

Rep. Leishman, Hills. 24
March 12, 2021
2021-0806h
11/05

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 19 with the following:

2

3 19 Lakeshore Redevelopment Planning Commission; Duties of the Commission. Amend RSA
4 10:7, IX to read as follows:

5 IX. Make recommendations for any legislative changes necessary to implement the
6 recommendations by the commission, ***including the sale of any part of the facility, to the***
7 ***commissioner of the department of administrative services and the long range capital***
8 ***planning and utilization committee.***

9 20 New Section; Sale of Lakes Region Facility. Amend RSA 10 by inserting after section 10 the
10 following new section:

11 10:11 Lakes Region Facility; Sale. Any sale of the land or buildings comprising the lakes region
12 facility shall be subject to the requirements of RSA 4:40. All proceeds from the sale shall be
13 deposited into the general fund.

Amendment to HB 2-FN-A-LOCAL

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

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3 1 Reimbursement of Sheriff's Offices. Amend RSA 104:31, X-XI to read as follows:

4 X. *The judicial branch shall incorporate remote technology whenever possible to*
5 *minimize the amount of physical transportation and security time associated with court*
6 *hearings.*

7 XI. The [state] *judicial branch* shall reimburse the sheriff's office for court security,
8 within available funds appropriated by the legislature, \$80 for each full day and \$40 for each half
9 day, plus traveling expenses to attend any official business, for any person employed as a bailiff by
10 the sheriff's office. For the purpose of this paragraph, a half day shall be defined as a day in which a
11 bailiff works 4 hours or less. The [state] *judicial branch* shall reimburse the counties, within
12 available funds appropriated by the legislature, for all costs associated with employing court bailiffs,
13 if those costs are the result of job requirements imposed by federal and state governments.

14 ~~XI~~ XII. The [state] *judicial branch* shall reimburse the sheriff's office for prisoner
15 custody and control, within available funds appropriated by the legislature, \$65 for each full day and
16 \$35 for each half day, plus traveling expenses to attend any official business, for any person
17 employed as a sheriff for prisoner custody and control. For the purpose of this paragraph, a half day
18 shall be defined as a day in which a sheriff works 4 hours or less. The [state] *judicial branch* shall
19 reimburse the counties, within available funds appropriated by the legislature, for all costs
20 associated with employing sheriffs, if those costs are the result of job requirements imposed by
21 federal and state governments. Billing for reimbursement of costs associated with video
22 arraignments shall not be allowed under this paragraph. Custody and control of prisoners for the
23 purpose of video arraignments shall be the responsibility of the county in which the video
24 arraignment occurs, and such custody and control may be exercised by county correctional officers.

2021-0837h

AMENDED ANALYSIS

Replace 1. Requires the judicial branch to reimburse the sheriff's offices for costs of court security and prisoner custody and control, within available funds appropriated by the legislature, and requires remote technology whenever possible.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 60 with the following:

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3 60 State Aid Grants; Department of Environmental Services.

4 I. Notwithstanding RSA 486, for the biennium ending June 30, 2023 and unless the
5 provisions of paragraph II are met, no state aid grants shall be made for any new infrastructure
6 projects that would have otherwise been eligible for state aid grants under RSA 486, RSA 486-A, or
7 RSA 149-M. In addition, notwithstanding RSA 486 and RSA 486-A, state payments for existing
8 infrastructure project grants shall be suspended for the biennium ending June 30, 2023. Nothing in
9 this section shall affect the provision of the future water supply land protection grants under RSA
10 486-A if funding is available for such purposes.

11 II. If on December 31, 2021 state general fund unrestricted revenues as reported by the
12 department of administrative services are above the revenue plan, the commissioner of the
13 department of environmental services may, with the approval of the legislative fiscal committee and
14 the governor and executive council request additional general funds to make grant payments for
15 existing infrastructure projects. The commissioner may make additional requests every 6 months
16 during the biennium ending June 30, 2023. Additional appropriations made under this section shall
17 not exceed 50 percent of the year-to-date amount of revenue above the revenue plan.

