2) and (3), the administrator shall first ensure that the department of health and human services does not have a claim for medical and or financial assistance paid on behalf of the deceased owner.</p> <p>(6) In the event that the department of health and human services has a claim for medical and or financial assistance paid on behalf of the deceased owner, the department may submit a claim for such assistance using an affidavit developed by the administrator that ensures that:</p> <p>(A) No individual has moved to probate the deceased owner’s estate through which the department could assert its claim or probate administration for the deceased owner had been open and no individual has moved to reopen the estate through which the department could assert its claim;</p> <p>(B) The department does not believe, based on the information available to it, there are known expenses for the deceased owner’s necessary funeral and burial; and</p> <p>(C) Based on all facts known to the department, its recovery of this abandoned property is not limited by the prohibitions to recovery as set forth in 42 U.S.C. section 1396p and RSA 167:16-a, IV.</p> <p>(7) If the department of health and human services has made a claim against a deceased owner’s unclaimed property as provided in subparagraph (6), under no circumstances shall the administrator distribute to the department more than the claimed amount.</p>	<p>4 New Subparagraphs; Filing of Claim With Administrator. Amend RSA 471-C:26, I(c) by inserting after subparagraph (4) the following new subparagraphs:</p> <p>(5) Before distributing any unclaimed property pursuant to subparagraphs (2) and (3), the administrator shall first ensure that the department of health and human services does not have a claim for medical and or financial assistance paid on behalf of the deceased owner.</p> <p>(6) In the event that the department of health and human services has a claim for medical and or financial assistance paid on behalf of the deceased owner, the department may submit a claim for such assistance using an affidavit developed by the administrator that ensures that:</p> <p>(A) No individual has moved to probate the deceased owner’s estate through which the department could assert its claim or probate administration for the deceased owner had been open and no individual has moved to reopen the estate through which the department could assert its claim;</p> <p>(B) The department does not believe, based on the information available to it, there are known expenses for the deceased owner’s necessary funeral and burial; and</p> <p>(C) Based on all facts known to the department, its recovery of this abandoned property is not limited by the prohibitions to recovery as set forth in 42 U.S.C. section 1396p and RSA 167:16-a, IV.</p> <p>(7) If the department of health and human services has made a claim against a deceased owner’s unclaimed property as provided in subparagraph (6), under no circumstances shall the administrator distribute to the department more than the claimed amount.</p>

<p>5 Repeal. 2009, 144:211, relative to community mental health centers; administrative requirements suspended, is repealed.</p>	<p>5 Repeal. 2009, 144:211, relative to community mental health centers; administrative requirements suspended, is repealed.</p>
<p>6 Department of Health and Human Services; Transfer Among Accounts. Amend 2009, 144:39, III to read as follows:</p> <p>III. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the contrary except RSA 9:17-c, and subject to the approval of the fiscal committee of the general court and governor and council, for the biennium ending June 30, 2011, the commissioner of the department of health and human services is hereby authorized to transfer funds within and among all [PAUs] accounting units within the department, as the commissioner deems necessary and appropriate to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and otherwise as necessary for the efficient management of the department[with the exception of class 60 transfers]. <i>This transfer authority shall not apply to funds for employee benefits appropriated in class 60 which were previously transferred to the employee benefit adjustment account as defined in RSA 9:17-c.</i></p>	<p>6 Department of Health and Human Services; Transfer Among Accounts. Amend 2009, 144:39, III to read as follows:</p> <p>III. Notwithstanding the provisions of RSA 9:17-a or any other provision of law to the contrary except RSA 9:17-c, and subject to the approval of the fiscal committee of the general court and governor and council, for the biennium ending June 30, 2011, the commissioner of the department of health and human services is hereby authorized to transfer funds within and among all [PAUs] accounting units within the department, as the commissioner deems necessary and appropriate to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and otherwise as necessary for the efficient management of the department[with the exception of class 60 transfers]. <i>This transfer authority shall not apply to funds for employee benefits appropriated in class 60 which were previously transferred to the employee benefit adjustment account as defined in RSA 9:17-c.</i></p>
<p>7 Lead Paint Poisoning Prevention and Control; Rulemaking. Amend RSA 130-A:10, IV to read as follows:</p> <p>IV. Fees to be collected for the issuance of licenses to lead inspectors, lead risk assessors, lead abatement contractors, for certification of lead abatement workers and lead clearance testing technicians, for testing resulting from investigations, for certifications of training programs, <i>exam and training fees</i>, [and] for notifications under RSA 130-A, <i>and other environmental fees</i>. Property owners who own more than 4 but fewer than 7 dwelling units shall pay a fee for licensure which is 1/2 of that paid by other lead abatement contractor licensees. Such reduced fee license shall only be valid for work on dwellings or dwelling units owned by such license holder.</p>	<p>7 Lead Paint Poisoning Prevention and Control; Rulemaking. Amend RSA 130-A:10, IV to read as follows:</p> <p>IV. Fees to be collected for the issuance of licenses to lead inspectors, lead risk assessors, lead abatement contractors, for certification of lead abatement workers and lead clearance testing technicians, for testing resulting from investigations, for certifications of training programs, <i>exam and training fees</i>, [and] for notifications under RSA 130-A, <i>and other environmental fees</i>. Property owners who own more than 4 but fewer than 7 dwelling units shall pay a fee for licensure which is 1/2 of that paid by other lead abatement contractor licensees. Such reduced fee license shall only be valid for work on dwellings or dwelling units owned by such license holder.</p>
<p>8 Lead Poisoning Prevention Fund. Amend RSA 130-A:15 to read as follows:</p> <p>130-A:15 Lead Poisoning Prevention Fund. There is hereby established the lead poisoning prevention fund to be used to carry out the provisions of this chapter. The fund shall be composed</p>	<p>8 Lead Poisoning Prevention Fund. Amend RSA 130-A:15 to read as follows:</p> <p>130-A:15 Lead Poisoning Prevention Fund. There is hereby established the lead poisoning prevention fund to be used to carry out the provisions of this chapter. The fund shall be composed</p>

<p>of fees, fines, gifts, grants, donations, bequests, or other moneys from any public or private source and shall be used to implement and encourage lead paint removal and education, and to support program staff and administrative costs. The fund shall be nonlapsing and shall be continually appropriated to the commissioner of the department of health and human services for the purposes of this chapter.</p>	<p>of fees, fines, gifts, grants, donations, bequests, or other moneys from any public or private source and shall be used to implement and encourage lead paint removal and education, and to support program staff and administrative costs. The fund shall be nonlapsing and shall be continually appropriated to the commissioner of the department of health and human services for the purposes of this chapter.</p>
<p>9 New Paragraph; Department of Health and Human Services; Duties of the Department. Amend RSA 161:2 by inserting after paragraph XVII the following new paragraph: XVIII. Refugee Resettlement. Administer the New Hampshire refugee resettlement program as funded by and in cooperation with the United States Department of Health and Human Services under the Refugee Act of 1980.</p>	<p>9 New Paragraph; Department of Health and Human Services; Duties of the Department. Amend RSA 161:2 by inserting after paragraph XVII the following new paragraph: XVIII. Refugee Resettlement. Administer the New Hampshire refugee resettlement program as funded by and in cooperation with the United States Department of Health and Human Services under the Refugee Act of 1980.</p>
<p>10 New Section; Special Fund; Civil Fines. Amend RSA 151 by inserting after section 16-a the following new section: 151:16-b Civil Fines. All administrative fines and other civil monetary penalties collected by the department from facilities licensed under this chapter shall be kept by the state treasurer in a separate, non-lapsing, interest bearing account. Interest earned on moneys deposited in the account shall be deposited into the account. The moneys in the account shall be used by the department for the protection of the health and property of residents of facilities licensed under this chapter.</p>	<p>10 New Section; Special Fund; Civil Fines. Amend RSA 151 by inserting after section 16-a the following new section: 151:16-b Civil Fines. All administrative fines and other civil monetary penalties collected by the department from facilities licensed under this chapter shall be kept by the state treasurer in a separate, non-lapsing, interest bearing account. Interest earned on moneys deposited in the account shall be deposited into the account. The moneys in the account shall be used by the department for the protection of the health and property of residents of facilities licensed under this chapter.</p>
<p>11 New Subparagraph; Special Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (299) the following new subparagraph: (300) Civil fines collected under RSA 151:16-b, which shall be deposited as provided in such section.</p>	<p>11 New Subparagraph; Special Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (299) the following new subparagraph: (300) Civil fines collected under RSA 151:16-b, which shall be deposited as provided in such section.</p>
<p>12 Medicaid Enhancement Tax; Due Date. Amend RSA 84-A:3, II-a to read as follows: II-a. For the taxable period beginning July 1, 1993, and for every taxable period thereafter, each hospital shall pay 100 percent of its medicaid enhancement tax due and payable for the taxable period no later than the fifteenth day of the third fourth month of the taxable</p>	<p>12 Medicaid Enhancement Tax; Due Date. Amend RSA 84-A:3, II-a to read as follows: II-a. For the taxable period beginning July 1, 1993, and for every taxable period thereafter, each hospital shall pay 100 percent of its medicaid enhancement tax due and payable for the taxable period no later than the fifteenth day of the third fourth month of the taxable</p>

<p>period. Notwithstanding any provision of this chapter or any other law, no penalty or interest shall be imposed for failure to make payment of tax when due if such payment is made on or before the last day of the month in which such payment is due.</p>	<p>period. Notwithstanding any provision of this chapter or any other law, no penalty or interest shall be imposed for failure to make payment of tax when due if such payment is made on or before the last day of the month in which such payment is due.</p>
<p>13 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, I(a)(3) to read as follows:</p> <p>(3) Required to furnish proof of successful completion of an impaired driver intervention program prior to the restoration of the person’s driver’s license or privilege to drive, provided that, if the person has previously completed, or been required by a court or the department of safety to complete, an impaired driver intervention program (I.D.I.P.) or any similar program in any jurisdiction, the person shall be required to furnish proof of successful completion of the multiple DWI offender intervention [detention center] program (M.O.P.) or an equivalent 7-day residential intervention program approved by the commissioner of health and human services;</p>	<p>13 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, I(a)(3) to read as follows:</p> <p>(3) Required to furnish proof of successful completion of an impaired driver intervention program prior to the restoration of the person’s driver’s license or privilege to drive, provided that, if the person has previously completed, or been required by a court or the department of safety to complete, an impaired driver intervention program (I.D.I.P.) or any similar program in any jurisdiction, the person shall be required to furnish proof of successful completion of the multiple DWI offender intervention [detention center] program (M.O.P.) or an equivalent 7-day residential intervention program approved by the commissioner of health and human services;</p>
<p>14 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, I(b)(3) to read as follows:</p> <p>(3) Sentenced to a mandatory sentence of not less than 10 consecutive days of which 3 consecutive 24-hour periods shall be served in the county correctional facility and 7 consecutive days shall be served at the [state operated] 7-day multiple DWI offender intervention [detention center] program established under RSA 265-A:40, which sentence shall begin no later than [21] 45 days after conviction. In the event that the [state operated] 7-day multiple DWI offender intervention [detention center] program has no available space, the person shall be assigned to an equivalent 7-day residential intervention program approved by the commissioner of health and human services. The person shall begin following any treatment recommendations arising out of the final evaluation given to the person at the multiple DWI offender intervention [detention center] program or equivalent program within 60 days after the person has completed serving the required 7 consecutive days or such other time as the court may order;</p>	<p>14 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, I(b)(3) to read as follows:</p> <p>(3) Sentenced to a mandatory sentence of not less than 10 consecutive days of which 3 consecutive 24-hour periods shall be served in the county correctional facility and 7 consecutive days shall be served at the [state operated] 7-day multiple DWI offender intervention [detention center] program established under RSA 265-A:40, which sentence shall begin no later than [21] 45 days after conviction. In the event that the [state operated] 7-day multiple DWI offender intervention [detention center] program has no available space, the person shall be assigned to an equivalent 7-day residential intervention program approved by the commissioner of health and human services. The person shall begin following any treatment recommendations arising out of the final evaluation given to the person at the multiple DWI offender intervention [detention center] program or equivalent program within 60 days after the person has completed serving the required 7 consecutive days or such other time as the court may order;</p>

15 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, I(c)(3) to read as follows:

(3) Sentenced to a mandatory sentence of not less than 21 consecutive days of which 14 consecutive 24-hour periods shall be served in the county correctional facility followed by 7 consecutive days served at the ~~[state-operated]~~ 7-day multiple DWI offender intervention ~~[detention-center]~~ **program** established under RSA 265-A:40, which sentence shall begin no later than 21 days after conviction. In the event that the ~~[state-operated]~~ 7-day multiple DWI offender intervention ~~[detention-center]~~ **program** has no available space the person shall be assigned to an equivalent 7-day residential intervention program approved by the commissioner of health and human services, and the remainder of the sentence may be deferred at the court’s discretion. The person shall begin following any treatment recommendations arising out of the final evaluation given to the person at the multiple DWI offender intervention ~~[detention-center]~~ **program** or equivalent program within 60 days after the person has completed serving the required 7 consecutive days or such other time as the court may order. The court may, at the satisfactory completion of any ordered treatment, suspend any remaining deferred sentence. Failure to successfully complete any court-ordered intervention program or recommended treatment shall result in the imposition of any remaining deferred sentence; and

16 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, IV(a)(3)-(5) to read as follows:

(3)(A) If the complaint alleges that the prior conviction occurred within 2 years preceding the date of the second offense, the person shall be sentenced to a mandatory sentence of not less than 37 consecutive days of which 30 consecutive 24-hour periods shall be served in the county correctional facility followed by 7 consecutive days to be served at the ~~[state-operated]~~ 7-day multiple DWI offender intervention ~~[detention-center]~~ **program** established under RSA 265-A:40 within 21 days after conviction, except that in circumstances where the ~~[state-operated]~~ 7-day multiple DWI offender intervention ~~[detention-center]~~ **program** has no available space the

15 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, I(c)(3) to read as follows:

(3) Sentenced to a mandatory sentence of not less than 21 consecutive days of which 14 consecutive 24-hour periods shall be served in the county correctional facility followed by 7 consecutive days served at the ~~[state-operated]~~ 7-day multiple DWI offender intervention ~~[detention-center]~~ **program** established under RSA 265-A:40, which sentence shall begin no later than 21 days after conviction. In the event that the ~~[state-operated]~~ 7-day multiple DWI offender intervention ~~[detention-center]~~ **program** has no available space the person shall be assigned to an equivalent 7-day residential intervention program approved by the commissioner of health and human services, and the remainder of the sentence may be deferred at the court’s discretion. The person shall begin following any treatment recommendations arising out of the final evaluation given to the person at the multiple DWI offender intervention ~~[detention-center]~~ **program** or equivalent program within 60 days after the person has completed serving the required 7 consecutive days or such other time as the court may order. The court may, at the satisfactory completion of any ordered treatment, suspend any remaining deferred sentence. Failure to successfully complete any court-ordered intervention program or recommended treatment shall result in the imposition of any remaining deferred sentence; and

16 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, IV(a)(3)-(5) to read as follows:

(3)(A) If the complaint alleges that the prior conviction occurred within 2 years preceding the date of the second offense, the person shall be sentenced to a mandatory sentence of not less than 37 consecutive days of which 30 consecutive 24-hour periods shall be served in the county correctional facility followed by 7 consecutive days to be served at the ~~[state-operated]~~ 7-day multiple DWI offender intervention ~~[detention-center]~~ **program** established under RSA 265-A:40 within 21 days after conviction, except that in circumstances where the ~~[state-operated]~~ 7-day multiple DWI offender intervention ~~[detention-center]~~ **program** has no available space the

person shall be assigned to an equivalent 7-day residential intervention program approved by the commissioner of health and human services. The person shall begin following any treatment recommendations arising out of the final evaluation given to the person at the multiple DWI offender intervention ~~[detention center]~~ **program** or equivalent program within 60 days after the person has completed serving the required 30 consecutive 24-hour periods or such other time as the court may order.

(B) If the complaint alleges that the prior conviction occurred more than 2 but not more than 10 years preceding the date of the second offense, the person shall be sentenced to a mandatory sentence of not less than 10 consecutive days of which 3 consecutive 24-hour periods shall be served in the county correctional facility and 7 consecutive days shall be served at the ~~[state operated]~~ 7-day multiple DWI offender intervention ~~[detention center]~~ **program** established under RSA 265-A:40, which sentence shall begin no later than 21 days after conviction. In the event that the ~~[state operated]~~ 7-day multiple DWI offender intervention ~~[detention center]~~ **program** has no available space the person shall be assigned to an equivalent 7-day residential intervention program approved by the commissioner of health and human services. The person shall begin following any treatment recommendations arising out of the final evaluation given to the person at the multiple DWI offender intervention ~~[detention center]~~ **program** or equivalent program within 60 days after the person has completed serving the required 7 consecutive days or such other time as the court may order.

(4) The person’s driver’s license or privilege to drive shall be revoked for not less than 3 years.

(5) The person shall pay a fee ~~[to the commissioner]~~, as established under RSA 126-A:43, for the costs of the ~~[state operated]~~ 7-day multiple DWI offender intervention ~~[detention center]~~ program prior to license restoration. If the person attends an approved equivalent 7-day residential intervention program, the fees and costs shall be paid to the program.

17 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, VI

person shall be assigned to an equivalent 7-day residential intervention program approved by the commissioner of health and human services. The person shall begin following any treatment recommendations arising out of the final evaluation given to the person at the multiple DWI offender intervention ~~[detention center]~~ **program** or equivalent program within 60 days after the person has completed serving the required 30 consecutive 24-hour periods or such other time as the court may order.

(B) If the complaint alleges that the prior conviction occurred more than 2 but not more than 10 years preceding the date of the second offense, the person shall be sentenced to a mandatory sentence of not less than 10 consecutive days of which 3 consecutive 24-hour periods shall be served in the county correctional facility and 7 consecutive days shall be served at the ~~[state operated]~~ 7-day multiple DWI offender intervention ~~[detention center]~~ **program** established under RSA 265-A:40, which sentence shall begin no later than 21 days after conviction. In the event that the ~~[state operated]~~ 7-day multiple DWI offender intervention ~~[detention center]~~ **program** has no available space the person shall be assigned to an equivalent 7-day residential intervention program approved by the commissioner of health and human services. The person shall begin following any treatment recommendations arising out of the final evaluation given to the person at the multiple DWI offender intervention ~~[detention center]~~ **program** or equivalent program within 60 days after the person has completed serving the required 7 consecutive days or such other time as the court may order.

(4) The person’s driver’s license or privilege to drive shall be revoked for not less than 3 years.

(5) The person shall pay a fee to the commissioner, as established under RSA 126-A:43, for the costs of the ~~[state operated]~~ 7-day multiple DWI offender intervention ~~[detention center]~~ program prior to license restoration. If the person attends an approved equivalent 7-day residential intervention program, the fees and costs shall be paid to the program.

17 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, VI

<p>to read as follows:</p> <p>VI. If any person is convicted of a violation of RSA 265-A:2, I or RSA 265-A:3, and the conviction is not based upon a complaint which alleges prior convictions as provided in paragraph IV, but the person is found to have had one or more such prior convictions in this state or in an out-of-state jurisdiction within 10 years preceding the date of the offense, the person’s driver’s license or privilege to drive shall be revoked for not less than one year nor more than 3 years. Except for good cause found by the court and noted in writing, the court may suspend up to 6 months of this sentence, provided that within 45 days after conviction the person has entered the 7-day program at the [state-operated] multiple DWI offender intervention [detention-center] program or an equivalent 7-day residential intervention program approved by the commissioner of health and human services, as provided in RSA 265-A:40 and RSA 265-A:42. The person’s license shall not be restored until the person has successfully completed the program. The court may further order attendance at a residential treatment center, for a period not to exceed 30 days, at the person’s own expense.</p>	<p>to read as follows:</p> <p>VI. If any person is convicted of a violation of RSA 265-A:2, I or RSA 265-A:3, and the conviction is not based upon a complaint which alleges prior convictions as provided in paragraph IV, but the person is found to have had one or more such prior convictions in this state or in an out-of-state jurisdiction within 10 years preceding the date of the offense, the person’s driver’s license or privilege to drive shall be revoked for not less than one year nor more than 3 years. Except for good cause found by the court and noted in writing, the court may suspend up to 6 months of this sentence, provided that within 45 days after conviction the person has entered the 7-day program at the [state-operated] multiple DWI offender intervention [detention-center] program or an equivalent 7-day residential intervention program approved by the commissioner of health and human services, as provided in RSA 265-A:40 and RSA 265-A:42. The person’s license shall not be restored until the person has successfully completed the program. The court may further order attendance at a residential treatment center, for a period not to exceed 30 days, at the person’s own expense.</p>
<p>18 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, XI to read as follows:</p> <p>XI. Any person convicted of a violation of RSA 265-A:2, RSA 265-A:3, or RSA 265-A:19, II, and who at the time of driving or attempting to drive a vehicle or off highway recreational vehicle or operating or attempting to operate a boat was transporting a person under the age of 16, shall have the driver’s license or privilege to drive revoked for the maximum time period under the section violated and the person’s license or privilege to drive shall not be restored until the offender has successfully completed a 7-day program at the [state-operated] multiple DWI offender program or an equivalent 7-day residential intervention program approved by the commissioner at the person’s own expense.</p>	<p>18 Penalties for Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, XI to read as follows:</p> <p>XI. Any person convicted of a violation of RSA 265-A:2, RSA 265-A:3, or RSA 265-A:19, II, and who at the time of driving or attempting to drive a vehicle or off highway recreational vehicle or operating or attempting to operate a boat was transporting a person under the age of 16, shall have the driver’s license or privilege to drive revoked for the maximum time period under the section violated and the person’s license or privilege to drive shall not be restored until the offender has successfully completed a 7-day program at the [state-operated] multiple DWI offender program or an equivalent 7-day residential intervention program approved by the commissioner at the person’s own expense.</p>
<p>19 Penalties for Boating While Intoxicated. Amend RSA 265-A:19, II to read as follows:</p> <p>II. Any person convicted of a violation of RSA 265-A:2, II who at the time of the violation</p>	<p>19 Penalties for Boating While Intoxicated. Amend RSA 265-A:19, II to read as follows:</p> <p>II. Any person convicted of a violation of RSA 265-A:2, II who at the time of the violation</p>

<p>was transporting a person under the age of 16 shall not operate a boat on the waters of this state until the offender has successfully completed a 7-day program at the [state-operated] multiple DWI offender program or an equivalent 7-day residential intervention program approved by the department of health and human services at the person’s own expense. Any person operating a boat in violation of this paragraph is guilty of a misdemeanor.</p>	<p>was transporting a person under the age of 16 shall not operate a boat on the waters of this state until the offender has successfully completed a 7-day program at the [state-operated] multiple DWI offender program or an equivalent 7-day residential intervention program approved by the department of health and human services at the person’s own expense. Any person operating a boat in violation of this paragraph is guilty of a misdemeanor.</p>
<p>20 Impaired Driver Intervention Programs. Amend RSA 265-A:39, I to read as follows: I. Except as provided in paragraph IV, the commissioner of the department of health and human services shall be responsible for biennially approving the impaired driver intervention programs and 7-day residential intervention programs equivalent to the multiple DWI offender intervention [detention-center] program (M.O.P.) which persons convicted under RSA 265-A:2 or RSA 265-A:3 shall attend in order to regain their driver’s licenses or driving privileges; but the commissioner of the department of health and human services shall not approve any impaired driver intervention program unless such program is conducted without cost to the state. Notwithstanding RSA 6:12, any fees collected under subparagraph IV(g) of this section shall be placed in a nonlapsing revolving account and shall be used by the commissioner for the purposes of this subdivision only.</p>	<p>20 Impaired Driver Intervention Programs. Amend RSA 265-A:39, I to read as follows: I. Except as provided in paragraph IV, the commissioner of the department of health and human services shall be responsible for biennially approving the impaired driver intervention programs and 7-day residential intervention programs equivalent to the multiple DWI offender intervention [detention-center] program (M.O.P.) which persons convicted under RSA 265-A:2 or RSA 265-A:3 shall attend in order to regain their driver’s licenses or driving privileges; but the commissioner of the department of health and human services shall not approve any impaired driver intervention program unless such program is conducted without cost to the state. Notwithstanding RSA 6:12, any fees collected under subparagraph IV(g) of this section shall be placed in a nonlapsing revolving account and shall be used by the commissioner for the purposes of this subdivision only.</p>
<p>21 Multiple DWI Offender Intervention Program. RSA 265-A:40 is repealed and reenacted to read as follows: 265-A:40 Multiple DWI Offender Intervention Program. I. The commissioner of the department of health and human services shall be responsible for the establishment and administration of the 7-day multiple DWI offender intervention program which persons convicted under RSA 265-A:2 or RSA 265-A:3 or sentenced pursuant to RSA 651:2, V(h) may be required to attend. The commissioner shall have the authority to directly operate the program, to approve community-based providers to operate the program in accordance with rules adopted pursuant to RSA 541-A, or to contract with public or private entities to operate the program.</p>	<p>AMENDED BY THE SENATE 21 Multiple DWI Offender Intervention Program. RSA 265-A:40 is repealed and reenacted to read as follows: 265-A:40 Multiple DWI Offender Intervention Program. I. The commissioner of the department of health and human services shall be responsible for the establishment and administration of the 7-day multiple DWI offender intervention program which persons convicted under RSA 265-A:2 or RSA 265-A:3 or sentenced pursuant to RSA 651:2, V(h) may be required to attend. The commissioner shall have the authority to directly operate the program, to approve community-based providers to operate the program in accordance with rules adopted pursuant to RSA 541-A, or to contract with public or private entities to operate</p>

II. Any person who attends the 7-day multiple DWI offender intervention program shall be required to pay the fees for the program.

