LEGISLATIVE COMMITTEE MINUTES

HB607

Bill as Introduced

23Mar2023... 1024h
23Mar2023... 1103h

2023 SESSION

23-0421
02/05

HOUSE BILL ***607-FN***

AN ACT relative to the regulation of games of chance.

SPONSORS: Rep. Doucette, Rock. 25; Rep. Berry, Hills. 39; Rep. Sweeney, Rock. 25; Rep. O'Brien, Hills. 10; Rep. Soucy, Merr. 21; Rep. Goley, Hills. 21; Sen. Ricciardi, Dist 9

COMMITTEE: Ways and Means

ANALYSIS

This bill changes the definitions of game operator, game operator employer, primary game operator and secondary game operator. It changes the charitable organization and game operator license application requirements and date of license expiration. It raises the cap amount each player may spend per game and per wager. It also changes the administrative and criminal penalties related to games of chance.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the regulation of games of chance.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Games of Chance; Definitions. Amend RSA 287-D:1, VII-XI to read as follows:

VII. "Game operator" means a ***game operator employer,*** primary game operator or a secondary game operator.

VIII. "Game operator employer" means a [~~primary game operator or~~] a business entity ***or individual*** who employs, supervises, and controls game operators and who is hired by a charitable organization to operate games of chance on its behalf. The owner of 10 percent or more of the entity, partner, managing member, or chief executive of a business entity who serves as a game operator employer must be [~~licensed as a primary game operator~~] ***listed on the game operator license application.***

IX. "Gaming equipment" means a collective reference to table game devices and their associated equipment.

X. "Primary game operator" means any person other than a bona fide member of the charitable organization, involved in conducting, managing, supervising, directing, or running games of chance***, including but not limited to: gambling operation managers and assistant managers, managers or supervisors of security employees, pit bosses, shift bosses, credit executives, and cashier operations supervisors.***

XI. "Secondary game operator" means any person other than a bona fide member of the charitable organization, involved in dealing, running a roulette wheel, handling chips, or providing accounting services or security functions***, including any person with job functions or responsibilities that require the person to watch over, protect, handle, use, maintain or otherwise be responsible for gaming cash, revenue, supplies or devices. This includes individuals in the back office and anyone that has access to gaming systems, chips, tokens, playing cards, or anyone who has the ability to access or make changes to the gaming operations accounting system, player tracking system, or gaming system records, including access to cash and accounting records.***

2 License Applications; General Requirements and Process. Amend RSA 287-D:5, IV(d) to read as follows:

(d) A complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to

complete the criminal history records check. ***The requirements of subparagraphs (c) and (d) under this paragraph shall not apply to charity applicants employing a game operator employer.***

3 Charitable Organization License Application; Specific Requirements. Amend RSA 287-D:6, I(b) to read as follows:

(b) A list of the names and addresses of the current [~~bona fide members~~] ***officers*** of the charity.

4 Facilities License Application; Specific Requirements. RSA 287-D:7 is repealed and reenacted to read as follows:

287-D:7 Facilities License Application; Specific Requirements.

I. Any person or entity other than a charitable organization or governmental subdivision with control of a facility, including by a written lease, at which games of chance are held for 5 or more game dates per calendar year shall be licensed.

II. A facilities license application shall include certification of compliance with all of the requirements of RSA 287-D:5, provided that the lottery commission may, by rules adopted by the commission under RSA 541-A, establish additional items to be submitted on the application form or attached to it.

III. Licenses shall expire three years after being issued, provided that the licensee shall annually file with the commission a statement as to any changes to the information required on the license application with the commission no later than December 31 of each year. The licensee shall immediately notify the commission in the event the licensee is subject to arrest or conviction of any criminal offense.

5 Game Operator Employer License Application; Specific Requirements. RSA 287-D:8 is repealed and reenacted to read as follows:

287-D:8 Game Operator Employer License Application; Specific Requirements. Any person or entity other than a charitable organization that employs primary or secondary game operators shall be licensed under this section. In addition to the general requirements under RSA 287-D:5, a game operator employer license application shall include the following information provided that the lottery commission may, by rules adopted by the commission under RSA 541-A, establish additional items to be submitted on the application form or attached to it:

I. Certification of compliance with all of the requirements of RSA 287-D:5.

II. Federal tax identification number.

III. One passport quality photograph, if the applicant is an individual.

IV. A description of the licensed premises.

V. A bond for each location where the game operator employer is conducting games of chance, conditioned upon the licensees running games of chance in conformity with this chapter and with the rules and regulations prescribed by the lottery commission, in the amount of up to

$1,000,000 but not less than $25,000. The amount of the bond in excess of $25,000 established for each licensee shall be based on that licensee's normal outstanding obligations of charity payments and state taxes, including any amounts due from historic racing revenue.