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 128 with the following:

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3 128 Workers' Compensation; Hearings and Awards. Amend RSA 281-A:43, I(a) to read as
4 follows:

5 I.(a) In a controversy as to the responsibility of an employer or the employer's insurance
6 carrier for the payment of compensation and other benefits under this chapter, any party at interest
7 may petition the commissioner in writing for a hearing and award. The petition shall be sent to the
8 commissioner at the department's offices in Concord and shall set forth the reasons for requesting
9 the hearing and the questions in dispute which the applicant expects to be resolved. The
10 commissioner or the commissioner's authorized representative shall schedule a hearing, either in
11 Concord or at a location nearest the employee as determined by the commissioner, by fixing its time
12 and place and giving notice at least 14 days prior to the date for which it is scheduled. The hearing
13 date shall be set for a time not to exceed 6 weeks from the date the petition was received. In those
14 instances where an expedited hearing is requested, the petition for hearing shall set forth the facts
15 in sufficient detail to support the request for an expedited hearing. The commissioner, or his or her
16 authorized agent shall, in his or her discretion, determine whether the need exists for an expedited
17 hearing. Any requests for an expedited hearing shall be periodically reviewed by the commissioner
18 to determine whether such requests are given proper attention. The commissioner shall also identify
19 any overutilization by the requesting parties and responses given to such requests by the
20 commissioner. An annual report of the expedited requests, responses, the number of continuances,
21 the reasons for such continuances, the number of requests for hearing, and the time within which
22 the hearings were held shall be made annually to the advisory council established in RSA 281-A:62.
23 The notice may be given in hand [~~or by certified mail, return receipt requested~~], **via first class**
24 **mail, or, upon consent of the parties, by electronic transmission**. Continuances of any hearing
25 are discouraged; however, should a continuance be necessary, the parties requesting such
26 continuance shall file with the department a written petition for such continuance at least 7 days
27 prior to the hearing. Failure to file such a petition shall bar any right to a continuance. Thereafter,
28 a continuance may only be granted upon the commissioner's finding that a compelling need exists so
29 as to require a continuance. At such hearing, it shall be incumbent upon all parties to present all
30 available evidence and the person conducting the hearing shall give full consideration to all evidence
31 presented. In addition, the person conducting the hearing shall freely and comprehensively examine
32 all witnesses to determine the merits of the matter. Also, the person conducting the hearing may

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1 recess the hearing to a date certain and direct the parties, or either of them, to provide such further
2 information that may be necessary to decide the matter. No later than 30 days after the hearing, the
3 commissioner or the commissioner's authorized representative shall render a decision and shall
4 forthwith notify the parties of it. When appropriate, the commissioner, or his or her authorized
5 representative, may render a decision at the hearing. Unless excused for good cause shown, **or a**
6 **party has not received notice**, failure of any or all parties at interest to appear at a duly scheduled
7 hearing or to petition for a continuance shall bar such parties from any further action concerning an
8 adverse decision, a decision by default, or a dismissal of a petition for hearing and award. **The**
9 **commissioner, or his or her authorized representative, shall serve notice of a pending**
10 **default, default decision, or dismissal of a petition for hearing and award on the**
11 **defaulting party via certified mail, return receipt requested. Upon receipt of undeliverable**
12 **certified mail, the commissioner, or his or her authorized representative, shall stay the**
13 **proceedings for up to one year from the date of the receipt of undeliverable certified mail**
14 **during which time the commissioner, or his or her authorized representative, shall make**
15 **all reasonable attempts to provide notice to the defaulting party. If notice cannot be**
16 **provided within one year, the commissioner, or his or her authorized representative, shall**
17 **render a decision in favor of the non-defaulting party.**

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 122 with the following:

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3 122 Adult Parole Board; Establishment. Amend RSA 651-A:3 to read as follows:

4 651-A:3 Adult Parole Board; Establishment; Procedures.

5 I. There shall be an adult parole board with [9] **5** members, **2 of which shall be attorneys**
6 **with active licenses**. The members of the board shall be appointed by the governor with the
7 consent of the council for staggered terms of 5 years or until their successors are appointed. No
8 member shall serve more than 2 consecutive terms. A vacancy on the board shall be filled for the
9 unexpired term.