III. The 7-day multiple DWI offender intervention program shall furnish to the courts a report indicating when a person has completed attendance at the program, and shall furnish to the division of motor vehicles, department of safety, a report indicating when a person who attends the program pursuant to RSA 265-A:18 has successfully completed the program and treatment or involvement in a substance abuse program when appropriate and warranted.

IV. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to the operation of the 7-day multiple DWI offender intervention program with respect to:

- (a) Program curriculum and content.
- (b) Any other matter related to the proper administration of this section.

the program.

II. Any person who attends the 7-day multiple DWI offender intervention program shall be required to pay the fees for the program to the department of health and human services. Full payment shall be made in advance unless the person has entered into a payment plan contract with the office of reimbursements prior to entry into the program. Payment of all fees shall be made no later than one year after completion of the program. The fees shall be sufficient to make the program self-supporting, exclusive of start-up costs. The fees collected shall be deposited in a special account in the office of the state treasurer and utilized as provided in RSA 265-A:41.

III. The 7-day multiple DWI offender intervention program shall furnish to the courts a report indicating when a person has completed attendance at the program, and shall furnish to the division of motor vehicles, department of safety, a report indicating when a person who attends the program pursuant to RSA 265-A:18 has successfully completed the program and treatment or involvement in a substance abuse program when appropriate and warranted.

IV. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to the operation of the 7-day multiple DWI offender intervention program with respect to:

- (a) Program curriculum and content.
- (b) Any other matter related to the proper administration of this section.

22 Impaired Driver Intervention Programs; Utilization of Funds. Amend RSA 265-A:41 to read as follows:

265-A:41 Utilization of Funds. All funds derived from the fees collected by the commissioner of the department of health and human services under RSA 265-A:18 shall be paid over to the state treasurer within 10 days of the subsequent month, or at an earlier date, for deposit into a separate account in the treasury known as the 7-day multiple DWI offender intervention [~~detention center~~] program account. These funds are appropriated as indicated in the operating budget as a source of funds for the 7-day multiple DWI offender intervention [~~detention center~~]

22 Impaired Driver Intervention Programs; Utilization of Funds. Amend RSA 265-A:41 to read as follows:

265-A:41 Utilization of Funds. All funds derived from the fees collected by the commissioner of the department of health and human services under RSA 265-A:18 shall be paid over to the state treasurer within 10 days of the subsequent month, or at an earlier date, for deposit into a separate account in the treasury known as the 7-day multiple DWI offender intervention [~~detention center~~] program account. These funds are appropriated as indicated in the operating budget as a source of funds for the 7-day multiple DWI offender intervention [~~detention center~~]

<p>program. Any funds remaining in the account over the appropriation indicated in the operating budget shall lapse into the general fund at the end of each fiscal year.</p>	<p>program. Any funds remaining in the account over the appropriation indicated in the operating budget shall lapse into the general fund at the end of each fiscal year.</p>
<p>23 Impaired Driver Intervention Programs; Attendance Required. Amend RSA 265-A:42, IV(b) to read as follows: (b) In the case of enrollment in the [state-operated] 7-day multiple DWI offender intervention [detention-center] program, a person shall provide such certified copy at the time of enrollment or prior to the issuance of a report under RSA 265-A:40, III and RSA 265-A:18, VIII.</p>	<p>23 Impaired Driver Intervention Programs; Attendance Required. Amend RSA 265-A:42, IV(b) to read as follows: (b) In the case of enrollment in the [state-operated] 7-day multiple DWI offender intervention [detention-center] program, a person shall provide such certified copy at the time of enrollment or prior to the issuance of a report under RSA 265-A:40, III and RSA 265-A:18, VIII.</p>
<p>24 Sentences and Limitations. Amend RSA 651:2, V(h) to read as follows: (h) In cases of a person convicted of a felony or class A misdemeanor, a court may sentence such person to 7 consecutive 24-hour periods to be served at the [state-operated] 7-day multiple DWI offender intervention [detention-center] program established under RSA 265-A:40, if the evidence demonstrates that alcohol was a contributing factor in the commission of the offense and provided that space is available in the program and such person pays the fees for the program in full prior to admission.</p>	<p>24 Sentences and Limitations. Amend RSA 651:2, V(h) to read as follows: (h) In cases of a person convicted of a felony or class A misdemeanor, a court may sentence such person to 7 consecutive 24-hour periods to be served at the [state-operated] 7-day multiple DWI offender intervention [detention-center] program established under RSA 265-A:40, if the evidence demonstrates that alcohol was a contributing factor in the commission of the offense and provided that space is available in the program and such person pays the fees for the program in full prior to admission.</p>
<p>25 Report Required. The commission to examine driving while impaired education and intervention programs shall, pursuant to the authority under 2008, 256:10, as extended by 2009, 202:5, study the penalties for intoxication or under the influence of drugs offenses, including but not limited to the multiple DWI offender intervention program. Based upon available research and data, the commission shall review and evaluate the merits of the penalties and the program in order to develop recommendations on these issues. On or before November 1, 2010, the commission shall report its findings to the governor’s commission on alcohol and drug abuse prevention, intervention, and treatment, the speaker of the house of representatives, the president of the senate, the commissioner of the department of health and human services, the house clerk, the senate clerk, the state library, and the governor and shall make recommendations, if appropriate, for future legislation to address these issues.</p>	<p>25 Report Required. The commission to examine driving while impaired education and intervention programs shall, pursuant to the authority under 2008, 256:10, as extended by 2009, 202:5, study the penalties for intoxication or under the influence of drugs offenses, including but not limited to the multiple DWI offender intervention program. Based upon available research and data, the commission shall review and evaluate the merits of the penalties and the program in order to develop recommendations on these issues. On or before November 1, 2010, the commission shall report its findings to the governor’s commission on alcohol and drug abuse prevention, intervention, and treatment, the speaker of the house of representatives, the president of the senate, the commissioner of the department of health and human services, the house clerk, the senate clerk, the state library, and the governor and shall make recommendations, if appropriate, for future legislation to address these issues.</p>
<p>26 State Treasurer; Application of Receipts. Amend RSA 6:12, I (b)(147) to read as follows:</p>	<p>26 State Treasurer; Application of Receipts. Amend RSA 6:12, I (b)(147) to read as follows:</p>

<p>(147) Moneys deposited in the 7-day multiple DWI offender intervention [detention center] program account under RSA 265-A:41.</p>	<p>(147) Moneys deposited in the 7-day multiple DWI offender intervention [detention center] program account under RSA 265-A:41.</p>
<p>27 Department of Health and Human Services; Office of Reimbursements; Duties. Amend RSA 126-A:34, I(a) to read as follows:</p> <p>(a) Review and investigate all records of the New Hampshire hospital, Laconia developmental services, the secure psychiatric unit, the Glencliff home, the Anna Philbrook center, and the multiple DWI offender intervention [detention center] program (M.O.P.), relative to expenses incurred by patients, residents, or clients at such institutions, facilities, or programs or expenses incurred by patients, residents, or clients receiving care, treatment, services, or maintenance at the direction of the commissioner of health and human services, and make recommendations to the commissioner and to the respective superintendents or directors of such institutions, facilities, or programs as to the rates to be charged for the care, treatment, and maintenance of such patients, residents, or clients.</p>	<p>27 Department of Health and Human Services; Office of Reimbursements; Duties. Amend RSA 126-A:34, I(a) to read as follows:</p> <p>(a) Review and investigate all records of the New Hampshire hospital, Laconia developmental services, the secure psychiatric unit, the Glencliff home, the Anna Philbrook center, and the multiple DWI offender intervention [detention center] program (M.O.P.), relative to expenses incurred by patients, residents, or clients at such institutions, facilities, or programs or expenses incurred by patients, residents, or clients receiving care, treatment, services, or maintenance at the direction of the commissioner of health and human services, and make recommendations to the commissioner and to the respective superintendents or directors of such institutions, facilities, or programs as to the rates to be charged for the care, treatment, and maintenance of such patients, residents, or clients.</p>
<p>28 Department of Health and Human Services; Office of Reimbursements; Financial Statements. Amend RSA 126-A:38, II-III to read as follows:</p> <p>II. Persons admitted to the multiple DWI offender intervention [detention center] program (M.O.P.) who do not pay program fees in full at the time of admission shall file a financial statement under penalty of perjury on forms provided for this purpose by the office of reimbursements and shall enter a payment contract for balance of fees due. The office of reimbursements shall be entitled to recover reasonable attorneys fees and costs of collection for program fees not paid in accordance with a payment contract.</p> <p>III. Persons admitted to the multiple DWI offender intervention [detention center] program (M.O.P.) shall notify the office of reimbursements of each change of mail address and actual street address until that person has made payment in full of fees due in accordance with an M.O.P. payment contract. Whenever notice to a person subject to a payment contract is required, notice to the last mail address on file with the office of reimbursements shall be deemed notice to</p>	<p>28 Department of Health and Human Services; Office of Reimbursements; Financial Statements. Amend RSA 126-A:38, II-III to read as follows:</p> <p>II. Persons admitted to the multiple DWI offender intervention [detention center] program (M.O.P.) who do not pay program fees in full at the time of admission shall file a financial statement under penalty of perjury on forms provided for this purpose by the office of reimbursements and shall enter a payment contract for balance of fees due. The office of reimbursements shall be entitled to recover reasonable attorneys fees and costs of collection for program fees not paid in accordance with a payment contract.</p> <p>III. Persons admitted to the multiple DWI offender intervention [detention center] program (M.O.P.) shall notify the office of reimbursements of each change of mail address and actual street address until that person has made payment in full of fees due in accordance with an M.O.P. payment contract. Whenever notice to a person subject to a payment contract is required, notice to the last mail address on file with the office of reimbursements shall be deemed notice to</p>

LBAO – 05/24/10 (8:00am)
HOUSE PASSED (SB 450)

SIDE BY SIDE COMPARISON
SENATE PASSED (HB 1128)

and binding on the payer.	and binding on the payer.
29 Operating Budget; Lapse; Legislative Branch. Notwithstanding 2009, 143:1, the legislative branch shall lapse an additional \$312,000 for the fiscal year ending June 30, 2010 and lapse an additional \$669,000 for the fiscal year ending June 30, 2011. The reductions required by this section shall be in addition to the lapse required pursuant to 2009, 143:10 and in addition to the lapse required pursuant to 2010, 4:1.	29 Operating Budget; Lapse; Legislative Branch. Notwithstanding 2009, 143:1, the legislative branch shall lapse an additional \$312,000 for the fiscal year ending June 30, 2010 and lapse an additional \$669,000 for the fiscal year ending June 30, 2011. The reductions required by this section shall be in addition to the lapse required pursuant to 2009, 143:10 and in addition to the lapse required pursuant to 2010, 4:1.
30 Operating Budget; General Fund Appropriation Reductions; Department of Information Technology. Notwithstanding 2009, 143:1, the department of information technology, in consultation with the department of administrative services, shall reduce class lines of the department by an amount that will result in additional reductions of general funded agencies' appropriations for class 27 totaling \$2,175,000 for the fiscal year ending June 30, 2011. The reductions required under this section shall be in addition to any reductions required pursuant to 2009, 143:12 and by Executive Order No. 2010-02. The commissioner of the department of information technology shall submit to the fiscal committee of the general court and the commissioner of the department of administrative services an itemization of the reductions in expenditure classes made to implement this section on or before July 31, 2010.	30 Operating Budget; General Fund Appropriation Reductions; Department of Information Technology. Notwithstanding 2009, 143:1, the department of information technology, in consultation with the department of administrative services, shall reduce class lines of the department by an amount that will result in additional reductions of general funded agencies' appropriations for class 27 totaling \$2,175,000 for the fiscal year ending June 30, 2011. The reductions required under this section shall be in addition to any reductions required pursuant to 2009, 143:12 and by Executive Order No. 2010-02. The commissioner of the department of information technology shall submit to the fiscal committee of the general court and the commissioner of the department of administrative services an itemization of the reductions in expenditure classes made to implement this section on or before July 31, 2010.
31 Operating Budget; General Fund Appropriation Reduction; Department of State. Notwithstanding 2009, 143:1, the state general fund appropriations for the department of state shall be reduced by an additional \$149,000 for the fiscal year ending June 30, 2011. The reduction required by this section shall be in addition to any reductions required pursuant to Executive Order No. 2010-02. The secretary of state shall submit to the fiscal committee of the general court an itemization of the reductions in expenditure classes made to implement this section on or before February 15, 2011.	31 Operating Budget; General Fund Appropriation Reduction; Department of State. Notwithstanding 2009, 143:1, the state general fund appropriations for the department of state shall be reduced by an additional \$149,000 for the fiscal year ending June 30, 2011. The reduction required by this section shall be in addition to any reductions required pursuant to Executive Order No. 2010-02. The secretary of state shall submit to the fiscal committee of the general court an itemization of the reductions in expenditure classes made to implement this section on or before February 15, 2011.
32 Operating Budget; General Fund Appropriation Reduction; Board of Tax and Land Appeals. Notwithstanding 2009, 143:1, the state general fund appropriations for the board of tax and land appeals shall be reduced by an additional \$41,454 for the fiscal year ending June 30, 2011. The	32 Operating Budget; General Fund Appropriation Reduction; Board of Tax and Land Appeals. Notwithstanding 2009, 143:1, the state general fund appropriations for the board of tax and land appeals shall be reduced by an additional \$41,454 for the fiscal year ending June 30, 2011. The

<p>reduction required by this section shall be in addition to any reductions required pursuant to Executive Order No. 2010-02. The chairman of the board of land and tax appeals shall submit to the fiscal committee of the general court an itemization of the reductions in expenditure classes made to implement this section on or before February 15, 2011.</p>	<p>reduction required by this section shall be in addition to any reductions required pursuant to Executive Order No. 2010-02. The chairman of the board of land and tax appeals shall submit to the fiscal committee of the general court an itemization of the reductions in expenditure classes made to implement this section on or before February 15, 2011.</p>
<p>33 New Paragraph; Animal Population Control Program; Management of Fund. Amend RSA 437-A:4-a by inserting after paragraph II the following new paragraph: III. The commissioner shall put out to bid the duties related to managing the application for and distribution of moneys from the fund for the reimbursement of spay and neuter surgeries. The contract for the duties shall not exceed \$20,000. The commissioner may assess an administrative charge for the oversight of the program to the fund not to exceed \$5,000 annually.</p>	<p>33 New Paragraph; Animal Population Control Program; Management of Fund. Amend RSA 437-A:4-a by inserting after paragraph II the following new paragraph: III. The commissioner shall put out to bid the duties related to managing the application for and distribution of moneys from the fund for the reimbursement of spay and neuter surgeries. The contract for the duties shall not exceed \$20,000. The commissioner may assess an administrative charge for the oversight of the program to the fund not to exceed \$5,000 annually.</p>
<p>34 Animal Population Control Program; Rulemaking. Amend RSA 437-A:5, II-a to read as follows: II-a. [Administration] Oversight of the fund established under RSA 437-A:4-a.</p>	<p>34 Animal Population Control Program; Rulemaking. Amend RSA 437-A:5, II-a to read as follows: II-a. [Administration] Oversight of the fund established under RSA 437-A:4-a.</p>
<p>35 Animal Population Control Program; Assistant Position. The animal population control program assistant position shall be abolished and, if the position is filled the department shall transfer the individual to a vacant position of similar responsibility, or the individual shall be laid off.</p>	<p>35 Animal Population Control Program; Assistant Position. The animal population control program assistant position shall be abolished and, if the position is filled the department shall transfer the individual to a vacant position of similar responsibility, or the individual shall be laid off.</p>
<p>36 Operating Budget; General Fund Appropriation Reduction; Department of Environmental Services. Notwithstanding 2009, 143:1, the state general fund appropriations for the department of environmental services shall be reduced by an additional \$432,335 for the fiscal year ending June 30, 2011. The reduction required by this section shall be in addition to any reductions required pursuant to Executive Order No. 2010-02 and any other section contained in this act. Such reduction shall be attributable to a combination of vacant positions, supplanting general fund appropriations with federal funds and other funds that might be available for that purpose, and reductions in specific class line item appropriations provided that such reductions do not cause a reduction of services, a reduction of grants or aid to local communities, or an increase in fees. The commissioner of environmental services shall submit to the fiscal committee of the</p>	<p>36 Operating Budget; General Fund Appropriation Reduction; Department of Environmental Services. Notwithstanding 2009, 143:1, the state general fund appropriations for the department of environmental services shall be reduced by an additional \$432,335 for the fiscal year ending June 30, 2011. The reduction required by this section shall be in addition to any reductions required pursuant to Executive Order No. 2010-02 and any other section contained in this act. Such reduction shall be attributable to a combination of vacant positions, supplanting general fund appropriations with federal funds and other funds that might be available for that purpose, and reductions in specific class line item appropriations provided that such reductions do not cause a reduction of services, a reduction of grants or aid to local communities, or an increase in fees. The commissioner of environmental services shall submit to the fiscal committee of the general</p>

<p>general court an itemization of the reductions in expenditure classes made to implement this section on or before February 15, 2011.</p>	<p>court an itemization of the reductions in expenditure classes made to implement this section on or before February 15, 2011.</p>
<p>37 Health and Human Services; Contract Consolidation. For the fiscal year ending June 30, 2011, the department of health and human services shall reduce state general fund appropriations by \$1,500,000 by consolidating social services and medical contracts in order to reduce administrative costs. The department shall not reduce program services in order to meet the reductions required under this section.</p>	<p>37 Health and Human Services; Contract Consolidation. For the fiscal year ending June 30, 2011, the department of health and human services shall reduce state general fund appropriations by \$1,500,000 by consolidating social services and medical contracts in order to reduce administrative costs. The department shall not reduce program services in order to meet the reductions required under this section.</p>
<p>38 Health and Human Services; TANF Family Supports. For the fiscal year ending June 30, 2011, the department of health and human services shall reduce state general fund appropriations by \$1,500,000 by eliminating contracts for Temporary Assistance to Needy Families (TANF) family supports and providing such services utilizing existing department staff.</p>	<p>38 Health and Human Services; TANF Family Supports. For the fiscal year ending June 30, 2011, the department of health and human services shall reduce state general fund appropriations by \$1,500,000 by eliminating contracts for Temporary Assistance to Needy Families (TANF) family supports and providing such services utilizing existing department staff.</p>
<p>39 Youth Development Center; Appropriation Reduction. Notwithstanding any provision of law to the contrary, the department of health and human services shall decrease state general fund appropriations for the youth development center under accounting unit 05-95-41-412010 by \$1,561,514 for the fiscal year ending June 30, 2011. In order to meet this reduction, the department shall eliminate 30 positions at the youth development center which are no longer necessary due to the declining census at such center.</p>	<p>39 Youth Development Center; Appropriation Reduction. Notwithstanding any provision of law to the contrary, the department of health and human services shall decrease state general fund appropriations for the youth development center under accounting unit 05-95-41-412010 by \$1,561,514 for the fiscal year ending June 30, 2011. In order to meet this reduction, the department shall eliminate 30 positions at the youth development center which are no longer necessary due to the declining census at such center.</p>
<p>40 Department of Health and Human Services; North Country Transportation. For the biennium ending June 30, 2011, the department of health and human services shall not reduce funding provided to North Country Transportation used toward meeting the state matching funds requirement for the Job Access and Reverse Commute (JARC) grant award from the United States Department of Transportation.</p>	<p>40 Department of Health and Human Services; North Country Transportation. For the biennium ending June 30, 2011, the department of health and human services shall not reduce funding provided to North Country Transportation used toward meeting the state matching funds requirement for the Job Access and Reverse Commute (JARC) grant award from the United States Department of Transportation.</p>
<p>41 Department of Health and Human Services; Suspension of Catastrophic Illness Program. Notwithstanding any provision of law or rule to the contrary, for the fiscal year ending June 30, 2011, the catastrophic illness program under RSA 137-G is suspended.</p>	<p>NOT INCLUDED BY THE SENATE</p>
<p>42 Department of Health and Human Services; Suspension of Senior Volunteer Grant Program.</p>	<p>NOT INCLUDED BY THE SENATE</p>