VI. Licenses shall expire 3 years after being issued, provided that the licensee shall annually file with the commission a statement as to any changes to the information required on the license application with the commission no later than December 31 of each year. The licensee shall immediately notify the commission in the event the licensee is subject to arrest or conviction of any criminal offense.

VII. Concurrent with the charitable organization, game operator employers who operate games of chance on behalf of a charitable organization shall be responsible for all requirements for which the charitable organization is responsible when a charitable organization operates games of chance itself.

VIII. Unless a provision to the contrary is part of a written agreement in place prior to the commencement of a game date between the charitable organization and the game operator employer, all moneys due to the charitable organization shall be paid over to the organization no later than the 15th day of the month following the month in which a game was conducted.

6 Primary Game Operator License; Specific Requirements RSA 287-D:9 is repealed and reenacted to read as follows:

287-D:9 Primary Game Operator License Application; Specific Requirements.

I. Other than members of a charitable organization, any person who is involved in conducting, managing, supervising, directing, or running games of chance, including, but not limited to, gambling operation managers and assistant managers, managers or supervisors of security employees, pit bosses, shift bosses, credit executives, and cashier operations supervisors shall be licensed under this section. In addition to the general requirements under RSA 287-D:5, a primary game operator license application shall include the following information provided that the lottery commission may, by rules adopted by the commission under RSA 541-A, establish additional items to be submitted on the application form or attached to it:

(a) The identity of the game operator employer for whom the applicant works.

(b) A list of any other states in which the game operator has been registered or licensed as a professional fundraiser, professional game operator, or other similar position.

(c) Whether a registration or license listed in subparagraph (b) has been denied, suspended, revoked, or enjoined by a court or state agency, or if such proceedings are pending.

(d) The names and addresses of any individuals with whom the applicant is affiliated in the fundraising or game operating business.

(e) One passport quality photograph.

II. The provisions of RSA 7:28-c shall not apply to primary game operator licensees.

III. Nothing in this section shall prevent a licensee from working for another game operator employer. A licensee who works for more than one game operator employer during the licensed period shall have a separate badge for each game operator employer, and pay a separate fee for each badge.

IV. The primary game operator license shall expire on the last day of the month of the licensee's birthday 3 years after it is issued, provided that the licensee shall annually file with the commission a statement as to any changes to the information required in paragraph I no later than the last day of the month of the licensee's birthday. The licensee shall immediately notify the commission in the event the licensee is subject to arrest or conviction of any criminal offense.

7 Secondary Game Operator License Application; Specific Requirements. Amend RSA 287-D:10 to read as follows:

287-D:10 Secondary Game Operator License Application; Specific Requirements.

I. Other than members of a charitable organization, any person who is employed by a game operator employer [~~or a primary game operator~~] shall be licensed under this section.

II. In addition to the general requirements under RSA 287-D:5, a secondary game operator license application shall include the following information provided that the lottery commission may, by [~~rule~~] r***ules adopted by the commission under RSA 541-A***, establish additional items to be submitted on the application form or attached to it:

(a) A list of any other states in which the game operator has been registered or licensed as a professional fundraiser, professional game operator, or other similar position.

(b) A statement of whether a registration or license listed in subparagraph (a) has been denied, suspended, revoked, or enjoined by a court or state agency, or if such proceedings are pending.

(c) The identity of the primary game operators for whom the applicant works.

(d) [~~Two~~] ***One*** passport quality [~~photographs~~] ***photograph.***

III. A secondary game operator license shall expire on the last day of the month of the licensee's birthday ***3 years after it is issued, provided that the licensee shall annually file with the commission a statement as to any changes to the information required in paragraph II with the commission no later than the last day of the month of the licensee's birthday. The licensee shall immediately notify the commission in the event the licensee is subject to arrest or conviction of any criminal offense.***

IV. The provisions of RSA 7:28-c shall not apply to secondary game operator licensees.

V. Nothing in this section shall prevent a licensee from working for different licensed entities. [~~A licensee who works for more than one game operator employer during the licensed period shall submit a supplemental application with a separate licensing fee,~~] ***The licensee shall*** have a separate badge for each game operator employer, and pay a separate fee for each badge.

VI. Upon receipt of a completed application under this section, and at the request of the applicant, the lottery commission may issue a provisional license, valid for up to 60 days, under rules adopted by the lottery commission under RSA 541-A regarding provisional licenses. If the lottery commission denies the license, the provisional license shall expire upon the applicant's receipt of such denial. If the applicant requests a provisional license under this paragraph, he or she shall submit a fee of $10 to the lottery commission, in addition to the application fee for the license, at the time of such request.