10 **II. The composition of the board shall be as follows:**

11 **(a) One member as chairman.**

12 **(b) Four additional members, to include:**

13 **(1) One member with law enforcement or corrections experience, either**
14 **current or former.**

15 **(2) One member with criminal justice experience, which may be direct**
16 **employment experience, current or former, in some capacity within the criminal justice**
17 **system, or post-secondary school teaching, scholarship, and research pertaining to the**
18 **criminal justice system.**

19 **(3) One at-large member who is either an attorney with an active New**
20 **Hampshire license or a mental health professional with an active New Hampshire license;**

21 **(4) One at-large member without any categorical designation.**

22 **III.** The governor shall designate one member as chairman [~~and the chairman shall~~
23 ~~designate one other member to serve as chairman in his absence~~]. **Beginning on January 1, 2022,**
24 **the salary of the chairman shall be established in RSA 94:1-a and shall not be higher than**
25 **grade GG, until the appropriate grade and step are determined in accordance the**
26 **provisions of RSA 21-I:42. The chairman shall report directly to the commissioner of the**
27 **department of corrections. The chairman shall designate one other member to serve as**
28 **temporary designee chairman in his or her absence, however, the designated chairman**
29 **shall not receive the chairman's salary or employee status while serving in the chairman's**
30 **absence.** In the case of a revocation hearing an attorney of the board shall be present at the
31 hearing. Board members shall be paid [~~\$100 a day plus mileage at the state employee rate while~~

1 ~~engaged in parole hearings or administrative meetings.]~~ ***an annual stipend of \$20,000 for each***
2 ***member, to be paid in equal installments on each state employee pay period date, with no***
3 ***reimbursement for mileage or other expenses for any reason.***

4 [H] IV. The board shall hold at least [24] ***36 days*** of parole hearings and ***36 days of parole***
5 ***revocation hearings*** each year and may hold more hearings as necessary. Each parole ***and***
6 ***parole revocation*** hearing shall be held by a hearing panel consisting of exactly 3 members of the
7 board. The board shall establish operating procedures which provide for rotation of board members
8 among hearing panels.

9 V. ***In the event of a pandemic or other extraordinary occurrence declared an***
10 ***emergency by the governor that results in restricted movement or quarantining of inmates***
11 ***at any New Hampshire state prison facility, the parole board may conduct all hearings via***
12 ***teleconference or other video conference technology.***

UNAPPROVED

Rep. L. Ober, Hills. 37
March 11, 2021
2021-0794h
11/04

Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting section 124.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 1 Limitation; Horse and Dog Racing; Historic Racing Included. Amend RSA 284:1 to read as
2 follows:

3 284:1 Limitation. This chapter shall be construed to apply only to running or harness horse
4 racing, whether live, [ø] simulcast **or historic**, or simulcast dog racing.

5 2 Racing and Charitable Gaming; Lottery Commission; Historic Racing. Amend RSA 284:6-a,
6 VI to read as follows:

7 VI. The lottery commission shall not authorize the use of any electronic gaming device in
8 connection with the acceptance of wagers on running or harness horse racing, whether live, [ø]
9 simulcast **or historic**, or simulcast dog racing, the type of which was not in use prior to January 1,
10 2011, unless specific authorization for such electronic gaming device is enacted by the general court.
11 Electronic gaming devices shall mean and include all electro-mechanical instruments and devices
12 used for the purposes of gaming, other than wagering on live, [ø] simulcast **or historic** horse racing
13 or simulcast dog racing, whether in physical presence or through the Internet, and such shall
14 include, but not be limited to, video slot machines and other gambling devices which function or are
15 designed to function to emulate a video slot machine [~~or historic racing machine~~]. This section shall
16 not be interpreted to prohibit licensees under RSA 284 from replacing equipment used in the conduct
17 of wagering on live, simulcast, horse racing or simulcast dog racing, which type of equipment was in
18 service prior to January 1, 2011, with updated or new equipment which are the functional equivalent
19 of the machines which are being replaced, provided the equipment is not an electronic gaming device
20 as described in the previous sentence. This section shall not be interpreted as prohibiting licensees
21 from accepting account wagers in compliance with applicable rules and regulations.

22 **VII. Notwithstanding paragraph VI, the lottery commission shall authorize wagers**
23 **on historic horse races, whether on an electronic gaming device or otherwise, so long as**
24 **such wagers meet the requirements of this chapter. Historic horse racing machines shall**
25 **be programmed and operated for pari-mutuel wagering only.**

26 3 Rulemaking; Historic Racing. Amend RSA 284:12, IV to read as follows:

27 IV. The sale of pari-mutuel pools as authorized under RSA 284:22, [and] RSA 284:22-a, **and**
28 **RSA 284:22-b.**

29 4 License Required; Investigation Fees. Amend RSA 284:12-a, I to read as follows:

30 I. No person, association, corporation, or any other type of entity shall hold any live running
31 or harness race or meet, **shall offer wagers on historic horse races**, or shall conduct any

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1 simulcast running or harness horse or dog race or meet, at which pari-mutuel pools are sold without
2 a license from the lottery commission.