<p>Notwithstanding any provision of law or rule to the contrary, for the fiscal year ending June 30, 2011, the senior volunteer grant program under RSA 161-F:40 is suspended.</p>	
<p>43 Prevention Programs. Amend RSA 170-G:4, XVI to read as follows:</p> <p>XVI. Encourage cities, towns, and counties to develop and maintain prevention programs, court diversion programs, and alternative dispositions for juveniles other than placements outside of the home through the use of a formula which shall allow for the transfer of funds to cities, towns, and counties which have, or are developing, prevention programs or alternatives for juvenile care. The amount to be distributed for this program shall be not less than [4.5] 3 percent of the annual amount appropriated to the department of health and human services for placement costs. The method of distribution shall be based upon rules adopted under RSA 541-A by the commissioner. For purposes of this paragraph, prevention programs shall include programs or activities for the prevention of child abuse and neglect. <i>Before January 1, 2011, and biennially thereafter, the department shall provide to the chairmen of the house and senate health and human services committees, and the chairmen of the house and senate finance committees a report assessing the effectiveness of the programs funded through this paragraph.</i></p>	<p>AMENDED BY THE SENATE</p> <p>41 Prevention Programs. Amend RSA 170-G:4, XVI to read as follows:</p> <p>XVI. Encourage cities, towns, and counties to develop and maintain prevention programs, court diversion programs, and alternative dispositions for juveniles other than placements outside of the home through the use of a formula which shall allow for the transfer of funds to cities, towns, and counties which have, or are developing, prevention programs or alternatives for juvenile care. The amount to be distributed for this program shall be not less than [4.5] 3 percent of the annual amount appropriated to the department of health and human services for placement costs. The method of distribution shall be based upon rules adopted under RSA 541-A by the commissioner. For purposes of this paragraph, prevention programs shall include programs or activities for the prevention of child abuse and neglect.</p>
<p>44 Department of Health and Human Services; Suspension of Residential Rate Setting Rule. Amend 2009, 144:32 to read as follows:</p> <p>144:32 Department of Health and Human Services; Suspension of Residential Rate Setting Rule. Notwithstanding any provision of the law or rule to the contrary, for the biennium ending June 30, 2011, He-C 6422 relative to the residential child care facilities rate setting is suspended. The base rate for residential providers for the [biennium] state fiscal year ending June 30, [2011] 2010 shall be the rate in effect on June 30, 2009. <i>For the state fiscal year ending June 30, 2011, the rate paid to residential providers subject to the rate setting rule as of June 30, 2009 shall be reduced by 2 percent. The base rate for the calculation of the 2 percent rate reduction shall be the rate in effect on June 30, 2009. Notwithstanding any</i></p>	<p>42 Department of Health and Human Services; Suspension of Residential Rate Setting Rule. Amend 2009, 144:32 to read as follows:</p> <p>144:32 Department of Health and Human Services; Suspension of Residential Rate Setting Rule. Notwithstanding any provision of the law or rule to the contrary, for the biennium ending June 30, 2011, He-C 6422 relative to the residential child care facilities rate setting is suspended. The base rate for residential providers for the [biennium] state fiscal year ending June 30, [2011] 2010 shall be the rate in effect on June 30, 2009. <i>For the state fiscal year ending June 30, 2011, the rate paid to residential providers subject to the rate setting rule as of June 30, 2009 shall be reduced by 2 percent. The base rate for the calculation of the 2 percent rate reduction shall be the rate in effect on June 30, 2009. Notwithstanding any provision of</i></p>

<p><i>provision of law or rule to the contrary, for state fiscal year 2011, the rate established pursuant to RSA 170-G:4, XVII for all other services and programs which are paid for by the department pursuant to RSA 169-B:40, 169-C:27, and 169-D:29 shall be reduced by 2 percent. The base rate for the calculation of the 2 percent rate reduction shall be the rate in effect on July 1, 2009.</i></p>	<p><i>law or rule to the contrary, for state fiscal year 2011, the rate established pursuant to RSA 170-G:4, XVII for all other services and programs which are paid for by the department pursuant to RSA 169-B:40, 169-C:27, and 169-D:29 shall be reduced by 2 percent. The base rate for the calculation of the 2 percent rate reduction shall be the rate in effect on July 1, 2009.</i></p>
<p>45 Department of Health and Human Services; Direct Graduate Medical Education; Suspension. Amend 2009, 144:24 to read as follows:</p> <p>144:24 Department of Health and Human Services; Direct Graduate Medical Education. The commissioner of the department of health and human services shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend the provision of direct graduate medical education payments to hospitals as contemplated at 42 U.S.C. section 1396a(a)(30)(A) to be effective July 1, 2009. Upon approval of the state plan amendment, and as of the effective date of the state plan amendment, any obligations for payment of direct graduate medical education are suspended until [June 30, 2011] July 1, 2011.</p>	<p>43 Department of Health and Human Services; Direct Graduate Medical Education; Suspension. Amend 2009, 144:24 to read as follows:</p> <p>144:24 Department of Health and Human Services; Direct Graduate Medical Education. The commissioner of the department of health and human services shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend the provision of direct graduate medical education payments to hospitals as contemplated at 42 U.S.C. section 1396a(a)(30)(A) to be effective July 1, 2009. Upon approval of the state plan amendment, and as of the effective date of the state plan amendment, any obligations for payment of direct graduate medical education are suspended until [June 30, 2011] July 1, 2011.</p>
<p>46 Department of Health and Human Services; Indirect Graduate Medical Education Suspension. The commissioner of the department of health and human services shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend the provision of indirect graduate medical education payments to hospitals effective April 1, 2010. Upon approval of the state plan amendment, and as of the effective date of the state plan amendment, any obligations for payment of indirect graduate medical education shall be suspended until July 1, 2011.</p>	<p>NOT INCLUDED ED BY THE SENATE</p>
<p>47 Department of Health and Human Services; Suspension of Catastrophic Aid Payment. Notwithstanding 2009, 144:160, the commissioner of the department of health and human services shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend all catastrophic aid payments to hospitals effective June 15, 2010 and continuing through June 30, 2011.</p>	<p>NOT INCLUDED ED BY THE SENATE</p>

<p>NO COMPARABLE HOUSE SECTION</p>	<p>44 Department of Health and Human Services; Funding for Indirect Graduate Medical Education and Catastrophic Aid Payments. For the biennium ending June 30, 2011, the department of health and human services shall not suspend funding for indirect graduate medical education and catastrophic aid payments to hospitals.</p>
<p>48 Department of Health and Human Services; Public Assistance; Definitions. Amend RSA 167:6, VI to read as follows:</p> <p>VI. For the purposes hereof, a person shall be eligible for aid to the permanently and totally disabled who is between the ages of 18 and 64 years of age inclusive; is a resident of the state; and is disabled as defined in the federal Social Security Act, Titles II and XVI and the regulations adopted under such act, except that the minimum required duration of the impairment shall be 48 months, unless and until the department adopts a 12-month standard in accordance with RSA 167:3-j. In determining disability, the standards for “substantial gainful activity” as used in the Social Security Act shall apply, including all work incentive provisions including Impairment Related Work Expenses, Plans to Achieve Self Support, and subsidies. No person shall be eligible to receive such aid while receiving old age assistance, aid to the needy blind, or aid to families with dependent children. <i>Notwithstanding any provision of law to the contrary, eligibility for cash assistance shall be conditioned upon the recipient filing an application for any federal disability benefits for which the individual may be entitled and pursuing any appeals available for those federal benefits. Cash assistance shall terminate upon a finding by a federal administrative law judge that the individual is medically ineligible for the federal benefits. The department may terminate cash assistance for failure to comply with the requirements of this paragraph, subject to the recipient’s right to an administrative appeal.</i></p>	<p>45 Department of Health and Human Services; Public Assistance; Definitions. Amend RSA 167:6, VI to read as follows:</p> <p>VI. For the purposes hereof, a person shall be eligible for aid to the permanently and totally disabled who is between the ages of 18 and 64 years of age inclusive; is a resident of the state; and is disabled as defined in the federal Social Security Act, Titles II and XVI and the regulations adopted under such act, except that the minimum required duration of the impairment shall be 48 months, unless and until the department adopts a 12-month standard in accordance with RSA 167:3-j. In determining disability, the standards for “substantial gainful activity” as used in the Social Security Act shall apply, including all work incentive provisions including Impairment Related Work Expenses, Plans to Achieve Self Support, and subsidies. No person shall be eligible to receive such aid while receiving old age assistance, aid to the needy blind, or aid to families with dependent children. <i>Notwithstanding any provision of law to the contrary, eligibility for cash assistance shall be conditioned upon the recipient filing an application for any federal disability benefits for which the individual may be entitled and pursuing any appeals available for those federal benefits. Cash assistance shall terminate upon a finding by a federal administrative law judge that the individual is medically ineligible for the federal benefits. The department may terminate cash assistance for failure to comply with the requirements of this paragraph, subject to the recipient’s right to an administrative appeal.</i></p>
<p>49 New Subdivision; Optional Local Meals and Rooms Tax. Amend RSA 78-A by inserting after section 26 the following new subdivision:</p> <p style="text-align: center;">Optional Local Meals and Rooms Tax</p>	<p>46 New Subdivision; Optional Local Meals and Rooms Tax. Amend RSA 78-A by inserting after section 26 the following new subdivision:</p> <p style="text-align: center;">Optional Local Meals and Rooms Tax</p>

78-A:27 Local Meals and Rooms Tax.

I. A municipality may, in accordance with the procedures under RSA 78-A:28, adopt an addition to the meals and rooms tax rate imposed under RSA 78-A:6, to be known as the local meals and rooms tax, at a rate to be established by the municipality.

II. The commissioner shall assess, collect, administer, and enforce the local meals and rooms tax in accordance with the applicable provisions of this chapter relative to the state meals and rooms tax; except that the revenue collected from the local meals and rooms tax shall, after deduction of administrative expenses, be remitted to the treasurer of the municipality imposing the local tax.

78-A:28 Procedure for Adoption and Modification of Local Meals and Rooms Tax.

I. Any town or city may adopt the provisions of RSA 78-A:27 in the following manner:

(a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual 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, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

II. The vote shall specify the provisions of the local meals and rooms tax, the amount of such tax, and the manner of its determination, as listed in RSA 78-A:27. If a majority of those voting on the question vote “yes,” the tax shall take effect within the town or city, on the date set by the governing body following its adoption.

III. A municipality may modify or rescind the tax provided in RSA 78-A:27 in the manner described in this section.

78-A:27 Local Meals and Rooms Tax.

I. A municipality may, in accordance with the procedures under RSA 78-A:28, adopt an addition to the meals and rooms tax rate imposed under RSA 78-A:6, to be known as the local meals and rooms tax, at a rate to be established by the municipality.

II. The commissioner shall assess, collect, administer, and enforce the local meals and rooms tax in accordance with the applicable provisions of this chapter relative to the state meals and rooms tax; except that the revenue collected from the local meals and rooms tax shall, after deduction of administrative expenses, be remitted to the treasurer of the municipality imposing the local tax.

78-A:28 Procedure for Adoption and Modification of Local Meals and Rooms Tax.

I. Any town or city may adopt the provisions of RSA 78-A:27 in the following manner:

(a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual 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, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

II. The vote shall specify the provisions of the local meals and rooms tax, the amount of such tax, and the manner of its determination, as listed in RSA 78-A:27. If a majority of those voting on the question vote “yes,” the tax shall take effect within the town or city, on the date set by the governing body following its adoption.

III. A municipality may modify or rescind the tax provided in RSA 78-A:27 in the manner described in this section.

50 Rooms and Meals Tax; Distribution to Cities and Towns. Notwithstanding any provision of

NOT INCLUDED BY THE SENATE

<p>law, for the fiscal year ending June 30, 2011, the state treasurer shall reduce the total revenue distributed to cities and towns authorized by 2009, 143:1 and 2009, 144:8 by the sum of \$6,091,930. The remaining funds shall be distributed to cities and towns pursuant to the formula for determining the amount of revenue returnable to cities and towns under RSA 78-A:26, I and II.</p>	
<p>51 Meals and Rooms Tax; Definition of Hotel; Campsites. Amend the introductory paragraph of RSA 78-A:3, III to read as follows:</p> <p>III. “Hotel” means an establishment which holds itself out to the public by offering sleeping accommodations for rent, whether or not the major portion of its operating receipts is derived from sleeping accommodations. The term includes, but is not limited to, inns, motels, tourist homes and cabins, ski dormitories, ski lodges, lodging homes, rooming houses, furnished room houses, boarding houses, private clubs, hostels, cottages, camps, [campsites,] chalets, barracks, dormitories, and apartments. The term does not include the following:</p>	<p>47 Meals and Rooms Tax; Definition of Hotel; Campsites. Amend the introductory paragraph of RSA 78-A:3, III to read as follows:</p> <p>III. “Hotel” means an establishment which holds itself out to the public by offering sleeping accommodations for rent, whether or not the major portion of its operating receipts is derived from sleeping accommodations. The term includes, but is not limited to, inns, motels, tourist homes and cabins, ski dormitories, ski lodges, lodging homes, rooming houses, furnished room houses, boarding houses, private clubs, hostels, cottages, camps, [campsites,] chalets, barracks, dormitories, and apartments. The term does not include the following:</p>
<p>52 Authorization for Debt Restructuring. The state treasurer is hereby authorized to refinance all or a portion of the state’s fiscal year 2011 debt service obligations by the issuance at one time or from time to time of up to \$55,000,000 aggregate principal amount of general obligation refunding bonds, which shall mature in such amounts and at such time as the state treasurer, with the approval of the governor and council, shall determine; provided that the final maturity of such bonds shall not be later than June 30, 2021. The issue of such bonds shall be subject to the same requirements and provisions of law as would then be applicable to the issue of the bonds being refunded, except as provided in this section. Such refinancing is intended to result in a general fund reduction of the required debt service for the biennium ending June 30, 2011 of approximately \$40,000,000. The amount of general fund debt service so refinanced shall lapse to the general fund on or before June 30, 2011.</p>	<p>48 Authorization for Debt Restructuring. The state treasurer is hereby authorized to refinance all or a portion of the state’s fiscal year 2011 debt service obligations by the issuance at one time or from time to time of up to \$55,000,000 aggregate principal amount of general obligation refunding bonds, which shall mature in such amounts and at such time as the state treasurer, with the approval of the governor and council, shall determine; provided that the final maturity of such bonds shall not be later than June 30, 2021. The issue of such bonds shall be subject to the same requirements and provisions of law as would then be applicable to the issue of the bonds being refunded, except as provided in this section. Such refinancing is intended to result in a general fund reduction of the required debt service for the biennium ending June 30, 2011 of approximately \$40,000,000. The amount of general fund debt service so refinanced shall lapse to the general fund on or before June 30, 2011.</p>
<p>53 Capital Appropriation; University System of New Hampshire. Amend 2005, 259:2, I to read as follows:</p> <p>I. The Knowledge Economy Education Plan (KEEP NH) documents the need for</p>	<p>49 Capital Appropriation; University System of New Hampshire. Amend 2005, 259:2, I to read as follows:</p> <p>I. The Knowledge Economy Education Plan (KEEP NH) documents the need for</p>

<p>investment in university system of New Hampshire projects primarily to renovate and expand science, engineering, and technology facilities. The sum of \$109,500,00 is hereby committed and appropriated to the university system of New Hampshire (USNH) for the KEEP NH plan, effective July 1, 2005 but limited to the drawdown of funds as stated in this section. The appropriation is for the following capital projects:</p> <ul style="list-style-type: none"> A. DeMeritt Hall renovation and expansion (UNH); B. James Hall renovation and expansion (UNH); C. Parsons Hall renovation (UNH); D. Planning for renovation of Nesmith Hall (UNH), renovation and expansion of Physical Education Center (PSU), and conversion of former Zorn dining commons to academic building (KSC); E. Infrastructure work on the Keene State College and Plymouth State University campuses; F. NHPTV equipment (UNH); and G. University Centers that would co-locate USNH and Community-Technical College System programs. <p><i>I-a. The further sum of \$25,000,000 is hereby committed and appropriated to USNH, subject to the limitation on the drawdown of funds as stated in this section, for such other deferred maintenance, repair, renovation, and capital projects as may be approved by the university system board of trustees provided, however, that such projects shall not involve any of the buildings renovated or expanded with funding appropriated for the KEEP NH plan, 2001, 202:2, and paragraph I of this section, namely, at UNH: Murkland Hall, Kingsbury Hall DeMeritt Hall, James Hall, and Parsons Hall; at PSU: Boyd Hall; and at KSC: Mason Library and Science Building.</i></p>	<p>investment in university system of New Hampshire projects primarily to renovate and expand science, engineering, and technology facilities. The sum of \$109,500,00 is hereby committed and appropriated to the university system of New Hampshire (USNH) for the KEEP NH plan, effective July 1, 2005 but limited to the drawdown of funds as stated in this section. The appropriation is for the following capital projects:</p> <ul style="list-style-type: none"> A. DeMeritt Hall renovation and expansion (UNH); B. James Hall renovation and expansion (UNH); C. Parsons Hall renovation (UNH); D. Planning for renovation of Nesmith Hall (UNH), renovation and expansion of Physical Education Center (PSU), and conversion of former Zorn dining commons to academic building (KSC); E. Infrastructure work on the Keene State College and Plymouth State University campuses; F. NHPTV equipment (UNH); and G. University Centers that would co-locate USNH and Community-Technical College System programs. <p><i>I-a. The further sum of \$25,000,000 is hereby committed and appropriated to USNH, subject to the limitation on the drawdown of funds as stated in this section, for such other deferred maintenance, repair, renovation, and capital projects as may be approved by the university system board of trustees provided, however, that such projects shall not involve any of the buildings renovated or expanded with funding appropriated for the KEEP NH plan, 2001, 202:2, and paragraph I of this section, namely, at UNH: Murkland Hall, Kingsbury Hall DeMeritt Hall, James Hall, and Parsons Hall; at PSU: Boyd Hall; and at KSC: Mason Library and Science Building.</i></p>
<p>54 Capital Appropriation; University System of New Hampshire; KEEP NH. Amend 2005, 259:2, II, to read as follows:</p>	<p>50 Capital Appropriation; University System of New Hampshire; KEEP NH. Amend 2005, 259:2, II, to read as follows:</p>

II. The university system board of trustees will determine the timing of the projects and the specific dollar allocation to each from the above sum available, while ensuring the respective campus priorities are addressed. The board of trustees shall report on the progress of the projects in ~~paragraph~~ **paragraphs I and I-a** to the capital budget overview committee on a quarterly basis. The appropriation shall be nonlapsing and in addition to any other appropriation to the university system; provided, however, that the university system shall not receive actual cumulative payments from the state for such purposes of more than:

A. \$4,500,000 through the biennium ending June 30, 2007.

B. \$39,500,000 through the biennium ending June 30, 2009 (\$35,000,000 in new authorization for the biennium).

C. ~~[\$74,500,000]~~ **\$99,500,000** through the biennium ending June 30, 2011 (~~[\$35,000,000]~~ **\$60,000,000** in new authorization for the biennium).

D. ~~[\$109,500,000]~~ **\$134,500,000** through the biennium ending June 30, 2013 (\$35,000,000 in new authorization for the biennium).

II. The university system board of trustees will determine the timing of the projects and the specific dollar allocation to each from the above sum available, while ensuring the respective campus priorities are addressed. The board of trustees shall report on the progress of the projects in ~~paragraph~~ **paragraphs I and I-a** to the capital budget overview committee on a quarterly basis. The appropriation shall be nonlapsing and in addition to any other appropriation to the university system; provided, however, that the university system shall not receive actual cumulative payments from the state for such purposes of more than:

A. \$4,500,000 through the biennium ending June 30, 2007.

B. \$39,500,000 through the biennium ending June 30, 2009 (\$35,000,000 in new authorization for the biennium).

C. ~~[\$74,500,000]~~ **\$99,500,000** through the biennium ending June 30, 2011 (~~[\$35,000,000]~~ **\$60,000,000** in new authorization for the biennium).

D. ~~[\$109,500,000]~~ **\$134,500,000** through the biennium ending June 30, 2013 (\$35,000,000 in new authorization for the biennium).

55 Capital Budget; Bonds Authorized; University System of New Hampshire; KEEP. Amend 2005, 259:8, II to read as follows:

II. To provide funds for the appropriation made in section 2, paragraphs I, **I-a**, and II, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of ~~[\$109,500,000]~~ **\$134,500,000** and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A; provided the cumulative bonds or notes shall not be issued in excess of:

(1) \$4,500,000 through the biennium ending June 30, 2007.

(2) \$39,500,000 through the biennium ending June 30, 2009.

(3) ~~[\$74,500,000]~~ **\$99,500,000** through the biennium ending June 30, 2011.

(4) ~~[\$109,500,000]~~ **\$134,500,000** through the biennium ending June 30, 2013.

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(3) ~~[\$74,500,000]~~ **\$99,500,000** through the biennium ending June 30, 2011.

(4) ~~[\$109,500,000]~~ **\$134,500,000** through the biennium ending June 30, 2013.

