

HB 1633-FN-A-LOCAL – AS INTRODUCED

2014 SESSION

14-2846
08/04

HOUSE BILL ***1633-FN-A-LOCAL***

AN ACT relative to expanded gaming in New Hampshire.

SPONSORS: Rep. Ames, Ches 9; Rep. Weber, Ches 1; Sen. Rausch, Dist 19

COMMITTEE: Ways and Means

ANALYSIS

This bill:

I. Establishes the gaming commission and places the lottery commission and racing and charitable gaming commission under its jurisdiction as separate divisions.

II. Allows for the selection and operation of one casino in southeastern New Hampshire, including the operation of video slot machines and table games.

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

IV. Distributes a percentage of proceeds from gross slot machine income and gross table game income to reimburse the gaming regulatory oversight authority for certain expenses and to pay for the operation of the gaming commission.

V. Allows the general court to set the percentage of proceeds from gross slot machine income and gross table game income distributed to the host community, nearby communities, and for the costs of regulatory control.

VI. Establishes the gaming regulatory fund.

This bill is a request of the gaming regulatory oversight authority established in RSA 284-A:1.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to expanded gaming in New Hampshire.

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

1 1 New Chapter: Gaming Regulation. Amend RSA by inserting after chapter 284-A the following
2 new chapter

3 CHAPTER 284-B

4 GAMING REGULATION

5 284-B:1 Statement of Purpose. The general court finds and declares to be the public policy of
6 this state that:

7 I. The integrity of gaming in New Hampshire, the efficient and effective regulation of all
8 forms of gaming in New Hampshire, and public confidence in gaming in New Hampshire is vitally
9 important to the economy of the state and the general welfare of New Hampshire citizens.

10 II. The integrity of gaming in New Hampshire is impaired by deficiencies in the current
11 regulation of charitable gaming exacerbated by limited agency resources, by the perception that
12 there is widespread illegal gambling in New Hampshire, by insufficient information regarding the
13 scope and nature in New Hampshire of problem gambling, and by the absence of any provision in
14 New Hampshire for the identification and mitigation of problem gambling.

15 III. By virtue of New Hampshire’s unique location, natural resources, and development,
16 tourism is a critically important and valuable asset in the continued viability of the state and to the
17 strength of its communities and can be supported and enhanced by an appropriately regulated
18 gaming sector.

19 IV. New Hampshire has a current and continuing interest in promoting economic recovery,
20 small business development, tax relief, and job creation and construction and operation of a gaming
21 location in southeastern New Hampshire, regulated by the state in accordance with best practices,
22 can assist in the promotion of those interests.

23 V. New Hampshire has an interest in ensuring the financial stability and operational
24 integrity of gaming operations in the state.

25 VI. New Hampshire has an interest in limiting the proliferation of commercial gaming by
26 controlling the number of gaming sites in New Hampshire and choosing gaming location sites based
27 on potential for job growth and revenue generation, access to appropriate transportation, suitability
28 for tourism, local resources, and development opportunities.

29 VII. Restricting the issuance of a gaming license to a major entertainment complex is
30 designed to assure that gaming pursuant to the provisions of this chapter is always offered and
31 maintained as an integral element of a major hospitality facility rather than as an industry unto

1 itself as gaming has become in some jurisdictions.

2 VIII. An integral and essential element of the success of a large-scale commercial gaming
3 operation is public confidence and trust in the credibility and integrity of the regulatory process
4 applicable to casino operations. To further such public confidence and trust, the regulatory
5 provisions of this chapter are designed to extend strict regulation to all persons, locations, practices
6 and associations related to the operation of a licensed gaming location and all providers of goods and
7 services to a gaming licensee. In addition, comprehensive regulatory and law enforcement
8 supervision attendant thereto is further designed to contribute to the public confidence and trust in
9 the efficacy and integrity of the regulatory process. To the same end, upgraded regulation of existing
10 gaming, appropriate to the scale of such gaming, will be necessary.

11 IX. Legalized commercial gaming in New Hampshire can attain, maintain and retain
12 integrity, public confidence and trust, and remain compatible with the general public interest, only
13 under a system of control and regulation that, so far as practicable, ensures the exclusion from
14 participation therein of a person with a known criminal record, habits or associations and the
15 exclusion or removal from any positions of authority or responsibility within the gaming operation of
16 a person known to be so deficient in business probity, ability, or experience, either generally or with
17 specific reference to gaming, as to create or enhance the dangers of unsound, unfair, or illegal
18 practices, methods, and activities in the conduct of gaming or the carrying on of business and
19 financial arrangements incident thereto.

20 X. Since the public has a vital interest in any commercial gaming operation in
21 New Hampshire sanctioned by passage of this chapter, participation in gaming operations as a
22 gaming licensee, principal licensee, key employee licensee, gaming employee registrant, non-gaming
23 employee permittee, gaming vendor licensee, non-gaming vendor registrant or any other
24 authorization under this chapter shall be deemed a revocable privilege conditioned upon the proper
25 and continued qualification of the licensee, registrant or permittee and on the proper and continuing
26 discharge of the affirmative responsibility of each to provide regulatory and investigatory authorities
27 established by this chapter with any assistance and information necessary to assure that the policies
28 declared by this chapter are achieved. Consistent with this policy, it is the intent of this chapter to
29 preclude the creation of any property or vested right in any license, registration, permit, or other
30 authorization issued pursuant to this chapter.

31 XI. The authorization of expanded gaming in New Hampshire, and the continued
32 authorization of charitable and other gaming in New Hampshire, requires the state to take steps to
33 increase awareness of compulsive and problem gambling and to develop and implement effective
34 strategies for prevention, assessment, and treatment of these behaviors.

35 XII. Research indicates that for some individuals compulsive and problem gambling and
36 drug and alcohol addiction are related. Therefore, the general court intends to establish an approach
37 to compulsive and problem gambling prevention, assessment, and treatment that will ensure the

1 provision of adequate resources to identify, assess, and treat both compulsive and problem gambling
2 and drug and alcohol addiction.

3 284-B:2 Definitions. In this chapter:

4 I. “Affiliate” means a person who directly or indirectly through one or more intermediaries,
5 controls, is controlled by, or is under common control with, a specified person.

6 II. “Applicant” means a person who has applied for a license, registration, permit, or other
7 form of authorization to engage in activity that is regulated under this chapter.

8 III. “Associated equipment” means equipment, a system, software, or mechanical,
9 electromechanical, or electronic contrivance or component used in connection with the operation of a
10 slot machine or table game or the reporting and calculation of slot machine or table game revenue
11 including, but not limited to, a central computer system, a slot machine data system, a casino
12 management system, a gaming ticket system, promotional play system, player tracking system,
13 ticket redemption unit, automated jackpot payout machine, external bonusing system, cashless
14 wagering system, a progressive controller, systems and devices for weighing and counting money,
15 replacement parts, or any other equipment, system, or software designated by the commission.

16 IV. “Cash” means United States currency and coin, or foreign currency and coin that have
17 been exchanged for its equivalent in United States currency and coin.

18 V. “Cash equivalent” means:

19 (a) Certified check, cashiers check, treasurer’s check, recognized travelers check, or
20 recognized money order that:

21 (1) Is made payable to a gaming licensee where presented, a holding company of a
22 gaming licensee, “bearer,” or “cash”;

23 (2) Is dated, but not postdated; and

24 (3) Does not contain any endorsement.

25 (b) Certified check, cashiers check, treasurer’s check, or recognized money order that:

26 (1) Is made payable to the presenting player;

27 (2) Is endorsed in blank by the presenting player;

28 (3) Is dated but not postdated; and

29 (4) Does not contain any endorsement other than that of the presenting player.

30 (c) Recognized credit card or debit card presented by a player in accordance with the
31 rules of the commission.

32 (d) Any other instrument that the commission deems to be a cash equivalent, provided,
33 however, that an instrument payable to a third party shall not be considered a cash equivalent.

34 VI. “Cashable promotional credit” means a credit or other electronic thing of value on a slot
35 machine or electronic table game that activates play and is convertible to cash at the conclusion of
36 play.

37 VII. “Cashless wagering system” means the collective hardware, software, communications

1 technology, and other ancillary equipment used to facilitate a method of wagering and accounting in
2 which the validity and value of a wager, not including a ticket, are determined, monitored, and
3 retained for an individual by an electronic system operated and maintained by a gaming licensee
4 that records each transaction involving each wager in a wagering account, separate from the slot
5 machine or table game or device on which the wager is made, including electronic systems which
6 facilitate electronic transfers of money directly to or from a slot machine or table game.

7 VIII. “Casino management system” means the collective hardware, software,
8 communications technology, and other ancillary equipment used to collect, monitor, interpret,
9 analyze, report, and audit data with regard to activity at a slot machine including slot machine level
10 accounting transactions, player tracking, and productivity analysis.

11 IX. “Central computer system” means a central monitor and control system acquired and
12 operated by the commission and connected to, and communicating with, a slot machine for purposes
13 of information retrieval, retrieval of slot machine win and loss determinations, and programs to
14 activate and disable slot machines.

15 X. “Chair” means the chair of the New Hampshire gaming commission.

16 XI. “Commission” or “gaming commission” or “New Hampshire gaming commission” means
17 the New Hampshire gaming commission established in RSA 284-B:3.

18 XII. “Complimentary services” means any lodging, service, or item which:

19 (a) Is offered by a gaming licensee directly or indirectly to a player at no cost or at a
20 reduced cost and is not generally available to the public.

21 (b) “Complimentary services” shall not include noncashable credits issued to a player as
22 part of a player incentive or reward program or lodging available to the public through convention or
23 government rates.

24 XIII. “Count room” means an area within a gaming location approved by the commission
25 specifically designated, designed, and used for counting the contents of table game drop boxes, slot
26 machine cash storage boxes, and such other activities as the commission shall deem appropriate.

27 XIV. “Credit” means the direct or indirect extension by a gaming licensee of unsecured funds
28 to a player to facilitate play at a slot machine or table game in accordance with this chapter.

29 XV. “External bonusing system” means the collective hardware, software, communications
30 technology, and other ancillary equipment used in conjunction with a slot machine to deliver
31 randomly selected player incentives in the form of credits to an active slot machine player and to
32 effect the accurate metering of a bonus award event on a slot machine.

33 XVI. “Game” means a slot machine or table game determined by the commission to be
34 compatible with the public interest and to be suitable for use by players.

35 XVII. “Gaming” means dealing, operating, carrying on, conducting, maintaining, or exposing
36 a game for compensation.

37 XVIII. “Gaming applicant” means a person who has applied to the commission for a gaming

1 license pursuant to this chapter.

2 XIX. “Gaming employee” means an individual, not otherwise included in the definition of a
3 key employee, who is employed by a gaming applicant or gaming licensee, and whose employment
4 duties and responsibilities involve the operation of, accounting and auditing related to, security and
5 surveillance over, or the maintenance, servicing, or repair of, slot machines or table games. Such
6 employees shall include, but not be limited to, dealers, floorpersons, boxmen, slot machine personnel,
7 slot machine technicians, count room and cashiers’ cage personnel, security and surveillance
8 personnel, information technology department personnel, employees responsible for handling assets
9 and proceeds associated with the operation of a gaming location, a host or other individual
10 authorized to extend complimentary services or promotional play and an individual who, in the
11 judgment of the commission, so regularly is required to work in a restricted area that registration as
12 a gaming employee is appropriate. The term may include an employee of a person holding a gaming
13 vendor license whose duties regularly involve the installation, maintenance, or repair of slot
14 machines, associated equipment or table game devices where the commission determines a gaming
15 employee license for such an individual to be consistent with the policies of this chapter. The term
16 shall not include an employee that provides security services in a gaming location other than on the
17 gaming floor or in a restricted area, bartenders, cocktail servers, or other persons engaged solely in
18 preparing or serving food or beverages, clerical or secretarial personnel, parking attendants,
19 janitorial, stage, sound, and light technicians and other non-gaming employees so designated by the
20 commission.

21 XX. “Gaming equipment” means a collective reference to slot machines, associated
22 equipment and table game devices.

23 XXI. “Gaming floor” means the area within a gaming location authorized by the commission
24 for the operation of slot machines and table games.

25 XXII. “Gaming license” means a license issued by the commission authorizing a gaming
26 licensee to operate slot machines and table games at a gaming location pursuant to this chapter.

27 XXIII. “Gaming licensee” means a person that has been awarded and issued a license by the
28 commission to possess, conduct, and operate slot machines and table games at a gaming location
29 pursuant to this chapter.

30 XXIV. “Gaming location” means the collective land, buildings, and structures at which a
31 gaming licensee is authorized by the commission to place and operate slot machines and table games
32 under this chapter and includes the gaming floor, restricted areas and all non-gaming structures
33 and amenities including a hotel, catering or room service operations serving a hotel, convention,
34 meeting and multipurpose facilities, retail facilities, food and beverage outlets, parking structures
35 and lots, and other amenities and activities not located on or adjacent to the gaming floor or related
36 to gaming operations.

37 XXV. “Gaming ticket system” means the collective hardware, software, communications

1 technology, and other ancillary equipment used in conjunction with a slot machine to facilitate the
2 issuance or redemption of a ticket.

3 XXVI. “Gaming vendor” means, subject to a classification system to be prescribed in
4 accordance with RSA 284-B:25:

5 (a) A management company as defined in this chapter.

6 (b) A person providing goods and services directly related to gaming including, but not
7 limited to, a person that designs, manufactures, builds or rebuilds, programs, distributes, installs, or
8 modifies a slot machine, associated equipment or gaming table device for sale or lease to a gaming
9 licensee for use in operating slot machines or table games in accordance with this chapter or such
10 other person as the commission shall designate.

11 (c) A person providing goods and services ancillary to gaming including, but not limited
12 to, a junket enterprise, junket representative, a person employed by a junket enterprise or junket
13 representative in a managerial or supervisory position, a person with an ownership or financial
14 interest in a gaming location not required to qualify for licensure in accordance with RSA 284-B:17,
15 VII, a licensor of an authorized game or such other person as the commission shall designate.

16 XXVII. “Gross slot machine revenue” means the total of:

17 (a) Cash or cash equivalent wagers received by a slot machine minus the total of:

18 (1) Cash or cash equivalents paid out to players as a result of playing a slot machine,
19 whether paid manually or paid out by the slot machine;

20 (2) Cash or cash equivalents paid to purchase an annuity to fund a prize payable to
21 player over a period of time as a result of playing a slot machine; and

22 (3) The actual cost paid by a gaming licensee for any merchandise or other non-cash
23 prize distributed to a player as a result of playing a slot machine. This does not include travel
24 expenses, food, refreshments, lodging, or services conferred as part of a promotion or as a
25 complimentary service.

26 (b) Contest or tournament fees or payments, including entry fees and administrative
27 fees, imposed by a gaming licensee to participate in a slot machine contest or tournament, less cash
28 paid or actual costs paid by a gaming licensee for prizes awarded to contest or tournament winners.

29 (c) Gross slot machine revenue shall not include;

30 (1) Counterfeit currency;

31 (2) Currency of other countries received in the playing of a slot machine except to the
32 extent that the currency is readily convertible to cash; and

33 (3) Cash taken in a fraudulent act perpetrated against a gaming licensee for which
34 the gaming licensee is not reimbursed.

35 (d) A noncashable promotional credit shall be excluded from the calculation of gross slot
36 machine revenue.

37 XXVIII. “Gross table game revenue” means the total of:

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1 (a) Cash or cash equivalent wagers received in the playing of a table game minus the
2 total of:

3 (1) Cash or cash equivalents paid to players as a result of playing a table game;

4 (2) Cash or cash equivalents paid to purchase an annuity to fund a prize payable to a
5 player over a period of time as a result of playing a table game; and

6 (3) The actual cost paid by a gaming licensee for any merchandise or other non-cash
7 prize distributed to a player as a result of playing a table game. This shall not include travel
8 expenses, food, refreshments, lodging, or services conferred as part of a promotion or as a
9 complimentary service.

10 (b) Contest or tournament fees or payments, including entry fees, buy-ins, re-buys, and
11 administrative fees, imposed by a gaming licensee to participate in a table game contest or
12 tournament, less cash paid or actual costs paid by a gaming licensee for prizes awarded to contest or
13 tournament winners.

14 (c) The total amount of rake collected by a gaming licensee.

15 (d) Gross table game revenue shall not include;

16 (1) Counterfeit cash or chips;

17 (2) Currency of other countries received in the playing of a table game, except to the
18 extent that the coin or currency are readily convertible to cash; and

19 (3) Cash taken in a fraudulent act perpetrated against a gaming licensee for which
20 the gaming licensee is not reimbursed.

21 (e) A noncashable promotional credit shall be excluded from the calculation of gross table
22 game revenue.

23 XXIX. “Holding company” means a corporation, limited liability company, association, firm,
24 partnership, trust, or other form of business organization, other than an individual, which directly or
25 indirectly owns, has the power or right to control, or has the power to vote a significant part of the
26 outstanding voting securities of a corporation or any other form of business organization which is a
27 gaming applicant or gaming license pursuant to this chapter provided, however, that a “holding
28 company”, in addition to any other reasonable use of the term, shall be construed as indirectly
29 holding or owning any such power, right, or security if it does so through an interest in a subsidiary
30 or any successive subsidiaries, notwithstanding how many such subsidiaries may intervene between
31 the holding company and a gaming applicant or gaming licensee.

32 XXX. “Host community” means a municipality in which a gaming location is located or in
33 which a gaming applicant has proposed locating a gaming location.