3 5 New Section; Pari-Mutuel Pools on Historic Horse Races. Amend RSA 284 by inserting after
4 section 22-a the following new section:

5 284:22-b Pari-Mutuel Pools on Historic Horse Races.

6 I. In this section:

7 (a) "Historic horse race" means:

8 (1) Any horse race whether running or harness, that was previously conducted at a
9 licensed pari-mutuel facility;

10 (2) Concluded with official results; and

11 (3) Concluded without scratches, disqualifications, or dead-heat finishes.

12 (b) "Licensee" means any individual, association, partnership, joint-venture, corporation,
13 or other organization or other entity which holds a game operator employer license under RSA 287-
14 D.

15 (c) "Pari-mutuel method of wagering" means:

16 (1) A method of wagering in which those who wager on horses that finish in the
17 position or positions for which wagers are taken share in the total amounts wagered, plus any
18 amounts provided by a licensee, may include a nonrefundable contribution to serve as a seed or
19 guarantee; and

20 (2) A totalizator or similar mechanical equipment calculates pari-mutuel pools and
21 payouts associated with each winning wager.

22 II. In order to be eligible for a license to sell pari-mutuel pools on historic races, an applicant
23 shall have been game operator employer licensed under RSA 287-D as of May 1, 2020 and still
24 licensed as of the effective date of this section, provided such sales are within the enclosure of a
25 facility at which the licensee holds its licensed activities under RSA 287-D, and that such facility is
26 located within the city or town in which the licensee held its license on May 1, 2020. An application
27 that is approved by the lottery commission, and a license that is granted shall not be permitted to be
28 transferred or sold.

29 III. In accordance with the provisions of RSA 284:6-a, wagering on historic horse races may
30 take place on electronic gaming devices provided that:

31 (a) All wagers use the pari-mutuel method of wagering.

32 (b) A licensee at all times maintains at least 2 terminals offering the same type of wager
33 on all historic horse races.

34 (c) The terminal makes available true and accurate past performance information on
35 each historic horse race prior to the patron making his or her selection.

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1 (d) The terminal shall display a replay of each race, or a portion thereof, whether digital,
2 animated, or by way of a video recording, and the official results of each race. The identity of each
3 race shall be revealed to the patron after the patron has placed his or her wager.

4 (e) The outcome of each wager is based solely on the outcome of the historic horse race or
5 races; no random elements may determine the outcome of the patron's wager.

6 (f) The terminals have been tested by an independent testing laboratory, approved by
7 the commission, to ensure integrity and proper working order.

8 (g) Each terminal makes available pari-mutuel wagering pool amounts that the patron
9 may receive for a winning wager.

10 (h) A terminal shall not accept a wager in excess of \$25.

11 (i) Each licensee shall submit a responsible gaming plan to the lottery commission for
12 review and approval prior to activating any historic horse race terminal, and every year thereafter.
13 Such plan shall include identification of postings and materials related to problem gaming to be
14 made available to patrons expressing concerns about problem gaming, house imposed player limits,
15 and self-exclusion plans.

16 IV. Racing officials or any employee or owner of the entity that provides the totalizator
17 system to the licensee, and any person responsible for the operation of the electronic reproduction
18 equipment which operates the historic horse races and wagering shall be prohibited from
19 participating in wagering, directly or indirectly, on historic horse races offered at the licensee's
20 facility.

21 V. The licensee commission on all historic horse race pari-mutuel pools shall be at a rate of
22 not greater than 12 percent. In addition to the above commission, 100 percent of the odd cents of all
23 redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10,
24 known as breakage, shall be paid to the lottery commission and used as payment for problem gaming
25 services.

26 VI. The lottery commission shall adopt rules under RSA 541-A governing historic horse
27 racing machines.

28 VII. No historic horse racing machine shall be operated except within the facility of a
29 licensee during the facility's hours of play of charitable games.