8 License Fees. Amend RSA 287-D:13 to read as follows:

287-D:13 License Fees. The application fee for:

I. A charitable gaming license shall be [~~$25 per game date~~] ***$50, which shall entitle the charity to up to 10 game dates per calendar year.***

II. A facility license shall be $250 per year.

III. A game operator employer license shall be $750 per year.

IV. A primary game operator license shall be [~~$500~~] ***$100*** per year ***paid with the application the first year and paid in the subsequent 2 years with the filing of the annual notice of changes form required under RSA 287-D:9, VII.***

V. A secondary game operator license shall be $30 per year ***paid with the application the first year and paid in the subsequent 2 years with the filing of the annual notice of changes form required under RSA 287-D:10, III.***

VI. Each original or replacement identification badge shall be $10.

9 Operation of Games of Chance. Amend RSA 287-D:14, XII-XXII to read as follows:

XII.(a) On game dates where the charitable organization operates the games, the charitable organization shall deposit cash and proceeds from a game of chance into the account required under this chapter. All expenses, including [~~prizes of $500 or more and~~] equipment and hall rental fees shall be paid by check from said account. The treasurer of the charitable organization shall document all prizes awarded as prescribed in rules adopted by the lottery commission.

(b) On game dates when the licensed game operator operates the games, the licensed game operator shall deposit cash and proceeds from a game of chance into the account required under this chapter. All expenses, including equipment and hall rental fees shall be paid by check or electronic fund transfers from the account described in RSA 287-D:9, I(e). The licensed game operator shall document all prizes awarded as prescribed in rules adopted by the lottery commission. [~~Prizes of $500 or more shall be paid by check from the account described in RSA 287-D:9, I(e).~~]

XIII. All game of chance paraphernalia or related equipment used in conducting games of chance shall be subject to inspection and approval by the lottery commission.

XIV. The charitable organization shall keep a record of all persons participating in the operation of a game of chance, including but not limited to, the date and location of the game and the person's name, address, telephone number, and type of participation in the game.

XV. For games of chance where chips have no monetary face value, the charitable organization may offer any number of games per licensed event in which each player may spend up to [~~$150~~] ***$2,500*** per game including buy-ins and re-buys.

XVI. [~~Notwithstanding paragraph XV, the charitable organization may offer one game per licensed event in which each player may spend up to $250 for the game including buy-ins and re-buys.~~

~~XVII.~~] For games of chance where chips have no monetary face value, the payback in prizes shall not exceed 80 percent of the total amount collected from players.

[~~XVIII.~~] ***XVII.*** A games of chance licensee shall not play any games of chance on a licensed game date unless all games of chance to be played have been approved by the lottery commission [~~and have been identified on an approved game schedule~~].

[~~XIX.~~] ***XVIII.*** The charitable organization may amend or supplement the list of members who will participate in the operation of a game of chance up to 10 working days prior to any particular game.

[~~XX.~~] ***XIX.*** At least 45 days prior to each game date, the charitable organization shall submit the date and location of the game of chance, if this information has not already been submitted to the lottery commission under RSA 287-D:6, I(d).

[~~XXI.~~] ***XX.*** Every game operator employer shall develop house rules and submit such rules to the lottery commission for approval.

[~~XXII.~~] ***XXI.*** Every game operator employer shall maintain list of manufacturers and distributors detailing the type of gaming equipment purchased from each. The information shall be detailed enough to permit the lottery commission to research the origin and any piece of gaming equipment.

10 Wagers. Amend RSA 287-D:16 to read as follows:

287-D:16 Wagers. No single wager by a player, on any game of chance, shall exceed the amount of ***$25*** [~~$10~~]. Provided, however, that in games of poker where the chips have monetary value, play may be conducted under "table stakes" rules where the amount of blinds, antes, and any other type of forced bet shall not exceed [~~$10~~] ***$25*** per player but the amount wagered by a player during the play of a hand shall not be limited except by the amount of chips the player has in his or her possession on the table. In any such "table stakes" game, the amount of chips a player may purchase during the course of play in said game shall be no greater in value than [~~$150~~] ***$2,500***.

11 Equipment; Inspection. Amend RSA 287-D:17 to read as follows:

287-D:17 Equipment; Inspection.

I. All devices and equipment used to conduct games of chance shall be subject to inspection by duly authorized law enforcement or lottery commission officials.

II. No mechanism or device, which can be used to regulate odds, shall be permitted to operate games of chance[~~- and no progression in any form shall be permitted in the operation of any such game~~].

12 Financial Reports, Inspections and, Other Records. Amend RSA 287-D:22, I-II to read as follows:

I.(a) A charitable organization shall submit a complete financial report for all game dates licensed under RSA 287-D:4 to the lottery commission on forms approved by the lottery commission within 15 days of the end of each month during which a game of chance was held. Such report shall be completed by the treasurer of the charitable organization or a duly authorized officer, director, or official of the charitable organization who shall certify such accounting under oath; or

(b) A licensed [~~primary~~] game operator ***employer*** under contract to conduct games of chance on behalf of a charitable organization shall prepare and submit the financial reports required under subparagraph (a). In such case the charitable organization shall not be required to submit such report. Such report shall be completed by the [~~primary~~] game operator ***employer*** who shall certify such accounting under oath.