34 XXXI. “Impacted live entertainment venue” means a not-for-profit or municipally-owned
35 performance venue designed in whole or in part for the presentation of live concerts, comedy or
36 theatrical performances, which the commission determines experiences, or is likely to experience, a
37 negative impact from the development or operation of a gaming location.

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1 XXXII. “Immediate family” means an individual’s spouse, domestic partner, partner in a
2 civil union, child, parent, or sibling, whether by the whole or half blood, by marriage, adoption, or
3 natural relationship, residing in the same household.

4 XXXIII. “Independent testing laboratory” means a person engaged in the testing and
5 certification of slot machines and the equipment, systems, and software utilized to collect, monitor,
6 interpret, analyze, authorize, issue, redeem, report, and audit data with regard to activity at slot
7 machines and electronic table games.

8 XXXIV. “Institutional investor” means any of the following entities having an ownership
9 interest in a gaming applicant, gaming licensee, or gaming location: a corporation, bank, insurance
10 company, pension fund or pension fund trust, retirement fund, including funds administered by a
11 public agency, employees’ profit-sharing fund or employees’ profit-sharing trust, an association
12 engaged, as a substantial part of its business or operation, in purchasing or holding securities, or any
13 trust in respect of which a bank is a trustee or co-trustee, investment company registered under the
14 federal Investment Company Act of 1940, collective investment trust organized by banks under part
15 9 of the Rules of the Comptroller of Currency, closed end investment trust, chartered or licensed life
16 insurance company or property and casualty insurance company, investment advisor registered
17 under the federal Investment Advisers Act of 1940, and such other persons as the commission may
18 reasonably determine to qualify as an institutional investor for the purposes of this chapter.

19 XXXV. “Intermediary company” means a corporation, association, firm, partnership, trust,
20 or other form of business organization, other than an individual, which is a holding company with
21 respect to a corporation or other form of business organization which is a gaming applicant or
22 gaming licensee and is a subsidiary with respect to a holding company.

23 XXXVI. “Jackpot” means any cash, cash equivalent, ticket, annuity, or merchandise to be
24 paid to a player as a result of a specific combination of characters on a slot machine.

25 XXXVII. “Junket” means an arrangement intended to induce a person to come to a gaming
26 location to gamble, where the person is selected or approved for participation on the basis of the
27 person’s ability to satisfy a financial qualification obligation related to the person’s ability or
28 willingness to gamble or on any other basis related to the person’s propensity to gamble and
29 pursuant to which and as consideration for which, any of the cost of transportation, food, lodging,
30 and entertainment for the person is directly or indirectly paid by a gaming licensee or an affiliate of
31 the gaming licensee.

32 XXXVIII. “Junket enterprise” means a person, other than a gaming applicant or gaming
33 licensee, who employs or otherwise engages the services of a junket representative in connection with
34 a junket to a licensed gaming location, regardless of whether or not those activities occur within the
35 state.

36 XXXIX. “Junket representative” means a person who negotiates the terms of, or engages in
37 the referral, procurement or selection of persons who may participate in, a junket to a gaming

1 location, regardless of whether or not those activities occur within the state.

2 XL. “Key employee” means any individual employed by a gaming applicant, gaming licensee,
3 or holding, intermediary, or subsidiary company required to qualify in accordance with 284-B:17, VII
4 in a director or department head capacity and who is authorized to make discretionary decisions that
5 regulate or affect slot machine and/or table game operations, including, but not limited to, a general
6 manager, assistant manager, shift managers, director of slot machine operations, director of table
7 game operations, pit boss, director of finance, comptroller, cashiers’ cage manager and shift
8 supervisor, director of internal audit, director of surveillance, director of security, director of
9 marketing, director of information technology, director of food and beverage and any employee who
10 supervises the operations of these departments or to whom these department directors or
11 department heads report, and such other positions which the commission shall designate for reasons
12 consistent with the policies of this chapter.

13 XLI. “Management company” means a person, subject to a commission approved
14 management contract with a gaming licensee, that is responsible for the management of all or part of
15 the operation of a gaming floor.

16 XLII. “Management contract” means a contract, subcontract, or collateral agreement
17 between a management company and a gaming licensee providing for the management of all or part
18 of a gaming floor.

19 XLIII. “Major policymaking position” means the executive director of the gaming control
20 division, any individual who reports directly to the executive director of the gaming control division,
21 the director of problem gambling and research, and any other individual so designated by the
22 commission.

23 XLIV. “Money” means cash or instruments that are convertible to cash in any negotiable
24 currency.

25 XLV. “Multi-casino progressive system” means a system approved by the commission
26 pursuant to which a common progressive jackpot is offered on slot machines that are interconnected
27 in more than one casino within or outside the state.

28 XLVI. “Noncashable promotional credit” means a credit or other electronic thing of value
29 utilized to play a slot machine or electronic table game that activates play but is not convertible to
30 cash at the conclusion of play.

31 XLVII. “Non-gaming employee” means an individual, not otherwise included in the
32 definition of a key employee or gaming employee, who is employed by a gaming applicant or gaming
33 licensee to include an employee providing security services in a gaming location other than on the
34 gaming floor or in a restricted area, a bartender, cocktail server or other person engaged solely in
35 preparing or serving food or beverages, clerical or secretarial personnel, a parking attendant, a
36 janitorial, stage, sound and light technician, or other employee so designated by the commission.

37 XLVIII. “Non-gaming vendor” means a person providing goods and services not included in

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1 the definition of a gaming vendor including, but not limited to, construction companies, vending
2 machine providers, linen suppliers, garbage handlers, maintenance companies, limousine services,
3 food purveyors or suppliers of alcoholic beverages.

4 XLIX. “Officer” means the chief executive officer, chief financial officer, chief operating
5 officer, chief information officer, chief compliance officer, and chief legal officer of a corporation, or
6 their equivalents in any unincorporated entity.

7 L. “Person” means an individual, limited liability company, proprietorship, firm,
8 partnership, joint venture, syndicate, business trust, labor organization, company, corporation,
9 association, committee, government entity, or other legal entity.

10 LI. “Player” means an individual who plays a slot machine or a table game at a gaming
11 location licensed by the commission.

12 LII. “Player tracking system” means the collective hardware, software, communications
13 technology, and other ancillary equipment used to collect, monitor, interpret, analyze, authorize,
14 report and audit data with regard to player activity generally or on an individual basis at a slot
15 machine.

16 LIII. “Principal” means a person associated with a gaming applicant or gaming licensee
17 required to be qualified for licensure in accordance with RSA 284-B:17, VII in conjunction with a
18 gaming license application and includes the following persons:

19 (a) An officer or director of a gaming applicant or gaming licensee.

20 (b) A person, including a shareholder, general partner, limited partner, or member or
21 manager of a limited liability company who directly or indirectly holds more than 5 percent of a legal
22 or beneficial interest in, or ownership of the securities of, a gaming applicant or gaming licensee.

23 (c) A person who has a controlling interest in a gaming applicant or gaming licensee.

24 (d) A person who has the ability to elect one or more members of the board of directors of
25 a gaming applicant or gaming licensee or to otherwise manage, control, influence, or affect a gaming
26 applicant or gaming licensee.

27 (e) A person who is a lender or other licensed financial institution of a gaming applicant
28 or gaming licensee, other than a bank or lending institution which makes a loan or holds a mortgage
29 or other lien acquired in the ordinary course of business.

30 (f) An institutional investor who directly or indirectly holds more than 5 percent of a
31 legal or beneficial interest in, or ownership of the securities of, a gaming applicant or gaming
32 licensee.

33 (g) An underwriter of a gaming applicant or gaming licensee.

34 (h) A person with an ownership or financial interest in a gaming location required to be
35 qualified for licensure in accordance with this chapter in conjunction with a gaming license
36 application.

37 (i) Any other person associated with a gaming applicant or gaming licensee required to

1 be qualified for licensure in accordance with this chapter in conjunction with a gaming license
2 application.

3 LIV. “Progressive controller” means a device independent of the operating system of a slot
4 machine that calculates and transmits to a slot machine the amount of an available progressive
5 jackpot based on a pre-established rate of progression and denomination of a slot machine.

6 LV. “Promotional play” means an award by a gaming licensee of cashable and noncashable
7 credits on a slot machine or table game:

8 (a) Directly or indirectly to a player.

9 (b) With or without regard to the:

10 (1) Identity of the player; or

11 (2) Player’s level of gaming activity.

12 LVI. “Promotional play system” means the collective hardware, software, communications
13 technology, and other ancillary equipment used to facilitate the award of promotional play at a slot
14 machine or table game by means of either a:

15 (a) Promotional play instrument.

16 (b) Download from the system to a slot machine.

17 LVII. “Rake” means a set fee or percentage assessed by a gaming licensee for providing the
18 services of a dealer, gaming table or location, to allow the play or operation of a table game at which
19 a player competes against another player.

20 LVIII. “Restricted area” means that part of a gaming location directly related to the
21 operation of the gaming floor where access is specifically designated by the commission as restricted,
22 including, but not limited to:

23 (a) Cashier’s cage, including a satellite cashiers’ cage and ancillary offices.

24 (b) A room or location in which any central computer system resides.

25 (c) Count room and trolley storage areas.

26 (d) Areas designated for the storage, repair or destruction of slot machines, associated
27 equipment and table game devices.

28 (e) Information technology department operations centers.

29 (f) Progressive controller locations.

30 (g) Surveillance monitoring rooms.

31 (h) Vault and armored car bay locations.

32 (i) Any other area that a gaming licensee, with the authorization of the commission,
33 designates as restricted in its system of accounting and internal control or that the commission
34 designates as restricted at the gaming location.

35 LIX. “Slot data system” means the collective hardware, software, communications
36 technology, and other ancillary equipment used to collect, monitor, interpret, analyze, authorize,
37 report, and audit data with regard to activity at a slot machine, including slot machine meter

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1 readings, error conditions, security, accounting, player tracking, and productivity analysis.

2 LX. “Slot machine” means a mechanical, electrical, or other device, contrivance, or machine
3 which, upon insertion of a coin, ticket, or similar object therein, or upon payment of any
4 consideration whatsoever, is available to play or operate, the play or operation of which, whether by
5 reason of the skill of the operator or application of the element of chance, or both, may deliver or
6 entitle the person playing or operating the machine to receive cash or tickets to be exchanged for
7 cash, or to receive merchandise or any thing of value, whether the payoff is made automatically from
8 the machine or in any other manner, except that the cash equivalent value of any merchandise or
9 other thing of value shall not be included in determining the payout percentage of a slot machine.
10 Slot machine shall not include a redemption slot machine or redemption poker machine available in
11 a family entertainment center pursuant to RSA 647:2, II(f).

12 LXI. “Subsidiary” means a corporation, a significant part of whose outstanding equity
13 securities are owned, subject to a power or right of control, or held with power to vote, by a holding
14 company or an intermediary company, or a significant interest in a firm, association, partnership,
15 trust, or other form of business organization, other than an individual, which is owned, subject to a
16 power or right of control, or held with power to vote, by a holding company or an intermediary
17 company.

18 LXII. “Table game” means:

19 (a) A game in the form of baccarat, big six wheel, blackjack, craps, double attack
20 blackjack, mini-baccarat, mini-craps, mini-dice, pai gow, red dog, roulette, sic bo, casino war, poker
21 including Asia poker, Boston 5 stud poker, Caribbean stud poker, Colorado hold ‘em poker, double
22 cross poker, double down stud poker, fast action hold ‘em, flop poker, four card poker, let it ride
23 poker, pai gow poker, pokette, Spanish 21, Texas hold ‘em bonus poker, 3-card poker, 2-card joker
24 poker, ultimate Texas hold ‘em, or winner’s pot poker.

25 (b) Any variations or composites of such games, provided that such variations or
26 composites are found by the commission to be suitable for use after an appropriate test or
27 experimental period under such terms and conditions as the commission shall deem appropriate.

28 (c) Any other banking or percentage game played with cards, dice, tiles, dominoes, or
29 other equipment or an electronic, electrical or mechanical device played for money or other
30 representation of value which is determined by the commission to be compatible with the public
31 interest and to be suitable for casino use after such appropriate test or experimental period as the
32 commission shall deem appropriate.

33 (d) The term table game shall not include games of chance pursuant to RSA 287-D, bingo
34 and lucky 7 under RSA 287-E, pari-mutuel racing pursuant to RSA 284, raffles pursuant to RSA 287-
35 A, or lottery pursuant to RSA 284:21-h and RSA 287-F.

36 LXIII. “Table game device” includes, but is not limited to, a gaming table, cards, dice, chips,
37 shufflers, tiles, dominoes, wheels, a drop box, or any other equipment used or consumed in

1 connection with the operation of a table game.

2 LXIV. “Ticket” means an instrument that upon insertion into a slot machine bill validator
3 entitles the player inserting the ticket to credits on a slot machine corresponding to the amount
4 printed on the ticket.

5 LXV. “Wager” means a sum of money or representative of value that is risked on an
6 occurrence for which the outcome is uncertain.

7 284-B:3 Gaming Commission

8 I. There shall be a New Hampshire gaming commission. The gaming commission shall be an
9 executive branch agency entitled to defense and indemnity under RSA 99-D. It shall consist of 5
10 members who shall be appointed and may be removed for cause by the governor with the advice and
11 consent of the council.

12 (a) One member of the commission shall be appointed for one year, one for 2 years, one
13 for 3 years, and one for 4 years, and upon the expiration of their terms of office their successors shall
14 be appointed for a term of 4 years. The fifth member of the commission, who shall be appointed as
15 chair of the commission by the governor with the advice and consent of the council, shall be
16 appointed for 4 years and may be reappointed thereafter.

17 (b) At least one member of the commission shall have a background in accounting or
18 finance.

19 (c) At least one member of the commission shall have a background in law enforcement
20 or criminal or regulatory prosecution.

21 (d) Any vacancy on the commission shall be filled by appointment for the unexpired
22 term. The chair shall serve in that capacity throughout the term of appointment and until a
23 successor shall be appointed. Prior to appointment to the commission, an individual shall be subject
24 to a background investigation with his or her suitability determined in accordance with the same
25 standards for good character, honesty, integrity and financial stability applied to a key employee of a
26 gaming licensee under this chapter.

27 II. The gaming commission shall have responsibility for the administration and enforcement
28 of the New Hampshire state lottery in accordance with the provisions of RSA 284:21-a through
29 RSA 284:21-v, for racing and charitable gaming in accordance with the provisions of RSA 284,
30 RSA 287-D and RSA 287-E, for redemption slot machines and redemption poker machines in a
31 family entertainment center under RSA 647:2 and for the administration and enforcement of gaming
32 in New Hampshire in accordance with the provisions of this chapter.

33 (a) The gaming commission shall assume the powers, rights, duties, and responsibilities
34 granted to the state lottery commission under RSA 284, and any reference to the state lottery
35 commission in RSA 284 or any other statutory cites, including without limitation the reference in
36 RSA 287-F:5, except for the references in the provisions of RSA 284:21-a through RSA 284:21-d
37 regarding the creation and membership of the state lottery commission and except as the context

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1 may otherwise require and shall be deemed to refer to the gaming commission, provided that the
2 gaming commission may delegate to the state lottery commission such powers, rights, duties, and
3 responsibilities as it deems in the best interest of the state lottery, and provided further that the
4 gaming commission shall not delegate its power to issue rules, nor its power to appoint the lottery
5 executive director, and provided further that the gaming commission may discontinue or adjust the
6 terms of such delegation at any time.

7 (b) The gaming commission shall assume the powers, rights, duties, and responsibilities
8 granted to the state racing and charitable gaming commission under RSA 284, RSA 287-D and
9 RSA 287-E, and any reference to the state racing and charitable gaming commission in RSA 284,
10 RSA 287-D and RSA 287-E or any other statutory cites, except for the references in the provisions of
11 RSA 284:6-a, I regarding the creation and membership of the racing and charitable gaming
12 commission and except as the context may otherwise require shall be deemed to refer to the gaming
13 commission, provided that the gaming commission may delegate to the state racing and charitable
14 gaming commission such powers, rights, duties, and responsibilities as it deems in the best interest
15 of racing and charitable gaming, and provided further that the gaming commission shall not delegate
16 its power to issue rules, nor its power to appoint the racing and charitable gaming executive director,
17 nor its power to license a primary game operator or game operator employer, and provided further
18 that the gaming commission may discontinue or adjust the terms of such delegation at any time.

19 (c) The gaming commission shall be granted all powers, rights, duties and
20 responsibilities necessary to authorize, limit, and regulate the operation of redemption slot machines
21 and redemption poker machines in family entertainment centers under RSA 647:2 provided that the
22 commission may delegate such powers, rights, duties, and responsibilities as it deems in the best
23 interest of the state, provided that the gaming commission shall not delegate its power to issue rules,
24 and provided further that the gaming commission may discontinue or adjust the terms of such
25 delegation at any time.

26 (d) The gaming commission shall be advised in the exercise of its powers and rights and
27 in the performance of its duties and responsibilities under this chapter by the gaming regulatory
28 oversight authority in accordance with the provisions of RSA 284-A.

29 III. Three of the members of the gaming commission shall constitute a quorum to do
30 business. It shall be the duty of a secretary to the gaming commission appointed by the chair to keep
31 a record of all proceedings of the commission and to preserve all books, documents, and records
32 addressed to its care. Commission members shall be part-time except that the commission chair
33 shall be full-time and shall be the chief administrative and enforcement officer of the commission.
34 The office of the chair and the commission shall be staffed with such legal, financial and technical
35 experts as are required to fulfill the purposes of this chapter.