56 Tobacco Tax; Tax on Products Other than Cigarettes. Amend RSA 78:7-c to read as follows:

52 Tobacco Tax; Tax on Products Other than Cigarettes. Amend RSA 78:7-c to read as follows:

<p>78:7-c Tax Imposed on Tobacco Products Other Than Cigarettes. A tax upon the retail consumer is hereby imposed on tobacco products other than cigarettes at a rate of [48.59] 65.03 percent of the wholesale sales price. The tax under this section may be rounded to the nearest cent if the commissioner determines that the amount of tax would not thereby be made materially disproportionate. No such tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States. No such tax shall be imposed on premium cigars.</p>	<p>78:7-c Tax Imposed on Tobacco Products Other Than Cigarettes. A tax upon the retail consumer is hereby imposed on tobacco products other than cigarettes at a rate of [48.59] 65.03 percent of the wholesale sales price. The tax under this section may be rounded to the nearest cent if the commissioner determines that the amount of tax would not thereby be made materially disproportionate. No such tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States. No such tax shall be imposed on premium cigars.</p>																				
<p>57 Applicability; Tax on Tobacco Products Other than Cigarettes. Section 56 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products other than cigarettes in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this section. The tax rate effective on the effective date of this section shall apply to such inventory and the difference, if any, in the amount paid previously on such inventory and the current effective rate of tax shall be due within 90 days of the effective date of this section. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.</p>	<p>53 Applicability; Tax on Tobacco Products Other than Cigarettes. Section 52 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products other than cigarettes in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this section. The tax rate effective on the effective date of this section shall apply to such inventory and the difference, if any, in the amount paid previously on such inventory and the current effective rate of tax shall be due within 90 days of the effective date of this section. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.</p>																				
<p>58 Operating Budget; Transfer of Dedicated Funds. Notwithstanding RSA 6:12 and any other law to the contrary, for the fiscal year ending June 30, 2010, the department of administrative services shall transfer funds from the following accounts or funds maintained separately on the books of the state to the general fund in the following amounts:</p> <table border="0" data-bbox="83 1149 1325 1437"> <thead> <tr> <th style="text-align: left;">Account/Fund</th> <th style="text-align: right;">Amount Transferred to General Fund</th> </tr> </thead> <tbody> <tr> <td>Statewide Public Boat Access Fund, RSA 233-A:13</td> <td style="text-align: right;">\$500,000</td> </tr> <tr> <td>Nitrogen Oxide Emissions Reduction Fund, RSA 125-J:13, II</td> <td style="text-align: right;">\$90,000</td> </tr> <tr> <td>Laboratory Equipment Fund, RSA 131:3-a, II</td> <td style="text-align: right;">\$100,000</td> </tr> <tr> <td>New Hampshire Hazardous Waste Cleanup Fund,</td> <td></td> </tr> </tbody> </table>	Account/Fund	Amount Transferred to General Fund	Statewide Public Boat Access Fund, RSA 233-A:13	\$500,000	Nitrogen Oxide Emissions Reduction Fund, RSA 125-J:13, II	\$90,000	Laboratory Equipment Fund, RSA 131:3-a, II	\$100,000	New Hampshire Hazardous Waste Cleanup Fund,		<p>54 Operating Budget; Transfer of Dedicated Funds. Notwithstanding RSA 6:12 and any other law to the contrary, for the fiscal year ending June 30, 2010, the department of administrative services shall transfer funds from the following accounts or funds maintained separately on the books of the state to the general fund in the following amounts:</p> <table border="0" data-bbox="1325 1149 2599 1437"> <thead> <tr> <th style="text-align: left;">Account/Fund</th> <th style="text-align: right;">Amount Transferred to General Fund</th> </tr> </thead> <tbody> <tr> <td>Statewide Public Boat Access Fund, RSA 233-A:13</td> <td style="text-align: right;">\$500,000</td> </tr> <tr> <td>Nitrogen Oxide Emissions Reduction Fund, RSA 125-J:13, II</td> <td style="text-align: right;">\$90,000</td> </tr> <tr> <td>Laboratory Equipment Fund, RSA 131:3-a, II</td> <td style="text-align: right;">\$100,000</td> </tr> <tr> <td>New Hampshire Hazardous Waste Cleanup Fund,</td> <td></td> </tr> </tbody> </table>	Account/Fund	Amount Transferred to General Fund	Statewide Public Boat Access Fund, RSA 233-A:13	\$500,000	Nitrogen Oxide Emissions Reduction Fund, RSA 125-J:13, II	\$90,000	Laboratory Equipment Fund, RSA 131:3-a, II	\$100,000	New Hampshire Hazardous Waste Cleanup Fund,	
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LBAO – 05/24/10 (8:00am)
HOUSE PASSED (SB 450)

SIDE BY SIDE COMPARISON
SENATE PASSED (HB 1128)

RSA 147-B:3	\$100,000	RSA 147-B:3	\$100,000
Default Bench Warrant Fund, RSA 263:56-d	\$100,000	Default Bench Warrant Fund, RSA 263:56-d	\$100,000
Fire Standards and Training and Emergency Medical Services Fund, RSA 21-P:12-d	\$1,500,000	Fire Standards and Training and Emergency Medical Services Fund, RSA 21-P:12-d	\$1,500,000
Recount Administrative and Fee Account, RSA 660:31	\$110,000	Recount Administrative and Fee Account, RSA 660:31	\$110,000
Reflectorized Plates Inventory Fund, RSA 228:25	\$250,000	Reflectorized Plates Inventory Fund, RSA 228:25	\$250,000
Education Credentialing Fund, RSA 186:11, X	\$250,000	Education Credentialing Fund, RSA 186:11, X	\$250,000
Sludge Analysis Fund, RSA 485-A:4, XIV-c	\$25,000	Sludge Analysis Fund, RSA 485-A:4, XIV-c	\$25,000
Wastewater Plant Operator Certification Fund, RSA 485-A:7-a	\$75,000	Wastewater Plant Operator Certification Fund, RSA 485-A:7-a	\$75,000
59 Operating Budget; Lapse of Appropriation. New Hampshire Retirement System; Retirement Pension Benefit; Health Insurance. Amend 2009, 143:1, 01, 59, 59, 590510, 1052, class 064, footnote F to read as follows: [*064—F. This appropriation shall not lapse until June 30, 2011]		55 Operating Budget; Lapse of Appropriation. New Hampshire Retirement System; Retirement Pension Benefit; Health Insurance. Amend 2009, 143:1, 01, 59, 59, 590510, 1052, class 064, footnote F to read as follows: [*064—F. This appropriation shall not lapse until June 30, 2011]	
60 Operating Budget. Lapse of Appropriation. Judicial Council; Contracts for Program Services. Amend 2009, 143:1, 02, 07, 070010, 1094, class 102, footnote F to read as follows: [*102—F. This appropriation shall not lapse until June 30, 2011]		56 Operating Budget. Lapse of Appropriation. Judicial Council; Contracts for Program Services. Amend 2009, 143:1, 02, 07, 070010, 1094, class 102, footnote F to read as follows: [*102 F. This appropriation shall not lapse until June 30, 2011]	
61 Department of Treasury. Lapse of Appropriation for Debt Service. Amend 2009, 143:1, 01, 38, 38, 380010, 2076, class 043, footnote F and class 044, footnote F to read as follows: [Class Notes, 043 F. This appropriation shall not lapse until on June 30,2011. Class Notes, 044 F. This appropriation shall not lapse until on June 30, 2011.]		57 Department of Treasury. Lapse of Appropriation for Debt Service. Amend 2009, 143:1, 01, 38, 38, 380010, 2076, class 043, footnote F and class 044, footnote F to read as follows: [Class Notes, 043 F. This appropriation shall not lapse until on June 30,2011. Class Notes, 044 F. This appropriation shall not lapse until on June 30, 2011.]	
62 Taxation of Interest and Dividends; Who Taxable. Amend RSA 77:3, I(b) to read as follows: (b) <i>Partnerships, limited liability companies, associations, and</i> trusts, the beneficial interest in which is not represented by transferable shares, whose gross interest and dividend income from all sources exceeds \$2,400 during the taxable year, but not including a qualified investment company as defined in RSA 77-A:1, XXI, or a trust comprising a part of an		58 Taxation of Interest and Dividends; Who Taxable. Amend RSA 77:3, I(b) to read as follows: (b) <i>Partnerships, limited liability companies, associations, and</i> trusts, the beneficial interest in which is not represented by transferable shares, whose gross interest and dividend income from all sources exceeds \$2,400 during the taxable year, but not including a qualified investment company as defined in RSA 77-A:1, XXI, or a trust comprising a part of an	

<p>employee benefit plan, as defined in the Employee Retirement Income Security Act of 1974, section 3.</p>	<p>employee benefit plan, as defined in the Employee Retirement Income Security Act of 1974, section 3.</p>
<p>63 Taxation of Interest and Dividends; What Taxable. RSA 77:4, III is repealed and reenacted to read as follows:</p> <p style="padding-left: 40px;">III. Dividends, other than stock dividends paid in new stock of the partnership, limited liability company, association, or trust issuing the same, on shares in partnerships, limited liability companies, associations, or trusts the beneficial interest in which is represented by transferable shares.</p>	<p>59 Taxation of Interest and Dividends; What Taxable. RSA 77:4, III is repealed and reenacted to read as follows:</p> <p style="padding-left: 40px;">III. Dividends, other than stock dividends paid in new stock of the partnership, limited liability company, association, or trust issuing the same, on shares in partnerships, limited liability companies, associations, or trusts the beneficial interest in which is represented by transferable shares.</p>
<p>64 New Sections; Taxation of Interests and Dividends; Partnerships and Limited Liability Companies. Amend RSA 77 by inserting after section 14 the following new sections:</p> <p style="padding-left: 40px;">77:14-a Partnerships and Limited Liability Companies. Partnerships and limited liability companies having a usual place of business in this state, any member of which is an inhabitant thereof, shall be subject to taxes imposed by this chapter. If any of the members of the partnership or limited liability company are not inhabitants of this state only so much of the income thereof as is proportionate to the aggregate interest of the partners or members who are inhabitants of this state in the profits of the partnership or limited liability company shall be taxed.</p> <p style="padding-left: 40px;">77:14-b Partners and Members. The tax shall be assessed on such a partnership or limited liability company by the name under which it does business, and the partners or members shall not be taxed with respect to the taxable income derived by them from such a partnership or limited liability company.</p> <p style="padding-left: 40px;">77:14-c Members of Partnership or Limited Liability Company Outside the State. An inhabitant of this state who is a member of a partnership or limited liability company having no usual place of business in this state, who receives income from such partnership or limited liability company derived from such a source that it would be taxable if received directly from such source by such partner or member, shall as to such income be subject to the taxes imposed by this</p>	<p>60 New Sections; Taxation of Interests and Dividends; Partnerships and Limited Liability Companies. Amend RSA 77 by inserting after section 14 the following new sections:</p> <p style="padding-left: 40px;">77:14-a Partnerships and Limited Liability Companies. Partnerships and limited liability companies having a usual place of business in this state, any member of which is an inhabitant thereof, shall be subject to taxes imposed by this chapter. If any of the members of the partnership or limited liability company are not inhabitants of this state only so much of the income thereof as is proportionate to the aggregate interest of the partners or members who are inhabitants of this state in the profits of the partnership or limited liability company shall be taxed.</p> <p style="padding-left: 40px;">77:14-b Partners and Members. The tax shall be assessed on such a partnership or limited liability company by the name under which it does business, and the partners or members shall not be taxed with respect to the taxable income derived by them from such a partnership or limited liability company.</p> <p style="padding-left: 40px;">77:14-c Members of Partnership or Limited Liability Company Outside the State. An inhabitant of this state who is a member of a partnership or limited liability company having no usual place of business in this state, who receives income from such partnership or limited liability company derived from such a source that it would be taxable if received directly from such source by such partner or member, shall as to such income be subject to the taxes imposed by this</p>

<p>chapter. 77:14-d Application of Sections. RSA 77:14-a to 14-d shall apply, so far as apt, to associations and trusts, but not to partnerships, limited liability companies, associations, and trusts the beneficial interest in which is represented by transferable shares.</p>	<p>chapter. 77:14-d Application of Sections. RSA 77:14-a to 14-d shall apply, so far as apt, to associations and trusts, but not to partnerships, limited liability companies, associations, and trusts the beneficial interest in which is represented by transferable shares.</p>
<p>65 Repeal. RSA 77:1-a, relative to definitions, is repealed.</p>	<p>61 Repeal. RSA 77:1-a, relative to definitions, is repealed.</p>
<p>66 Applicability. Sections 62-65 of this act shall apply to taxable periods ending on or after December 31, 2010.</p>	<p>62 Applicability. Sections 58-61 of this act shall apply to taxable periods ending on or after December 31, 2010.</p>
<p>67 New Chapter; Commission to Study Business Taxes Established. Amend RSA by inserting after chapter 77-E the following new chapter:</p> <p style="text-align: center;">CHAPTER 77-F COMMISSION TO STUDY BUSINESS TAXES</p> <p>77-F:1 Commission to Study Business Taxes Established.</p> <p>I. There is a commission established to study business taxes.</p> <p>II. The members of the commission shall be as follows:</p> <p style="padding-left: 40px;">(a) Three members of the senate, appointed by the president of the senate.</p> <p style="padding-left: 40px;">(b) Four members of the house of representatives, appointed by the speaker of the house of representatives.</p> <p style="padding-left: 40px;">(c) Five members of the public appointed by the governor, representing the following groups and interests:</p> <p style="padding-left: 80px;">(1) Tax experts and accountants;</p> <p style="padding-left: 80px;">(2) Small business;</p> <p style="padding-left: 80px;">(3) Real estate, finance, and investment; and</p> <p style="padding-left: 80px;">(4) Business trade associations.</p> <p>II. The commission shall study and evaluate:</p> <p style="padding-left: 40px;">(a) The present system of business taxation in New Hampshire, including but not limited to the rates and allocation among taxpayers of the business enterprise tax, the business</p>	<p>63 New Chapter; Commission to Study Business Taxes Established. Amend RSA by inserting after chapter 77-E the following new chapter:</p> <p style="text-align: center;">CHAPTER 77-F COMMISSION TO STUDY BUSINESS TAXES</p> <p>77-F:1 Commission to Study Business Taxes Established.</p> <p>I. There is a commission established to study business taxes.</p> <p>II. The members of the commission shall be as follows:</p> <p style="padding-left: 40px;">(a) Three members of the senate, appointed by the president of the senate.</p> <p style="padding-left: 40px;">(b) Four members of the house of representatives, appointed by the speaker of the house of representatives.</p> <p style="padding-left: 40px;">(c) Five members of the public appointed by the governor, representing the following groups and interests:</p> <p style="padding-left: 80px;">(1) Tax experts and accountants;</p> <p style="padding-left: 80px;">(2) Small business;</p> <p style="padding-left: 80px;">(3) Real estate, finance, and investment; and</p> <p style="padding-left: 80px;">(4) Business trade associations.</p> <p>II. The commission shall study and evaluate:</p> <p style="padding-left: 40px;">(a) The present system of business taxation in New Hampshire, including but not limited to the rates and allocation among taxpayers of the business enterprise tax, the business</p>

profits tax, and the interest and dividends tax.

(b) Whether there are changes to the present system of business taxes and rates of assessment that should be considered by the legislature in order to:

- (1) Ensure fairness and equity in the allocation of business taxes including among similarly situated business entities and taxpayers;
- (2) Ensure clear tax laws and synchronization with federal tax laws; and
- (3) Continue to provide a business tax environment that enhances the growth of jobs, income in the state, and the transition to clean and renewable energy.

(c) Safe harbors for the reasonable compensation deduction under the business profits tax, including but not limited to:

- (1) Safe harbors based on the percentage of the gross selling price on the sale of business assets other than inventory;
- (2) The percentage of gross revenues and the percentage of gross business profits using the independent investor return test;
- (3) The federal self-employment tax; and
- (4) Any other issue related to the reasonable compensation deduction.

(d) Business tax credits and deductions including, but not limited to, net operating losses.

(e) Offering tax credits to insurance companies that create new net jobs in New Hampshire.

III. The commission may solicit and receive testimony and other information from any person or organization with information or expertise relevant to the committee’s objective. State agencies shall cooperate with the commission, and provide data, information, reports, and testimony to the commission upon request.

IV. The governor shall appoint a chair from among the members. The first meeting of the commission shall be called by the chair and shall be held within 45 days of the effective date of

profits tax, and the interest and dividends tax.

(b) Whether there are changes to the present system of business taxes and rates of assessment that should be considered by the legislature in order to:

- (1) Ensure fairness and equity in the allocation of business taxes including among similarly situated business entities and taxpayers;
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III. The commission may solicit and receive testimony and other information from any person or organization with information or expertise relevant to the committee’s objective. State agencies shall cooperate with the commission, and provide data, information, reports, and testimony to the commission upon request.

IV. The governor shall appoint a chair from among the members. The first meeting of the commission shall be called by the chair and shall be held within 45 days of the effective date of

<p>this section. Seven members of the commission shall constitute a quorum.</p> <p>V. Legislative members of the commission shall receive mileage at the legislative rate when attending meetings of the commission.</p> <p>VI. The commission shall, following a public hearing on a draft final report, submit a final report on the items included in subparagraphs II(a) and (b) or before December 1, 2010, containing its findings and any recommendations for proposed legislation, to the governor, the president of the senate, the speaker of the house of representatives, the chairs of the house and senate ways and means committees, the house and senate clerks, and the state librarian.</p> <p>VII. The commission shall, following a public hearing on a draft final report, submit a final report on the items included in subparagraphs II(c) and (d) or before November 1, 2012, containing its findings and any recommendations for proposed legislation, to the governor, the president of the senate, the speaker of the house of representatives, the chairs of the house and senate ways and means committees, the house and senate clerks, and the state librarian.</p>	<p>this section. Seven members of the commission shall constitute a quorum.</p> <p>V. Legislative members of the commission shall receive mileage at the legislative rate when attending meetings of the commission.</p> <p>VI. The commission shall, following a public hearing on a draft final report, submit a final report on the items included in subparagraphs II(a) and (b) or before December 1, 2010, containing its findings and any recommendations for proposed legislation, to the governor, the president of the senate, the speaker of the house of representatives, the chairs of the house and senate ways and means committees, the house and senate clerks, and the state librarian.</p> <p>VII. The commission shall, following a public hearing on a draft final report, submit a final report on the items included in subparagraphs II(c) and (d) or before November 1, 2012, containing its findings and any recommendations for proposed legislation, to the governor, the president of the senate, the speaker of the house of representatives, the chairs of the house and senate ways and means committees, the house and senate clerks, and the state librarian.</p>
<p>68 Repeal. RSA 77-F, relative to a commission to study business taxes, is repealed.</p>	<p>64 Repeal. RSA 77-F, relative to a commission to study business taxes, is repealed.</p>
<p>69 New Hampshire Retirement System; Employer Contributions; State Payment. Amend RSA 100-A:16, II(b)-(c) to read as follows:</p> <p>(b) The contributions of each employer for benefits under the retirement system on account of group II members shall consist of a percentage of the earnable compensation of its members to be known as the “normal contribution,” and an additional amount to be known as the “accrued liability contribution;” provided that any employer, other than the state, shall pay 70 percent of such total contributions for state fiscal year 2010, and 30 percent thereof shall be paid by the state for state fiscal year 2010, and that beginning with state fiscal year 2011 any employer, other than the state, shall pay 75 80 percent of such total contributions, and 25 20 percent thereof shall be paid by the state, and that beginning with state fiscal year 2012, and every state fiscal year thereafter, any employer, other than the state, shall pay 65 percent of such total contributions, and 35 percent thereof shall be paid by the state; and provided that, in the</p>	<p>NOT INCLUDED BY THE SENATE</p>

case of compensation attributable to extra or special duty, the employer shall pay the full amount of such total contributions; and provided further that, in case of group II members employed by the state, the state shall pay both normal and accrued liability contributions. The rate percent of such normal contribution, including contributions on behalf of group II members whose group II creditable service is in excess of 40 years, in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuations, except as provided in subparagraphs (h) and (i).

(c) The contributions of each employer for benefits under the retirement system on account of group I members shall consist of a percentage of the earnable compensation of its members to be known as the “normal contribution,” and an additional amount to be known as the “accrued liability contribution;” provided that, in the case of teachers, any employer, other than the state, shall pay 70 percent of such total contributions for state fiscal year 2010, and 30 percent thereof shall be paid by the state for state fiscal year 2010, and that beginning with state fiscal year 2011 any employer, other than the state, shall pay ~~[75]~~ **80** percent of such total contributions, and ~~[25]~~ **20** percent thereof shall be paid by the state, and that beginning with state fiscal year 2012, and every state fiscal year thereafter, any employer, other than the state, shall pay 65 percent of such total contributions, and 35 percent thereof shall be paid by the state; and provided further that in case of teacher members employed by the state the state shall pay both normal and accrued liability contributions. The rate percent of such normal contribution in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuation, except as provided in subparagraphs (h) and (i).

70 Department of Agriculture; Licenses; Transfers of Animals and Birds. Amend RSA 437:3 to read as follows:

437:3 Licenses. Applications for licenses shall be made annually in writing to the department accompanied by a license fee of ~~[\$200]~~ **\$350**. After January 1, the license fee shall be ~~[\$100]~~ **\$175**.

65 Department of Agriculture; Licenses; Transfers of Animals and Birds. Amend RSA 437:3 to read as follows:

437:3 Licenses. Applications for licenses shall be made annually in writing to the department accompanied by a license fee of ~~[\$200]~~ **\$350**. After January 1, the license fee shall be ~~[\$100]~~ **\$175**.

<p>If after inspection the department finds that the premises, cages and facilities thereon meet the proper standards for health and sanitation and that their use will not result in inhumane treatment of said animals or birds, and proof is provided with the application that the zoning enforcement official of the municipality wherein such facility is to be maintained has certified that the facility conforms to the municipal zoning regulations, a license shall be issued. Licenses shall expire on June 30 following issue, and may be renewed on application to the department accompanied by a renewal fee of [\$200] \$350. Such licenses shall be in the form prescribed by the department, shall be publicly displayed at the premises covered by them and adjacent to animal display cages. Each such license shall be subject to revocation at any time by the department, if in the judgment of the department the conditions under which it was issued are not being maintained. Each licensee shall be inspected by an employee of the department or by a person appointed by the department no less frequently than every 6 months. Upon receipt of a written complaint alleging violation of this subdivision, the department shall investigate said complaint within a reasonable time. All license fees shall be deposited in the state treasury.</p>	<p>If after inspection the department finds that the premises, cages and facilities thereon meet the proper standards for health and sanitation and that their use will not result in inhumane treatment of said animals or birds, and proof is provided with the application that the zoning enforcement official of the municipality wherein such facility is to be maintained has certified that the facility conforms to the municipal zoning regulations, a license shall be issued. Licenses shall expire on June 30 following issue, and may be renewed on application to the department accompanied by a renewal fee of [\$200] \$350. Such licenses shall be in the form prescribed by the department, shall be publicly displayed at the premises covered by them and adjacent to animal display cages. Each such license shall be subject to revocation at any time by the department, if in the judgment of the department the conditions under which it was issued are not being maintained. Each licensee shall be inspected by an employee of the department or by a person appointed by the department no less frequently than every 6 months. Upon receipt of a written complaint alleging violation of this subdivision, the department shall investigate said complaint within a reasonable time. All license fees shall be deposited in the state treasury.</p>
<p>71 Lottery Commission; Report Required. The lottery commission shall submit to the governor, the president of the senate, and the speaker of the house of representatives, no later than November 15, 2010, a comprehensive report describing how it proposes to modernize and update its products within the next 5 years in order to maximize revenues in a competitive lottery environment.</p>	<p>66 Lottery Commission; Report Required. The lottery commission shall submit to the governor, the president of the senate, and the speaker of the house of representatives, no later than November 15, 2010, a comprehensive report describing how it proposes to modernize and update its products within the next 5 years in order to maximize revenues in a competitive lottery environment.</p>
<p>72 Operating Budget; Transfer of Appropriations; Adequate Education Grants; Funds From Education Trust Fund Transferred to General Fund.</p> <p>I. The commissioner of the department of administrative services is authorized to transfer up to \$80,000,000 from the appropriation in account 06-56-56-560010-7550 class line 086 for fiscal year 2011 into account 06-56-56-560010-7550, class line 086 for fiscal year 2010 on or before June 30, 2010. Account 06-56-56-560010-7550, class line 079 for fiscal year 2010 shall be reduced by the same amount that is transferred into account 06-56-56-560010-7550, class line 086 for fiscal</p>	<p>67 Operating Budget; Transfer of Appropriations; Adequate Education Grants; Funds From Education Trust Fund Transferred to General Fund.</p> <p>I. The commissioner of the department of administrative services is authorized to transfer up to \$80,000,000 from the appropriation in account 06-56-56-560010-7550 class line 086 for fiscal year 2011 into account 06-56-56-560010-7550, class line 086 for fiscal year 2010 on or before June 30, 2010. Account 06-56-56-560010-7550, class line 079 for fiscal year 2010 shall be reduced by the same amount that is transferred into account 06-56-56-560010-7550, class line 086 for fiscal</p>