II. The financial report shall include:

(a) A complete statement of all revenues and expenses.

(b) A record of the amount of prizes awarded.

(c) The names and addresses of the members who participated in the games of chance.

(d) The name and address of any [~~fundraising counsel or~~] game operator ***employer*** involved in conducting the games of chance.

13 Penalties. Amend RSA 287-D:23, III to read as follows:

III. The lottery commission may suspend or revoke the license of any licensee who violates any provision of this chapter or for just cause shown. Any licensee whose license is revoked shall not be eligible for licensure for a period [~~of up to one year~~] from the date of revocation ***as determined by the commission. In determining the amount of time for suspension or revocation, the lottery commission may take into consideration all relevant circumstances, including: the degree of noncompliance, the extent of harm caused by the violation, the nature and persistence of the violation, the time and cost associated with the investigation by the state, and the economic impact of the violation on the state or the charitable organization conducting or sponsoring the game.***

14 Penalties. Amend RSA 287-D:23, IX to read as follows:

IX. The lottery commission may impose an administrative fine scaled to reflect a violator's prior history of noncompliance with laws pertaining to games of chance and the scope and severity of the violation, after notice and hearing, pursuant to rules adopted under RSA 541-A, for any violation of this chapter, any rule adopted under this chapter, any license issued pursuant to this chapter, or any order issued pursuant to this chapter, or upon any person who makes or certifies to a [~~material~~]

materially false statement relative to any application or report required by this chapter. In determining the amount of a fine, the lottery commission may take into consideration all relevant circumstances, including: the degree of noncompliance, the extent of harm caused by the violation, the nature and persistence of the violation, the time and cost associated with the investigation by the state, and the economic impact of the violation on the state or the charitable organization conducting or sponsoring the game. No administrative fine imposed under this paragraph shall preclude the imposition of other penalties as provided by law. Rehearings and appeals from a decision of the lottery commission under this paragraph shall comply with RSA 541. Fines imposed by the lottery commission shall be as follows:

(a) The fine for a minor violation shall be not less than $25 and not more than $500 per violation. A minor violation shall be one where the lottery commission determines that the potential for harm to the interests of the state and the charitable organization, as well as the integrity of charitable gaming is minor [~~and may include, but is not limited to, the failure of a game operator, a game operator employer, charitable organization, or charitable organization member to:~~

~~(1) Wear a properly issued badge;~~

~~(2) Post 2 copies of the laws and rules;~~

~~(3) Have a diagram available for each table where games of chance are being played indicating the type of game being played, the bet amount, the buy in amount, and the re-buy amounts as applicable; or~~

~~(4) Publicly display the name of the charitable organization~~].

(b) The fine for a moderate violation shall be not less than $250 and not more than $1,500 per violation. A moderate violation shall be one where the lottery commission determines that the potential for harm to the interests of the state and the charitable organization, as well as the integrity of charitable gaming is moderate [~~and may include, but is not limited to, a game operator, game operator employer, charitable organization, or charitable organization member:~~

~~(1) Filing a late financial report;~~

~~(2) Operating a game not specifically listed on the game schedule;~~

~~(3) Operating a game on a different date than licensed without approval of the lottery commission; or~~

~~(4) Committing 3 or more minor violations within 2 years~~].

(c) The fine for a major violation shall be not less than $1,000 and not more than $5,000 per violation. A major violation shall be one where the lottery commission determines that the potential for harm to the interests of the state and the charitable organization, as well as the integrity of charitable gaming is major. [~~and shall include, but is not limited to, a game operator, game operator employer, charitable organization, or charitable organization member:~~

~~(1) Operating a game of chance without a license;~~

~~(2) Operating a game of chance without having the personnel or officials required;~~

~~(3) Purposely operating a game of chance without a representative of the charitable organization present as specified in RSA 287-D:14, XI;~~

~~(4) Operating a game of chance with game operators who are not licensed;~~

~~(5) Failing to establish or maintain a New Hampshire bank account; or~~

~~(6) Committing 5 or more minor violations or 3 or more moderate violations within 2 years.~~]

(d) The lottery commission may suspend any part of a fine for just cause.

15 New Subparagraph; Theft by Deception. Amend RSA 637:4, II by inserting after subparagraph (e) the following new subparagraph:

(f) Uses misrepresentation or cheats at any game conducted under RSA 287-D to obtain anything of value.

16 New Subparagraph; Theft; Penalties. Amend RSA 637:11, II by inserting after subparagraph (g) the following new subparagraph:

(h) The theft occurs as defined in RSA 637:4, II(f).