30 6 Authorization; Sale of Tickets; Advertising. Amend RSA 284:21-h, VI to read as follows:

31 VI. The commission shall not authorize the use of any electronic gaming device in any game,
32 lottery, or other offering which was not in use by the commission on or before January 1, 2011,
33 unless specific authorization for such electronic gaming device is enacted by the general court.
34 Electronic gaming devices shall mean and include all electro-mechanical instruments and device
35 used for the purpose of gaming and shall include video slot machines and other gambling devices
36 which function or are designed to emulate a video slot machines or other gaming machine, [~~historic
37 racing machine,~~] and computer technology to reveal instant ticket winners. This section shall not be

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1 interpreted to prohibit the commission from replacing offerings, games, or equipment which were in
2 service prior to January 1, 2011 with new offerings, games, or equipment which are the functional
3 equivalent of those offerings, games, or equipment which are being replaced.

4 7 New Paragraph; Authorization; Sale of Tickets; Advertising. Amend RSA 284 by inserting
5 after paragraph VII the following new paragraph:

6 VIII. Notwithstanding paragraph VI, the lottery commission shall authorize wagers on
7 historic horse races, whether on an electronic gaming device or otherwise, so long as such wagers
8 meet the requirements of this chapter. Historic horse racing machines shall be programmed and
9 operated for pari-mutuel wagering only.

10 8 New Subparagraph; Tax; Pari-mutuel; Historic Horse Racing. Amend RSA 284:23, I by
11 inserting after subparagraph (c) the following new subparagraph:

12 (d) Each person, association, or corporation licensed to conduct historic horse race
13 wagering shall collect a sum equal to 25 percent of revenues generated from historic horse race pari-
14 mutuel pools after breakage and payment of winnings to patrons. Each licensee that conducts
15 wagering on historic horse races shall distribute 35 percent of the amount collected under this
16 paragraph to charitable organizations with whom the licensee contracts on each licensed game date.

17 Charitable organizations from within the executive council district where the licensee is located
18 shall be given preference, and no charitable organization shall be eligible for more than 10 dates of
19 revenue under this section, within a 12 month period. Each licensee operating historic horse racing
20 machines must contract with 2 licensed charitable organizations for each game date. The remainder
21 of the total amount collected by the licensee under this paragraph shall be paid to the lottery
22 commission for use according to the special fund established under RSA 284:21-j.

23 9 Unclaimed Ticket Money. Amend RSA 284:31 to read as follows:

24 284:31 Unclaimed Ticket Money. On or before January 31 of each year every person,
25 association, or corporation conducting a race or race meet, whether live racing, ~~or~~ simulcast racing,
26 **or historic horse racing** hereunder shall pay to the state treasurer all moneys collected during the
27 previous year of pari-mutuel pool tickets and vouchers which have not been redeemed. The books or
28 records of said person, association, or corporation, which clearly show the tickets entitled to
29 reimbursement in any given race, live, ~~or~~ simulcast, **or historic**, shall be forwarded to the lottery
30 commission. Such moneys shall become a part of the special fund established in RSA 284:21-j. The
31 state treasurer shall pay the amount due on any ticket or voucher to the holder thereof from funds
32 not otherwise appropriated upon an order from the lottery commission. Pari-mutuel tickets and
33 vouchers which remain unclaimed after 11 months shall not be paid. Vouchers shall be remitted to
34 the state treasurer on January 31 of the calendar year, 24 months after the year of the unclaimed
35 voucher.

36 10 Licensed Facilities; Eligible in 2024. RSA 284:22-b, II is repealed and reenacted to read as
37 follows:

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1 II. A game operator employee licensed under RSA 287-D may sell pari-mutuel pools on
2 historic horse races provided such sales are within the enclosure of the facility at which the licensee
3 holds its licensed activities under RSA 287-D. A licensee seeking to offer wagers on historic horse
4 races shall apply for a license pursuant to RSA 284. An application that is approved by the lottery
5 commission, and a license that is granted shall not be permitted to be transferred or sold.

6 11 Effective Date.

7 I. Section 10 of this act shall take effect July 1, 2024.

8 II. Sections 1-9 of this act shall take effect upon its passage.

UNAPPROVED

2021-0685h

AMENDED ANALYSIS

1. Defines and regulates pari-mutuel pools on historic horse racing.

UNAPPROVED