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<p>year 2010, and account 06-56-56-560010-7550, class line 079 for fiscal year 2011 shall be increased by the corresponding amount.</p> <p>II. Notwithstanding RSA 198:39, any funds remaining in the education trust fund as of June 30, 2010 shall be transferred to the general fund as undesignated surplus.</p>	<p>year 2010, and account 06-56-56-560010-7550, class line 079 for fiscal year 2011 shall be increased by the corresponding amount.</p> <p>II. Notwithstanding RSA 198:39, any funds remaining in the education trust fund as of June 30, 2010 shall be transferred to the general fund as undesignated surplus.</p>
<p>73 Application; Appropriations Reductions; All State Agencies. The reductions required by this act shall be in addition to the reductions required by 2009, 143:22, I and 2009, 144:289.</p>	<p>68 Application; Appropriations Reductions; All State Agencies. The reductions required by this act shall be in addition to the reductions required by 2009, 143:22, I and 2009, 144:289.</p>
<p>74 Special School District Meetings. Notwithstanding RSA 197:2 and RSA 197:3, for the fiscal year ending June 30, 2011, a special meeting of a school district shall be held upon the majority vote of the school board only for the purpose of addressing changes in catastrophic aid funding which could affect the school district during the 2011 year.</p>	<p>69 Special School District Meetings. Notwithstanding RSA 197:2 and RSA 197:3, for the fiscal year ending June 30, 2011, a special meeting of a school district shall be held upon the majority vote of the school board only for the purpose of addressing changes in catastrophic aid funding which could affect the school district during the 2011 year.</p>
<p>75 Repeal. Section 74 of this act, relative to special school district meetings, is repealed.</p>	<p>70 Repeal. Section 69 of this act, relative to special school district meetings, is repealed.</p>
<p>76 Special Meeting of Towns for the Fiscal Year Ending June 30, 2011. Notwithstanding any other provision of law to the contrary, for the fiscal year ending June 30, 2011, any town, including those towns that have adopted RSA 40:13 may, by a majority vote of the governing body, call a special meeting without court approval to address any reduction in the amount of state revenue distributed to the town which could affect the town’s budget. Such meetings shall be subject to the following:</p> <p>I. The governing body of such town shall post a notice, which shall include the warrant, in at least 2 public places within the political subdivision, one of which shall be on the political subdivision’s website, if such exists, at least 7 days prior to the meeting. Additional notice shall be published in a newspaper of general circulation in the political subdivision, provided that if there is no newspaper of general circulation in which notice can be published at least 7 days before the date of the meeting, public notice shall be posted in at least one additional place within the political subdivision.</p> <p>II. The governing body shall hold a public hearing on the proposed warrant articles at the town meeting.</p>	<p>71 Special Meeting of Towns for the Fiscal Year Ending June 30, 2011. Notwithstanding any other provision of law to the contrary, for the fiscal year ending June 30, 2011, any town, including those towns that have adopted RSA 40:13 may, by a majority vote of the governing body, call a special meeting without court approval to address any reduction in the amount of state revenue distributed to the town which could affect the town’s budget. Such meetings shall be subject to the following:</p> <p>I. The governing body of such town shall post a notice, which shall include the warrant, in at least 2 public places within the political subdivision, one of which shall be on the political subdivision’s website, if such exists, at least 7 days prior to the meeting. Additional notice shall be published in a newspaper of general circulation in the political subdivision, provided that if there is no newspaper of general circulation in which notice can be published at least 7 days before the date of the meeting, public notice shall be posted in at least one additional place within the political subdivision.</p> <p>II. The governing body shall hold a public hearing on the proposed warrant articles at the town meeting.</p>

<p>III. The governing body of any town that has adopted the provisions of RSA 40:13 may elect to hold and conduct the meeting in accordance with the provisions of RSA 39 and RSA 40 and other applicable law without regard to RSA 40:13. If the governing body elects to follow the provisions of RSA 40:13, it shall provide at least a 15-day period between the deliberative session and the vote for the purposes of proceedings under this section.</p>	<p>III. The governing body of any town that has adopted the provisions of RSA 40:13 may elect to hold and conduct the meeting in accordance with the provisions of RSA 39 and RSA 40 and other applicable law without regard to RSA 40:13. If the governing body elects to follow the provisions of RSA 40:13, it shall provide at least a 15-day period between the deliberative session and the vote for the purposes of proceedings under this section.</p>
<p>77 Repeal. Section 76 of this act, relative to the special meetings of towns, is repealed.</p>	<p>72 Repeal. Section 71 of this act, relative to the special meetings of towns, is repealed.</p>
<p>78 State Agencies; Supplanting General Fund Reductions With Other Funds. For the fiscal year ending June 30, 2011, any state agency may supplant general fund reductions required pursuant to this act with federal and other funds that may become available for that purpose. The department of administrative services shall report to the fiscal committee of the general court on or before July 30, 2010 detailing the use of any such funds.</p>	<p>73 State Agencies; Supplanting General Fund Reductions With Other Funds. For the fiscal year ending June 30, 2011, any state agency may supplant general fund reductions required pursuant to this act with federal and other funds that may become available for that purpose. The department of administrative services shall report to the fiscal committee of the general court on or before July 30, 2010 detailing the use of any such funds.</p>
<p>79 Furloughs Required for Certain State Employees. Nonclassified and unclassified state employees shall take 12 unpaid furlough days during fiscal year 2011.</p>	<p>NOT INCLUDED BY THE SENATE</p>
<p>80 Reductions in Personnel Expenditures. Notwithstanding any provision of law to the contrary, for the biennium ending June 30, 2011, any reductions in personnel expenditures in an agency shall be distributed proportionately between classified and unclassified employees of such agency. Upon petition by an agency, the fiscal committee of the general court may grant an exemption from this requirement.</p>	<p>NOT INCLUDED BY THE SENATE</p>
<p>81 Vacant Positions; Bumping Rights; Layoffs. Amend 2009, 144:64 to read as follows: 144:64 Department of Administrative Services; Suspension of Bumping Rights. <i>I.</i> The displacement of classified state employees by more senior classified state employees, or so-called bumping, pursuant to administrative rule Per 1101.02 (i) through (l) under the authority of RSA 21-I:43 by the director of the division of personnel is hereby suspended from the effective date of this section to June 30, 2011. <i>II.</i> The procedure for layoffs of permanent employees pursuant to administrative rule Per 1101.02 (d), prohibiting the layoff of permanent employees while there are temporary fill-in, part-</p>	<p>NOT INCLUDED BY THE SENATE</p>

<p>time, or probationary employees serving in the same class of position within the same division of the agency, is hereby suspended from the effective date of this section to June 30, 2011.</p> <p><i>III. The reassignment prior to layoff of classified state employees into vacant but funded positions, pursuant to administrative rule Per 1101.02 (f) under the authority of RSA 21-I:43 by the director of the division of personnel is hereby suspended from the effective date of this section to June 30, 2011.</i></p>	
<p>82 Vacant Positions; Rehiring of Laid Off State Employees. Amend 2009, 144:65, II to read as follows:</p> <p>II. It is the intent of the general court that any position which becomes available in a department or establishment, as defined in RSA 9:1, shall be filled, if possible, by a state employee laid off, as defined in paragraph I, if such person is not currently employed by the state of New Hampshire and if he or she meets the minimum qualifications for the position, <i>provided however that any position a department or establishment intends to leave vacant shall remain vacant.</i></p>	<p>NOT INCLUDED BY THE SENATE</p>
<p>83 New Section; Certain Transfers Prohibited. Amend RSA 9 by inserting after section 16-b the following new section:</p> <p>9:16-c Certain Transfers Prohibited. Notwithstanding any other provision of law to the contrary, no funds shall be transferred out of any class line which is the source of payment for Medicaid providers whose reimbursement rates are set by the department of health and human services and whose rates have been reduced by the department of health and human services through the use of a budget neutrality factor, a proportionate discount factor, or any similar reduction device.</p>	<p>NOT INCLUDED BY THE SENATE</p>
<p>84 Department of Health and Human Services; Reduction in Appropriation. Amend 2009, 143:9, as amended by 2010, 4:3 to read as follows:</p> <p>143:9 Department of Health and Human Services; Reduction in Appropriation. The department of health and human services is hereby directed to reduce state general fund</p>	<p>74 Department of Health and Human Services; Reduction in Appropriation. Amend 2009, 143:9, as amended by 2010, 4:3 to read as follows:</p> <p>143:9 Department of Health and Human Services; Reduction in Appropriation. The department of health and human services is hereby directed to reduce state general fund</p>

<p>appropriations from any line by [\$19,559,231] \$8,676,231 for the biennium ending June 30, 2011. Any direct services to New Hampshire citizens shall be excluded from these reductions unless expressly approved by the fiscal committee of the general court and the governor and council. The department shall provide a quarterly report of reductions made under this section to the fiscal committee of the general court and the governor and council.</p>	<p>appropriations from any line by [\$19,559,231] \$8,676,231 for the biennium ending June 30, 2011. Any direct services to New Hampshire citizens shall be excluded from these reductions unless expressly approved by the fiscal committee of the general court and the governor and council. The department shall provide a quarterly report of reductions made under this section to the fiscal committee of the general court and the governor and council.</p>
<p>85 Transfer of Anna Philbrook Center Residents. Notwithstanding any provision of law to the contrary:</p> <p>I. The department of health and human services shall transfer all residents of the Anna Philbrook center to the F-Unit wing of New Hampshire hospital. After said transfer is complete, the department shall consider utilizing the Anna Philbrook center for office space as needed by the department, or taking steps to close the facility once vacant.</p> <p>II. The department of health and human services shall utilize the I-Unit wing of the New Hampshire hospital to provide beds as necessary for adult patients displaced by the transfer of residents of the Anna Philbrook center to the F-Unit wing of New Hampshire hospital pursuant to paragraph I.</p>	<p>AMENDED BY THE SENATE</p> <p>75 Transfer of Anna Philbrook Center Residents. Notwithstanding any provision of law to the contrary, the department of health and human services shall transfer all residents of the Anna Philbrook center to the F-Unit wing of New Hampshire hospital. After said transfer is complete, the department shall consider utilizing the Anna Philbrook center for office space as needed by the department, or taking steps to close the facility once vacant.</p>
<p>86 Shelter Care Services. For the biennium ending June 30, 2011, the department of health and human services shall continue to fund shelter care services at Midway Shelter in Bradford, Antrim Girls Shelter in Antrim, and North Country Shelter Care in Jefferson.</p>	<p>76 Shelter Care Services. For the biennium ending June 30, 2011, the department of health and human services shall continue to fund shelter care services at Midway Shelter in Bradford, Antrim Girls Shelter in Antrim, and North Country Shelter Care in Jefferson.</p>
<p>87 Shea Farm Transitional Housing Unit; Transfer to Tobey Building. The department of health and human services and department of corrections shall work in consultation to facilitate the transfer of the Shea Farm transitional housing unit to the Tobey building. Notwithstanding any provision of law to the contrary, all of the functions, positions, powers, duties, responsibilities, and funding for the Shea Farm transitional housing unit and the Tobey building shall be appropriately transferred to allow operation of the transitional housing unit and relocation of programs of the department of health and human services currently residing in the Tobey building. Said transfers shall include, but not be limited to, the use of existing capital and operating budget appropriations</p>	<p>NOT INCLUDED BY THE SENATE</p>

<p>to allow for renovations to the Tobey building to ensure its appropriate use, as well as renovations to the Anna Philbrook center if the department of health and human services decides to utilize said facility for office space pursuant to section 85 of this act. The transfers provided in this section shall include all of the equipment, books, papers, and records of the departments necessary for the operation of the facilities.</p>	
<p>88 Committee to Study the Youth Development Center and State Prison for Women.</p> <p>I. There is established a committee to study the transfer of populations of the youth development center and the state prison for women.</p> <p>II. The members of the committee shall be as follows:</p> <p>(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.</p> <p>(b) Two members of the senate, appointed by the president of the senate.</p> <p>III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.</p> <p>IV. The committee shall study the transfer of the population of the youth development center and the transfer of the population of the state prison for women. The committee shall also determine all statutory or administrative rule changes that will be necessary to effectuate said transfers.</p> <p>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 senate 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.</p> <p>VI. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2010.</p>	<p>AMENDED BY THE SENATE</p> <p>77 Committee to Study the Youth Development Center and State Prison for Women.</p> <p>I. There is established a committee to study the state-owned facility options for the populations of the youth development center and the state prison for women.</p> <p>II. The members of the committee shall be as follows:</p> <p>(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.</p> <p>(b) Two members of the senate, appointed by the president of the senate.</p> <p>III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.</p> <p>IV. The committee shall study the state-owned facility options for the populations of the youth development center and state prison for women. The committee shall make a recommendation on the use of state-owned facilities for said populations and determine all statutory or administrative rule changes that will be necessary to effectuate said recommendation.</p> <p>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 senate 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.</p> <p>VI. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2010.</p>

<p>89 Fine Revenues. Notwithstanding the provisions of RSA 262:44, the state treasurer shall deposit into the general fund \$185,000 for fiscal year 2010 and \$760,000 for fiscal year 2011 from fine revenues received under RSA 262:44, I.</p>	<p>78 Fine Revenues. Notwithstanding the provisions of RSA 262:44, the state treasurer shall deposit into the general fund \$185,000 for fiscal year 2010 and \$760,000 for fiscal year 2011 from fine revenues received under RSA 262:44, I.</p>
<p>90 New Chapter; Electricity Generation Tax. Amend RSA by inserting after chapter 83-F the following new chapter:</p> <p style="text-align: center;">CHAPTER 83-G ELECTRICITY GENERATION TAX</p> <p>83-G:1 Definitions. In this chapter:</p> <p>I. “Commissioner” means the commissioner of the department of revenue administration.</p> <p>II. “Department” means the department of revenue administration.</p> <p>III. “Taxable month” means a calendar month in which electricity is generated.</p> <p>IV. “Taxpayer” means any person generating electricity in this state, except for:</p> <p style="padding-left: 40px;">(a) An “eligible customer generator” as defined in RSA 362-A:1-a, II-b;</p> <p style="padding-left: 40px;">(b) A person generating electricity produced by wind energy, geothermal energy, hydrogen derived from biomass fuels or methane gas, ocean thermal, wave, current, or tidal energy, methane gas, biomass technologies, solar technologies, or hydroelectric energy, or that uses as its primary fuel source solid waste as defined in RSA 149-M:4; or</p> <p style="padding-left: 40px;">(c) A person generating electricity exclusively in a manner that the electricity generated is not interconnected to the electric distribution grid.</p> <p>83-G:2 Imposition of Tax. Each taxpayer is liable for a tax of \$.00055 per kilowatt hour of electricity generated within the state.</p> <p>83-G:3 Collection of Tax. Every taxpayer shall collect and monthly remit the tax to the state as provided in RSA 83-G:4.</p> <p>83-G:4 Tax Returns.</p> <p>I. Except as provided in this section, on or before the fifteenth day of each second month following a taxable month, each taxpayer shall make a return to the department for the taxable</p>	<p>NOT INCLUDED BY THE SENATE</p>

month on a form prescribed by the department.

II. Any taxpayer who ceases to engage in generating electricity, and is thereby not responsible for filing returns under this chapter, shall file a final return with the department not more than one month after discontinuing such activity. This requirement shall apply notwithstanding any other provision of this chapter regarding the time within which to file a return.

III. If the commissioner finds that the information required for the making of an accurate return cannot reasonably be compiled by a taxpayer within one month and 15 days after the close of the taxable month for which a return is to be made, the commissioner may grant an extension of time for the filing of such return. Any such extension shall be granted for a period not to exceed 31 calendar days. The granting of such extension may be conditioned upon the payment by the taxpayer of an amount of money equal to the amount estimated by the commissioner to be due with the return when filed under extension. All such estimated payments shall be credited against the taxpayer's liabilities under this chapter.

IV. The taxpayer shall pay to the department the amount of tax imposed by this chapter at the time it makes a return.

83-G:5 Exemptions.

I. It is in the public interest to foster the generation of electricity from renewable energy sources and from small scale distributed energy resources and to encourage waste reduction.

II. Electricity generated from the following sources shall not be subject to taxation under this chapter:

- (a) An "eligible customer generator" as defined in RSA 362-A:1-a, II-b;
- (b) Energy generated by wind energy, geothermal energy, hydrogen derived from biomass fuels or methane gas, ocean thermal, wave, current, or tidal energy, methane gas, biomass technologies, solar technologies, or hydroelectric energy, or that uses as its primary fuel source solid waste as defined in RSA 149-M:4; or

(c) Electricity generated which is not interconnected to the electric distribution grid.

83-G:6 Instruments, Books, Records, Papers, and Other Documents.

I. Every taxpayer shall provide and keep the necessary instruments and records to show the amount expressed in kilowatt hours of electricity generated by such person.

II. Every taxpayer required to file or actually filing under this chapter shall keep books, records, papers, and other documents which are adequate to reflect the information required by this chapter to be reported to the department by the filing of timely returns with the department.

III. All instruments, books, records, and other papers and documents required to be kept by this chapter shall, at all times during business hours of the day, be subject to inspection by the department.

83-G:7 Additional Returns. When the commissioner has reason to believe that a taxpayer has failed to file a return or to include any part of the total kilowatt hours electricity generated in a filed return, the commissioner may require the taxpayer to file a return or a supplementary return showing such additional information as the commissioner prescribes. Upon the receipt of the supplementary return, or if none is received within the time set by the commissioner, the commissioner may find and assess the amount due upon the information that is available. The making of such additional return does not relieve the taxpayer of any penalty for failure to make a correct original return, or relieve such person from liability for interest imposed under RSA 21-J:28 or for any other additional charges imposed by the commissioner. This section shall not be construed to modify or extend the statute of limitations provided in RSA 21-J:29.

83-G:8 Administration; Rulemaking.

I. The commissioner shall collect the taxes imposed under this chapter, interest on tax, additions to tax, and penalties imposed, and pay over to the state treasurer the amount of funds collected under this chapter.

II. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) The form of the return and the data which it must contain for the correct

<p>computation of the number of kilowatt hours of electricity generated in this state and the tax assessed.</p> <p>(b) The administration of the electricity generation tax.</p> <p>(c) The recovery of any tax, interest on tax, additions to tax, or penalties imposed by RSA 83-G or RSA 21-J.</p> <p>83-G:9 Tax Sales. The provisions of RSA 80:26 apply to the sale of land for the payment of taxes due under this chapter, and the state treasurer is authorized to purchase the land for the state. If the state purchases the land, the state treasurer shall certify the purchase to the governor, and the governor shall draw a warrant for the purchase price out of any money in the treasury not otherwise appropriated.</p> <p>83-G:10 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.</p>	
<p>91 Reference Change. Amend RSA 21-J:31 to read as follows:</p> <p>21-J:31 Penalty for Failure to File. Any taxpayer who fails to file a return when due, unless an extension has been granted by the department, shall pay a penalty equal to 5 percent of the amount of the tax due or \$10, whichever is greater, for each month or part of a month during which the return remains unfiled. The total amount of any penalty shall not, however, exceed 25 percent of the amount of the tax due or \$50, whichever is greater. This penalty shall not be applied in any case in which a return is filed within the extended filing period as provided in RSA 77:18-b, RSA 77-A:9, RSA 77-E:8, RSA [83-C:6, RSA 83-E:5] 83-G:4, RSA 84-A:7, or RSA 84-C:7, or the failure to file was due to reasonable cause and not willful neglect of the taxpayer. The amount of the penalty is determined by applying the percentages specified to the net amount of any tax due after crediting any timely payments made through estimating or other means.</p>	<p>NOT INCLUDED BY THE SENATE</p>
<p>92 Reference Change. Amend RSA 21-J:33-a, I to read as follows:</p>	<p>NOT INCLUDED BY THE SENATE</p>

<p>I. If there is a substantial understatement of tax imposed under RSA 77, RSA 77-A, RSA 77-E, RSA 78-A, RSA 78-C, RSA 82-A [or RSA 83-C], or RSA [83-E] 83-G, for any taxable period, there shall be added to the tax an amount equal to 25 percent of the amount of any underpayment attributable to such understatement.</p>	
<p>93 Repeal. RSA 83-E, relative to the electricity consumption tax, is repealed.</p>	<p>NOT INCLUDED BY THE SENATE</p>
<p>94 Insurance Premium Tax. Amend RSA 400-A:32, I(a) to read as follows:</p> <p>I.(a) Every insurer shall pay to the insurance commissioner [a tax] upon such net premiums, for lines of business written, as set forth in the report filed pursuant to RSA 400-A:31, I, less estimated payments made in accordance with RSA 400-A:32, II, [as follows:</p> <p style="padding-left: 40px;">(1) Effective July 1, 2007, a tax of 1.75 percent for all lines of business written pursuant to RSA 401:1, I III and V VIII, and RSA 401:1 a, I and II;</p> <p style="padding-left: 40px;">(2) Effective January 1, 2009, a tax of 1.50 percent for all lines of business written pursuant to RSA 401:1, I III and V VIII, and RSA 401:1 a, I and II;</p> <p style="padding-left: 40px;">(3) Effective January 1, 2010, a tax of 1.25 percent for all lines of business written pursuant to RSA 401:1, I III and V VIII, and RSA 401:1 a, I and II; and</p> <p style="padding-left: 40px;">(4) Effective January 1, 2011, a tax of one percent for all lines of business written pursuant to RSA 401:1, I III and V VIII, and RSA 401:1 a, I and II.</p> <p style="padding-left: 40px;">(5)] a tax of 2 percent for all lines of business written pursuant to RSA 401:1, [IV,] including, but not limited to, insurers licensed pursuant to RSA 420-A, RSA 420-B, and RSA 420-F.</p>	<p>NOT INCLUDED BY THE SENATE</p>
<p>95 Applicability. The provisions of RSA 400-A:32, I(a) as amended by section 94 of this act shall apply to tax periods of authorized insurers beginning after June 30, 2009. Any additional premium tax liability due to the amendment to RSA 400-A:32, I(c) by section 94 of this act shall be paid in full to the insurance commissioner by June 15, 2010.</p>	<p>NOT INCLUDED BY THE SENATE</p>
<p>96 Taxation of Transfers of Certain Estates. RSA 87:1 is repealed and reenacted to read as follows:</p>	<p>NOT INCLUDED BY THE SENATE</p>

<p>87:1 Tax Imposed; Exemption.</p> <p>I. An estate tax is hereby imposed upon the transfer of the estate of every decedent leaving a taxable estate for which the gross value after allowable deductions, as defined by the Internal Revenue Code of 1986, is greater than \$2,000,000, and who has property within this state.</p> <p>II. The first \$2,000,000 of the gross value of the decedent's estate shall be exempt from the estate tax.</p> <p>III. The amount of the New Hampshire estate tax shall be equal to 8 percent of the gross value of the portion of the decedent's taxable estate that exceeds the exemption in paragraph II.</p> <p>IV. If only a portion of the decedent's estate is located in this state, the tax shall be determined as follows:</p> <p>(a) For a decedent who, at the time of death, was a resident of this state, the New Hampshire estate tax shall be reduced by an amount determined by multiplying the entire amount of the tax by the percentage which the gross value of the real and tangible property portion of the decedent's estate located outside of this state bears to the gross value of the entire estate.</p> <p>(b) For a decedent who, at the time of death, was not a resident of this state, the New Hampshire estate tax shall be determined by multiplying the entire amount of the tax by the percentage which the gross value of the real and tangible property portion of the decedent's estate located in this state bears to the gross value of the entire estate.</p>	
<p>97 Authority to Audit. Amend RSA 87:36, II to read as follows:</p> <p>II. The department may, on its own motion, undertake such an audit upon written notice to the executor, administrator, or legatee within the statute of limitations as provided in RSA 21-J:29], except that where a change is reported as provided in RSA 87:10, such notice shall be provided within 6 months of the receipt of such amended return].</p>	<p>NOT INCLUDED BY THE SENATE</p>