36 IV. Members of the gaming commission shall give bond to the state in such amount as shall

1 be determined under the provisions of RSA 93-B.

2 V. Each member of the gaming commission shall receive a salary in accordance with
3 RSA 94:1-a, II and shall be allowed reasonable expenses, including transportation, incurred in the
4 performance of the member's duties.

5 VI. The gaming commission shall have an office in Concord or in a municipality that borders
6 Concord.

7 VII. The compensation of the commissioners, expenses of the commissioners, compensation
8 of assistants and other necessary expenses of the gaming commission, including suitable furniture,
9 equipment, supplies, and office expenses shall be charged to and paid out of the funds received under
10 the provisions of this chapter and of RSA 284, RSA 287-D, RSA 287-E, RSA 287-F and RSA 647:2,
11 provided that the commission shall allocate such expenses for payment from each such source of
12 funds in approximate proportion to the commission's costs of administering and regulating
13 respectively the lottery and gaming activities administered by the commission pursuant to those
14 provisions. The commission shall submit an operating budget based on accounting units or other
15 budgetary units required by the general court. The commission shall submit its budget in the same
16 format and at the same time as other state agencies. However, the commission may transfer funds
17 between line items within and among any budgetary unit. The commission shall submit reports
18 annually 60 days after the close of each fiscal year to the fiscal committee of the general court
19 detailing all transfers made during the last fiscal year and the reasons for such transfers.

20 (a) Notwithstanding any provision of law to the contrary all expenses incurred by the
21 gaming commission prior to the issuance of an operation certificate to a gaming licensee pursuant to
22 284-B:32 of this chapter shall be charged to and paid from the funds received under the provisions of
23 RSA 284, RSA 284-B, RSA 287-D, RSA 287-E, RSA 287-F and RSA 647:2.

24 (b) Such funds shall be available as of the effective date of this chapter for expenses
25 incurred by the gaming commission and shall be reimbursed in accordance with the provisions of
26 284-B:18, III(a).

27 VIII. The gaming commission shall establish a code of ethics for all commissioners and
28 employees of the commission. A copy of the code shall be filed with the attorney general's office. The
29 code shall include provisions reasonably necessary to carry out the purposes of this chapter and any
30 other laws subject to the jurisdiction of the commission including, but not limited to:

31 (a) Prohibiting the receipt by a commissioner or employee or his or her immediate family
32 of any commission, bonus, discount, gift, tip, gratuity, compensation, travel, lodging, or other thing of
33 value, except for items valued at \$25 or less, directly or indirectly, from a gaming licensee, principal
34 licensee, key employee licensee, gaming vendor licensee or applicant, or other person subject to the
35 jurisdiction of the commission.

36 (b) Prohibiting the participation by commissioners and employees in a particular matter
37 that affects the financial interest of a commissioner or employee or a family member of a

1 commissioner or employee.

2 (c) Providing for recusal of a commissioner due to a potential conflict of interest.

3 (d) Prohibiting the solicitation of funds by a commissioner or employee for any
4 charitable, educational, religious, health, fraternal, civic, or other nonprofit entity from a gaming
5 applicant, gaming licensee, or person that is an applicant for or holder of a license, registration, or
6 permit under this chapter.

7 IX. No commissioner or employee shall own, or be in the employ of, or own any stock in, a
8 person that holds a license or registration under this chapter nor shall they have, directly or
9 indirectly, a pecuniary interest in, or be connected with, any such person or be in the employ of, or
10 connected with, a person financing any such person, provided, however, that an immediate family
11 member of a commissioner or employee holding a major policymaking positions shall not own, or be
12 in the employ of, or own stock in, a person that holds a license or registration under this chapter. A
13 commissioner or employee shall not personally, or through a partner or agent, render professional
14 services to, or make or perform any business contract with or for a person that holds a license or
15 registration under this chapter, provided that a partner or other person related to a commissioner or
16 employee may render professional services or make or perform any business contract with the prior
17 approval of the commission upon a finding by the commission that the professional relationship or
18 contract will not create the appearance of a conflict of interest and does not evidence a conflict of
19 interest in fact. Immediately upon assuming office, each commissioner and employee of the
20 commission shall swear or affirm that the commissioner or employee complies with these
21 prohibitions.

22 X. No commissioner or employee of the commission shall during the period commencing 3
23 years prior to employment, have held any direct or indirect interest in, or have been employed by a
24 person that holds a license or registration under this chapter.

25 XI. No commissioner shall hold a direct or indirect interest in, or be employed by, a gaming
26 applicant or person that holds a license or registration under this chapter for a period of 3 years after
27 the termination of employment with the commission.

28 XII. No employee of the gaming commission holding a major policymaking position as
29 defined in this chapter shall acquire an interest in, or accept employment with, a gaming applicant
30 or person that holds a license or registration under this chapter for a period of 2 years after the
31 termination of employment with the commission, provided, however, that if the employment of an
32 employee holding a major policymaking position at any time during the 5 years preceding a
33 termination, is terminated as a result of a reduction in the workforce of the commission, the
34 employee may, after one year following the termination of employment with the commission, accept
35 employment with a gaming applicant or person that holds a license or registration under this
36 chapter upon application to and with the prior approval of the commission, upon a finding that the
37 employment will not create the appearance of a conflict of interest and does not evidence a conflict of

1 interest in fact. The commission shall act upon an application within 30 days of receipt.

2 XIII. No employee of the commission in a non-major policymaking position shall acquire an
3 interest in, or accept employment with, a gaming applicant or person that holds a license or
4 registration under this chapter for a period of one year after the termination of employment with the
5 commission, provided, however, that if the employment of an employee holding a non-major
6 policymaking position at any time during the 5 years preceding a termination, is terminated as a
7 result of a reduction in the workforce of the commission, the employee may immediately accept
8 employment with a gaming applicant or person that holds a license or registration under this
9 chapter upon application to and with the prior approval of the commission, upon a finding that the
10 employment will not create the appearance of a conflict of interest and does not evidence a conflict of
11 interest in fact. The commission shall act upon an application within 30 days of receipt.

12 XIV. No commissioner or employee of the commission or division of state police gaming
13 enforcement unit shall place a wager in a gaming location, provided, however, that an employee may
14 place a wager in the performance of the employee's official duties.

15 XV. Commissioners and employees holding major policymaking positions as determined by
16 the commission, shall be sworn to the faithful performance of their official duties. Commissioners
17 and employees holding major policymaking positions shall:

18 (a) Conduct themselves in a manner so as to render decisions that are fair and impartial
19 and in the public interest.

20 (b) Avoid impropriety and the appearance of impropriety in all matters under their
21 jurisdiction.

22 (c) Avoid all prohibited ex parte communications and the disclosure of confidential
23 information.

24 (d) Require staff and personnel subject to their direction and control to observe the same
25 standards of fidelity and diligence.

26 (e) Disqualify themselves from proceedings in which their impartiality might reasonably
27 be questioned.

28 (f) Refrain from financial or business dealings which would tend to reflect adversely on
29 impartiality

30 284-B:4 Divisions of State Lottery, Racing and Charitable Gaming, and Gaming Control.

31 I. There shall be established within the gaming commission a lottery division, a racing and
32 charitable gaming division, and a gaming control division.

33 II.(a) The executive director of the lottery division shall be the executive and administrative
34 head of the division and shall be responsible for supervision and management of the division and the
35 administrative units created within it. The executive director of the lottery division shall be
36 appointed by the commission and shall report to the chair of the commission for administrative
37 matters, daily supervision, policy, purpose, responsibility, and authority. Upon the effective date of

1 this chapter, the person who was executive director for the state lottery commission immediately
2 prior to the effective date shall become the executive director of the lottery division. Any
3 subsequently appointed executive director shall be subject to a background investigation with his or
4 her suitability determined in accordance with the same standards for good character, honesty,
5 integrity and financial stability applied to a key employee of a gaming licensee under this chapter.

6 (b) The lottery division by and through its executive director shall administer the
7 procedures associated with the operation of the state lottery under RSA 284:21-a through
8 RSA 284:21-v, RSA 287-F, all other provisions of law relating to the operation of the state lottery,
9 and the regulations adopted pursuant thereto, shall have primary responsibility for the audit,
10 compliance, and regulatory enforcement functions required to effect the purposes of RSA 284:21-a
11 through RSA 284:21-v, RSA 287-F, all other provisions of law relating to the operation of the state
12 lottery, and the regulations adopted pursuant thereto, and shall support the work of the lottery
13 commission in its performance of such powers, rights, duties and responsibilities as may be delegated
14 to it by the gaming commission. The lottery division shall cooperate with the attorney general and
15 the division of state police gaming enforcement unit in the enforcement of this chapter.

16 III.(a) The executive director of the racing and charitable gaming division shall be the
17 executive and administrative head of the division and shall be responsible for supervision and
18 management of the division and the administrative units created within it. The executive director of
19 the racing and charitable gaming division shall be appointed by the commission and shall report to
20 the chair of the commission for administrative matters, daily supervision, policy, purpose,
21 responsibility and authority. Upon the effective date of this chapter, the person who was executive
22 director for the state racing and charitable gaming commission immediately prior to the effective
23 date of this chapter shall become the executive director of the racing and charitable gaming division.
24 Any subsequently appointed executive director shall be subject to a background investigation with
25 his or her suitability determined in accordance with the same standards for good character, honesty,
26 integrity, and financial stability applied to a key employee of a gaming licensee under this chapter.

27 (b) The division of racing and charitable gaming by and through its executive director
28 shall administer the procedures associated with the conduct of racing and charitable gaming under
29 RSA 284, RSA 287-D, RSA 287-E, all other provisions of law related to racing and charitable gaming,
30 and the regulations adopted pursuant thereto, shall have primary responsibility for the audit,
31 compliance and regulatory enforcement functions required to effect the purposes of RSA 284,
32 RSA 287-D, RSA 287-E, all other provisions of law related to racing and charitable gaming, and the
33 regulations adopted pursuant thereto, and shall support the work of the racing and charitable
34 gaming commission in its performance of such powers, rights, duties, and responsibilities as may be
35 delegated to it by the gaming commission. The division of racing and charitable gaming shall
36 cooperate with the attorney general and the division of state police gaming enforcement unit in the
37 enforcement of this chapter.

1 IV.(a) The executive director of the gaming control division shall be the executive and
2 administrative head of the division and shall be responsible for supervision and management of the
3 division and the administrative units created within it. The executive director of gaming control
4 shall be appointed by the commission and shall report to the chair of the commission for
5 administrative matters, daily supervision, policy, purpose, responsibility and authority. Prior to
6 appointment as executive director, an individual shall be subject to a background investigation with
7 his or her suitability determined in accordance with the same standards for good character, honesty,
8 integrity, and financial stability applied to a key employee of a gaming licensee under this chapter.

9 (b) The division of gaming control by and through its executive director shall administer
10 the procedures associated with the licensing, registration, and permitting of persons under this
11 chapter and the regulations adopted pursuant thereto and shall have primary responsibility for the
12 audit, compliance, and regulatory enforcement functions required to effect the purposes of this
13 chapter and its regulations. The division of gaming control shall cooperate with the attorney general
14 and the division of state police gaming enforcement unit in the enforcement of this chapter.

15 (c) The division of gaming control shall be present at a gaming location at such times,
16 under such circumstances, and to such extent as the commission deems appropriate to fulfill its
17 responsibilities under this chapter. Provision of onsite office space to accommodate the division of
18 gaming control shall be provided as an element of an operation certificate under RSA 284-B:32.

19 284-B:5 General and Specific Powers of the Gaming Commission.

20 I. The gaming commission shall have general and exclusive regulatory authority and
21 responsibility over the conduct of gaming and related activities as described in this chapter and the
22 regulations adopted pursuant thereto. The commission shall enforce the provisions of this chapter
23 and any rules and shall ensure the integrity of the acquisition and operation of slot machines,
24 associated equipment, and table game devices and shall have sole regulatory authority over every
25 aspect of the authorization, operation, and play of slot machines and table games.

26 II. The gaming commission shall employ in its division of gaming control individuals,
27 including the executive director of the division of gaming control provided for in RSA 284-B:4, as
28 necessary to carry out the powers and duties of the commission as they relate to gaming conducted
29 under this chapter. The commission may, should it determine it necessary to fulfill the purposes of
30 this chapter, designate certain professional employees with specialized gaming expertise as serving
31 at its pleasure.

32 III. The gaming commission shall employ a director of problem gambling and research, who
33 shall have, in the commission's judgment, relevant experience in the field of problem gambling and
34 research or in related fields, who shall report to the chair and shall advise the chair on all matters
35 relating to problem gambling and research, provided that the commission may authorize customary
36 marketing research required by the lottery to be conducted independently of the director of problem
37 gambling and research.

1 IV. The gaming commission and its chair shall cooperate with the gaming regulatory
2 oversight authority pursuant to the provisions of RSA 284-A and shall perform such functions as are
3 assigned to it by RSA 284-A.

4 V. The gaming commission shall make an annual report to the governor in accordance with
5 RSA 20:7, including therein an account of its actions, receipts derived under this chapter and under
6 the provisions of RSA 284:21-a through RSA 284:21-v, regarding the state lottery, RSA 284, RSA
7 287-D and RSA 287-E regarding racing and charitable gaming, RSA 647:2 regarding redemption slot
8 machines and redemption poker machines and slot machines and table games operated pursuant to
9 this chapter, the practical effects of the application thereof, and any recommendation for legislation
10 which the commission deems advisable.

11 VI. The gaming commission shall award, issue, accept, approve, renew, revoke, suspend,
12 condition, or deny issuance or renewal of a gaming license, principal license, key employee license,
13 gaming vendor license, gaming employee registration, non-gaming employee permit, non-gaming
14 vendor registration, and any additional licenses, registrations, or permits as may be required under
15 this chapter.

16 VII. The gaming commission may require individuals who are prospective and existing
17 commission employees and independent contractors, applicants, licensees, registrants, and
18 permittees to submit to fingerprinting by the division of state police or other designated entity for
19 purposes of verifying the identity of the individual and obtaining records of criminal arrests and
20 convictions and to exchange fingerprint data with, and to receive criminal history record and
21 background information from, the department of safety, division of state police, the attorney general,
22 the Federal Bureau of Investigation or other source consistent with applicable federal and state laws,
23 rules and regulations.

24 VIII. The gaming commission may require individuals who are prospective and existing
25 commission employees and independent contractors, applicants, licensees, registrants, and
26 permittees to submit photographs for purposes of verifying the identity of the individual and
27 obtaining records of criminal arrests and convictions.

28 IX. The gaming commission may conduct investigations through its staff into the conduct of
29 gaming and gaming operations and may test compliance with the requirements of this chapter and
30 the rules adopted pursuant thereto.

31 X. The gaming commission may initiate a regulatory enforcement action through a referral
32 to the attorney general for prosecution, and may decide, after hearing, any action against a licensee,
33 registrant, permittee, or other person under this chapter, or the rules adopted pursuant thereto, and
34 may impose sanctions upon finding a violation.

35 XI. The gaming commission may collect any fee, tax, penalty or interest required to be
36 collected pursuant to the provisions of this chapter and the rules adopted pursuant thereto.

37 XII. Subject to the standards enumerated in this chapter, the gaming commission shall not

1 approve an application for, or award, issue, accept, or renew a license, registration, or permit unless
2 it is satisfied, at a minimum, that the applicant has demonstrated by clear and convincing evidence
3 that the applicant is a person of good character, honesty, and integrity and is a person whose prior
4 activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the
5 public interest or the effective regulation and control of slot machine or table game operations or
6 create or enhance the danger of unsuitable, unfair, or illegal practices, methods, and activities in the
7 conduct of slot machine or table game operations or the carrying on of the business and financial
8 arrangements incidental thereto.

9 XIII. The gaming commission may adopt rules necessary for the effective and efficient
10 administration and enforcement of this chapter.

11 XIV. The gaming commission may be present at any gaming location at such times, under
12 such circumstances, and to such extent as it deems appropriate to conduct reviews of gaming
13 operations through observation and other reasonable means to assure compliance with this chapter
14 and the rules adopted pursuant thereto.

15 XV. The gaming commission may conduct financial and operational reviews and compliance
16 audits of gaming operations at such times, under such circumstances, and to such extent as it deems
17 appropriate including reviews of accounting, administrative and financial records, and internal
18 control systems, procedures, and records utilized by a gaming licensee.

19 XVI. The gaming commission may request and receive information, materials and any other
20 data from a licensee, registrant, permittee, or applicant under this chapter in such manner as it
21 deems appropriate.

22 XVII. The gaming commission may receive complaints from the public relating to the
23 conduct of gaming operations.

24 XVIII. The gaming commission may certify the revenue of any gaming licensee in such
25 manner as it deems appropriate.

26 XIX. The gaming commission may create, maintain, and administer a list of all excluded
27 individuals.

28 XX. The gaming commission may create, maintain, and administer a list of all self-excluded
29 individuals and to decide all matters relating to the administration of that program.

30 XXI. At its discretion, the gaming commission may issue, revoke, suspend, condition, or deny
31 an operation certificate to a gaming licensee.

32 XXII. The gaming commission may request any and all records maintained by local,
33 municipal, state, or federal agencies relative to a gaming applicant or gaming licensees.

34 XXIII. The gaming commission shall have the power and duty, subject to all applicable
35 provisions of state law:

36 (a) To pay or satisfy obligations of the commission.

37 (b) To sue.