17 Repeal. RSA 287-D:5, III, relative to submission of application to the chief of police, is repealed.

18 Amend Effective Date; Licensed Historic Horse Racing Facilities. Amend 2021, 66:11, I to read as follows:

I. Section 10 of this act shall take effect July 1, [~~2024~~] ***2029***.

19 Effective Date.

I. Sections 9 and 10 of this act shall take effect upon its passage.

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

LBA
23-0421
1/9/23

HB 607-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the regulation of games of chance.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, as **introduced**, as it is awaiting information from the Lottery Commission. The Commission was contacted on 12/19/22. When completed, the fiscal note will be forwarded to the House Clerk's Office.

AGENCIES CONTACTED:

Lottery Commission

LBA
23-0421
Amended 6/19/23

HB 607-FN FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2023-1911s)

AN ACT relative to the regulation of games of chance.

FISCAL IMPACT: [ ] State [ ] County [ ] Local [X] None

METHODOLOGY:

The Lottery Commission states this bill will change the maximum payout on games of chance where chips have no monetary value, allowing the licensee to retain 20% of the buy-in or $250, whichever is less. This would permit the licensee to collect less revenue for larger tournaments, resulting in less revenue to charities. Since state revenue is based on the buy-in, not the amount retained by the operator, the Commission states this bill would have no impact on state revenue.

AGENCIES CONTACTED:

Lottery Commission

HB 607-FN - AS AMENDED BY THE SENATE

23Mar2023... 1024h
23Mar2023... 1103h
05/18/2023 1911s

2023 SESSION

23-0421
02/05

HOUSE BILL ***607-FN***

AN ACT relative to the regulation of games of chance.

SPONSORS: Rep. Doucette, Rock. 25; Rep. Berry, Hills. 39; Rep. Sweeney, Rock. 25; Rep. O'Brien, Hills. 10; Rep. Soucy, Merr. 21; Rep. Goley, Hills. 21; Sen. Ricciardi, Dist 9

COMMITTEE: Ways and Means

AMENDED ANALYSIS

This bill amends the amount that must be paid to charity for games of chance where chips have no monetary face value

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 607-FN - AS AMENDED BY THE SENATE

23Mar2023... 1024h
23Mar2023... 1103h
05/18/2023 1911s

23-0421
02/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the regulation of games of chance.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Operation of Games of Chance. Amend RSA 287-D:14, XVII to read as follows:

XVII. For games of chance where chips have no monetary face value, [~~the payback in prizes shall not exceed 80 percent of the total amount collected from players~~] ***a minimum of 20 percent or $250.00 of the buy-in amount collected from players, whichever is less, shall be deducted from the buy-in amount with 35 percent of the total amount deducted paid to the charity and the balance retained by the game operator employer.***

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

LBA
23-0421
Amended 6/19/23

HB 607-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2023-1911s)

AN ACT relative to the regulation of games of chance.

FISCAL IMPACT: [ ] State [ ] County [ ] Local [X] None

METHODOLOGY:

The Lottery Commission states this bill will change the maximum payout on games of chance where chips have no monetary value, allowing the licensee to retain 20% of the buy-in or $250, whichever is less. This would permit the licensee to collect less revenue for larger tournaments, resulting in less revenue to charities. Since state revenue is based on the buy-in, not the amount retained by the operator, the Commission states this bill would have no impact on state revenue.

AGENCIES CONTACTED:

Lottery Commission

Amendments

Sen. Lang, Dist 2
May 9, 2023
2023-1726s
02/05

Amendment to HB 607-FN

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

1 Operation of Games of Chance. Amend RSA 287-D:14, XVII to read as follows:

XVII. For games of chance where chips have no monetary face value, [~~the payback in prizes shall not exceed 80 percent of the total amount collected from players~~] ***a minimum of 20 percent or $250.00 of the buy-in amount collected from players, whichever is less, shall be deducted from the buy-in amount with 35 percent of the total amount deducted paid to the charity and the balance retained by the game operator employer.***

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

UNAPPROVED

2023-1726s

AMENDED ANALYSIS

This bill amends the amount that must be paid to charity for games of chance where chips have no monetary face value.

UNAPPROVED

Senate Ways and Means
May 17, 2023
2023-1911s
02/05

Amendment to HB 607-FN

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

1 Operation of Games of Chance. Amend RSA 287-D:14, XVII to read as follows:

XVII. For games of chance where chips have no monetary face value, [~~the payback in prizes shall not exceed 80 percent of the total amount collected from players~~] ***a minimum of 20 percent or $250.00 of the buy-in amount collected from players, whichever is less, shall be deducted from the buy-in amount with 35 percent of the total amount deducted paid to the charity and the balance retained by the game operator employer.***

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

2023-1911s

AMENDED ANALYSIS

This bill amends the amount that must be paid to charity for games of chance where chips have no monetary face value.