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<p>98 Repeal. The following are repealed:</p> <ul style="list-style-type: none"> I. RSA 87:7, relative to intent of chapter. II. RSA 87:9, relative to chapter void, when. III. RSA 87:10, relative to adjustments. 	<p>NOT INCLUDED BY THE SENATE</p>
<p>99 Documentation of Marriages; Marriage License Fee. Amend RSA 457:29 to read as follows:</p> <p>457:29 Marriage License Fee. The fee for the marriage license shall be [\$45] \$50 to be paid by the parties entering into the marriage. The clerk shall forward \$38 from each fee to the department of health and human services for the purposes of RSA 173-B:15, and \$5 to the state treasurer for deposit in the general fund. The clerk shall retain the remaining \$7 as the fee for making the records of notice, issuing the certificate of marriage, and forwarding the [\$38] \$43 portion of the marriage license fee.</p>	<p>79 Documentation of Marriages; Marriage License Fee. Amend RSA 457:29 to read as follows:</p> <p>457:29 Marriage License Fee. The fee for the marriage license shall be [\$45] \$50 to be paid by the parties entering into the marriage. The clerk shall forward \$38 from each fee to the department of health and human services for the purposes of RSA 173-B:15, and \$5 to the state treasurer for deposit in the general fund. The clerk shall retain the remaining \$7 as the fee for making the records of notice, issuing the certificate of marriage, and forwarding the [\$38] \$43 portion of the marriage license fee.</p>
<p>100 Fees for Copies, Verifications, and Amendments to Vital Records. Amend RSA 5-C:10, I-II to read as follows:</p> <ul style="list-style-type: none"> I. A town clerk or the registrar shall be paid in advance, by any person requesting any copy or verification as provided in RSA 5-C:9, the sum of [\$12] \$20 for making a search, which sum shall include payment for the issuance of such copy or verification, and [\$8] \$10 for each subsequent copy, provided that the fee to town clerks for examination of documents and issuance of a delayed birth certificate shall be \$25. II. The town clerk shall forward \$8 of each search fee collected by the clerk under this section to the department of state for deposit in the vital records improvement fund established under RSA 5-C:15, \$8 to the state treasurer for deposit in the general fund, and shall retain the remaining \$4 as the clerk’s fee for issuing such a copy. For subsequent copies issued at the same time, the town clerk shall forward \$5 of the fee collected for each subsequent copy under this section to the department for deposit in the vital records improvement fund established under RSA 5-C:15, \$2 to the state treasurer for deposit in the general fund, and [the town clerk] shall retain the remaining \$3 as the clerk’s fee for issuing such a copy. The town clerk shall retain 	<p>80 Fees for Copies, Verifications, and Amendments to Vital Records. Amend RSA 5-C:10, I-II to read as follows:</p> <ul style="list-style-type: none"> I. A town clerk or the registrar shall be paid in advance, by any person requesting any copy or verification as provided in RSA 5-C:9, the sum of [\$12] \$20 for making a search, which sum shall include payment for the issuance of such copy or verification, and [\$8] \$10 for each subsequent copy, provided that the fee to town clerks for examination of documents and issuance of a delayed birth certificate shall be \$25. II. The town clerk shall forward \$8 of each search fee collected by the clerk under this section to the department of state for deposit in the vital records improvement fund established under RSA 5-C:15, \$8 to the state treasurer for deposit in the general fund, and shall retain the remaining \$4 as the clerk’s fee for issuing such a copy. For subsequent copies issued at the same time, the town clerk shall forward \$5 of the fee collected for each subsequent copy under this section to the department for deposit in the vital records improvement fund established under RSA 5-C:15, \$2 to the state treasurer for deposit in the general fund, and [the town clerk] shall retain the remaining \$3 as the clerk’s fee for issuing such a copy. The town clerk shall retain

<p>the \$25 fee for a delayed birth certificate as the clerk’s fee for examining documents and issuing the delayed birth certificate. Fees collected by the registrar shall be forwarded to the state treasurer for deposit into the vital records improvement fund established under RSA 5-C:15.</p>	<p>the \$25 fee for a delayed birth certificate as the clerk’s fee for examining documents and issuing the delayed birth certificate. Fees collected by the registrar shall be forwarded to the state treasurer for deposit into the vital records improvement fund established under RSA 5-C:15.</p>
<p>101 Prohibition on Delay of Payment or Expenditure. For the fiscal years ending June 30, 2010 and June 30, 2011, no department as defined in RSA 9:1 shall delay a payment or expenditure from one fiscal year to the subsequent fiscal year solely for the purpose of generating an unexpended balance that would lapse in the preceding year.</p>	<p>81 Prohibition on Delay of Payment or Expenditure. For the fiscal years ending June 30, 2010 and June 30, 2011, no department as defined in RSA 9:1 shall delay a payment or expenditure from one fiscal year to the subsequent fiscal year solely for the purpose of generating an unexpended balance that would lapse in the preceding year.</p>
<p>102 Appropriations and Charges. In addition to any other sums appropriated for the fiscal year ending June 30, 2011, the following appropriations and charges are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation: SEE DETAIL CHANGE FOR SPECIFIC REDUCTIONS Total appropriations and charges as included in category 01 thru and including 06 General fund (\$33,759,257) Federal funds (\$7,474,655) <u>Other funds (\$1,165,845)</u> Total funds (\$42,399,757)</p>	<p>AMENDED BY THE SENATE 82 Appropriations and Charges. In addition to any other sums appropriated for the fiscal year ending June 30, 2011, the following appropriations and charges are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation: SEE DETAIL CHANGE FOR SPECIFIC REDUCTIONS Total appropriations and charges as included in category 01 thru and including 06 General fund (\$31,615,456) Federal funds (\$5,732,455) <u>Other funds (\$1,165,845)</u> Total (\$38,513,756)</p>
<p>NO COMPARABLE HOUSE SECTION</p>	<p>83 Operating Budget; General Fund Appropriation Reduction; Judicial Branch. Notwithstanding 2009, 143:1, the state general fund appropriation for the judicial branch shall be reduced by an additional \$2,000,000 for the fiscal year ending June 30, 2011. The reduction required by this section shall be in addition to the reductions required of the judicial branch pursuant to 2009, 143:18 and in addition to the reductions undertaken in order to attain the judicial branch's proportional reduction under 2009, 144:289, including, specifically, the reductions effected pursuant to Supreme Court Administrative Order 2010-01. The director of the administrative office of the courts shall submit to the fiscal committee of the general court and the commissioner</p>

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	of the department of administrative services an itemization of the reductions in expenditure classes made to implement this section on or before June 15, 2011.
NO COMPARABLE HOUSE SECTION	84 Department; Powers and Duties; Publication of Rates of Reimbursement Exempt From Rulemaking. Amend RSA 170-G:4, XVII to read as follows: <p style="padding-left: 40px;">XVII. Establish rates for all services, placements and programs which are paid for by the department pursuant to RSA 169-B:40, 169-C:27, 169-D:29, and any services required to be provided by the department pursuant to paragraph II of this section. When educational aspects are present in any service, placement or program subject to rate-setting by the department, rates for the educational component shall be addressed jointly by the department and the department of education. <i>Publication of rates of reimbursement shall be exempt from the provisions of RSA 541-A.</i></p>
NO COMPARABLE HOUSE SECTION	85 New Paragraph; Administrative Procedure Act; Exception Added. Amend RSA 541-A:21 by inserting after paragraph VI the following new paragraph: <p style="padding-left: 40px;">VII. RSA 170-G:4, XVII, relative to the publication of rates for services, placements, and programs which are paid for by the department of health and human services pursuant to RSA 169-B:40, RSA 169-C:27, and RSA 169-D:29 shall be exempt from RSA 541-A.</p>
NO COMPARABLE HOUSE SECTION	86 Eligibility for Services Under the Medicaid Waiver. Amend RSA 151-E:3, II to read as follows: <p style="padding-left: 40px;">II. A person is eligible for services under the medicaid waiver if the person has been determined <i>clinically</i> eligible under RSA 151-E:3, I(a), <i>and financially eligible pursuant to rules adopted by the commissioner under RSA 541-A.</i></p>
NO COMPARABLE HOUSE SECTION	87 Repeal. 2009, 144:160, relative to the catastrophic aid program, is repealed.
NO COMPARABLE HOUSE SECTION	88 Catastrophic Aid Program. Notwithstanding any provision of law to the contrary, the department of health and human services shall make catastrophic claims payments using the methodology which was in effect prior to the passage of 2009, 144:160. The department of health and human services shall submit to the federal Centers for Medicare and Medicaid Services a Medicaid state plan amendment for the purpose of defining the criteria by which catastrophic

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	<p>claims payments shall be made. Said payments shall be based upon the percentage calculated of each hospital's total claims request divided against the total amount of requests received from all hospitals.</p>
<p>NO COMPARABLE HOUSE SECTION</p>	<p>89 Department of Health and Human Services; Suspension of Home Health Rate Setting Rule. Notwithstanding any provision of the law or rule to the contrary, for the biennium ending June 30, 2011, He-W 553 relative to the home health services rate setting is suspended. Payments for home health services shall be limited to appropriations for home health services as may be restricted or reduced by action by the fiscal committee of the general court or other legislative action. The commissioner of health and human services shall retain the discretion to prioritize within the line items.</p>
<p>NO COMPARABLE HOUSE SECTION</p>	<p>90 Authorization. The general court may authorize additional modifications to the 2010-2011 state budget, 2009, 143, as may be required to accomplish a balanced budget in a time of fluctuating revenues.</p>
<p>NO COMPARABLE HOUSE SECTION</p>	<p>91 Appropriation; Department of Health and Human Services. The sum of \$2,700,000 is hereby appropriated to the department of health and human service for the fiscal year ending June 30, 2011, for the purpose of changing the current per child cost share requirement for child care services back to a family cost share, and utilizing any remaining funds to address projected shortfalls in child care services appropriations. The governor is authorized to draw a warrant for such amount out of any money in the treasury not otherwise appropriated.</p>
<p>NO COMPARABLE HOUSE SECTION</p>	<p>92 Department of Health and Human Services. Alcohol Abuse Prevention and Treatment Fund. Amend RSA 176-A:1, III to read as follows:</p> <p style="padding-left: 40px;">III. Moneys shall be disbursed from the fund upon the authorization of the [governor's commission on alcohol and drug abuse prevention, intervention, and treatment established pursuant to RSA 12-J:1] commissioner of the department of health and human services. Funds disbursed shall be used for alcohol and other drug abuse prevention, intervention, and treatment services, and [other purposes related to the duties of the commission under RSA 12-J:3]</p>

	<i>for costs related to the administration of this fund.</i>
<p>NO COMPARABLE HOUSE SECTION</p>	<p>93 Governor’s Commission on Alcohol and Drug Abuse Prevention, Intervention, and Treatment; Duties. Amend RSA 12-J:3 to read as follows:</p> <p>12-J:3 Duties. The duties of the commission shall be to:</p> <p>I. <i>Collaborate with the department of health and human services to</i> develop and revise, as necessary, a statewide plan for the effective prevention of alcohol and drug abuse, particularly among youth, and a comprehensive system of intervention and treatment for individuals and families affected by alcohol and drug abuse. The statewide plan shall:</p> <p>(a) Identify the causes, nature and scope, and the impact of alcohol and drug abuse in New Hampshire.</p> <p>(b) Identify and prioritize unmet needs for prevention, intervention, and treatment.</p> <p>(c) Recommend initiatives to reduce the incidence of alcohol and drug abuse in New Hampshire.</p> <p>(d) Identify and quantify public and private resources available to support alcohol and drug abuse prevention, intervention and treatment.</p> <p>(e) Specify additional resources necessary to address unmet needs for prevention, intervention, and treatment.</p> <p>(f) Specify evaluation and monitoring methodology.</p> <p>II. Promote collaboration between and among state agencies and communities to foster the development of effective community-based alcohol and drug abuse prevention programs.</p> <p>III. Promote the development of treatment services to meet the needs of citizens addicted to alcohol or other drugs.</p> <p>IV. Identify unmet needs and the resources required to reduce the incidence of alcohol and drug abuse in New Hampshire and to make recommendations to the governor regarding legislation and funding to address such needs.</p> <p>V. Authorize the disbursement of moneys from the alcohol abuse prevention and</p>

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	<p>treatment fund, pursuant to RSA 176 A:1, III.]</p>
<p>NO COMPARABLE HOUSE SECTION</p>	<p>94 Governor’s Commission on Alcohol and Drug Abuse Prevention, Intervention, and Treatment; Meetings and Reports. Amend RSA 12-J:4, II(b) to read as follows:</p> <p style="padding-left: 40px;">(b) Indicate the progress made during the prior year toward the implementation of the statewide plan developed [by the commission] pursuant to RSA 12-J:3, I;</p>
<p>NO COMPARABLE HOUSE SECTION</p>	<p>95 New Subdivision; Commission Exploring Certain State Inventory. Amend RSA 21-I by inserting after section 86 the following new subdivision:</p> <p style="padding-left: 40px;">Commission Exploring Certain State Inventory</p> <p style="padding-left: 40px;">21-I:87 Commission Established. There is established a commission to study the inventory of all state assets, enterprises, and resources that may be monetized by sale or lease.</p> <p style="padding-left: 40px;">21-I:88 Membership and Compensation.</p> <p style="padding-left: 40px;">I. The members of the commission shall be as follows:</p> <p style="padding-left: 80px;">(a) Two members of the senate, appointed by the president of the senate.</p> <p style="padding-left: 80px;">(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.</p> <p style="padding-left: 80px;">(c) The state treasurer, or designee.</p> <p style="padding-left: 80px;">(d) The commissioner of the department of administrative services, or designee.</p> <p style="padding-left: 40px;">II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.</p> <p style="padding-left: 40px;">21-I:89 Duties. The commission shall study the inventory of all state assets, enterprises, and resources that may be monetized by sale or lease.</p> <p style="padding-left: 40px;">. 21-I:90 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four members of the commission shall constitute a quorum.</p> <p style="padding-left: 40px;">21-I:91 Report. The commission shall report its findings and any recommendations for</p>

	<p>proposed legislation to the president of the senate, the speaker of the house of representatives, the chairman of the house and senate finance committee, and the chairman of the house and senate ways and means committees, the senate clerk, the house clerk, the governor, and the state library on or before October 1, 2010.</p>
<p>NO COMPARABLE HOUSE SECTION</p>	<p>96 Repeal. RSA 21-I:86-91, relative to a commission to study the inventory of all state assets, enterprises, and resources that may be monetized by sale or lease, is repealed.</p>
<p>NO COMPARABLE HOUSE SECTION</p>	<p>97 Pari-Mutuel Pools on Simulcast Racing; Historical Races Added. Amend RSA 284:22-a to read as follows:</p> <p style="padding-left: 40px;">284:22-a Pari-Mutuel Pools on Simulcast Racing <i>and Historical Races</i>.</p> <p style="padding-left: 40px;">I. In this section:</p> <p style="padding-left: 80px;">(a) “State” means each state of the United States, the District of Columbia, the Commonwealth of Puerto Rico and any territory or possession of the United States.</p> <p style="padding-left: 80px;">(b) “Simulcast” means a licensee’s receipt of the transmission of races conducted at a racetrack other than the licensee’s racetrack and which races are exhibited simultaneously at the licensee’s racetrack by television or other means of electronic reproduction with the conduct of such races at the point of origin and on which races the licensee sells pari-mutuel pools.</p> <p style="padding-left: 80px;">(c) “Licensee” means any individual, association, partnership, joint venture, corporation, or other organization or other entity which holds a license under RSA 284 to conduct a race meet, or if the election is made pursuant to RSA 284:22-a,II(c), “licensee” means any individual, association, partnership, joint venture, corporation, or other organization or entity which holds a license under RSA 284 to conduct simulcasting at a facility at which live running or harness horse racing or live dog racing was conducted in 2008.</p> <p style="padding-left: 40px;"><i>(d) “Historical races” means those races displayed by electronic means on which the licensee sells pari-mutuel pools and which are approved by the commission.</i></p> <p style="padding-left: 40px;">II.(a) During the calendar years 1941-2029, a licensee may sell pari-mutuel pools on races held at racetracks other than the racetrack at which the licensee conducts its race meet, provided:</p>

(1) Such sales are within the enclosure of the racetrack at which the licensee holds a license for the current year to conduct live racing in this state;

(2) Wagers are made on races which are exhibited by television or other means of electronic reproduction at the licensee's racetrack *either (i) as historical races, or (ii)* simultaneously with the conduct of each such race at its point of origin with the agreement or approval of the racetrack which provides the transmission of the races to be simulcast and the racetrack which conducts the races to be simulcast;

(3) The licensee has scheduled at least 50 calendar days of live racing in the calendar year in which the licensee simulcasts *or displays historical races*, or if the licensee does not have scheduled at least 50 calendar days of live racing in such calendar year, the licensee conducts live racing on the day on which the licensee simulcasts *or displays historical races*; and

(4) The licensee obtains the consents and approvals set forth in RSA 284:22-a, III.

(b) [Repealed.]

(c) Notwithstanding subparagraph II(a), an individual, association, partnership, joint venture, corporation, or other organization or entity may be issued a license to conduct simulcasting without conducting live racing provided such person or entity makes such election with the approval of the commission and such person or entity either held a license on January 1, 2009 under this chapter to conduct a race meet or seeks to conduct simulcasting without conducting live racing at a facility at which live racing was authorized to be conducted in 2009.

III. A licensee may sell pari-mutuel pools on *historical races or on* races held at other appropriately licensed racetracks, whether such racetracks are in the state of New Hampshire or outside the state of New Hampshire with the agreement or approval of the racetrack which provides the transmission of the races to be simulcast and the racetrack which conducts the races to be simulcast. A licensee may sell pari-mutuel pools under RSA 284:22-a on the same types of races that it conducts live at its racetrack with the approval of the commission. A licensee may

sell pari-mutuel pools under RSA 284:22-a on types of races different from the type of races conducted live at the licensee's racetrack provided:

(a) The licensee obtains the approval of the commission; and

(b) The licensee shall have received city or town approval under RSA 284:17 to conduct the type of racing which is to be simulcast *or displayed* prior to or subsequent to the effective date of RSA 284:22-a; the type of racing which is to be simulcast *or displayed* shall have been approved by the city or town in which the licensee's racetrack is located in accordance with RSA 284:17 prior to or subsequent to the effective date of RSA 284:22-a; or the acceptance of wagers or simulcast races *or historical races* of a type other than the type of racing which the licensee conducts live at its racetrack shall have been approved by a majority vote at an annual town meeting or special town meeting called for such purpose in the town in which the licensee's racetrack is located.

IV. A licensee which has scheduled less than 50 calendar days of live racing in a calendar year may simulcast *or display historical races* on a day on which live racing is scheduled at the licensee's race track, without conducting live racing, provided that the live racing program is cancelled due to weather or other conditions which produce unsafe conditions at the racetrack of the licensee. The determination to cancel a live program based upon weather or the condition of the racetrack shall be made by the licensee, and notice shall be provided to the commission. Notwithstanding the foregoing, a licensee which has scheduled less than 50 calendar days of live racing shall be limited to no more than 10 such cancellations in a calendar year.

V.(a) A licensee may sell pari-mutuel pools for *historical races or* simulcast races for races held at racetracks within or outside the state of New Hampshire in accordance with RSA 284:22-a, II, within the enclosure of said licensee's racetrack or a licensee, with the written agreement with the licensee which conducts or transmits the race which is to be simulcast *or displayed*, may sell a common pari-mutuel pool in conjunction with the licensee which conducts or transmits the race which is to be simulcast *or displayed*. In the event of common pools, the

licensee which conducts or transmits the race shall pay the tax required under RSA 284:23 for the portion of the common pool actually contributed at said licensee's racetrack and the licensee which simulcasts *or displays historical races* shall pay the tax due under RSA 284:23 for the portion of the common pool actually contributed at said licensee's racetrack.

(b) A licensee may sell pari-mutuel pools for *historical races or* simulcast races for races held at racetracks outside the state of New Hampshire in accordance with RSA 284:22-a, II, within the enclosure of said licensee's racetrack or said licensee, with the written agreement with the entity which conducts the race which is to be simulcast *or displayed*, may sell a common pari-mutuel pool in conjunction with the entity which conducts the race which is to be simulcast *or displayed*. In the event of such common pools, the commission shall be in the amount established by the law of the state in which the race to be simulcast *or displayed* is actually conducted, provided, however, the licensee shall pay the tax as provided under RSA 284:23.

VI. Racing officials, as defined in the rules adopted by the commission, any employee or owner of the entity which provides the totalizator system to the licensee, and any person responsible for the operation of the electronic reproduction equipment which receives the simulcast *or display of a historical race* shall be prohibited from participating in wagering, directly or indirectly, on simulcast races *or historical races* shown at the licensee's racetrack.

VII. The provisions of RSA 284:15-c, RSA 284:16-a, RSA 284:16-c, RSA 284:17, RSA 284:17-a, and RSA 284:17-c shall not apply to simulcast, *historical races*, and pari-mutuel pools under RSA 284:22-a, except as specifically provided in RSA 284:22-a.

VIII. RSA 284:22, I, II, III, and IV shall apply according to the type of race on which the simulcast *and historical race* wagers are made, excepting, however, interstate common pools as provided in RSA 284:22-a, V(b) and that the provisions made for purses made in RSA 284:22, I shall not apply to simulcast races *and historical races*. The commission on simulcast race pools shall be available to the simulcasting licensee to satisfy obligations to the racing association originating or transmitting such simulcast races or to the horsemen's group of such association.

NO COMPARABLE HOUSE SECTION

98 Pari-Mutuel Pools; Distribution of Tax. Amend RSA 284:23 to read as follows:

284:23 Tax.

I.(a) Each person, association or corporation licensed to conduct a running horse race or running horse meet under this chapter shall pay to the state treasurer a sum of money equal to one percent of the total contributions to all pari-mutuel pools conducted, made, or sold at any such race or meet licensed under this chapter. The amounts so paid to the state treasurer shall be for the use of the state.

(b) Each person, association, or corporation licensed to ***display historical races or to*** simulcast a running horse race or running horse meet under this chapter shall pay to the state treasurer a sum of money equal to 1- 1/4 percent of the total contributions to all such pari-mutuel pools conducted, made, or sold at such ***historical race***, simulcast race, or simulcast race, meet by such person, association, or corporation licensed to simulcast such races ***or display historical races***. The amount so paid to the state treasurer shall be for the use of the state.

II.(a) Each person, association, or corporation licensed to conduct a harness horse race or harness horse race meet under this chapter shall pay to the state treasurer a sum of money equal to one percent of all total contributions to all pari-mutuel pools in a calendar day. The amount so paid to the state treasurer shall be for the use of the state.

(b) Each person, association, or corporation licensed to ***display historical races or to*** simulcast a harness horse race or simulcast a harness horse race meet under this chapter shall pay to the state treasurer a sum of money equal to 1-1/4 percent of the total contributions to all such pari-mutuel pools conducted, made, or sold at such ***historical race***, simulcast race, or race meet by such person, association, or corporation licensed to simulcast such races. The amount so paid to the state treasurer shall be for the use of the state.

III.(a) Each person, association, or corporation licensed to conduct a dog race or a dog race meet under this chapter shall pay to the state treasurer a sum of money equal to 1-1/4 percent of so much of the total contributions to all pari-mutuel pools conducted, made, or sold at any dog race

or dog race meet licensed under this chapter. The amount so paid to the state treasurer shall be for the use of the state.

(b) Each person, association or corporation licensed to *display historical races or to simulcast a dog race or simulcast a dog race meet* under this chapter shall pay to the state treasurer a sum of money equal to 1-1/2 percent of all pari-mutuel pools conducted, made, or sold at such *historical race, simulcast race, or simulcast race meet* by such person, association, or corporation licensed under this chapter. The amount so paid to the state treasurer shall be for the use of the state.