1 (c) To contract and execute instruments as necessary to carry out the powers and duties
2 of the commission. Except for a contract related to a central computer system, all contracts entered
3 into by the commission during the 2-year period following the effective date of this chapter shall not
4 exceed a term of 2 years.

5 (d) To sell, transfer, convey, and dispose of tangible or intangible property owned by the
6 commission.

7 (e) To establish, charge, and collect any fee, tax, penalty, or interest authorized by this
8 chapter.

9 (f) To administer oaths, examine witnesses, and issue subpoenas compelling the
10 attendance of witnesses or the production of documents, records, or other evidence, or to designate
11 officers or employees to perform these duties.

12 (g) To retain attorneys, with the approval of the attorney general, accountants, auditors,
13 and financial and other experts to render services as necessary.

14 (h) To require a background investigation on a gaming applicant, gaming, licensee, and
15 an applicant for, or holder of, a principal license, key employee license, and gaming vendor license
16 and, in the exercise of its discretion, on an applicant for, or holder of, a gaming employee
17 registration, non-gaming employee permit, and non-gaming vendor registration under the
18 jurisdiction of the commission.

19 (i) To enter into agreements with the attorney general and department of safety, division
20 of state police and other persons as necessary to carry out the powers and duties of the commission
21 including, but not limited to, agreements relating to reimbursement of actual costs for prosecutions
22 of regulatory and criminal violations and for background and other investigations performed
23 pursuant to this chapter.

24 (j) For purposes of licensing and enforcement including, but not limited to, background
25 investigations, to receive information otherwise protected.

26 (k) For purposes of licensing and enforcement including, but not limited to, background
27 investigations to receive and share information with other gaming regulating entities pursuant to an
28 information sharing agreement.

29 XXIV. The commission, by and through the division of gaming control, shall possess
30 pursuant to a delegation of authority by the attorney general, such law enforcement powers as are
31 required to effectuate the purposes of this chapter including, but not limited to, access to records and
32 databases reserved for access by law enforcement.

33 XXV. The commission may through its employees, without notice and without a warrant:

34 (a) Inspect and examine a gaming location where slot machine and table game
35 operations are conducted as defined in this chapter, where associated equipment and table game
36 devices used in the conduct thereof are manufactured, sold, distributed, or serviced or where records
37 related to such gaming activity are prepared or maintained.

1 (b) Inspect all slot machines, associated equipment, table game devices, and related
2 supplies at a gaming location.

3 (c) Seize summarily and remove from a gaming location slot machines, associated
4 equipment, table game devices, and related supplies for the purposes of examination and inspection.

5 (d) Inspect, examine, and audit all books, records, and documents pertaining to a gaming
6 licensee's operations.

7 (e) Seize, impound, or assume physical control of any book, record, ledger, slot machine,
8 associated equipment, table game device and its contents, or a count or its equipment.

9 XXVI. The commission may delegate its authority to perform any of its functions under this
10 chapter or the rules adopted pursuant thereto to an employee of the commission, provided, however,
11 that any delegation expressly state whether the action or decision of the employee is to be deemed
12 the final action of the commission, without approval, ratification, or other further action by the
13 commission, and provided further that an action or decision by an employee of the commission
14 pursuant to delegated authority shall be presented for review to the commission upon timely request
15 by any party adversely affected by such determination.

16 XXVII. The commission may require a gaming applicant or gaming licensee to submit all
17 contracts for services where the annual amount to be expended by the gaming applicant or gaming
18 licensee is over \$500,000 to the commission and to provide such further information regarding
19 vendors as the commission deems appropriate.

20 XXVIII. The commission may require a labor organization, union, or affiliate seeking to
21 represent employees at a gaming location to be registered or otherwise authorized by the
22 commission.

23 XXIX. The commission may require a gaming licensee to sell state lottery tickets at its
24 gaming location in an area as near as practicable to the cashiers' cage.

25 XXX. The commission, in consultation with the attorney general, shall adopt rules, an
26 organizational structure, and referral practices with the attorney general designed to prevent
27 commingling of legal advisory, investigatory, prosecutorial, and adjudicatory functions.

28 XXXI. The commission may exercise any power of authority necessary to perform the duties
29 assigned to it by this chapter and no specific enumeration of powers in this chapter shall be read to
30 limit the authority of the commission to administer this chapter.

31 284-B:6 Exercise of the Commission's Power to Sanction.

32 I. Without limiting the authority of the attorney general the commission may, following
33 appropriate hearings and factual determinations, impose administrative sanctions against any
34 person for any violation of this chapter, the rules adopted by the commission or any law related to
35 gaming in this state including the following:

36 (a) Conditions upon, suspension, or revocation of a license, registration, permit, or other
37 authorization issued pursuant to this chapter.

1 (b) Assessment of civil penalties in such monetary amounts as may be deemed necessary
2 to punish misconduct and to deter future violations.

3 (c) Ordering restitution of any moneys or property unlawfully obtained or retained by a
4 person.

5 (d) Issuance of a cease and desist order which specifies the conduct which is to be
6 discontinued, altered, or implemented by the person. If the commission finds that a gaming licensee
7 is engaged in an act or practice that would cause irreparable harm to the security and integrity of a
8 gaming location or the interests of this state in ensuring the security and integrity of gaming under
9 this chapter, it may issue a temporary suspension of the license. A gaming licensee who has been
10 issued a temporary order of suspension by the commission shall be entitled to a full hearing before
11 the commission on such suspension within 7 days after the order is issued. At the conclusion of the
12 hearing, the commission may issue a final order to condition, suspend, or revoke the license in
13 question.

14 (e) Issuance of letters of reprimand or censure, which shall be made a permanent part of
15 the file of each person so sanctioned.

16 (f) Imposition of any or all of the foregoing sanctions in combination with each other.

17 II.(a) In determining an appropriate administrative sanction in a particular case, the
18 commission shall consider:

19 (1) The risk to the public and to the integrity of slot machine or table game
20 operations created by the conduct of the person.

21 (2) The seriousness of the conduct of the person and whether the conduct was
22 purposeful or with knowledge that it was in contravention of the provisions of this chapter or the
23 rules adopted by the commission.

24 (3) Any justification or excuse for such conduct.

25 (4) The prior history of the person involved with respect to gaming activity.

26 (5) The corrective action taken by the person to prevent future misconduct of a like
27 nature from occurring.

28 (6) In the case of a monetary penalty, the amount of the penalty in relation to the
29 misconduct and the financial means of the person.

30 (b) It shall be no defense to disciplinary action before the commission that a person
31 inadvertently, unintentionally, or unknowingly violated a provision of this chapter or the rules
32 adopted pursuant thereto provided that the commission may consider such factors in determining
33 the degree of the penalty to be imposed.

34 III. The commission may impose any schedule or terms of payment of a civil penalty as it
35 deems to be in the best interest of the state.

36 IV. The expense of investigation and any proceeding under this section before the
37 commission, including, but not limited to, that related to an employee shall be fully recoverable from

1 the gaming licensee unless the commission determines otherwise.

2 V. Any decision of the commission imposing an administrative sanction under this chapter
3 shall be a final, binding, non-appealable determination which shall not be subject to legal challenge
4 except as enumerated in RSA 284-B:25, XIII and RSA 284-B:25, XIV.

5 VI. Any decision of the commission imposing an administrative sanction under this chapter
6 shall be evidenced by a written decision.

7 VII. A gaming applicant, gaming licensee, and an applicant for, or holder of, a principal
8 license, key employee license, gaming employee registration, non-gaming employee permit, gaming
9 vendor license, non-gaming vendor registration, or other person shall be guilty of a class B felony if
10 they purposely:

11 (a) Fail to report, pay, or truthfully account for and pay over any application fee,
12 investigative fee, initial license fee, renewal fee, or other fee, tax, penalty or interest required to be
13 collected pursuant to the provisions of this chapter and the rules adopted pursuant thereto.

14 (b) Attempt in any manner to evade or defeat an application fee, investigative fee, initial
15 license fee, renewal fee, or other fee, tax, penalty or interest required to be collected pursuant to the
16 provisions of this chapter and the rules adopted pursuant thereto.

17 VIII. A gaming applicant, gaming licensee, and an applicant for, or holder of, a principal
18 license, key employee license, gaming employee registration, non-gaming employee permit, gaming
19 vendor license, non-gaming vendor registration, or other person shall be guilty of a class B felony if
20 they permit a slot machine, associated equipment, table game, or a table game device to be operated,
21 transported, repaired, or opened in a gaming location by a person other than a person that is licensed
22 registered, permitted, or otherwise authorized by the commission pursuant to this chapter.

23 IX. A gaming applicant, gaming licensee, and an applicant for, or holder of, a principal
24 license, key employee license, gaming employee registration, non-gaming employee permit, gaming
25 vendor license, non-gaming vendor registration, or other person shall be guilty of a class B felony if
26 they manufacture, supply, or place a slot machine, associated equipment, a table game, or a table
27 game, device into play or display slot machines, associated equipment, a table game, or table game
28 device in a gaming location without the authorization of the commission pursuant to this chapter.

29 X. Except in the case where a completed renewal application and fee, if required, has been
30 received by the commission but has not yet been acted upon by the commission, a gaming applicant,
31 gaming licensee, and an applicant for, or holder of, a principal license, key employee license, gaming
32 employee registration, non-gaming employee permit, gaming vendor license, non-gaming vendor
33 registration, or other person shall be guilty of a misdemeanor if they manufacture, supply, operate,
34 carry on, or expose for play a slot machine, associated equipment, a table game, or table game device
35 after the person's license, registration, permit or other authorization has expired and prior to the
36 actual renewal of the license.

37 XI. An individual shall be guilty of a misdemeanor if while in a gaming location the

1 individual knowingly uses currency other than legal tender of the United States to initiate play at a
2 slot machine or table game with the intent to cheat or defraud a gaming licensee, a gaming location,
3 or the state, or to damage a slot machine, associated equipment, a table game, or table game device.

4 XII. An individual shall be guilty of a class B felony if in playing a game in a gaming location
5 the individual uses or assists another in the use of, a computerized, electronic, electrical, or
6 mechanical device which is designed, constructed, or programmed specifically for use in obtaining an
7 advantage at playing a slot machine or table game, unless the advantage obtained can be assessed a
8 monetary value or loss of \$75,000 or less in which case the offense shall be a misdemeanor provided,
9 however, that an authorized employee of a gaming licensee or an authorized employee of the
10 commission may possess a computerized, electronic, electrical, or mechanical device which is
11 designed, constructed, or programmed specifically for use in obtaining an advantage at playing a slot
12 machine or table game or other cheating device in the performance of his or her employment for
13 training, investigative, or testing purposes only. Any computerized, electronic, electrical, or
14 mechanical device used in violation of this section shall be subject to seizure by the commission and
15 forfeiture. A gaming licensee shall conspicuously post notice of this prohibition and the penalties
16 provided for under this section in a location and in a manner determined by the commission.

17 XIII. An individual shall be guilty of a class B felony if the individual:

18 (a) Uses or possesses counterfeit, marked, loaded or tampered with table game devices
19 including chips, associated equipment, or other cheating devices in the conduct of gaming under this
20 chapter, except that an authorized employee of a licensee or an authorized employee of the
21 commission may possess and use counterfeit chips or table game devices or associated equipment
22 that have been marked, loaded or tampered with, or other cheating devices in performance of his or
23 her employment for training, investigative, or testing purposes.

24 (b) Except in connection with his or her employment duties, knowingly possesses or uses
25 while in a gaming location a key or device designed for the purpose of or suitable for, opening or
26 entering a slot machine, a slot machine cash storage box, a table game drop box, or similar coin or
27 storage box.

28 XIV. A person shall be guilty of a class B felony if the person possesses a slot machine,
29 associated equipment, a table game, a table game device, or other equipment or material knowing
30 that it has been manufactured, distributed, sold, tampered with, or serviced in violation of the
31 provisions of this chapter with the intent to use the slot machine, associated equipment, a table
32 game, table game device, or other equipment or material as though it had been manufactured,
33 distributed, sold, tampered with, or serviced pursuant to this chapter.

34 XV. A person shall be guilty of a class B felony if the person sells, offers for sale, represents,
35 or passes off as lawful a slot machine, associated equipment, a table game, a table game device, or
36 other equipment or material which the person knows has been manufactured, distributed, sold,
37 tampered with, or serviced in violation of this chapter.

1 XVI. An individual shall be guilty of a misdemeanor if the individual works or is employed in
2 a position the duties of which require licensing, registration, permitting or other authorization under
3 the provisions of this chapter without first obtaining the requisite license, registration or permit.

4 XVII. A person shall be guilty of a misdemeanor if the person employs or continues to
5 employ an individual in a position the duties of which require a license, registration, permit or other
6 authorization under the provisions of this chapter if the individual is either:

7 (a) Not licensed, registered, permitted or otherwise authorized under the provisions of
8 this chapter.

9 (b) Is prohibited from accepting employment from a gaming licensee, principal licensee,
10 or gaming vendor licensee.

11 XVIII. An individual excluded from a gaming location under RSA 284-B:41 shall be guilty of
12 a class A felony if the individual enters a gaming location and wagers, plays, or attempts to play a
13 slot machine or table game at a gaming location.

14 XIX. An individual that engages in illegal conduct relating to the purchase, consumption,
15 possession, or transportation of liquor or malt or brewed beverages in a gaming location commits a
16 non-gambling offense.

17 284-B:7 Powers of the Attorney General.

18 I. Notwithstanding any other provision of law, the attorney general shall have the
19 independent authority, on his or her own motion to take such actions as may be necessary in his or
20 her judgment to fulfill the responsibilities of the attorney general under this chapter and the rules
21 adopted pursuant thereto.

22 II. The attorney general shall act as legal counsel to the commission.

23 III. The responsibilities of the attorney general shall include, but not be limited to:

24 (a) Perform in a timely manner all background investigations referred by the
25 commission in connection with a license, registration, permit or other authorization required
26 pursuant to this chapter.

27 (b) Issue timely reports to the commission in accordance with RSA 284-B:20 expressing
28 an opinion with regard to each person referred for investigation as to whether the person is suitable
29 to hold a gaming license, principal license, key employee license, gaming vendor license, gaming
30 employee registration or non-gaming vendor registration, or other commission required
31 authorization in this state.

32 (c) Prosecute all regulatory violations referred by the commission and all criminal
33 violations under this chapter.

34 (d) Investigate any alleged regulatory violations of this chapter or the rules adopted
35 pursuant thereto upon a referral by the commission.

36 (e) Investigate alleged criminal activity and administrative violations under laws other
37 than this chapter impacting the operation of a gaming location.

1 (f) Receive and act on any referral from the commission, host community, or other person
2 of a complaint relating to an alleged criminal violation of this chapter.

3 (g) Provide advice and assistance, upon request or on his or her motion, to the
4 commission in the consideration and adoption of rules.

5 (h) Recommend persons to be placed on a list of excluded persons to be maintained by
6 the commission.

7 IV. The commission shall notify the attorney general of any known or suspected criminal
8 activity or administrative violations under law other than this chapter impacting the operation of a
9 gaming location or implementation and enforcement of the provisions of this chapter.
10 Notwithstanding any provisions relating to the confidentiality of any information acquired under
11 this chapter, the commission shall share such information with the attorney general as may be
12 deemed necessary by the attorney general to ensure compliance with the provisions of this chapter.

13 V. The attorney general shall delegate to the commission, by and through its division of
14 gaming control, such law enforcement powers as are required by the commission to effectuate the
15 purposes of this chapter including, but not limited to, access to records and databases reserved for
16 access by law enforcement.

17 VI. The commission, the division of state police gaming enforcement unit, and the attorney
18 general shall cooperate on the regulatory and criminal implementation and enforcement of this
19 chapter, which shall include cooperation with municipal and county attorney offices and with local
20 law enforcement.

21 284-B:8 Powers of the Division of State Police Gaming Enforcement Unit.

22 I. The commissioner of safety acting through the division of state police gaming enforcement
23 unit established by RSA 21-P:7-d, may take such actions as may be necessary in his or her judgment
24 to fulfill the responsibilities of the division of state police under this chapter and the rules adopted
25 pursuant thereto.

26 II. The division of state police gaming enforcement unit shall have primary law enforcement
27 authority over the gaming floor and restricted areas in the gaming location. It shall have concurrent
28 law enforcement authority over all other areas of the gaming location with the local law enforcement
29 agency having the primary enforcement responsibility.

30 III. The division of state police and its gaming enforcement unit shall:

31 (a) Ensure the timely processing of fingerprints and criminal history record checks in
32 connection with a license, registration, permit or other authorization required pursuant to this
33 chapter.

34 (b) Notwithstanding RSA 106-B:15, investigate alleged criminal activity and criminal
35 violations involving the gaming floor and restricted areas of a gaming location.

36 (c) Notwithstanding RSA 106-B:15, receive and investigate with regard to any referral
37 by the commission, a host community or other person relating to alleged criminal activity and

1 criminal violations involving the gaming floor and restricted areas of a gaming location.

2 (d) Participate in any hearing conducted by the commission.

3 (e) Provide advice and assistance, upon request or on his or her motion, to the
4 commission in the adoption of rules.

5 (f) Recommend, with respect to persons to be placed on a list of excluded persons to be
6 maintained by the commission.

7 (g) Discharge other responsibilities as may be provided in law.

8 III. The division of state police gaming enforcement unit shall be present at a gaming
9 location, at such times, under such circumstances, and to such extent as it deems appropriate to
10 fulfill its responsibilities under this chapter. Provision of on site office space to accommodate the
11 gaming enforcement unit shall be provided as an element of an operation certificate under RSA 284-
12 B:32 of this chapter.