Committee Minutes

SENATE CALENDAR NOTICE
Ways and Means

Sen Timothy Lang, Chair
Sen Lou D'Allesandro, Vice Chair
Sen Keith Murphy, Member
Sen Daniel Innis, Member
Sen Cindy Rosenwald, Member

Date: April 4, 2023

HEARINGS

Wednesday	04/12/2023
(Day)	(Date)

Ways and Means	State House 100	9:00 a.m.
(Name of Committee)	(Place)	(Time)

9:00 a.m. **HB 607-FN** relative to the regulation of games of chance.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:
HB 607-FN

Rep. Doucette	Rep. Berry	Rep. Sweeney	Rep. O'Brien
Rep. Soucy	Rep. Goley	Sen. Ricciardi	

Sonja Caldwell 271-2117

Timothy Lang
Chairman

Senate Ways and Means Committee

Sonja Caldwell 271-2117

HB 607-FN, relative to the regulation of games of chance.

Hearing Date: April 12, 2023

Members of the Committee Present: Senators Lang, D'Allesandro, Innis and Rosenwald

Members of the Committee Absent : Senator Murphy

Bill Analysis: This bill changes the definitions of game operator, game operator employer, primary game operator and secondary game operator. It changes the charitable organization and game operator license application requirements and date of license expiration. It raises the cap amount each player may spend per game and per wager. It also changes the administrative and criminal penalties related to games of chance.

Sponsors:

Rep. Doucette	Rep. Berry	Rep. Sweeney
Rep. O'Brien	Rep. Soucy	Rep. Goley
Sen. Ricciardi		

Who supports the bill: Rep. Joe Sweeney, Rick Newman (NH Charitable Game Operators Assoc.)

Who opposes the bill: Roy Schweiker

Who is neutral on the bill: no one

Summary of testimony presented in support:

Rep. Sweeney

- This bill makes important changes to RSA 287-D.
- Charity gaming is an important source of revenue for nonprofit organizations.
- HB607 increases the maximum wager on charity games of chance to $25.
- In addition, it seeks to extend the moratorium on new historic horse racing facilities to July 1, 2029. The current moratorium is set to expire on July 1, 2024.
- This provides additional time to study the impacts of these facilities.
- HB607 is similar to SB120. The only major differences are the maximum wager and the moratorium extension. Otherwise, this bill makes the same housekeeping changes to help strengthen charity gaming in the state.
- It will ensure nonprofits have the resources they need to do their important work to make our communities stronger.

Rick Newman – NH Charitable Gaming Operators Assoc.

- They support the bill.
- They also support SB120, which is still pending in the House. SB120 has a wager increase to $50. This bill has an increase to $25. They prefer the $50 dollar amount.

Summary of testimony presented in opposition:

Roy Schweiker

- He signed up in opposition though he is not opposed to the entire bill.
- He is concerned that certain communities may have allowed charitable gaming back when it was a fun thing in a limited capacity, but they might not want to go this far.
- We essentially have casinos and there could be more problem gambling with the higher limit. It could also attract more organized crime.
- He suggested allowing local communities to set their own maximum limits not to be less than the existing limits.

Neutral Information Presented:

Sen. Lang

- The two changes between the bills were the maximum single wager and then the moratorium extension. The reason SB120 did not have a moratorium extension is because the Senate dealt with that in another bill, SB51.

sc
Date Hearing Report completed: April 12, 2023

SENATE CALENDAR NOTICE
Ways and Means

Sen Timothy Lang, Chair
Sen Lou D'Allesandro, Vice Chair
Sen Keith Murphy, Member
Sen Daniel Innis, Member
Sen Cindy Rosenwald, Member

Date: May 10, 2023

HEARINGS

Wednesday	05/17/2023
(Day)	(Date)

Ways and Means	State House 100	9:30 a.m.
(Name of Committee)	(Place)	(Time)

9:30 a.m. Hearing on proposed Amendment #1726s, to **HB 607-FN**, relative to the regulation of games of chance.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:
HB 607-FN

Rep. Doucette	Rep. Berry	Rep. Sweeney	Rep. O'Brien
Rep. Soucy	Rep. Goley	Sen. Ricciardi	

Sonja Caldwell 271-2117

Timothy Lang
Chairman

Senate Ways and Means Committee

Sonja Caldwell 271-2117

Amendment 1726s to HB 607-FN, relative to the regulation of games of chance.

Hearing Date: May 17, 2023

Members of the Committee Present: Senators Lang, D'Allesandro, Murphy, Innis and Rosenwald

Members of the Committee Absent : None

Bill Analysis: This bill changes the definitions of game operator, game operator employer, primary game operator and secondary game operator. It changes the charitable organization and game operator license application requirements and date of license expiration. It raises the cap amount each player may spend per game and per wager. It also changes the administrative and criminal penalties related to games of chance.

Sponsors:

Rep. Doucette	Rep. Berry	Rep. Sweeney
Rep. O'Brien	Rep. Soucy	Rep. Goley
Sen. Ricciardi		

Who supports the bill: Alicia Preston (NH Charitable Gaming Operators Assoc.)