IV. Each person, association, or corporation licensed to conduct a race or race meet under this chapter shall also pay to the city or town treasurer in which the racing plant is located for each day of racing, whether such day includes live racing only, *historical races and simulcast racing only*, or a combination thereof, the fees assessed in subparagraphs (a) and (b) below, based upon the aggregate pari-mutuel pools conducted, made, or sold by such person, association, or corporation on each such day. This rate is provided if said person, association, or corporation has a license to conduct races or race meets for more than 10 days during the year for which the license is issued. If said person, association, or corporation has a license to conduct races or race meets for 10 days or less, the per diem fee shall be determined by the commission.

(a) Each Weekday including Saturday

Pari-mutuel pool	Fee
Under \$300,000	\$300 per day
\$300,000 or more	\$350 per day

(b) Each Sunday

Pari-mutuel pool	Fee
Under \$350,000	\$400 per day
\$350,000 but under \$500,000	\$800 per day
\$500,000 or more	\$1,200 per day

	<p>V. [Repealed.]</p> <p>VI. During each calendar year, by March 31, each licensee shall make a report to the commission with regard to such licensee's efforts to enhance live racing at such licensee's race track. Such report shall include, but not be limited to, licensee's enhancement of purses, capital improvements, promotion, advertising, and other activities determined by the licensee to enhance live racing. The report shall be in writing and shall be in sufficient detail as determined by the commission. The report shall be distributed to the commission and each member of the fiscal committee.</p> <p>VII. For the purposes of this chapter, "racing program" means live racing with any number of individual races as determined by the racing and charitable gaming commission. A live race or racing program may include a combined live and simulcast race <i>or historical race</i> where the combination contains at least one more live race to simulcast <i>or display</i> in the same combination. Any such live racing program or combined racing program upon which a separate tax is paid may constitute a live racing performance day.</p>
<p>NO COMPARABLE HOUSE SECTION</p>	<p>99 Unclaimed Ticket Money. Amend RSA 284:31 to read as follows:</p> <p>284:31 Unclaimed Ticket Money. On or before January 31 of each year every person, association or corporation conducting a race or race meet, whether live racing [or], simulcast racing, <i>or display of historical races</i> hereunder shall pay to the state treasurer all moneys collected during the previous year of pari-mutuel pool tickets which have not been redeemed. The books or records of said person, association or corporation, which clearly show the tickets entitled to reimbursement in any given race, live [or], simulcast, <i>or historical</i>, shall be forwarded to the commission. Such moneys shall become a part of the general funds of the state. The state treasurer shall pay the amount due on any ticket to the holder thereof from funds not otherwise appropriated upon an order from the commission. Pari-mutuel tickets which remain unclaimed after 11 months shall not be paid.</p>
<p>NO COMPARABLE HOUSE SECTION</p>	<p>100 Statement of Purpose: The general court finds that:</p>

	<p>I. Regulation of all forms of gaming is vitally important to the economy of the state and the general welfare of New Hampshire citizens.</p> <p>II. By virtue of New Hampshire’s 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.</p> <p>III. New Hampshire has an interest in promoting economic recovery, revenue, 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.</p> <p>IV. The state will limit the proliferation of gaming by controlling the locations for gaming sites in New Hampshire. The locations shall be determined based on demographics, population, access to appropriate transportation, suitability for tourism, local resources, and development opportunities.</p> <p>V. Any license issued or permission granted pursuant to the provisions of RSA 284-A is a revocable privilege and no holder acquires any vested right in such license or permission.</p>
<p>NO COMPARABLE HOUSE SECTION</p>	<p>101 New Chapters; Video Lottery Machines; Table Games; Commission to Study Regulatory Oversight Commission. Amend RSA by inserting after chapter 284 the following new chapters:</p> <p style="text-align: center;">CHAPTER 284-A VIDEO LOTTERY MACHINES</p> <p>284-A:1 Definitions.</p> <p>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.</p> <p>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,</p>

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. “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.

IV. “Charitable gaming” means games of chance and other gaming as permitted under RSA 287-A, RSA 287-D, and RSA 287-E.

V. “Facility operator applicant” means the applicant applying for approval by the lottery commission as a facility operator licensee.

VI. “Facility operator licensee” means the facility operator licensed by the lottery commission to possess, conduct, and operate video lottery machines at a facility location.

VII. “Facility location” means the land, buildings, structures, and any portion thereof approved by the lottery commission for video lottery machine operations by a facility operator licensee.

VIII. “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 operations, including the general manager and assistant manager of the operator licensee or technology provider, director of operations, director of cage or credit operations, director of surveillance, director of marketing, director of management information systems, director of security, comptroller, and any employee who supervises the operations of these departments or to whom these department directors or department heads report, and such other positions which the lottery commission shall determine based on detailed analyses of job descriptions as provided in the internal controls of the licensee. All other gaming employees shall be considered non-key

	<p>employees.</p> <p>IX. “License A” means the license issued to a facility operator licensee to operate up to 3,500 video lottery machines at a facility location pursuant to this chapter and for which license the facility operator licensee pays an initial license fee of \$50,000,000.</p> <p>X. “License B” means the license issued to a facility operator licensee to operate up to 3,500 video lottery machines at a facility location pursuant to this chapter and for which license the facility operator licensee pays an initial license fee of \$50,000,000.</p> <p>XI. License C” means the license issued to a facility operator licensee to operate up to 2,000 video lottery machines at a facility location pursuant to this chapter and for which license the facility operator licensee pays an initial license fee of \$30,000,000.</p> <p>XII. “License D” means the license issued to a facility operator licensee to operate up to 1,000 video lottery machines at a facility location pursuant to this chapter and for which license the facility operator licensee pays an initial license fee of \$15,000,000.</p> <p>XIII. “Licensee” means any applicant licensed by the lottery commission under this chapter.</p> <p>XIV. “Net machine income” means all cash or other consideration utilized to play a video lottery machine at a facility licensee, 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.</p> <p>XV. “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.</p> <p>XVI. “Progressive system” means one or more video lottery machines linked to one or more common progressive jackpots.</p> <p>XVII. “Request for application” means a request for applications to be submitted by applicants to the lottery commission pursuant to RSA 284-A:3.</p>
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	<p>XVIII. "Table game" means games authorized pursuant to RSA 284-B.</p> <p>XIX. "Technology provider" means any person or entity which designs, manufactures, installs, distributes, or supplies video lottery machines for sale or lease to the facility operator licensees, and which are for use by a facility operator licensee for conducting video lottery games in accordance with this chapter.</p> <p>XX. "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 facility operator licensees.</p> <p>XXI. "Technology provider licensee" means a technology provider that is licensed by the lottery commission.</p> <p>XXII. "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 facility licensee or paid to a player of a video lottery machine, which can be exchanged for cash at the facility licensee.</p> <p>XXIII. "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.</p> <p>XXIV. "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 or video poker machines or other similar machines used for</p>
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amusement purposes only.

284-A:2 Video Lottery Oversight and Regulation.

I. No license shall be issued to any person under this chapter without prior approval of the lottery commission pursuant to this chapter and RSA 284:21-w. The lottery commission shall only issue licenses to persons who operate video lottery machines at a facility location after meeting the requirements of this chapter. The lottery commission shall have the exclusive authority to license and regulate the installation, operation, and conduct of video lottery machines.

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 hearing and deciding all license applications or 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 facility operators and technology providers consistent with this chapter.

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

(f) Establishing standards for the competitive review of facility operator applicants pursuant to RSA 284-A:4.

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

	<p>commission determines is necessary and appropriate.</p> <p>(h) Ensuring that any facility operator licensee seeking to host or operate table games at a facility licensee location has appropriate approvals from the lottery commission pursuant to RSA 284-B.</p> <p>(i) Prescribing the methods and forms of application which any applicant shall follow and complete prior to consideration of the application by the commission.</p> <p>(j) 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.</p> <p>(k) Prescribing procedures for the fingerprinting of an applicant, employee of a licensee, or registrant, or other methods of identification which may be necessary in the judgment of the commission to accomplish effective enforcement of restrictions to access to the licensed facility.</p> <p>(l) Prescribing the manner and procedure of all hearings conducted by the commission or any hearing examiner, including special rules of evidence applicable thereto and notices thereof.</p> <p>(m) Prescribing the method of collection of payments of taxes, fees, and penalties.</p> <p>(n) 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> <p>(o) Prescribing grounds and procedures for the revocation or suspension of licenses.</p> <p>(p) Governing the manufacture, distribution, sale, and servicing of gaming devices and equipment.</p> <p>(q) Prescribing minimum procedures for the exercise of effective control over the internal fiscal affairs of a 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.</p>
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(r) 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.

(s) 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.

(t) Governing the gaming-related advertising of licensees, 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 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 casino operation.

(u) Providing for the establishment and maintenance by the lottery commission of a list of persons who are to be excluded or ejected from any facility licensed under RSA 284, because of the person’s criminal background or presence in a licensed facility 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 facility operator licensees, whereby persons who are problem gamblers can be excluded or ejected from a licensed facility.

(v) The licensing process and approval process for selecting the provider of the central computer system.

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-A:2, II are adopted pursuant to RSA 541-A, which shall be no later than 270 days from the effective date of this chapter.

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

(a) The central monitor and control 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 terminal;

(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 monitor and control 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 statewide system.

(1) Except as provided in subparagraph (2), the lottery commission shall not allow an operator licensee to have access to, or obtain information from, the central monitor and control system.

(2) If the access does not in any way affect the integrity or security of the central monitor and control system, the lottery commission may allow an operator licensee to have access

to the central monitor and control system that allows the licensee to obtain information pertinent to the legitimate operation of its video lottery.

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 calendar year, the lottery commission shall submit a report to the fiscal committee of the general court, regarding the operation of video lottery machines. Such report may include recommendations for future legislation.

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 actions taken with respect to such applicants. Subject to subparagraphs (d) and (e), a file and record of the actions by the lottery commission shall be open to public inspection provided, however, that the information regarding any applicant whose license or registration has been denied, revoked, or not renewed shall be removed from such 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 is 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 information and data required by the lottery commission to be furnished to it, or which may otherwise be obtained, shall be considered to be confidential and shall not be revealed 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.

(e) All information and data pertaining to an applicant's or key employee's finances, family, and background furnished to or obtained by the lottery commission from any source shall

be considered confidential and shall be withheld in whole or in part. Such information shall be released upon the lawful order of a court of competent jurisdiction or to a duly authorized law enforcement agency. Notwithstanding the above, the criminal record of an applicant or a key employee shall be available for review as a public record of the lottery commission.

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

VIII. 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 the lottery commission deems necessary for the discharge of its duties.

284-A:3 Number of Facility Operator Licenses

I. The lottery commission shall review, select, and grant licenses for up to 4 facility operators: license A, license B, license C, and license D. Facility operators granted a license A or a license B may operate up to 3,500 video lottery machines each at their respective facility locations. A facility operator granted a license C may operate up to 2,000 video lottery machines at its facility location. A facility operator granted a license D may operate up to 1,000 video lottery machines at its facility location.

II. In order to facilitate the timely and orderly deployment of licensed gaming operations in this state, the lottery commission shall adopt a schedule by which applications for facility operators and technology providers shall be filed, considered, and resolved in accordance with the provisions of this section. In so doing, the lottery commission shall consider, approve, condition, or deny the approval of all filed applications for technology providers at least simultaneously with the lottery commission's approval, denial, or conditional approval of any facility operator license

applications.

III. The lottery commission shall issue a request for applications for facility operators pursuant to the process set forth in this section. The lottery commission shall approve, approve with condition, or deny all applications submitted. The first request for applications shall be issued within 30 days of the adoption of interim rules by the lottery commission pursuant to RSA 284-A:2, III. Such first request for applications shall be for a license A facility operator and a license C facility operator. The request for applications shall require all applications in response to the first request for applications to be submitted by no later than December 15, 2010. The lottery commission shall issue a request for applications for a license B facility operator and a license D facility operator by December 31, 2011 and such applications shall be submitted no later than February 15, 2012.

IV. The lottery commission shall not issue a request for applications from or issue a license to any applicant seeking to operate video lottery machines or table games at a facility location within a radius of 5 miles of the facility location of any other facility operator licensee.

284-A:4 License Requirements for Facility Operators.

I. A facility operator shall obtain a facility operator's license from the lottery commission to possess, conduct, and operate video lottery machines as follows:

(a) An applicant shall complete and sign an application on forms and in a manner 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 non-traffic 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 required by this subparagraph 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; and

(6) The identity of the owners of the facility location along with information required by this subparagraph shall be provided with respect to each owner, partner, principal, trustee, officer, director and any shareholder or other holder who owns more than 10 percent of the legal or beneficial interest of such facility location. If the owner of the facility 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 facility 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 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 facility 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,

	<p>law enforcement, and mental health services.</p> <p>(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 at the facility location, and proposed table games if applicable, as supported by an expert experienced in the field of gaming.</p> <p>(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.</p> <p>(4) The development of jobs for the local community and a commitment to equal opportunity employment.</p> <p>(5) The ability of the applicant’s proposed facility location to efficiently generate and sustain an acceptable level of revenue and revenue growth.</p> <p>(6) The ability of the applicant to comply with statutory, regulatory, and technical standards applicable to the design of the proposed facility.</p> <p>(7) The demonstrated experience of the owners of the facility operator in developing, constructing, and managing a similar enterprise.</p> <p>(8) The character and fitness of the principals and key employees of the facility operator.</p> <p>(9) The accessibility of the proposed facility location to public access and public highway infrastructures.</p> <p>(10) The suitability of the proposed location and facility design for tourism and entertainment, including the applicant’s degree of control over the facility location, the applicant’s projected capital investment in the facility, compatibility of local zoning, commercial development opportunities and the applicant’s plan to meet community needs.</p> <p>(11) Whether the applicant has support of the municipality in which the project is proposed by local referendum consistent with RSA 284-A:9.</p>
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(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.

II.(a) Within 30 days of receiving an application, the lottery commission shall examine the application, notify the applicant whether the application is complete pursuant to RSA 284-A:6, VIII. The applicant shall be given the opportunity to correct any deficiencies within the timeframe prescribed by the lottery commission and the lottery commission shall thereafter confirm whether the application is complete or incomplete.

(b) If the lottery commission determines that there is only one complete application for a particular license, then the lottery commission shall review such application and within 30 days determine whether the applicant meets the criteria set forth in subparagraph I(f). The lottery commission shall give the applicant the opportunity to respond to questions concerning any of the criteria and to submit such additional information as may be requested. If such a determination is made, the applicant shall proceed to a character and fitness review by the attorney general and a final license review by the lottery commission pursuant to RSA 284-A:6.

(c) To the extent more than one application for a particular license is confirmed complete pursuant to subparagraph (a), the lottery commission shall schedule a hearing within 30 days of confirming completeness pursuant to the hearing process set forth in RSA 541-A regarding adjudicative proceedings. Competing applicants will serve pre-hearing 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 will be heard separately by the lottery commission at one hearing. There will be no right for one application 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 criteria of subparagraph I(f) based on evidence that the applicant's experience, project design, availability of resources, and local support will enable the

applicant to quickly, efficiently, and effectively begin operations, generate revenues to the state, attract tourism from out of state, accommodate traffic, and support the community. The lottery commission shall order the successful applicant to proceed to a character and fitness review by the attorney general and a final license review by the lottery commission pursuant to RSA 284-A:6.

(d) Subject to RSA 284-A:3, IV, no facility operator applicant denied approval by the lottery commission pursuant to this paragraphs I and II, shall be prevented from responding to subsequent requests for applications.

(e) Upon issuance of an initial determination that a facility operator applicant for a license A or license C meets the criteria under subparagraph I(f), the lottery commission shall, upon the direction of the fiscal committee of the general court, require such facility operator applicants to pay the applicable license fee set forth in subparagraph IV(c) to the lottery commission. The amount paid by any such facility operator applicant shall be refunded to such facility operator applicant if a final license is not issued to such facility operator applicant pursuant to subparagraph III(c) and RSA 284-A:6, XI.

III.(a) The attorney general shall conduct a background review of each facility operator applicant upon an initial determination pursuant to RSA 284-A:4, II above and any of its principals and key employees, and owners, principals and key employees of the facility location if not an affiliated with the applicant, consistent with RSA 284-A:4. 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 60 days. 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 license applicant or holder, or any person or entity upon whom the license applicant or holder 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.

(c) Upon receipt of the report of the attorney general, the lottery commission shall determine whether the facility operator applicant meets the criteria for issuance of a license pursuant to RSA 284-A:6.

IV.(a) The lottery commission shall impose 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 impose an investigation fee of \$50,000 which shall be used to defray the cost of the background investigation. If the cost of the background investigation exceeds \$50,000, the applicant shall pay the difference.

(c) Upon approval of a facility operator licensee, the lottery commission shall charge an initial license fee of \$50,000,000 for a facility operator licensee seeking a license A or license B; \$30,000,000 for a facility operator licensee seeking a license C; and \$15,000,000 for a facility operator licensee seeking a license D. The lottery commission shall charge a license fee of \$1,500,000 to renew a license A or license B; \$1,000,000 to renew a license C; and \$500,000 to renew a license D; however, such person seeking renewal of such license shall pay all costs incurred by the attorney general to conduct an investigation with regard to such application to renew the facility operator's license. Notwithstanding any other provision of this chapter, the first \$50,000,000 received by the lottery commission pursuant to this subparagraph shall be dedicated to the department of health and human services for the purposes of restoring programming and rate reductions.

284-A: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 non-traffic 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 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 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. 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 60 days. 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 license applicant or holder, or any person or entity upon whom the license applicant or holder 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. 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 operator's license.

284-A:6 Licensure Requirements for All Licenses.

I. No license shall be issued by the lottery commission unless the applicant demonstrates it complies with the provisions of this section. The lottery commission shall consider as evidence

of compliance any letter of reference or sworn statement of good standing from the gaming or lottery enforcement or control agency in every jurisdiction where the applicant has held or holds a gaming or video lottery machine license submitted pursuant to RSA 284-A:4, I(d) or RSA 284-A:5, III. The lottery commission shall consider:

(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.

(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, as appropriate, so as to establish the likelihood of a successful and efficient operation.

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

II. No license shall be issued by the lottery commission to any applicant unless the applicant proves that each director, officer, or key employee of the applicant, its principals, subsidiaries, and holding companies 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 affiliate, intermediary subsidiary, or holding company for an operator or technology vendor 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 facility operator or technology vendor meets the standards set forth in RSA 284-A:6, I 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.

III. No license shall be issued by the lottery commission 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 facility location is an elected official of the general court or executive branch of the state of New Hampshire or the attorney general's office or the lottery commission on a full or part-time or contractual basis at any time during the previous 2 years. If any such applicant, key employee, or any individual who has an ownership or financial interest in the applicant becomes such an elected official, the applicant shall be subject to sanctions pursuant to RSA 284-A:14.

IV. In the event 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 I herein, 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.

V. No license shall be issued to a facility operator applicant unless the applicant has

obtained local approval as provided in RSA 284-A:9.

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

VII.(a) The lottery commission shall grant or deny a license under this chapter within 75 days of receiving a completed application, notwithstanding the adoption of interim or final rules, consistent with RSA 541-A. No facility operator licensee may begin operations until the lottery commission has adopted final rules. Once final rules have been adopted, a facility operator licensee may commence operations in a temporary facility while completing construction of the permanent facility.

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

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

XI. Following approval of an application for a license, the applicant shall provide formal notification to the commission as soon as:

(a) It fulfills all required conditions for issuance of the license; and

(b) The board's decision approving the application is a final, binding, nonappealable determination which is not subject to a pending legal challenge. 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. The licensee shall pay any applicable licensing fees in full within 15 days of receiving the license, provided, however, any payment made by an applicant pursuant to RSA 284-A:4, II(e) shall be a complete credit for the initial fee due pursuant to RSA 284-A:4, IV(c).

XII. Applicants may appeal the denial of a license to the New Hampshire supreme court, pursuant to RSA 541. Notwithstanding any law to the contrary, such appeal shall be filed with the clerk of the supreme court within 5 days after the 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 if supported by the requisite evidence. The supreme court may hold a special session to consider such appeal if it considers such action necessary.

284-A:7 Exclusion of Minors.

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

shall be payable by such person who violates this section.

II. No operator 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 operator licensee.

284-A:8 Distribution of Net Machine Income.

I.(a) Thirty nine percent of the net machine income generated by video lottery machines at a facility licensee shall be paid as follows:

(1) Thirty 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 under RSA 21-P:11-b, and the operation of the central computer system, and the balance shall be deposited in the general fund of the state.

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

(3) Three percent of the net machine income generated by video lottery machines operated by a facility operator licensee shall be paid to the state treasurer to be divided equally amongst each county in the state for property tax relief in each county.

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

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

(6) One-half of one percent of the net machine income generated by video lottery machines shall be paid to the state treasurer and credited to the division of travel and tourism development, department of resources and economic development, for the purpose of promoting tourism in the state.

(7) One-half of one percent of the net income generated by all video lottery machines shall be paid equally to the police standards and training council training fund established in RSA 188-F:30 and the fire standards and training and emergency medical services fund established RSA 21-P:12-d to be used for reimbursement of expenses incurred for certification training and salaries.

(b) The balance of the funds from the net machine income from video lottery machines shall be retained by the facility operator licensee that operates such video lottery machines.

II. The facility operator 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 operator licensee shall provide a written accounting of net machine income generated from the video lottery machines by the operator licensee on an aggregate basis and the calculation of amounts due to the state separately for distribution pursuant to subparagraphs I(a)(1), (5), (6), and (7), the amount due the municipality pursuant to subparagraph I(a)(2), the amount due to the county pursuant to subparagraph I(a)(3), the amount due certain municipalities pursuant to subparagraph I(a)(4), and the balance of net machine income retained by the operator licensee. The facility operator licensee shall pay a penalty of \$1,000 for each day that payment or the accounting is not delivered on time to the state, a penalty of \$1,000 for each day that payment or the accounting is not delivered to the municipality on time, and a penalty of \$1,000 for each day that payment or the accounting is not

delivered to the county on time.

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

I. Any municipality in which a facility location is or proposes to be situated may adopt the provisions of RSA 284-A to allow the operation of video lottery machines in the following manner:

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

(b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, upon request of a facility operator applicant to authorize the operation of video lottery machines within the municipality in accordance with the provisions of RSA 284-A, 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 facility operator applicant to authorize the operation of video lottery machines within the unincorporated place to either the moderator of the unincorporated place if the unincorporated place is organized to vote pursuant to RSA 668:1, or the clerk of the designated town if the unincorporated place is not organized for voting as provided in RSA 668:2, and the moderator or the clerk shall place the question on the ballot to be voted upon at the next regularly scheduled biennial election. The ballot shall be given to the individuals who are domiciled in such unincorporated place who are registered to vote.

(d) If a majority of those voting on the question vote “Yes,” RSA 284-A shall apply in such town or city and the operation of video lottery machines shall be permitted within such town,

city or unincorporated place in accordance with RSA 284-A. 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-A allowing the operation of video lottery machines at [insert the name of the proposed facility location] located within the [insert name of town, city, or unincorporated place]”?

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

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

I. The lottery commission shall periodically test video lottery machines installed at any 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-A:11 Video Lottery Machines.

I.(a) A facility operator 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; and

(6) All internal control systems as required by RSA 284:21-w.

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

II. No video lottery machine shall be possessed, maintained, exhibited, brought into, or removed from a facility licensee 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 facility operator licensee shall maintain secure facilities for the counting and storage of all moneys, tokens, or other items of value utilized in the conduct of video lottery machines.

IV. The drop boxes and other devices shall not be brought into a facility licensee or removed from an 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.