13 IV. The commission shall notify the division of state police gaming enforcement unit of any
14 known or suspected criminal law violations that are related in any way to implementation and
15 enforcement of the provisions of this chapter. Notwithstanding any provisions relating to the
16 confidentiality of any information acquired under this chapter, the commission shall share such
17 information with the division of state police gaming enforcement unit as may be deemed necessary
18 by the commissioner of safety to ensure compliance with the provisions of this chapter.

19 V. The commission, the division of state police gaming enforcement unit and the attorney
20 general shall cooperate on the regulatory and criminal implementation and enforcement of this
21 chapter, which efforts shall include cooperation with municipal and county attorney offices and with
22 local law enforcement.

23 284-B:9 Rulemaking.

24 I. The commission shall adopt rules under RSA 541-A necessary to meaningfully and
25 efficiently regulate slot machine and table game operations and to implement, administer and
26 enforce a comprehensive regulatory scheme which shall include, but not be limited to rules relevant
27 to:

28 (a) Methods, content, and forms, consistent with RSA 284-B:17, pertaining to the
29 application to be completed by a gaming applicant and an applicant for any other license,
30 registration, permit and or authorization issued pursuant to this chapter.

31 (b) The form for delivery of an application pursuant to this chapter.

32 (c) Procedures for fingerprinting of an individual gaming applicant and an individual
33 applicant for any other license, registration, permit and or authorization awarded, issued, or
34 accepted pursuant to this chapter.

35 (d) Systems and methods for controlling access to a gaming floor and restricted areas
36 within a gaming location and for ensuring the safety and security of a gaming location and a gaming
37 licensee's players, employees, and invitees.

1 (e) Methods for notifying a gaming applicant and an applicant for any other license,
2 registration, permit and or authorization, issued pursuant to this chapter.

3 (f) The time allotted to the attorney general to conduct and report to the commission on a
4 background investigation related to an applicant for a principal license, key employee license,
5 gaming vendor license, or other license under this chapter. The rules shall balance the efficient
6 administration of the licensing process with the need to ensure licenses are issued to person meeting
7 the suitability standards of this chapter. The rules shall be developed after consultation with the
8 attorney general and the division of state police.

9 (g) Disqualification and rehabilitation standards applicable to an applicant for a gaming
10 employee registration, non-gaming employee permit, or non-gaming vendor registration.

11 (h) Procedures, consistent with RSA 284-B:22, addressing the decision of the commission
12 on a gaming license application including, but not limited to:

13 (1) Administrative procedures applicable to the conduct of a gaming license hearing.

14 (2) Rules relating to:

15 (A) Content of the statement of conditions appended to a gaming license;

16 (B) Annual reporting to the commission with regard to compliance; and

17 (C) Consequences for non-compliance with the statement of conditions.

18 (3) Rules relating to the renewal of a gaming license.

19 (4) Criteria for evaluating an application for a gaming license consistent with this
20 chapter.

21 (5) Standards for monitoring and enforcing conditions placed by the commission on a
22 gaming license; and

23 (6) Procedures for monitoring and enforcing a gaming licensee's compliance with its
24 capital investment commitment.

25 (i) Licensing procedures, consistent with RSA 284-B:17, VII, addressing a principal
26 license including, but not limited to:

27 (1) A system of classification and standard of review for principals;

28 (2) An application and review process and time frame;

29 (3) Application, investigation, renewal, and other fees consistent with the annual fee
30 schedule adopted and published by the commission;

31 (4) A waiver process;

32 (5) Administrative procedures applicable to the conduct of hearings related to a
33 principal license including, but not limited to:

34 (A) Rules of evidence;

35 (B) Notice requirements; and

36 (C) Rules permitting an applicant to raise an objection to the conduct of a
37 hearing procedure, process, or ruling of the commission;

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- 1 (6) Rules relating to the renewal of a principal license;
- 2 (7) An abbreviated investigative process under RSA 284-B:20 applicable to a
3 principal license granted pursuant to this chapter;
- 4 (j) Licensing procedures, consistent with RSA 284-B:25, addressing individuals employed
5 by a gaming applicant or gaming licensee including, but not limited to:
- 6 (1) A system of classification for individuals employed by a gaming licensee;
- 7 (2) Application, investigation, and review processes and time frames;
- 8 (3) Application, investigation, renewal, and other fees for each category of license,
9 registration, or permit consistent with the annual fee schedule adopted and published by the
10 commission;
- 11 (4) Standards of review;
- 12 (5) Administrative procedures applicable to the conduct of hearings related to a key
13 employee license, gaming employee registration, and non-gaming employee permit;
- 14 (6) Procedures, if determined by the commission to be appropriate, for issuance of a
15 temporary key license, gaming employee registration, non-gaming employee permit, or other
16 employee authorization;
- 17 (7) Rules relating to the renewal of a license, registration, or permit; and
- 18 (8) An abbreviated investigative process, consistent with RSA 284-B:20, applicable to
19 any license, registration, permit, or employee authorization granted pursuant to this chapter other
20 than a competitively awarded gaming license where abbreviated licensing shall not be available.
- 21 (k) Licensing procedures, consistent with RSA 284-B:29, addressing persons doing
22 business with a gaming applicant or gaming licensee including, but not limited to:
- 23 (1) A system of classification for persons doing business with a gaming applicant or
24 licensee;
- 25 (2) An application, investigation and review process;
- 26 (3) Application, investigation, renewal and other fees for each category of license or
27 registration consistent with the annual fee schedule adopted and published by the commission;
- 28 (4) Exemption criteria and processes;
- 29 (5) Interim authorization and emergency authorization processes;
- 30 (6) Standards of review;
- 31 (7) Administrative procedures applicable to the conduct of hearings related to a
32 gaming vendor license and non-gaming vendor registration; and
- 33 (8) An abbreviated investigative process under RSA 284-B:20 applicable to any
34 license, registration, or authorization granted pursuant to this section.
- 35 (l) The issuance, suspension and revocation of an operation certificate pursuant to this
36 chapter and the approval of a temporary gaming location.
- 37 (m) The submission, content of, acceptance by the commission and amendment of a

1 gaming licensee’s system of internal controls.

2 (n) The maintenance and retention of a licensee’s books, records, and documents.

3 (o) The prohibition on credit and to play with credit cards and debit cards.

4 (p) The provision of complimentary services.

5 (q) Betting limits and disclosure requirements applicable to a cashless wagering system.

6 (r) Disclosure requirements applicable to a player tracking system.

7 (s) Tips and gratuities.

8 (t) Exclusion of individuals under the age of 21 from a gaming location.

9 (u) Exclusion of individuals from a gaming location.

10 (v) Self-exclusion of individuals from a gaming location.

11 (w) Comprehensive, New Hampshire specific technical standards and requirements
12 applicable to gaming equipment including, but not limited to:

13 (1) Receipt, review, distribution, and the commission approval process associated
14 with the certification reports issued by independent testing laboratories pursuant to paragraphs V
15 and VI of this section;

16 (2) If the commission elects to employ a central computer system, the
17 communications protocol and technical standards for such system;

18 (3) Mechanical and electrical reliability of slot machines and associated equipment;

19 (4) Security features preventing tampering with slot machines and associated
20 equipment;

21 (5) Comprehensibility to the player of wagering options and rules of play;

22 (6) Noise and light levels generated by slot machines;

23 (7) Design features necessary to ensure the accurate recording of transactions, to
24 protect a player from fraud or deception, and to minimize any potential negative consequences
25 associated with the play of a slot machine including, but not limited to:

26 (A) A prohibition on the use of reflexive software which, for the purposes of this
27 section, shall be defined as any software that has the ability to manipulate and/or replace a
28 randomly generated outcome for the purposes of changing the result on a slot machine;

29 (B) A requirement that a slot machine utilize one, or a combination of more than
30 one random number generators working collectively, to determine the occurrence of a specific card,
31 number, symbol, or stop;

32 (C) A requirement that once a random selection has occurred that the slot
33 machine display an accurate representation of the randomly-selected outcome and that it be
34 prohibited from making a secondary decision which affects the result shown to the player on the slot
35 machine; and

36 (D) A requirement that where a slot machine includes a strategy choice, meaning
37 that a particular play option requires use of skill to consistently achieve the best result, that the slot

1 machine include in its rules of play mathematically sufficient information for a player to use optimal
2 skill unless the player is not required to make an additional wager and cannot lose any credits
3 earned prior to the strategy choice.

4 (8) Slot machine and table game circulation and density requirements;

5 (9) Progressive slot machines including multi-casino progressive systems;

6 (10) Review processes and product approval standards related to table game devices;

7 (11) Rules of the game for each table game permitted under this chapter;

8 (12) Review processes and testing and approval standards applicable to variations or
9 composites of table games; and

10 (13) Physical and logical access to computer systems, including but not limited to,
11 systems meeting the definition of associated equipment and the location of the primary and back-up
12 system attendant to each.

13 (x) The payout percentage of a slot machine.

14 (y) Minimum and maximum wagers and content of a gaming guide.

15 (z) Gaming ticket expiration, unclaimed tickets, cash and prizes.

16 (aa) The collection of any fee, tax, penalty, or interest required to be collected pursuant
17 to the provisions of this chapter.

18 (bb) The adoption of an annual fee schedule specifying application, investigation,
19 renewal and other fees relating to any license, registration, permit, or authorization except a gaming
20 license awarded, issued, or accepted pursuant to this chapter, which fee schedule shall ensure that
21 all applicants are directly or indirectly responsible for all costs associated with processing an
22 application including the criminal history record check and any background investigation required
23 under this chapter.

24 (cc) Financial reports required to be submitted by a gaming licensee and the timing on
25 the submission of and form thereof.

26 (dd) The submission to the commission of an annual audit prepared by a certified public
27 accountant licensed to do business in this state attesting to the financial condition of a licensee
28 accompanied by such reports and opinions as the commission shall require.

29 (ee) Rules applicable to advertising by or on behalf of a gaming applicant or gaming
30 licensee and the commission's role in the approval thereto designed to:

31 (1) Ensure that advertising is in no way deceptive, that it contains messages
32 identifying sources for help and assistance with problem gambling, and that it promotes the
33 purposes of this chapter; and

34 (2) Ensure that any advertising plan developed and implemented by a gaming
35 applicant or gaming licensee is consistent with the department of resources and economic
36 development's program of information and publicity to attract tourists, visitors, industrial concerns,
37 and other interested persons from outside the state to the state of New Hampshire, to publicize the

1 family-friendly attributes and natural beauty of the state, and to encourage, coordinate, and
2 participate in the efforts of other public and private organizations or groups of citizens in order to
3 publicize the facilities, industrial advantages, and other attractions of the state for the same
4 purposes.

5 (ff) If the commission elects to employ a central computer system, rules establishing a
6 process for selecting and licensing or otherwise authorizing a provider of a central computer system.

7 (gg) Establishing a process pursuant to which an independent testing laboratory
8 establishes that it meets the criteria required by this chapter to offer services in this state.

9 (hh) The qualifications of, and the conditions pursuant to which state licensed attorneys,
10 engineers, accountants, and others shall be permitted to practice before the commission or to submit
11 materials on behalf of any applicant, licensee, registrant, or permittee provided, however, that no
12 member of the legislature, nor any firm with which said member is associated, shall be permitted to
13 appear or practice or act in any capacity whatsoever before the commission regarding any matter
14 whatsoever, nor shall any member of the immediate family of the governor or of a member of the
15 legislature be permitted to so practice or appear in any capacity whatsoever before the commission
16 regarding any matter whatsoever, provided, however, that the commission may provide by rule for
17 the waiver of these prohibitions for an immediate family member or firm with which said member is
18 associated based on full disclosure of the nature of the practice or appearance and a finding that a
19 potential conflict is minimal or non-existent.

20 (ii) The conditioning, suspension or revocation of a gaming license and any other license,
21 registration, permit or authorization awarded, issued or accepted pursuant to this chapter.

22 (jj) Hearings before the commission pertaining to an alleged regulatory violation and
23 sanctions and penalties applicable thereto.

24 (kk) Requiring a gaming applicant, gaming licensee and principal licensee to comply
25 with state and local building codes, local zoning ordinances and bylaws, and any other applicable
26 land use regulations.

27 (ll) Ensuring that all employees of a gaming licensee are properly trained in their
28 respective duties and responsibilities.

29 (mm) The conduct of junkets and conditions of junket agreements between a gaming
30 licensee and a junket representative.

31 (nn) Providing for the monitoring and enforcement of representations and commitments
32 made by a gaming licensee in its license application, including, but not limited to, representations
33 and commitments made pursuant to RSA 284-B:17, IV(f) relative potential negative consequences
34 associated with gambling and the operation of its gambling location.

35 (oo) Providing for the implementation of problem gambling, public health, and related
36 research strategies consistent with applicable provisions of this chapter.

37 (pp) Criteria to be applied by the commission in determining whether a live

1 entertainment venue is impacted and establishing standards for monitoring and enforcing a gaming
2 licensee’s agreement with an impacted live entertainment venue, provided, however, that in adopting
3 such rules the commission shall require the consideration of factors which include, but are not
4 limited to, the venue’s distance from the gaming location, venue capacity, and the type of
5 performances offered by that venue.

6 (qq) The completeness review applied to an application for a principal license, key
7 employee license, gaming employee registration, non-gaming employee permit, gaming vendor
8 license, non-gaming vendor registration, or other authorization filed with the commission.

9 (rr) Requiring a gaming licensee to update certain enumerated information in its
10 application to the commission at least one time during the 10 year duration of a gaming license and
11 rules consistent therewith for other licensees, registrants, and permittees if deemed appropriate.

12 (ss) The appointment of a conservator to temporarily manage and operate the business of
13 a suspended or revoked gaming licensee.

14 (tt) Notice of, and commission approval of, a transfer of an interest in a gaming license, a
15 gaming licensee, or gaming location including, but not limited to, a transfer of an interest in a
16 gaming license, gaming licensee, or gaming location not meeting the principal licensing threshold of
17 RSA 284-B:24.

18 (uu) Amounts related to expired tickets and unclaimed cash and winnings reverting to
19 the state.

20 (vv) The power of the commission to delegate its authority to perform any of its functions
21 under this chapter or the regulations adopted pursuant thereto to an employee of the commission,
22 which rules shall include, but not be limited to, a right of appeal to the commission where a
23 delegated action is to be deemed the final action of the commission, provided, further that a
24 commission action shall thereafter be subject to review in accordance with the procedures specified
25 in RSA 284-B:25, XIII and RSA 284-B:25, XIV.

26 (ww) Commission approval of a management contract.

27 II. The commission shall initiate the rulemaking process immediately upon the effective date
28 of this chapter.

29 III. The commission may adopt temporary rules, not subject to RSA 541-A, for a period of 2
30 years from the effective date of this chapter. A temporary rule adopted in accordance with this
31 exception shall expire no later than 2 years following its effective date.

32 IV. Adoption by the commission of a temporary rule pursuant to paragraph III of this section
33 shall require the commission to perform the following:

34 (a) Publish notice of the proposed temporary rule in a newspaper of daily statewide
35 circulation and on the commission’s website.

36 (b) Disclose in the notice required pursuant to subparagraph (a):

37 (1) The name and address of the commission;

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- 1 (2) A citation to the statutory authority for the proposed temporary regulation;
- 2 (3) The rule number, title, and text of the proposed regulation; and
- 3 (4) A concise summary explaining the effect of the proposed temporary rule;
- 4 (5) The name, address, and telephone number of an individual at the commission
- 5 able to answer questions about the proposed temporary rule;
- 6 (6) The date, time, and place of the public hearing on the proposed temporary rule,
- 7 which shall be no less than 14 days from the date of the published notice of the proposed temporary
- 8 rule; and
- 9 (7) A statement that written public comment shall be accepted by the commission
- 10 for a period of 14 days after the public hearing.

- 11 (c) A public hearing shall be held no less than 14 days after the publication of notice.
- 12 (d) The commission shall accept written public comment for a period of 14 days after the
- 13 close of the public hearing.
- 14 (e) The commission may act on the proposed temporary rule no less than 3 days after the
- 15 close of the comment period provided for in subparagraph (d).

16 V. A request for applications under RSA 284-B:17 shall not occur prior to adoption of

17 temporary licensing rules. Temporary operating rules shall not be prerequisite to a request for

18 applications.

19 VI. A license, registration, or permit, including a gaming license, shall not be issued prior to

20 the adoption of, at a minimum, temporary licensing and operating rules.

21 284-B:10 Central Computer System.

22 I. The commission may acquire and operate a central computer system into which all slot

23 machines shall be connected.

24 II. Any central computer system acquired and operated by the commission shall be capable

25 of:

26 (a) Continuously monitoring, retrieving, and auditing the operations, financial data, and

27 program information of all slot machines.

28 (b) Allowing the commission to account for all money inserted in and payouts made from

29 a slot machine.

30 (c) Disabling from operation or play a slot machine as the commission deems necessary

31 to carry out the provisions of this chapter.

32 (d) Supporting and monitoring a progressive jackpot system capable of operating one or

33 more progressive jackpots.

34 (e) Providing any other function that the commission considers necessary.

35 III. The central computer system shall employ a widely accepted gaming industry

36 communications protocol, as approved by the Gaming Standards Association, to facilitate the ability

37 of slot machine manufacturers to communicate with the central computer system.

1 IV. Except as provided in paragraph II(b), the commission shall not permit a gaming
2 licensee to have access to, or obtain information from, the central computer system unless it
3 determines that such access does not in any way affect the integrity or security of the central
4 computer system and is relevant to the legitimate operation of its slot machines.