Who opposes the bill: no one

Who is neutral on the bill: no one

Summary of testimony presented in support:

Sen. Lang

- Amendment 1726s is a "replace all" amendment to HB607.
- HB607 had several components similar to SB120 which had bet raising limits, licensing changes and rule requests by the Lottery Commission.
- This bill added one policy item that was not in SB120 and that is a moratorium. The moratorium, however, is in SB51, which both bodies have passed.
- Something that came up in subsequent conversations that wasn't looked at previously was the rake, which is the take that comes off the top of a bet. In current statute, it is 20%.
- For example, a $2,500 pot would have a $500 rake, meaning the max a gambler could win is $2,000 because the rest comes out for the operator and charitable gaming.
- When we increased that number to $50 and the pot buy-in to $2,500 we increased that 20% dramatically. This means the gambler makes less money.

- This amendment is a compromise with the industry to set a max cap at $250 dollars.
- Given the same scenario as before, where if there was a $2,500 pot, there would be $500 taken off the top as the rake, instead of the gambler being able to make a maximum of $2,000 they would be able to make a max of $2,250 with this amendment. This way the gambler has a chance to make more money.
- Both the charities and game operators are getting double the amount they did before. Before the max cap was $125, now it is set at $250.

Alicia Preston – NH Charitable Gaming Operators Association

- They are in favor of the amendment.
- A $500 rake would be something players would not want to participate in.
- This is in anticipation of SB120 becoming law, which increases the buy-in amount to $2,500.

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Date Hearing Report completed: May 17, 2023

Speakers

SENATE WAYS & MEANS COMMITTEE

Date 04/12/23 Time 9:00 a.m. Public Hearing on **HB607-FN**

(relative to the regulation of games of chance.)

Please check box(es) that apply.

SPEAKING	FAVOR	OPPOSED	NAME (Please print neatly)	REPRESENTING
☒	☒	☐	Rep. Joe Sweeney	Rockingham 25
☒	☒	☐	Rick Newman	NH Charitable Gaming Operators Assoc.
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SENATE WAYS & MEANS COMMITTEE

Date 04/12/23 Time 9:00 a.m. Public Hearing on **HB607-FN**

(relative to the regulation of games of chance.)

Please check box(es) that apply.

SPEAKING	FAVOR	OPPOSED	NAME (Please print neatly)	REPRESENTING
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SENATE WAYS & MEANS COMMITTEE

Date 05/17/23 Time 9:30 a.m. Public Hearing on Amend.#1726s to HB607

(relative to the regulation of games of chance.)

Please check box(es) that apply.

SPEAKING	FAVOR	OPPOSED	NAME (Please print neatly)	REPRESENTING
☑	☑	☐	Alicia Preston	NHCGUA
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Testimony

Good morning, Chairman Lang and members of the Senate Ways and Means Committee.

My name is Representative Joe Sweeney, and I'm here to testify in support of HB 607. This bill seeks to make several important changes to RSA 287-D, the charity gaming law.

As some of you may know, charity gaming is an important source of revenue for many non-profit organizations in our state. These organizations use the funds generated from these games to support their various programs and services that benefit our communities. HB 607 seeks to increase the maximum wager on charity games of chance to $25, a reasonable and modest increase that will help these organizations raise more funds.

In addition to increasing the maximum wager, HB 607 also seeks to extend the current moratorium on new Historic Racing Facilities to July 1, 2029. This is an important provision that will help straighten out the rule making and guidance overseeing these facilities. The current moratorium is set to expire on July 1, 2024, and this extension will provide additional time to study the impacts of these facilities and ensure that any future legislation is based on sound evidence.

It's important to note that HB 607 is very similar to SB 120, which has already passed the Senate on a voice vote. The only major differences are the maximum wager and the moratorium extension. The bill is otherwise substantially the same as SB 120, making several housekeeping changes to RSA 287-D.

I want to stress that the changes proposed in HB 607 will help strengthen the charity gaming industry in our state and provide important protections for our communities. I urge this committee to support this bill and ensure that non-profit organizations have the resources they need to continue their important work.

In conclusion, I would like to thank the committee for considering HB 607 and for your ongoing efforts to support the non-profit organizations that make our communities stronger. I'm confident that with your support, we can pass this bill and ensure that charity gaming continues to thrive in our state.