VI. Video lottery machines in operation at a facility licensee 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 operator licensee.

VIII. A facility operator 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 locations. No automatic teller machines shall be located within 50 feet of video lottery machines.

X. All table games operated by a facility operator licensee shall be approved in advance by the lottery commission consistent with RSA 284-B and operated consistent with the approval.

284-A:12 Term of License. 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. No license issued by the lottery commission may be transferred to a separate entity without approval by the lottery commission consistent with this chapter.

284-A:13 Presence of the Lottery Commission. The lottery commission and the division of state police gaming enforcement unit may be present at any facility licensee at which video lottery machines are operated at all times when the facility is open to the public. The 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-A:14 Sanction Powers of the Lottery Commission.

I. The lottery commission shall have 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 lottery 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) 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 lottery commission shall consider:

- (a) The risk to the public and to the integrity of video lottery machine operations created by the conduct of the person.
- (b) The seriousness of the conduct of the person and whether the conduct was purposeful or with knowledge that it was in contravention of the provisions of this chapter or the rules of the lottery 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 lottery commission may subject such person to enhanced fines or other disciplinary action.

284-A:15 Declaration of Limited Exemption from Operation of Provisions of 15 U.S.C. section 1171-1172. 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 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-A:16 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.

CHAPTER 284-B

TABLE GAMES

284-B:1 Definitions. In this chapter:

I. “Associated equipment” means any equipment or mechanical, electromechanical, or electronic contrivance, component, or machine used in connection with 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.

II. “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.

III. “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 table game 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 table game certificate holder, all instruments that constitute a cash equivalent shall be made payable to the table game certificate holder, to the bearer, or to cash. An instrument made payable to a third party shall not be considered a cash equivalent and shall be prohibited.

IV. “Certificate holder” means a facility operator licensee issued a table game operator certificate by the commission to operate the table games at a licensed facility.

V. “Commission” means the lottery commission.

VI. “Count room” means the room designated for counting, wrapping, and recording of table game receipts.

VII. “Facility operator licensee” means a facility operator licensed by the lottery commission pursuant to RSA 284-A.

VIII.(a) “Gross table game revenue” means the total of cash or 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.

IX. “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 table game operations, including but not limited to, the director of table games, pit bosses, shift bosses, credit supervisors, cashier supervisors, table game facility managers, and assistant managers.

X. “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, three card poker, two 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 subsection, and any other games approved by the commission. The term includes any variations or composites of approved games, provided that the 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 commission may deem appropriate, and any other game which the commission determines to be suitable for use in a licensed facility after an appropriate test or experimental period as the 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 licensed facility by the 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-a 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.

XI. "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 connection with a table game.

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

XIII. "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 licensed facility 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 licensed facility.

XIV. "Technology provider" means a technology provider that is licensed by the lottery

commission pursuant to RSA 284-A, or who manufactures, builds, rebuilds, fabricates, assembles, produces, programs, designs, or otherwise modifies table games.

284-B:2 State Employee Prohibition. No member, employee, or independent contractor of the lottery commission or racing and charitable gaming commission shall accept a complimentary service or wager or be paid any prize from any wager at any licensed facility within the state or at any other facility outside this state which is owned or operated by a licensed gaming entity or any of its affiliates, intermediaries, subsidiaries, or holding companies thereof for the duration of his or her term of office, employment, or contract with the lottery commission or the racing and charitable gaming commission and for a period of one year from the termination of term of office, employment, or contract with the lottery commission or racing and charitable gaming commission. The provisions of this section shall not apply to employees who utilize table games for testing purposes or to verify the performance of table games as part of an enforcement investigation.

284-B:3 General and Specific Powers.

I. The commission shall have general and sole regulatory authority over the conduct of table games described in this chapter. The 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. The commission shall:

(a) Issue, approve, renew, revoke, suspend, condition, or deny issuance or renewal of a table game operation certificate to a facility operator licensee.

(b) Determine at its discretion the suitability of any person, including technology vendors not licensed pursuant to RSA 284-A, who furnishes or seeks to furnish to a certificate holder licensee 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.

III. The commission shall not issue or renew a table games operation certificate unless it is satisfied that the applicant is a facility operator licensee in good standing operating video lottery machines under RSA 284-A.

IV. To publish on the commission's Internet website a complete list of all persons or entities who applied for or held a table game operation certificate, manufacturer license, supplier license, 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 who's 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.

284-B:4 Enforcement. The commission, with the assistance of the attorney general and the division of state police gaming enforcement unit, shall administer and enforce the provisions of this chapter.

284-B:5 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to:

I. The application procedure for video lottery operator licensees to obtain a table game operation certificate.

II. The approval procedure for table game operators, including the classification of primary game operators and secondary game operators.

III. Procedures for a hearing following revocation of any table game operation certificate pursuant to this chapter.

IV. The operation of table games.

V. Refunds of certificate fees pursuant to this chapter.

VI. Procedures for approving technology providers not licensed by RSA 284-A and associated fees.

VII. Accountability controls to ensure game integrity, including, but not limited to, cash, attendance, prizes, income, expense, and financial reporting, and record-keeping to be implemented by licensed table game operators in addition to requirements set forth in this chapter.

VIII. Enforcement of this chapter.

IX. The issuance of subpoenas, administrative orders and fines, badge specifications, requirements, and fees.

X. Other matters related to the proper administration of this chapter.

284-B:6 Table Games Authorized. A person licensed to operate video lottery pursuant to RSA 284-A may operate table games at a licensed facility operator location in the manner hereinafter provided and not otherwise:

I. Persons holding a current facility operator license in good standing from the lottery commission to operate video lottery pursuant to RSA 284-A may apply for a table games operation certificate for the operation of table games at a licensed facility and upon confirmation by the commission that it meets the criteria set forth in this section shall be granted a certificate for the operation of table games.

II. The certificate shall authorize table games at specified licensed facilities.

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

IV. The certificate shall not be transferable.

284-B:7 Authorization to Conduct Table Games.

I. Notwithstanding any other provision of law to the contrary, the commission may authorize only a licensed video lottery operator to engage in the operation of table games and the system of wagering associated with table games at a facility licensed under RSA 284-A. Authorization to conduct table games shall be contingent upon the licensee's agreement to conduct table games in accordance with this chapter.

II. A video lottery operator who is issued a table games operation certificate may only be permitted to operate table games at a licensed facility consistent with the permission granted by the certificate.

III.(a) A facility operator licensee may seek approval to operate table games by filing a petition with the commission.

(b) A petition shall include the following:

(1) The name, business address, and contact information of the petitioner.

(2) The name and address, job title, and a photograph of each principal and key employee of the petitioner not currently approved or licensed by the commission, including table game operators.

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

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

(5) 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.

(6) The details of any financing that will be obtained or has been obtained to fund

the expansion of the licensed facility to accommodate the operation of table games.

(7) Detailed site plans identifying the petitioner's proposed table game area within the licensed facility including reference to the area reserved for charitable games of chance. The proposed table game area shall be reviewed by the 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.

IV. The applicant shall certify under oath that:

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

(b) 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.

(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.

284-B:8 Standard of Review. The commission shall grant the petition and issue a certificate to authorize the petitioner to operate table games if the petitioner establishes evidence of the following:

I. The petitioner is an eligible video lottery operator licensee duly licensed pursuant to RSA 284-A.

II. If necessary, the petitioner has secured adequate financing to fund the expansion of the petitioner's licensed facility to accommodate the operation of table games.

III. The proposed internal and external security and proposed surveillance measures within the petitioner's proposed table game area within the licensed facility are adequate.

IV. The petitioner agrees to permit the operation of charitable games of chance consistent with RSA 284-B:6, III.

284-B:9 Commencement of Table Game Operations. A facility operator licensee may not operate or offer table games for play at a licensed facility until:

- I. The commission approves the petition filed under RSA 284-B:7;
- II. The facility operator licensee pays the fee under RSA 284-B:14; and
- III. The commission has issued a table games operation certificate to the facility operator licensee under RSA 284-B:6 and RSA 284-B:8.

284-B:10 Term of Table Game Authorization. After payment of the fee under RSA 284-B:14, authorization to conduct table games shall be in effect unless suspended, revoked, or not renewed by the commission upon good cause consistent with the license requirements provided in this chapter. Facility operator licensees shall be required to update the information in their initial table games petition at times prescribed by the commission, but at least as frequently as the operator is required to renew its video lottery operator's license. An additional license fee of no more than \$1,000,000 shall be imposed for renewal of a table game operation certificate every 5 years. The commission shall be entitled to use such funds to support staff and resources necessary to implement this chapter.

284-B:11 Condition of Continued Operation. 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 commission. All books, records, and documents related to table game operations shall:

- I. Be maintained separate and apart from all books, records, and documents of the video lottery machine operations;
- II. Be immediately available for inspection upon request of the commission, the state police, or agents of the attorney general during all hours of operation in accordance with rules adopted by the commission; and
- III. Be maintained for a period as the commission, by rule, may require.

284-B:12 Table Game Accounting Controls and Audits.

I. Prior to being approved for a table game operation certificate, a facility operator licensee shall obtain approval from the commission of its proposed site plans and internal control systems and audit protocols for its table games operation.

II. The facility operator licensee's proposed internal controls and audit protocols shall:

- (a) Safeguard its assets and revenues, including the recording of cash and evidences of indebtedness related to the table games.
- (b) 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.
- (c) Provide for accurate and reliable financial records related to the table games operation.
- (d) Establish procedures for all the following:
 - (1) The receipt, storage, and disbursal of chips, cash, and other cash equivalents used in table gaming.
 - (2) Check cashing.
 - (3) The redemption of chips and other cash equivalents used in table gaming and the payoff of jackpots.
 - (4) The recording of transactions pertaining to table gaming.
- (e) Establish procedures for the collection and security of moneys at the gaming tables.
- (f) Establish procedures for the transfer and recording of chips between the gaming tables and the cashier's cage.
- (g) Establish procedures for the transfer of drop boxes for table games from the gaming tables to the count room.
- (h) Establish procedures and security for the counting and recording of table gaming revenue.

- (i) Establish procedures for the security, storage, and recording of cash, chips, and other cash equivalents utilized in table gaming.
 - (j) Establish procedures and security standards for the handling and storage of gaming apparatus, including cards, dice, machines, wheels, and all other gaming equipment.
 - (k) Establish procedures and rules governing the conduct of particular games and the responsibility of casino personnel.
 - (l) Establish procedures for the collection and recording of revenue from poker when it is a non-licensee bank game, including the type of rake utilized, the methodology for calculating the rake, and the amount of maximum permissible rake.
 - (m) 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 commission.
 - (n) 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.
 - (o) 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.
 - (p) Ensure that all functions, duties, and responsibilities are appropriately segregated and performed in accordance with sound financial practices by competent, qualified personnel.
 - (q) Permit use of its existing onsite facilities by the commission and, other persons authorized by the commission to facilitate their ability to perform regulatory and oversight functions under this chapter.
- III. Each facility operator 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:
- (a) An organizational chart depicting appropriate functions and responsibilities of

employees involved in the table game operation.

- (b) A description of the duties and responsibilities of each position shown on the organizational chart.
- (c) The record retention policy of the applicant.
- (d) The procedure to be utilized to ensure that assets are safeguarded, including mandatory count procedures.

IV. Prior to approving a petitioner for a table game operation certificate, the commission shall review the system of internal controls submitted under RSA 284-B:7, III(b)(7) to determine whether it conforms to the requirements of this chapter and provides adequate and effective controls for the operations of the facility.

284-B:13 Wagering Policies.

- I. Holders of table game operation certificates shall maintain a detailed narrative description of the administrative and accounting procedures which meet the requirements of this section.
- II. A facility operator licensee 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 facility operator licensee.
- III. Holders of table game operation certificates may make credit card advances and debit card withdrawals available to table game patrons at a licensed facility. All fees charged for cash advances, check cashing, and debit card withdrawals shall be disclosed. Notwithstanding any other provision of law, a holder of 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.

284-B:14 Table Game Authorization Fee.

- I. Upon approval of a petition filed under RSA 284-B:7 and prior to the commencement of the operation of table games at the facility, the commission shall impose a one-time authorization

fee on the facility lottery operator licensee in the amount of \$10,000,000 for licensees approved by the lottery commission for facility operator licenses A, B and C, and \$5,000,000 for the licensee approved by the lottery commission for facility operator license D. The commission is authorized to use such funds to support staff and resources necessary to implement this chapter.

II. All table game authorization fees received by the commission under this section shall be deposited in the general fund.

284-B:15 Distribution of Table Game Revenues.

I. Each certificate holder shall pay from its daily gross table game revenue from the table games in operation at its facility; and

(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 facility operator licensee that operates the table games.

II. The distribution due to the state pursuant to subparagraph I(a) shall be due and payable to the state treasurer on a quarterly basis and shall be based upon gross table game revenue derived during the previous quarter. 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 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.

284-B:16 Authorization of Suppliers and Manufacturers of Table Game Devices. Any person seeking to supply table game devices for use at a licensed facility 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 a supplier license.

284-B:17 Equipment; Wagering; Prizes.

I. 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:16 and who has registered with the secretary of state in such manner and on such form as the secretary of state prescribes.

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

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

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

I. The 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 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.

284-B:19 Declaration of Limited Exemption from Operation of Provisions of 15 U.S.C. section 1171-1172. 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 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:20 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.

CHAPTER 284-C

COMMISSION TO STUDY GAMING REGULATORY OVERSIGHT COMMISSIONS

284-C:1 Commission to Study Gaming Regulatory Oversight Commissions.

I. There is established a commission to study and review the regulatory oversight of gaming licensees and to make recommendations on how to streamline, consolidate, or modify the regulatory oversight process and commissions for gaming in the state of New Hampshire.

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

- (a) One member of the lottery commission, appointed by governor.
- (b) One member of the racing and charitable gaming commission, appointed by the governor.
- (c) The commissioner of safety, or his or her designee.
- (d) One individual who is a licensee under RSA 284-A, appointed by the governor.
- (e) Two members of the public, appointed by the governor.
- (f) Two members of the senate, appointed by the president of the senate.
- (g) Two members of the house, appointed by the speaker of the house of representatives.
- (h) The attorney general, or designee.

III. The commission shall study the role of the existing regulatory commissions for gaming in the state of New Hampshire and recommend any changes that would streamline, consolidate, modernize, or improve the regulatory process and role of the existing regulatory commissions.

	<p>IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be held within 90 days of the effective date of this section. Six members of the commission shall constitute a quorum.</p> <p>V. The commission 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 September 1, 2012.</p>
<p>NO COMPARABLE HOUSE SECTION</p>	<p>102 New Section; Lottery Commission; Administration of Video Lottery. Amend RSA 284 by inserting after section 21-v the following new section:</p> <p>284:21-w Video Lottery; Duties of the Lottery Commission; Administration of Video Lottery.</p> <p>I. The lottery commission shall:</p> <p>(a) Collect all license fees imposed upon any applicant and all taxes imposed by RSA 284-A.</p> <p>(b) Certify net machine income by inspecting records, conducting audits, having its agents on site, or by any other reasonable means.</p> <p>(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.</p> <p>(d) Require facility operator licensees to submit all contracts for services where the annual amount to be expended by the facility operator 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.</p> <p>(e) Require all holders of facility operator licenses issued by the lottery commission pursuant to RSA 284-A to maintain a system of internal controls. At a minimum, the licensee's proposed system of internal controls shall:</p>

- (1) Safeguard its assets and revenues, including, but not limited to the recording of cash and evidences of indebtedness related to the video lottery machines.
- (2) Provide for reliable records, accounts, and reports of any financial event that occurs in the operation of a video lottery machine.
- (3) Ensure that each video lottery machine directly provides or communicates all required activities and financial details to the central computer system.
- (4) Provide for accurate and reliable financial records.
- (5) Ensure any financial event that occurs in the operation of a video lottery machine 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-A to comply with any exclusion program established by the lottery commission and maintained pursuant to RSA 284-A:2, II(u) 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.

II. The lottery commission may employ certain assistants to carry out the provisions of this section and RSA 284-A, and may employ such additional assistants and employees as the governor and council shall authorize. Such assistants and employees shall receive compensation at rates to be established by the department of administrative services, division of personnel, however, such compensation shall be funded by proceeds paid to or received by the lottery commission pursuant to RSA 284-A. No employee of the lottery commission shall have any pecuniary or other interest in any supplier or agent to the commission or in any facility location or licensee licensed under RSA 284-A.

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

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

V. 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 confidential and shall not be revealed in whole or in part except in the course of the necessary administration of this chapter, or upon the

	<p>lawful order of a court of competent jurisdiction, or with the approval of the attorney general, to a duly authorized law enforcement agency.</p> <p>(d) All information and data pertaining to an applicant’s criminal record, family, and background furnished to or obtained by the lottery commission from any source shall be confidential and shall be withheld in whole or in part. Such information shall be released only 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.</p> <p>(e) Notice of the contents of any information or data released, except to a duly authorized law enforcement agency pursuant to subparagraph (c) or (d), shall be given to any applicant, registrant, or licensee in a manner prescribed by the rules adopted by the lottery commission.</p> <p>(f) All records, information, or data maintained or kept by the lottery commission shall be maintained or kept at the office of the gaming enforcement unit.</p>
<p>NO COMPARABLE HOUSE SECTION</p>	<p>103 New Sections; Department of Safety; Gaming Enforcement Unit Established. Amend RSA 21-P by inserting after section 11-a the following new sections:</p> <p>21-P:11-b Division of State Police; Gaming Enforcement Unit.</p> <p>I. There is established within the department of safety, 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:</p> <p>(a) Investigate violations of RSA 284-A and RSA 284-B and the rules adopted under the provisions of RSA 284-A and 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.</p> <p>(b) Participate in any hearing conducted by the lottery commission.</p> <p>(c) Investigate crimes which may involve a violation of RSA 284-A or RSA 284-B that occur at a facility operator licensee location.</p>

	<p>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.</p> <p>21-P:11-c 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-A:8, I(a)(1) to the department of safety to implement and enforce RSA 21-P:11-b, RSA 284-A, and RSA 284-B.</p>
<p>NO COMPARABLE HOUSE SECTION</p>	<p>104 New Section; Racing and Charitable Gaming Commission; Duties. Amend RSA 284 by inserting after section 6-a the following new section:</p> <p>284:6-b Duties of the Racing and Charitable Gaming Commission. The racing and charitable gaming commission shall:</p> <p>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 facility location relevant to the lottery commission’s approval process under RSA 284-A 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 284:21-w, V.</p> <p>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 and regulations adopted by the racing and charitable gaming commission.</p>
<p>NO COMPARABLE HOUSE SECTION</p>	<p>105 Restriction on Gambling. RSA 284:17-c is repealed and reenacted to read as follows:</p> <p>284:17-c Restriction on Gambling. Except as provided in the introductory paragraph of RSA 284:22, RSA 284:22-a, RSA 284-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</p>

	gaming commission.
NO COMPARABLE HOUSE SECTION	<p>106 New Paragraph; Facility Licensee; Cocktail Lounge License. Amend RSA 178:22 by inserting after paragraph V the following new paragraph:</p> <p style="padding-left: 40px;">VI. The commission may issue a special license to a person holding a facility operator’s license under the provisions of RSA 284-A, provided the facility licensee has an existing liquor license. 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 284-A.</p>
NO COMPARABLE HOUSE SECTION	<p>107 New Subparagraph; Authorized Video Lottery Machines. Amend RSA 647:2, V by inserting after subparagraph (c) the following new subparagraph:</p> <p style="padding-left: 40px;">(d) Video lottery machines authorized pursuant to RSA 284-A and table games authorized pursuant to RSA 284-B.</p>
NO COMPARABLE HOUSE SECTION	<p>108 Rehabilitation of Problem Gaming. Amend RSA 172:2-a to read as follows:</p> <p style="padding-left: 40px;">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.</p>
NO COMPARABLE HOUSE SECTION	<p>109 Duties of Commissioner; Rehabilitation of Problem Gaming. Amend RSA 172:8 to read as follows:</p> <p style="padding-left: 40px;">172:8 Duties of the Commissioner.</p> <p style="padding-left: 80px;">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.</p> <p style="padding-left: 80px;">II. Promote meetings and programs for the discussion of gambling, alcohol, and drug</p>

	<p>dependency and abuse for the guidance and assistance of individuals, schools, courts, and other public and private agencies.</p> <p>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.</p> <p>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.</p> <p>V. [Repealed.]</p> <p>VI. Render biennially to the governor and council a report of his activities including recommendations for improvements therein by legislation or otherwise.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>X. [Repealed.]</p>
<p>NO COMPARABLE HOUSE SECTION</p>	<p>110 Confidentiality of Client Records; Rehabilitation of Problem Gaming. Amend RSA 172:8-a to read as follows:</p> <p>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,</p>

	<p>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.</p>
<p>NO COMPARABLE HOUSE SECTION</p>	<p>111 Rulemaking; Rehabilitation of Problem Gaming. Amend RSA 172:14, IV to read as follows:</p> <p>172:8-b Rulemaking. The commissioner shall adopt rules under RSA 541-A relative to the following:</p> <p>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.</p> <p>II. A fee schedule and collection of fees under RSA 172:14, IV.</p> <p>III. Certification of substance abuse treatment facilities including, but not limited to:</p> <p>(a) Program content;</p> <p>(b) Qualifications of program staff; and</p> <p>(c) Type of substance abuse treatment offered.</p> <p>IV. Certification and recertification of gambling, alcohol, and drug abuse counselors including, but not limited to:</p> <p>(a) Peer review of applicants.</p> <p>(b) Minimum qualifications and competency.</p> <p>(c) Education and continuing education.</p> <p>(d) Experience required.</p> <p>(e) Required knowledge of gambling, alcohol, and drug abuse counseling.</p> <p>(f) Such other matters as the commissioner may deem necessary to carry out the purposes of this chapter.</p> <p>V. Voluntary admissions under RSA 172:13.</p>
<p>NO COMPARABLE HOUSE SECTION</p>	<p>112 Acceptance of Grants; Treatment of Problem Gamers. Amend RSA 172:9 to read as follows:</p>

LBAO – 05/24/10 (8:00am)
HOUSE PASSED (SB 450)

SIDE BY SIDE COMPARISON

SENATE PASSED (HB 1128)

	<p>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.</p>
<p>NO COMPARABLE HOUSE SECTION</p>	<p>113 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-A:7</p>
<p>103 Effective Date.</p> <ul style="list-style-type: none"> I. Sections 10-12, 41-44, 48, 50, 62-67, 69, 70, and 90-93 shall take effect July 1, 2010. II. Section 45 and 46 of this act shall take effect June 15, 2010. III. Section 68 of this act shall take effect November 1, 2012. IV. Sections 75 and 77 of this act shall take effect July 1, 2011. V. Sections 96-98 of this act shall take effect January 1, 2011. VI. The remainder of this act shall take effect upon its passage. 	<p>114 Effective Date.</p> <ul style="list-style-type: none"> I. Sections 10-12, 40-42, 45, 58-63, 65, and 91 of this act shall take effect July 1, 2010. II. Section 43 of this act shall take effect June 15, 2010. III. Section 64 of this act shall take effect November 1, 2012. IV. Sections 70 and 72 of this act shall take effect July 1, 2011. V. Section 96 of this act shall take effect October 1, 2010. VI. Sections 97-99 shall take effect 60 days after its passage. VII. The remainder of this act shall take effect upon its passage.