5 284-B:11 Records; Confidentiality.

6 I. The commission shall keep and maintain a list of all applications it receives under this
7 chapter together with a record of each action taken with respect to an applicant. Except as provided
8 in paragraph IV of this section, a file, including the criminal records of an applicant under this
9 chapter and the record of the actions of the commission shall be open to public inspection provided,
10 however, that information regarding an applicant whose license, registration, or permit has been
11 denied, revoked, or not renewed shall be removed from the list after 5 years from the date of such
12 action.

13 II. The commission shall publish on the commission's Internet website a complete list of all
14 persons who applied for or hold a license, registration, permit, or other authorization pursuant to
15 this chapter during the preceding calendar year including principal licensees thereof and the status
16 of the application or license, registration, permit, or other authorization, provided, however, that
17 information regarding an applicant whose license, registration, or permit has been denied, revoked,
18 or not renewed shall be removed from the list after 5 years from the date of such action.

19 III. The commission shall maintain such other files and records as the commission
20 determines are necessary. All records maintained by the commission may be maintained in digital
21 or other format, provided that such information can be produced in written form upon the request of
22 the commission.

23 IV. All personal, financial, and proprietary information and data of a gaming applicant,
24 gaming licensee or applicant for, or holder of any other license, registration, permit, or other
25 authorization pursuant to this chapter including its principals and key employees, other than their
26 criminal records, required by the commission to be furnished to it, or which may otherwise be
27 obtained, shall be considered confidential and shall not be disclosed except in the course of the
28 necessary administration of this chapter, or upon the lawful order of a court of competent
29 jurisdiction, or, with the approval of the attorney general, to a duly authorized law enforcement
30 agency. Notwithstanding this paragraph, the division of state police, the commission, and the
31 attorney general may share information as is appropriate under this chapter.

32 V. For the purposes of this section, the proprietary information and data of a gaming
33 applicant or gaming licensee shall include, but not be limited to, marketing and player incentive
34 business intelligence and plans, security and surveillance procedures and protocols, the internal
35 controls required under RSA 284-B:33, all operations related submissions required by the
36 commission to be furnished to it under this chapter, and any other information or documentation
37 designated as proprietary by the commission.

1 VI. All records, information, or data maintained or kept by the commission shall be
2 maintained or kept at the office of the commission or another site designated by the commission for
3 that purpose.

4 VII. Notice of the contents of any information or data to be released consistent with
5 paragraph IV of this section, except to a duly authorized law enforcement agency, shall be given to
6 the person that is the subject of the release in a manner prescribed by the rules adopted by the
7 commission so that the applicant or licensee has the opportunity to object to such release.

8 VIII. With regard to meetings, minutes, and records of the commission, the commission shall
9 notice all proceedings and shall make and keep a record of all proceedings held at public meetings of
10 the commission. A verbatim transcript of those proceedings shall be prepared by the commission
11 upon the request of any commissioner or upon the request of any other person and the payment by
12 that person of the costs of preparation. A copy of the transcript shall be made available to any
13 person upon request and payment of the costs of preparing the copy.

14 284-B:12 Employees and Contractors.

15 I. The commission, the attorney general, and the division of state police gaming enforcement
16 unit may from time to time contract for such legal, financial, economic, or security consultants, and
17 any other technical and professional services as it deems necessary for the discharge of its duties
18 under this chapter.

19 II. The commission may employ certain assistants, and contract with certain individuals or
20 entities experienced in the regulation of gaming to carry out the provisions of this chapter. Such
21 assistants and employees shall receive compensation at rates to be established by the department of
22 administrative services, division of personnel.

23 284-B:13 Annual Report to the General Court.

24 I. No later than November 1 of each calendar year, the commission shall provide a report to
25 the fiscal committee of the general court regarding the generation of revenues of slot machines and
26 table games by a gaming licensee.

27 II. The legislative budget assistant, and any expert consultants hired to assist the legislative
28 budget assistant in carrying out his or her duties, shall have access to any information, including
29 confidential information, the legislative budget assistant may request for the purpose of conducting
30 audits of the commission pursuant to RSA 14:31-a. If the legislative budget assistant or any expert
31 consultant requires access to confidential information, the commission shall furnish the information
32 and the legislative budget assistant or any expert consultant shall be subject to the same restrictions
33 and penalties regarding the disclosure of the information as the original custodian of the
34 information. This paragraph shall not be construed to authorize disclosure to any member of the
35 legislature. Any confidential information provided to the legislative budget assistant under this
36 section shall be subject to the provisions of RSA 14:31, IV.

37 284-B:14 Number of Gaming Licenses.

1 I. The commission shall award and issue a single gaming license for one gaming location in
2 southeastern New Hampshire.

3 II. The gaming license awarded and issued by the commission shall authorize a gaming
4 licensee to operate a maximum of 150 table games and a maximum of 5,000 slot machines at its
5 gaming location, provided that the licensee’s application shall propose operation of at least 75 table
6 games and 2,000 slot machines.

7 284-B:15 Procedures for Adoption by Local Community.

8 I. Any municipality desiring to permit a gaming location may adopt the provisions of
9 RSA 284-B to allow the operation of slot machines and table games at a specific location in the
10 following manner:

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

14 (b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, upon
15 request of a gaming applicant to authorize the operation of slot machines and table games at a
16 specific location within the municipality in accordance with the provisions of RSA 284-B, the
17 governing body shall place the question on the ballot to be voted upon at the next regularly
18 scheduled municipal or biennial election unless such election is more than 90 days from the request.
19 In such circumstance, the governing body shall place the question on the ballot for a special election
20 called for the purpose of voting on said question and which special election shall occur within 75 days
21 after the request is made. Such special election shall be held at the usual ward polling places by the
22 regular election officials.

23 (c) In any unincorporated place, and notwithstanding any other provision of law to the
24 contrary, upon the request of a gaming applicant to authorize the operation of slot machines and
25 table games at a specific location within the unincorporated place to either the moderator of the
26 unincorporated place if the unincorporated place is organized to vote pursuant to RSA 668:1, or the
27 clerk of the designated town if the unincorporated place is not organized for voting as provided in
28 RSA 668:2, the moderator or the clerk shall place the question on the ballot to be voted upon at the
29 next regularly scheduled biennial election. The ballot shall be given to the individuals who are
30 domiciled in such unincorporated place who are registered to vote.

31 (d) If a majority of those voting on the question vote “Yes,” RSA 284-B shall apply in
32 such town or city and the operation of slot machines and table games shall be permitted at a specific
33 location within such town, city, or unincorporated place in accordance with RSA 284-B. If a majority
34 of those voting on the question vote “No” the question may be voted on at a subsequent time in
35 accordance with this section provided, however, the town may consider the question at no more than
36 one special meeting and the annual town meeting in the same calendar year after a “No” vote. A city
37 or town subject to subparagraph I(b) may consider the question at no more than one special election

1 and a regular municipal or biennial election in the same calendar year after a “No” vote.

2 (e) The wording of the question shall be substantially as follows: “Shall we adopt the
3 provisions of RSA 284-B allowing the operation of slot machines and table games at [insert the name
4 of the proposed gaming location] located within the [insert name of town, city, or unincorporated
5 place]”?

6 II. When a gaming applicant requests a town, city, or unincorporated place to act under
7 paragraph I, the gaming applicant shall pay all costs associated with carrying out the actions under
8 this section.

9 284-B:16 Gaming License Authorization; Hours of Operation.

10 I. A gaming license issued by the commission shall authorize an applicant to possess,
11 conduct and operate slot machines and table games at a gaming location.

12 II. A gaming licensee may operate up to 24 hours a day on every day of the year with a
13 gaming day commencing at 6:00 AM and ending at 5:59 AM.

14 III. A gaming licensee may operate only on the days and during the hours authorized by the
15 commission in the operation certificate issued pursuant to RSA 284-B:32.

16 284-B:17 Gaming License Application Requirements.

17 I. The commission shall issue a request for applications for a gaming license within 30 days
18 of the adoption of temporary licensing regulations in accordance with RSA 284-B:9, IV. The request
19 for applications shall require all gaming license applications to be submitted to the commission no
20 later than 120 days after the publication of the request, provided, however, that an applicant who
21 has paid the full application and investigation fees required by RSA 284-B:18 may receive one
22 extension of up to 30 days upon a finding of good cause shown by the commission. Applications
23 received after the deadline shall not be reviewed by the commission. The commission shall approve,
24 approve with conditions, or deny all applications submitted in accordance with the provisions of this
25 chapter and any applicable rules promulgated by the commission.

26 II. Requests for applications pursuant to paragraph I of this section shall be advertised in a
27 newspaper of general circulation in the state, in Commerce Business Daily or an equivalent
28 publication, and on the official internet website of the commission.

29 III. An applicant for a gaming license shall submit the following documentation, as
30 reasonably applicable to status as an individual, corporation, limited liability company or other form
31 of business enterprise, for consideration by the commission.

32 (a) A fully executed and complete application on forms prescribed by the commission
33 which may include, but need not be limited to, a multi-jurisdictional personal history and/or business
34 entity disclosure form and any New Hampshire supplements to those forms. An application shall be
35 deemed complete in accordance with RSA 284-B:19.

36 (b) The application shall include any and all information requested by the commission
37 including, but not limited to, information regarding:

1 (1) The applicant’s criminal history including a sworn statement with regard to all
2 arrests and citations for non-traffic offenses that includes, at a minimum, a description of the
3 circumstances surrounding the arrest or issuance of the citation, the specific offense charged and the
4 ultimate disposition of the charge, including details of any dismissal, plea bargain, conviction,
5 sentence, pardon, expungement, or other order or disposition;

6 (2) Fingerprints for each individual applicant and a written consent for a criminal
7 history record check for the applicant;

8 (3) All civil actions, including bankruptcy filings, to which the applicant was a party
9 during the past 10 years; including, but not limited to, actions resulting in a civil judgment;

10 (4) Information and documentation demonstrating by clear and convincing evidence
11 the applicant’s financial stability including, but not limited to, bank references, business and
12 personal income and disbursement schedules, tax returns and other reports and actions filed with
13 government agencies, details with regard to any bankruptcy filing, whether or not dismissed,
14 business and personal accounting check records and ledgers, and other relevant source documents
15 covering at least the 10 year period immediately prior to the date of filing of the application;

16 (5) Information and documentation demonstrating by clear and convincing evidence
17 the applicant’s good character, honesty and integrity including, but not limited to, information
18 pertaining to family, habits, character, reputation, criminal history, business activities, financial
19 affairs, and business, professional, and personal associates, covering at least the 10-year period
20 immediately prior to the date of filing of the application;

21 (6) Information and documentation with regard to all contributions, donations, loans,
22 or any other financial transactions to or from a gaming entity or operator in the past 5 years;

23 (7) Full name, address, date of birth, a photograph, and other personal identifying
24 information; and

25 (8) Such other information as the commission shall deem relevant to its
26 consideration of the application including documentation and information that predates the 10-year
27 period immediately prior to the date of filing of the application.

28 IV. An applicant for a gaming license shall also submit the following documentation, as
29 reasonably applicable to status as an individual, corporation, limited liability company, or other form
30 of business enterprise, for consideration by the commission:

31 (a) Information and documentation demonstrating by clear and convincing evidence that
32 the applicant has sufficient business ability and experience to establish and maintain a successful
33 gaming operation, including, but not limited to, information demonstrating the experience of the
34 applicant in developing, constructing, and managing a gaming operation.

35 (b) Information and documentation in the form of a payment bond, letter of credit,
36 guaranty of private equity, or other funds which demonstrate cash and reserve availability
37 supporting the applicant’s ability to pay the license fee required pursuant to this chapter.

1 (c) If the applicant held or holds a gaming license in another jurisdiction that fact shall
2 be disclosed to the commission and the applicant shall submit a letter of reference as appropriate
3 from the relevant gaming enforcement or control agency which sets forth the experience of that
4 agency with the applicant and the gaming operation with which the applicant was or is associated.
5 If no letter of reference is issued and received within 30 days of a written request, a statement under
6 oath that the person is or was during the period of licensure in good standing with the relevant
7 gaming enforcement or control agency may be substituted in lieu of a letter of reference.

8 (d) If directed to do so by the commission, an application to any federal or state agency
9 deemed appropriate by the commission for agency records pertaining to the applicant under the
10 Freedom of Information Act (5 U.S.C. sec. 552) and the subsequent provision of the complete record
11 received from said agency, provided, however, that nothing shall preclude the commission from
12 awarding or issuing a license prior to receipt of any information so requested.

13 (e) Documentation to support the applicant’s ability to pay, exchange, refinance, or
14 extend debts, including long-term and short-term principal and interest and capital lease obligations,
15 which will mature or otherwise come due and payable during the gaming license term, or to
16 otherwise manage such debts and any default with respect to such debts.

17 (f) Documentation supporting the applicant’s recognition of its obligation to identify,
18 address, and minimize any potential negative consequences associated with gambling and the
19 operation of its gaming location including, but not limited to, the following:

20 (1) Demonstration of an adequately funded commitment to combat problem gambling
21 to include efforts directed at prevention, intervention, treatment, and research;

22 (2) Provision of rent free on-site space for an independent substance abuse and
23 mental health counseling service to be selected by the commission;

24 (3) Commitment to the prominent display throughout the gaming location of
25 information on the signs of problem gambling and how to access assistance;

26 (4) Commitment to the full implementation of the exclusion and self-exclusion rules
27 promulgated by the commission;

28 (5) Maintenance of a smoke-free environment within enclosed places within the
29 gaming location consistent with RSA 155:66;

30 (6) Commitment to the full implementation of other problem gambling and public
31 health strategies deemed appropriate by the commission; and

32 (7) Commitment to the full implementation of procedures and controls precluding
33 the offer of alcoholic beverages free of charge for consumption on its gaming floor; and

34 (8) Commitment to the operation of a gaming location that provides or facilitates the
35 availability of childcare services to employees but does not provide for or facilitate such services for
36 the convenience of players.

37 (g) A workforce development plan that advances job growth, positive economic

1 development and fulfills the related purposes of this chapter by:

2 (1) Incorporating an affirmative action program pursuant to which the applicant
3 guarantees to provide equal opportunities to all persons qualified for licensure, registration, or
4 permitting in all employment categories, including persons with disabilities;

5 (2) Providing outreach to, and maximizing use of, the state's existing labor force and
6 requiring an accurate estimate and encouragement of, the utilization of the existing labor force in
7 New Hampshire;

8 (3) Providing an accurate estimate of the number of construction jobs the gaming
9 location will generate;

10 (4) Providing an equal opportunity plan for construction jobs, as delivered by a
11 contractor or subcontractor, that includes specific goals for utilization of women, minorities, and
12 veterans;

13 (5) Identifying and describing workforce training programs to be offered by the
14 applicant or its agents;

15 (6) Addressing the applicant's plan for providing childcare for children of employees;

16 (7) Providing a plan for funding and maintaining hiring, training, and management
17 practices that promote the development of a skilled and diverse workforce;

18 (8) Providing a plan to achieve business participation by women, minorities, and
19 veterans; and

20 (9) Identifying a method for assessing on an annual basis the applicant's compliance
21 with its workforce development plan and the submission of a written assessment to the commission;
22 and

23 (h) Such other information as the commission shall deem relevant to its consideration of
24 the application.

25 V. An applicant for a gaming license shall also submit to the commission the following
26 documentation regarding the gaming location and gaming operation proposed by the applicant.

27 (a) Evidence that the applicant has obtained local approval in accordance with RSA 284-
28 B:10.

29 (b) Details with regard to the amount and timing of its proposed capital investment,
30 which capital investment must meet or exceed the minimum capital investment requirements
31 established by RSA 284-B:23.

32 (c) A complete description of the proposed gaming location, including architectural
33 renderings, a site plan and proposed gaming floor plan identifying type and number of slot machines
34 and table games, and the names and addresses of the architects, engineers, and designers to be
35 utilized.

36 (d) Documentation as to the assessed value of the land to be developed as a gaming
37 location as of the date of application as well as ownership of the land over the past 10 years,

1 including all interests, options, and agreements related to the land during that period.

2 (e) A timeline on construction that includes details regarding each stage of construction
3 for the gaming location to include a completion date for each stage of construction as well as for
4 infrastructure improvements and representations with regard to the ability of the applicant to
5 comply with statutory, regulatory, and technical standards including, but not limited to, those
6 related to zoning, infrastructure, and environmental considerations applicable to the design and
7 development of the proposed gaming location.

8 (f) A description of the supporting amenities and ancillary entertainment services to be
9 offered at the proposed gaming location, including the number of hotels and rooms, if any,
10 restaurants and other amenities located within the proposed gaming location and how they measure
11 in quantity and quality to other area amenities.

12 (g) The number of employees and independent contractors required to operate the
13 proposed gaming location, including detailed information as to the projected breakdown between full
14 and part time employees and independent contractors and proposed pay ranges and benefit packages
15 for each category of employee or contractor.

16 (h) Documentation to support the applicant's ability to make necessary capital and
17 maintenance expenditures in a timely manner that are adequate to ensure maintenance of a
18 superior, first-class gaming location.

