

# Senate Ways and Means Committee

*Sonja Caldwell 271-2117*

**HB 328-FN**, establishing a charitable gaming oversight commission.

**Hearing Date:** April 2, 2025

**Members of the Committee Present:** Senators Lang, Murphy, Sullivan, Rosenwald and Fenton

**Members of the Committee Absent :** None

**Bill Analysis:** This bill changes the membership and duties of the charitable gaming oversight commission, extends it by 10 years, and makes an appropriation to the lottery commission to support the work of the commission.

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**Sponsors:**

Rep. Ames	Rep. Ohm	Rep. Stringham
Rep. Haskins	Rep. Hakken-Phillips	Rep. Berch
Rep. Fellows	Rep. Spilsbury	Sen. Rochefort
Sen. Fenton	Sen. Long	Sen. Lang

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**Who supports the bill:** Dr. Deborah Warner, Rep. Bill Ohm, Rep. Tom Schamberg, Rep. Timothy Horrigan, Alica Preston (NH Charitable Gaming Operators Assoc.), Rep. Dick Ames, Sen. Rochefort, Janet Lucas, Ray Chadwick

**Who opposes the bill:** Daniel Richardson

**Who is neutral on the bill:** Charlie McIntyre (NH Lottery)

**Summary of testimony presented:**

**Rep. Dick Ames**

- Representative Ames stated that HB 328 is a bipartisan bill that touches on but doesn't really take a position on key issues active today that relate to the varying gambling enterprises in NH.
- It is a product of the work of the commission on charitable gaming that was active last summer. The commission, with the help of a consultant, identified a lot of moving parts that they thought couldn't be addressed in the timeframe they had. They concluded there needed to be a process and a work oversight system that continued on beyond the life of the commission he was a part of.

- This bill tries to flag the ongoing issues that need to be looked at more thoroughly including problem gaming and others that are laid out in the bill.
- HB 328 is a little outdated in terms of the language, as it doesn't have the VLTs in the current language of the bill. Rep. Ames stated that if he were to do it over, he would flag VLT's.
- The membership of the commission was revised by the House to put the Director of the Lottery Commission in the non-voting group.
- It is a 10-year commission with obligation to issue first report this coming November.

**Sen. Rosenwald** stated that on line 12 of page 1, there are 5 house members but only one is from House Ways and Means, then theoretically the other 4 could be from fish and game or anywhere. Her question was, should it say at least one of whom is from House Ways and Means.

**Rep. Ames** said that was a reasonable suggestion and that's probably the source of most of the people who are really into this.

**Sen. Lang** asked Rep. Ames if he would be opposed to the bill saying that it will be the chair of Ways and Means or designee as well as the ranking member of Ways and Means or their designee so the commission would have a Republican and a Democrat from Ways and Means as part of the membership as they are basically the policy experts in the legislature on this topic.

**Rep. Ames** said he was completely open to changes like that.

### **Rep. Ohm**

- Rep. Ohm stated that he supports and acknowledges the testimony of the prime sponsor of HB328, Representative Ames. He also supports the comments of the Senate Ways and Means Committee members regarding the possibility of a few amendments to clarify the membership.

**Sen. Lang** asked Rep. Ohm if he would support the idea of allowing a provision in the bill for the commission to self-direct their investigations and oversight on a majority vote of the commission. It would allow the commission to keep a running list of topics over 10 years rather than be limited by the defined list in the bill.

**Rep. Ohm** said that was an excellent suggestion and he would support that.

### **Dr. Deborah Warner**

- Dr. Warner stated that she has been to all prior commission meetings during 2024. She stated that continuing that process and having that oversight on a more permanent basis is a good thing.

- The industry is growing and expanding rapidly, there are many changes happening to existing casinos and new investors are on the horizon with a new influence on the casino landscape.
- It would be wise for the legislature to watch these developments carefully and for the state to remain keenly aware of the complexities of this industry to quickly respond to the regulatory needs.
- The agenda of the commission as stated in the bill is good, it includes a reference to the detailed report that came out of the previous commission that had many good points including equipment efficiency, facility conditions, licensing, complex formulas for transactions, charitable requirements and qualifications, and even problem gambling coverage.
- She is a psychologist and is interested in issues of problem gambling and the ways in which the charities can be evaluated, the selection criteria and the accountability that is needed for these grants that are provided, which currently don't have any rules at all.
- Dr. Warner stated that if she were to improve this bill, she would ask the committee to include voting capability for the public members who are not involved or affiliated with the industry. The public is affected, and she thinks it would be good to have their voting input in this process.

**Sen. Lang** said he had a question for Rep. Ames and asked him to come back up. Senator Lang stated that on page 2, section 7 on line 25 lists the dates of the reports that are due by the commission. His concern with the reporting dates in the bill is that they fall after the House filing deadline, therefore only a senator could ever file legislation recommended by the commission. Senator Lang asked Representative Ames if he would support a change of the November 30th date to September 1<sup>st</sup> to allow house members to file bills.

**Rep. Ames** said that was a very good point and added it's often a default to something like November 30<sup>th</sup>. He said it might even make sense for the ongoing date to be November 1<sup>st</sup>.

**Sen. Lang** clarified that he would like to use September 1<sup>st</sup>.

**Rep. Ames** agreed to that.

#### **Alicia Preston, NH Charitable Gaming Operators Association**

- They are in favor of HB328. She stated that the industry has long work with the legislature on various commissions and committees over the years. She acknowledged that it is an evolving industry, and it has been helpful to all parties to be able to engage with each other on a regular basis.

#### **Charlie McIntyre, Director - NH Lottery Commission**

- No position on HB 328.

- He stated that he believes the Lottery Commission is subject to significant oversight already but if the legislature is comfortable with more oversight, then more is fine with the Lottery Commission.
- The issue they have is with the language on page two, line one, the first sentence of section five reads that this commission is actually the operational head of the Lottery and the implementation of charitable gaming laws. He said that implementation is the first cousin of execution, which means the commission would be in the executive branch. He stated that this language gives him fear and pause.

**Sen. Lang** asked if rewording that so that it just says a review of law, not an implementation would make the Lottery Commission more comfortable.

**Director McIntyre** said that is correct, all of the enumerated charges are perfect, it's just that first sentence currently reads in a way that could mean that the oversight commission now is in the executive branch running the agency.

**Sen. Lang** said the committee will take a look at that in the amendment he thinks will be forthcoming.