Voting Sheets

Senate Ways & Means Committee

EXECUTIVE SESSION RECORD

2023-2024 Session

Bill # HB607-FN

Hearing date: 4-12-23

Executive Session date: 5-17-23

Motion of: 1726s **Vote:** 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Lang, Chair	☐	☑	☐	☐	☐
Sen. D'Allesandro, VC	☐	☐	☐	☐	☐
Sen. Murphy	☐	☐	☐	☐	☐
Sen. Innis	☐	☐	☑	☐	☐
Sen. Rosenwald	☐	☐	☐	☐	☐

Motion of: OTP/A **Vote:** 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Lang, Chair	☐	☑	☐	☐	☐
Sen. D'Allesandro VC	☐	☐	☐	☐	☐
Sen. Murphy	☐	☐	☐	☐	☐
Sen. Innis	☐	☐	☑	☐	☐
Sen. Rosenwald	☐	☐	☐	☐	☐

Motion of: _____ **Vote:** _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Lang, Chair	☐	☐	☐	☐	☐
Sen. D'Allesandro, VC	☐	☐	☐	☐	☐
Sen. Murphy	☐	☐	☐	☐	☐
Sen. Innis	☐	☐	☐	☐	☐
Sen. Rosenwald	☐	☐	☐	☐	☐

Reported out by: Lang

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Wednesday, May 17, 2023

THE COMMITTEE ON Ways and Means

to which was referred **HB 607-FN**

AN ACT relative to the regulation of games of chance.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1911s

Senator Timothy Lang
For the Committee

Sonja Caldwell 271-2117

General Court of New Hampshire - Bill Status System

Docket of HB607

Docket Abbreviations

Bill Title: relative to the regulation of games of chance.

Official Docket of **HB607.:**

Date	Body	Description
1/12/2023	H	**Introduced** (in recess of) 01/05/2023 and referred to Ways and Means **HJ 3** P. 22
2/8/2023	H	Public Hearing: 02/15/2023 01:00 pm LOB 202-204
2/9/2023	H	Public Hearing: 02/15/2023 10:45 am LOB 202-204
2/24/2023	H	Full Committee Work Session: 03/07/2023 01:00 pm LOB 202-204
3/1/2023	H	Executive Session: 03/08/2023 01:15 pm LOB 202-204
3/8/2023	H	==CONTINUED== Executive Session: 03/15/2023 11:00 am LOB 202-204
3/16/2023	H	Majority Committee Report: Ought to Pass with Amendment **#2023-1024h** 03/16/2023 (Vote 12-7; RC) **HC 16** P. 43
3/16/2023	H	Minority Committee Report: Inexpedient to Legislate
3/23/2023	H	Amendment **#2023-1024h**: AA VV 03/23/2023 **HJ 11** P. 47
3/23/2023	H	FLAM **#2023-1103h** (Reps. Ames, Doucette): AA VV 03/23/2023 **HJ 11** P. 50
3/24/2023	H	**Ought to Pass with Amendment** 2023-1024h 2023-1103h: MA VV 03/23/2023
3/24/2023	S	Introduced 03/23/2023 and Referred to Ways and Means; **SJ 12**
4/4/2023	S	**Hearing:** 04/12/2023, Room 100, SH, 09:00 am; **SC 17**
5/10/2023	S	**Hearing:** 05/17/2023, Room 100, SH, 09:30 am, on proposed amendment **#2023-1726s; SC 22**
5/17/2023	S	Committee Report: Ought to Pass with Amendment **#2023-1911s**, 05/18/2023; **SC 22A**
5/18/2023	S	Committee Amendment **#2023-1911s**, AA, VV; 05/18/2023; **SJ 15**
5/18/2023	S	**Ought to Pass with Amendment** 2023-1911s, MA, VV; OT3rdg; 05/18/2023; **SJ 15**
6/12/2023	H	House Non-Concurs with Senate Amendment 2023-1911s and Requests CofC (Reps. L. Sanborn, Janigian, Doucette, Almy): MA VV 06/08/2023 **HJ 15** P. 74
6/15/2023	S	Sen. Lang Accedes to House Request for Committee of Conference, MA, VV; 06/15/2023; **SJ 19**
6/15/2023	S	President Appoints: Senators Lang, Innis, D'Allesandro; 06/15/2023; **SJ 19**
6/20/2023	H	Conference Committee Meeting: 06/20/2023 02:00 pm LOB 202-204
6/22/2023	S	Conference Committee Report; Not Signed Off; **SJ 20**
6/27/2023	H	Conference Committee Report; Not Signed Off; **HJ 16**

NH House	NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB607-FN **Senate Committee:** Ways & Means

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

✓ Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

✓ Bill version as it came to the committee

✓ All Calendar Notices

✓ Hearing Sign-up sheet(s)

✓ Prepared testimony, presentations, & other submissions handed in at the public hearing

✓ Hearing Report

✓ Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

✓ - amendment # 1726s ___ - amendment #_____

✓ - amendment # 1911s ___ - amendment #_____

✓ Executive Session Sheet

✓ Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment #_____ ___ - amendment #_____

___ - amendment #_____ ___ - amendment #_____

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

✓ as amended by the senate ___ as amended by the house

___ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

SLC 7-25-23

Committee Aide **Date**

Senate Clerk's Office AL