19 (i) Evidence in the form of completed studies and/or reports issued by independent,
20 recognized experts in the most relevant field to establish how the gaming location and gaming
21 operation proposed by the applicant addresses or impacts the following:

22 (1) The availability of local resources to support services and amenities necessary to
23 accommodate projected guest volume in the form of transportation, regional geography, work force
24 demographics, rooms and meals, utilities, and law enforcement;

25 (2) The immediate and long range financial feasibility of the applicant's proposed
26 gaming location and operation including a projection of the revenues to be produced by the operation
27 of slot machines and table games at the gaming location, the ability to achieve positive gross
28 operating profit on an annual basis in a specific time frame, and the estimated municipal and state
29 tax revenue to be generated by the gaming location, as supported by an expert experienced in the
30 field of gaming;

31 (3) Economic and environmental benefits to the region and the state from the project,
32 including the ability of the applicant's proposed gaming location and operation, both in its
33 construction and its operation, to provide new and sustainable jobs for the community and to meet
34 the highest practicable energy efficiency and environmental sustainability standards;

35 (4) The accessibility of the proposed gaming location to public transportation and
36 public highway infrastructures;

37 (5) The ability of the design of the proposed gaming location to enhance tourism and

1 development and to create commercial development opportunities for the community and its
2 compatibility with historic uses, regional branding and local zoning ordinances;

3 (6) The impact on the local and regional community, including:

4 (i) Impact on the local and regional economies, including but not limited to,
5 cultural institutions and small businesses in the host community and surrounding communities; and

6 (ii) Costs and benefits to the host and surrounding communities in the form of
7 jobs, revenues, business development, and social issues associated with the gaming location; and

8 (7) Signed agreements between the impacted live entertainment venue and the
9 applicant setting forth the agreement of the parties with regard to mitigation of any potential
10 negative impact resulting from the construction and operation of a gaming location in proximity to
11 the impacted live entertainment venue, provided, however, that the agreement shall include, but not
12 be limited to, terms relating to cross marketing, limitations to exclusivity arrangements with
13 performers, coordination of performance schedules, promotions, and ticket prices.

14 (i) Such other information as the commission shall deem relevant to its consideration of
15 the application.

16 VI. If the applicant for a gaming license is a corporation, limited liability company or other
17 form of business enterprise, the applicant shall also provide or ensure the submission of the following
18 information:

19 (a) The ownership, organization, financial structure and nature of all businesses
20 operated by the applicant including the name of the state under the laws of which each business is
21 formed and the location of its principal place of business.

22 (b) The names and personal employment and criminal histories of all officers, directors,
23 and key employees of the applicant.

24 (c) The names of all holding, intermediary, and subsidiary companies of the applicant.

25 (d) With regard to any holding, intermediary, or subsidiary company the ownership,
26 organization, financial structure and nature of all businesses operated by each company and, to the
27 extent required by paragraph VII and the rules adopted by the commission, the names and personal
28 employment and criminal histories of all officers, directors and key employees of such holding,
29 intermediary, and subsidiary companies.

30 (e) The rights and privileges acquired by the holders of different classes of authorized
31 securities in the applicant including the names, addresses, and amounts held by all holders of such
32 securities.

33 (f) The terms upon which securities in the applicant have been or are to be offered.

34 (g) Any other indebtedness or security devices utilized by the applicant.

35 (h) The extent of the equity security holdings in the applicant of all officers, directors,
36 and key employees together with their remuneration in the form of salary, wages, fees, or otherwise.

37 (i) A description of all bonus and profit-sharing arrangements.

1 (j) Details with regard to any management or inter-company shared service agreements
2 or functional equivalent thereof.

3 (k) A listing of stock options existing or to be created.

4 (l) Documentation establishing that the applicant and any holding, intermediary or
5 subsidiary company required to qualify in conjunction with the gaming license application pursuant
6 to paragraph VII are qualified to do business in the state of New Hampshire.

7 (m) If a direct or indirect interest in the applicant is a trust, the application shall
8 disclose the names and addresses of all trustees and beneficiaries and shall provide details with
9 regard to their respective interests.

10 (n) Such other information as the commission shall deem relevant to its consideration of
11 the application.

12 VII. All persons associated with a gaming applicant or gaming licensee meeting the
13 definition of a principal in RSA 284-B:2 shall be qualified for licensure in accordance with this
14 chapter in conjunction with a gaming license application.

15 (a) The commission shall adopt rules consistent with this chapter and the efficient
16 administration of the licensing process relating to:

17 (1) A system of classification and standards of review for principals;

18 (2) An application and review process and time frame;

19 (3) Application, investigation, renewal, and other fees consistent with the annual fee
20 schedule adopted and published by the commission;

21 (4) A waiver process;

22 (5) Administrative procedures applicable to the conduct of hearings related to a
23 principal license including, but not limited to:

24 (A) Rules of evidence;

25 (B) Notice requirements; and

26 (C) Rules permitting an applicant to raise an objection to the conduct of a
27 hearing procedure, process or ruling of the commission;

28 (6) Rules relating to the renewal of a license;

29 (7) An abbreviated licensing process under RSA 284-B:20 of this chapter applicable
30 to any license, registration, permit, or employee authorization granted pursuant to this section;

31 (8) Such other procedures as are necessary to efficiently implement and administer
32 this paragraph.

33 (b) A principal license issued pursuant to this chapter shall expire 5 years from the date
34 of issuance subject to renewal pursuant to this chapter.

35 (c) An individual required to qualify and be licensed as a principal pursuant to this
36 paragraph shall be required, at a minimum, to establish by clear and convincing evidence his or her
37 qualification in accordance with the standards applicable to a key employee under this chapter with

1 the exception of any requirement related to residency.

2 (d) A person other than an individual required to qualify and be licensed as a principal
3 pursuant to this paragraph shall be required, at a minimum, to establish by clear and convincing
4 evidence financial stability, good character, honesty, and integrity to the same standard as a gaming
5 licensee.

6 (e) The commission may waive a principal license requirement pursuant to this
7 paragraph for a person directly or indirectly holding more than a 5 percent ownership interest in the
8 securities in a publically traded company upon a showing by the person seeking the waiver that they
9 do not have the ability to elect one or more members of the board of directors of a gaming applicant
10 or gaming licensee or to otherwise manage, control, influence, or affect the affairs or operations of a
11 gaming applicant or gaming licensee or its holding, intermediary, or subsidiary company.

12 (f) The commission may waive a principal license requirement pursuant to this
13 paragraph for an institutional investor holding up to 15 percent of the stock of a gaming applicant or
14 gaming licensee upon a showing by the person seeking the waiver that the applicant purchased the
15 securities for investment purposes only and does not have the ability to, or the intention of,
16 managing, controlling or otherwise influencing or affecting the affairs or operations of a gaming
17 applicant or gaming licensee or its holding, intermediary or subsidiary company. An institutional
18 investor granted a waiver that subsequently determines to manage or control or to take an action
19 that potentially influences or affects the affairs or operations of an applicant or gaming license or its
20 holding, intermediary or subsidiary company shall be licensed under this chapter before the
21 institutional investor takes such action. The commission may, at any time, make a determination
22 that an institutional investor is in a position to control, manage, or otherwise influence or affect a
23 gaming applicant or gaming licensee and, on that basis, may require an institutional investor,
24 regardless of the extent of the ownership interest, to be licensed as a principal under this chapter.

25 (g) The commission may waive a principal license requirement pursuant to this
26 paragraph in accordance with regulations adopted by the commission requiring a showing that the
27 person seeking the waiver does not have the ability to, or the intention of, managing, controlling, or
28 otherwise influencing or affecting the affairs or operations of a gaming applicant or gaming licensee
29 or its holding, intermediary, or subsidiary company. In no event, however, shall the commission
30 waive the requirements of this paragraph for a person holding more than 15 percent of a gaming
31 applicant or gaming licensee.

32 VIII. An applicant for a principal license shall submit the following documentation, as
33 reasonably applicable to status as an individual, corporation, limited liability company or other form
34 of business enterprise, for consideration by the commission:

35 (a) A description of the relationship triggering the requirement to be licensed as a
36 principal under paragraph VII.

37 (b) A fully executed and complete application on forms prescribed by the commission. An

1 application shall be deemed complete in accordance with RSA 284-B:19.

2 (c) All documentation, fingerprints and consents required of a gaming license applicant
3 under paragraph III.

4 (d) All documentation required of a gaming license applicant under subparagraph IV(a).

5 (e) The documentation related to a similar gaming license, registration, permit, or other
6 authorization required of a gaming licensee applicant under subparagraph IV(c).

7 (f) Where applicable, all documentation required of a gaming license applicant under
8 paragraph VI.

9 (g) Such other information as the commission shall deem relevant to its consideration of
10 the application.

11 IX. The hearing, decision, and appeal procedures enumerated in RSA 284-B:25, X through
12 RSA 284-B:25, XIV shall also apply to an applicant for or holder of a principal license.

13 X. A principal license for which a completed renewal application and fee, if required, has
14 been received by the commission shall continue in effect unless and until the commission sends
15 written notification to the holder that the commission has denied the renewal of the principal license.

16 284-B:18 Gaming License Fees; License Term.

17 I. The commission shall collect in conjunction with a gaming license application a
18 nonrefundable gaming license application fee in the amount of \$400,000 to cover the cost of
19 processing and reviewing an application. If the cost of processing and reviewing the application
20 exceeds the amount of the initial application fee, the commission may impose upon the applicant an
21 additional fee sufficient to cover any documented shortfall which the applicant shall pay to the
22 commission within 15 days of the date of an invoice. The amount shall be deposited in the gaming
23 regulatory fund and shall be available to the state in the fiscal year received.

24 II. The commission shall collect in conjunction with a gaming license application, and
25 transmit to the attorney general, a nonrefundable gaming license investigation fee in the amount of
26 \$100,000 to cover the cost of the background investigation. If the cost of the background
27 investigation exceeds the amount of the initial application fee, the commission may impose upon the
28 applicant an additional fee sufficient to cover any documented shortfall which the applicant shall pay
29 to the commission, for transmission to the attorney general, within 15 days of the date of an invoice.
30 The amount shall be deposited in the gaming regulatory fund and shall be available to the state in
31 the fiscal year received.

32 III. Upon an award of a gaming license, the commission shall collect an initial license fee in
33 the amount of \$80,000,000 which shall be paid to the gaming regulatory fund within 30 days of the
34 award of the license.

35 (a) Upon payment of a license fee by a gaming licensee under this chapter, the
36 commission shall fully reimburse funds received:

37 (1) By the commission from activities authorized by RSA 284, RSA 287-D, RSA 287-

1 E, and RSA 287-F in proportion to the expenses of the commission borne by each such activity in the
2 administration of this chapter as authorized by RSA 284-B:3, VII (a), prior to the payment of the
3 license fee.

4 (2) By the gaming regulatory oversight authority from activities authorized by
5 RSA 284 and RSA 287-F in proportion to the expenses of the authority borne by each such activity in
6 the administration of RSA 284-A.

7 (b) The general court shall determine the distribution of the balance of the initial license
8 fee revenue after the reimbursements required by RSA 284-B:18, III(a), provided that distributions
9 shall include the following:

10 (1) Distributions to host or near-by municipalities deemed sufficient by the general
11 court to offset costs incurred by such municipalities attributable to a gaming location's placement.

12 (2) Revenue in an amount determined by the general court shall be paid to the state
13 treasurer and credited to the commissioner of the department of health and human services to
14 support programs established by RSA 172 to fund baseline research into the prevalence of problem
15 gambling in New Hampshire prior to the expansion of gaming as authorized by this chapter, to
16 identify and assess the treatment needs of individuals with compulsive and problem gambling
17 disorders, and examine the connections between gambling disorders and drug and alcohol addiction
18 disorders.

19 (3) Distributions to the state treasurer for transfer to the commission, attorney
20 general and department of safety in amounts equal to any costs of regulatory control over a gaming
21 licensee that are not covered by any other designated source of funding in this chapter.

22 (c) Upon receipt of the license fee, and satisfaction of any additional conditions precedent
23 imposed by the commission, the commission shall issue the gaming license.

24 (d) The amount shall be deposited in the gaming regulatory fund and shall be available
25 to the state in the fiscal year received.

26 IV. A gaming license shall expire 10 years from the date of issuance of the gaming license
27 subject to renewal pursuant to this chapter.

28 (a) The commission shall adopt regulations consistent with this chapter relating to
29 procedures for renewal of a gaming license, including an application and review process and such
30 other procedures as are necessary to implement this paragraph.

31 (b) The commission shall collect a license renewal fee in the amount of \$1,500,000 which
32 shall be paid to the state treasurer by the gaming licensee within 30 days of the award of the
33 renewal of the license. The general court shall determine the distribution of the license renewal fee.
34 Upon receipt of the renewal fee, and satisfaction of any additional conditions precedent imposed by
35 the commission, the commission shall issue the gaming license renewal. The amount shall be
36 deposited in the gaming regulatory fund and shall be available to the state in the fiscal year
37 received.

1 V. There is established in the office of the state treasurer a nonlapsing fund to be know as
2 the gaming regulatory fund to be administered by the gaming commission which shall be kept
3 distinct and separate from all other funds. All moneys in the gaming regulatory fund shall be
4 nonlapsing and continually appropriated to the gaming commission for the purpose of distribution
5 under this section.

6 284-B:19 Application Completeness Review.

7 I. For the purposes of this section, a complete application under this chapter is an
8 application that is timely received, accompanied by all applicable fees and includes all information
9 and documentation required by this chapter, any rules adopted by the commission and any
10 instructions prescribed by the commission in connection with the application process.

11 II. The content of an application made pursuant to this chapter shall be subject to the
12 confidentiality requirements of RSA 284-B:11.

13 III. The commission shall examine each application for a gaming license, principal license,
14 key employee license, gaming employee registration, non-gaming employee permit, gaming vendor
15 license, non-gaming vendor registration, or other authorization filed pursuant to this chapter for
16 completeness.

17 IV. The commission shall apply the following completeness review procedures to a gaming
18 license application.

19 (a) If the commission determines a gaming license application to be incomplete, the
20 commission shall provide a written notification of incompleteness to the applicant within 30 days of
21 actual receipt by the commission of the application. The notification of incompleteness shall include
22 an explanation of the reason the application was deemed incomplete. If a written notice of
23 incompleteness is not issued by the commission within 30 days of actual receipt, the application shall
24 be deemed complete and the applicant notified to that effect.

25 (b) Upon receipt of a first written notice of incompleteness, an applicant shall have 15
26 business days from the date of the written notice of incompleteness to submit to the commission the
27 information requested. The applicant shall not include in its resubmission information unrelated to
28 the deficiencies enumerated in the commission's notice. The commission shall review the additional
29 information submitted by the applicant within 10 business days of actual receipt by the commission.

30 (1) If the additional information is satisfactory, the commission shall notify the
31 applicant in writing that the gaming license application has been deemed complete;

32 (2) If the gaming license application remains incomplete, the commission shall
33 provide a second written notice of incompleteness to the applicant. The second notice of
34 incompleteness shall include a explanation of the reason the application was deemed incomplete and
35 shall allow the applicant an additional 10 business days from the date of the second written notice of
36 incompleteness to provide any requested information. The applicant shall not include in its
37 resubmission information unrelated to the deficiencies enumerated in the commission's notice. The

1 commission shall review the additional information submitted by the applicant within 10 business
2 days of actual receipt by the commission:

3 (A) If the additional information is satisfactory, the commission shall notify the
4 applicant in writing that the gaming license application has been deemed complete; and

5 (B) If the gaming license application remains incomplete, the commission shall
6 provide a third and final written notice of incompleteness to the applicant. The third and final notice
7 of incompleteness shall include an explanation of the reason the application was deemed incomplete
8 and shall allow the applicant an additional 3 business days from the date of the third and final
9 written notice of incompleteness to provide any requested information. The applicant shall not
10 include in its resubmission information unrelated to the deficiencies enumerated in the commission's
11 notice. The commission shall review the additional information submitted by the applicant within 10
12 business days of actual receipt by the commission;

13 (3) If the additional information is satisfactory, the commission shall notify the
14 applicant in writing that the gaming license application has been deemed complete; and

15 (4) If the gaming license application remains incomplete after a third and final notice
16 of incompleteness the application shall be administratively denied by the commission.

17 V. The commission shall adopt regulations consistent with this chapter relative to the
18 completeness review applied to an application for a principal license, key employee license, gaming
19 employee registration, non-gaming employee permit, gaming vendor license, non-gaming vendor
20 registration, or other authorization filed with the commission. The regulations shall provide for a
21 form of notice to the applicant and a time frame for notice of deficiency and resubmission by an
22 applicant consistent with the efficient administration of the licensing process.

23 VI. An applicant for a license may withdraw a complete application only with the approval of
24 the commission.

25 284-B:20 License Background Review.

26 I. Upon a determination by the commission that a gaming license, principal license, key
27 employee license, gaming vendor license, or other license application is complete, the commission
28 shall request that the attorney general commence an investigation into the suitability of the
29 applicant.

30 II. The full investigative file related to a background investigation performed in connection
31 with a license application shall be subject to the confidentiality requirements of RSA 284-B:11.

32 III. In any investigation conducted pursuant to this chapter the attorney general or any duly
33 authorized member of the attorney general's staff may require by subpoena or otherwise the
34 attendance of witnesses and the production of such correspondence, documents, books, and papers as
35 he or she deems advisable and may administer oaths and take the testimony of witnesses.

36 IV. In conducting a background investigation for a license under this chapter the attorney
37 general shall consider the suitability of the applicant including, but not limited to:

1 (a) Financial stability.

2 (b) Good character, honesty, and integrity.

3 (c) Business ability and gaming experience.

4 (d) Where applicable, the applicant's history of compliance in other regulated gaming
5 jurisdictions including, but not limited to, a letter of reference or sworn statement of good standing
6 produced in accordance with RSA 284-B:17, IV(c).

7 (e) Where applicable, the suitability of all principals required to qualify in conjunction
8 with the gaming license application in accordance with RSA 284-B:17, VII.

9 (f) Whether the applicant is disqualified from receiving a license under RSA 284-B:21.

10 (g) The applicant's ability, if required, to demonstrate rehabilitation in accordance with
11 RSA 284-B:21.

12 V. The attorney general may include in the scope of his or her investigation any other
13 information that the attorney general, in the exercise of his or her sole discretion, may deem
14 relevant.

15 VI. Where the commission finds, after study and comparison of applicable licensing
16 standards, that the licensing standards of another jurisdiction within the United States or Canada
17 are comprehensive, thorough, and require a suitability assessment substantially similar to this
18 chapter, the commission may prescribe by regulations consistent with this chapter, an abbreviated
19 investigative process pursuant to which the attorney general and/or commission may, but are not
20 obligated to, expedite an applicant's background investigation or review by affording a degree of
21 deference to a license, registration, or permit held by an applicant in a jurisdiction found to be
22 comparable to New Hampshire. The availability of an abbreviated investigative process shall not
23 limit the discretion of or otherwise preclude the attorney general or commission from determining
24 that information it has independently or separately developed or received shall supersede or
25 outweigh a license, registration, or permit in good standing in a comparable state. An applicant's
26 eligibility for an abbreviated investigation process shall not be construed to waive any fees associated
27 with an application. An abbreviated licensing process shall not be applied to an applicant for a
28 gaming license.

29 VII. The attorney general may contract for legal, financial, and other professional services as
30 he or she deems appropriate to discharge his or her duties under this chapter. The attorney general
31 may also outsource a background investigation to an entity with demonstrated experience in
32 gaming related background investigations provided that any recommendation to the commission as
33 to the suitability of an applicant to hold a license is made by the attorney general.

34 VIII. In the course of its background investigation, the attorney general may draw upon the
35 department of safety, division of state police and any other state or federal law enforcement agency
36 or regulating authority he or she deems appropriate.

37 IX. The attorney general may obtain from, and provide to, a law enforcement agency,

1 regulating authority or other domestic, federal, or foreign jurisdiction, including the Federal Bureau
2 of Investigation, pertinent information regarding an applicant or licensee and may transmit or
3 receive such information electronically.

4 X. The attorney general's report to the commission with regard to an applicant's background
5 investigation shall state whether or not in his or her opinion the person is suitable to hold, or to
6 qualify in conjunction with, a license in New Hampshire. The attorney general shall determine the
7 extent to which and the manner in which investigative results are reported to the commission and, if
8 reported, whether such results are to retain their confidential character.

9 XI. The attorney general's report to the commission with regard to an applicant for a gaming
10 license's background investigation shall be submitted to the commission within 120 days of the date
11 of the commission's referral of a complete application to the attorney general unless the attorney
12 general determines that additional time is needed and notifies the commission that good cause exists
13 for an extension to a date certain. Nothing herein shall limit the attorney general to one extension
14 for good cause.

15 XII. The commission shall prescribe regulations consistent with this chapter, after
16 consultation with the attorney general and division of state police, relative to the time allotted to the
17 attorney general to conduct and report to the commission on a background investigation related to an
18 applicant for a principal license, key employee license, gaming vendor license, or other background
19 investigation performed pursuant to this chapter. The regulations shall be consistent with the
20 efficient administration of the licensing process.

21 284-B:21 Grounds for Denial of a License.

22 I. The commission shall deny an application for a gaming license, principal license, key
23 employee license, gaming vendor license, or other license filed pursuant to this chapter where it
24 determines the applicant to be disqualified on the basis of any of the following criteria:

25 (a) Failure of the applicant to prove by clear and convincing evidence that the applicant
26 is qualified in accordance with the provisions of this chapter.

27 (b) Failure of the applicant to provide information, documentation, and assurances
28 required by this chapter or requested by the commission, failure of the applicant to reveal any fact
29 material to qualification or the supplying of information which is untrue or misleading as to a
30 material fact pertaining to the qualification criteria or other requirements of this chapter.

31 (c) The conviction of the applicant:

32 (1) For a felony or other crime involving embezzlement, theft, fraud or perjury in any
33 jurisdiction; or

34 (2) Any other offense under present New Hampshire or federal law which indicates
35 that licensure of the applicant would be inimical to the policies of this chapter or injurious to the
36 interests of the state in issuing a license, provided, however, that disqualification shall not be
37 automatic if the conviction:

1 (A) Did not occur within the 10-year period immediately preceding application
2 for licensure provided the applicant demonstrates its rehabilitation and the commission finds, after
3 hearing, that the applicant has established by clear and convincing evidence that automatic
4 disqualification pursuant to this paragraph is not justified; or

5 (B) Has been the subject of a judicial order of expungement or sealing.

6 (d) Current prosecution or pending charges in any jurisdiction for any of the offenses
7 enumerated in subparagraph (c), provided, however, that at the request of the applicant or the
8 person charged, the commission may defer decision upon such application during the pendency of
9 such charge.

10 (e) The pursuit by the applicant of economic gain in an occupational manner or context
11 which is in violation of the criminal or civil public policies of this state, if such pursuit creates a
12 reasonable belief that the participation of such person in gaming operations would be inimical to the
13 policies of this chapter or injurious to the interests of the state in issuing a license. For purposes of
14 this paragraph, occupational manner or context shall be defined as the systematic planning,
15 administration, management, or execution of an activity for financial gain.

16 (f) The identification of the applicant as a career offender or a member of a career
17 offender cartel in a manner that creates a reasonable belief that the association is of such a nature as
18 to be inimical to the policies of this chapter or injurious to the interests of the state in issuing a
19 gaming license. For purposes of this paragraph, career offender shall be defined as any person whose
20 behavior is pursued in an occupational manner or context for the purpose of economic gain, utilizing
21 such methods as are deemed criminal violations of the public policy of this state. A career offender
22 cartel shall be defined as any group of persons who operate together as career offenders.

23 (g) Failure by the applicant to make required payments in accordance with a child
24 support order or repay any other debt owed to the state, unless such applicant provides proof to the
25 commission's satisfaction of payment of, or arrangement to pay, any such debts prior to licensure.

26 (h) The commission may allow an applicant for a principal license that is unable to
27 demonstrate by clear and convincing evidence the financial stability, good character, honesty, and
28 integrity required by this chapter the opportunity to completely divest the interest in the applicant
29 and, after such divestiture, may proceed with its assessment of the suitability of the gaming
30 applicant.

31 (i) The applicant is an elected official of the general court, executive council, or executive
32 branch of the state of New Hampshire, an employee of the attorney general's office or the department
33 of safety on a full-time, part-time, or contractual basis, or has held any such position at any time
34 during the previous 2 years.

35 II. The commission shall adopt rules consistent with this chapter and the efficient
36 administration of licensing relating to disqualification and rehabilitation applicable to an applicant
37 for a gaming employee registration, non-gaming employee permit, or non-gaming vendor

1 registration.

2 284-B:22 Gaming License Decision.

3 I. The commission shall adopt rules consistent with this chapter relative to:

4 (a) Administrative procedures applicable to the conduct of a gaming license hearing
5 under this chapter including, but not limited to:

6 (1) Rules applicable to a competitive gaming license selection hearing;

7 (2) Special rules of evidence applicable to a gaming license hearing;

8 (3) Notice requirements applicable to a hearing; and

9 (4) Rules permitting an applicant to raise an objection to the conduct of a hearing
10 procedure, process or ruling of the commission as it relates to its own hearing or to the hearing of a
11 competing applicant.

12 (b) Rules relating to the statement of conditions appended by the commission to a
13 gaming license issued pursuant to this chapter requiring:

14 (1) That the statement of conditions enumerate, at a minimum, conditions which are
15 precedent to the issuance of a gaming license, conditions which are precedent to the commencement
16 of gaming operations at a gaming location and conditions which are ongoing throughout the license
17 term;

18 (2) Annual reporting to the commission with regard to compliance with the statement
19 of conditions; and

20 (3) Consequences for non-compliance with the statement of conditions.

21 (c) Rules relating to the renewal of a gaming license.

22 (d) Criteria for evaluating an application for a gaming license consistent with this
23 chapter including, but not limited to, that relating to local approval of the gaming location under
24 RSA 284-B:15, an evaluation of architectural design and concept excellence, integration of the
25 gaming location into its surroundings, potential access to multi-modal means of transportation,
26 tourism appeal, level of capital investment commitment, financial stability of the applicant, and the
27 applicant's financial plan.

28 (e) Standards for monitoring and enforcing conditions placed by the commission on a
29 gaming license including those related to an impacted live entertainment venue and host
30 community.

31 (f) Procedures for monitoring and enforcing a gaming licensee's compliance with its
32 capital investment commitment.

33 II. The commission may contract for such legal, financial, and other professional services as
34 it deems appropriate to assist it in the discharge its duties under this chapter.

35 III. In any decision relating to a gaming license the commission shall consider, but is not
36 bound by, the recommendation of the attorney general as to the suitability of the applicant for
37 licensure under RSA 284-B:20. Where the commission deviates from the recommendation of the

1 attorney general the commission shall address the basis for its contrary determination in the written
2 decision required pursuant to paragraph XII.

3 IV. If there is only one complete application for a gaming license pending, then upon receipt
4 of the report of the attorney general on the applicant's suitability to hold a gaming license in New
5 Hampshire the commission shall schedule and conduct a licensing hearing to determine whether the
6 applicant meets the standards for licensure set forth in this chapter.

7 V. The commission shall conduct a hearing with regard to an application under paragraph
8 IV within 60 days of actual receipt by the commission the attorney general's suitability report. At
9 the licensing hearing, the commission shall first consider whether the applicant is able to
10 demonstrate by clear and convincing evidence its financial stability, good character, honesty,
11 integrity, business ability and gaming experience in accordance with this chapter. If the commission
12 determines that the applicant is unable to establish the required suitability the commission shall not
13 give further consideration to the application. Any determination including, but not limited to, that
14 relating to the standards for licensure set out in this chapter shall be made by majority vote of
15 eligible commission members. Any commission member who has a personal or business conflict with
16 any application shall not vote on such application. The licensing decision shall be in the form of an
17 approval, denial, or an approval with conditions of a gaming license.

18 VI. If there is more than one gaming license application deemed complete by the
19 commission, upon receipt of all of the reports of the attorney general on an applicant's suitability to
20 hold a gaming license in New Hampshire the commission shall commence consideration of each
21 application in a competitive process pursuant to which each application is evaluated in relationship
22 to each other application. Within 30 days of actual receipt by the commission of all of the attorney
23 general's suitability reports the commission shall schedule a competitive hearing and shall instruct
24 each applicant to file prehearing memoranda as prescribed by the commission which shall include, at
25 a minimum, a summary of evidence each applicant intends to present in support of its application for
26 licensure. Competing applications shall be heard separately by the commission at one hearing to be
27 held no more than 75 days of actual receipt by the commission of all of the attorney general's
28 suitability reports unless the commission determines that additional time is needed and notifies the
29 applicants that good cause exists for an extension of the hearing date to a date certain. Nothing
30 herein shall limit the commission to one extension for good cause. An applicant shall have no right
31 to cross-examine the witnesses of a competing applicant but there shall be a right to raise an
32 objection to the conduct of a hearing procedure, process or ruling of the commission as it relates to
33 the applicant or a competitor applicant.

34 VII. At the competitive hearing the commission shall first consider whether each applicant is
35 able to demonstrate by clear and convincing evidence its financial stability, good character, honesty,
36 integrity, business ability, and gaming experience in accordance with this chapter. If the commission
37 determines that an applicant is unable to establish the required suitability the commission shall not

1 give further consideration to the application.

2 VIII. At the competitive hearing the commission shall determine, based on the evidence
3 submitted, including completed studies and/or reports issued by independent, recognized experts in
4 the most relevant fields, which suitable applicants demonstrate superiority in meeting the standards
5 set forth in this chapter. In making its determination the commission shall consider the following
6 relevant factors.

7 (a) Business and market factors including:

8 (1) Highest potential benefit and highest prospective total revenues to be derived by
9 the state;

10 (2) Potential gaming revenues to be generated by a gaming location based upon
11 expert market analysis;

12 (3) The extent to which the proposed gaming location could be expected to encourage
13 New Hampshire gaming participants to remain in the state;

14 (4) The extent to which the proposed gaming location could be expected to be a
15 substantial regional and national tourist destination;

16 (5) The extent to which the proposed gaming location could be expected to create
17 commercial development, opportunities for the community consistent with historic uses, regional
18 branding, and local zoning ordinances;

19 (6) The applicant's proposed capital investment in the gaming location and operation
20 and the expected competitiveness of the proposed gaming operation;

21 (7) The extent to which the proposed gaming location will preserve existing
22 New Hampshire jobs and the number of net new full-time and part-time jobs to be created;

23 (8) The applicant's plan to identify, address, and minimize any potential negative
24 consequences associated with gambling and the operation of its gaming location including, but not
25 limited to, an adequately funded commitment to combat compulsive gambling to include efforts
26 directed at prevention, intervention, treatment and research;

27 (9) The impact on the host community and municipalities in the region; and

28 (10) Such other considerations as the commission shall deem relevant to business
29 and market factors.

30 (b) Economic development factors, including:

31 (1) The applicant's workforce development plan;

32 (2) Any additional economic development planned in the area of the proposed gaming
33 location; and

34 (3) Such other considerations as the commission shall deem relevant to economic
35 development factors.

36 (c) Site location factors including

37 (1) Existing transportation infrastructure surrounding the proposed gaming location;

1 (2) Any negative impact, if any, of a proposed gaming location on the host
2 community;

3 (3) The need for additional public infrastructure expenditures at the proposed
4 gaming location;

5 (4) The analysis related to impacted live entertainment venues as described in
6 paragraph IX.

7 (5) Such other considerations as the commission shall deem relevant to site location.

8 IX. The commission shall identify live entertainment venues to be designated as impacted
9 live entertainment venues pursuant to this chapter, provided, however, that any live entertainment
10 venue that has negotiated an agreement with an applicant that was submitted with the application
11 shall be considered an impacted live entertainment venue by the commission. If the commission
12 determines a live entertainment venue to be an impacted live entertainment venue and the applicant
13 has not submitted a fully executed agreement with that live entertainment venue in the application
14 filed pursuant to RSA 284-B:17, the applicant shall negotiate a signed agreement with that live
15 entertainment venue within 21 days of the award of a gaming license and no gaming license shall be
16 issued prior to the execution and submission to the commission of that agreement. In the event an
17 applicant awarded a license by the commission and an impacted live entertainment venue cannot
18 reach an agreement, the commission, in making its decision on issuance of the gaming license, shall
19 consider the reasons for such failure to agree in relation to the standards for licensure set forth in
20 this chapter. A gaming licensee's compliance with an agreement with an impacted live
21 entertainment venue shall be a condition of licensure enumerated in its statement of conditions and
22 shall be considered upon a gaming licensee's application for renewal of a gaming license.

23 X. During the course of its review of an application, the commission shall take reasonable
24 measures to prohibit and prevent all ex parte communication relating to the merits of an application.

25 XI. Any licensing determination including, but not limited to, that related to the selection of
26 an applicant shall be made by majority vote of eligible commission members. Any commission
27 member who has a personal or business conflict with any application shall not vote on such
28 application. The actual selection decision shall be in the form of an approval or an approval with
29 conditions. Unsuccessful applicants that were nonetheless found to be suitable in accordance with
30 paragraph VII of this section shall be deemed "denied on the basis of a competitive process."
31 Applicants failing to meet the standards for suitability set forth in paragraph VII shall be denied.

32 XII. Any decision of the commission approving a gaming license application, approving an
33 application with conditions, or denying an application shall be issued by the commission within 30
34 days of the conclusion of the hearing conducted pursuant to this section is a final, binding, non-
35 appealable determination which is not subject to legal challenge except as permitted by this chapter.

36 XIII. An award by the commission of a gaming license shall be evidenced by a written
37 decision with detailed findings accompanied by a statement of conditions enumerating those

1 conditions precedent to the issuance by the commission of a gaming license, conditions that are
2 precedent to the commencement of gaming operations at a gaming location and conditions that are
3 ongoing during the pendency of the license term.

4 XIV. A gaming applicant or gaming licensee aggrieved or dissatisfied with a final decision of
5 the commission shall have the right to immediate appeal from a final decision to the supreme court
6 pursuant to RSA 541.

7 XV. The provisions of RSA 541 shall govern all appeals under this section, provided that any
8 request for rehearing provided for by RSA 541 shall be presented as a request for reconsideration to
9 the commission within 10 calendar days of the commission's decision and the commission's decision
10 on said request shall be issued within 10 days of the presentation of the request.

11 XVI. The supreme court shall affirm the decision of the commission unless it finds it to be
12 arbitrary or capricious or not made in compliance with applicable law.

13 XVII. A gaming license issued by the commission shall expire 10 years from the date of
14 issuance subject to renewal pursuant to this chapter.

15 XVIII. The division of state police shall promptly notify the commission in the event an
16 applicant or licensee is arrested for a crime or offense in this state after the date the background
17 check was performed.

18 XIX. A gaming license for which a completed renewal application and fee, if required, has
19 been received by the commission shall continue in effect unless and until the commission sends
20 written notification to the holder that the commission has denied the renewal of the gaming license.

21 284-B:23 Minimum Capital Investment.

22 I. A gaming licensee shall be required as a condition of licensure to make the capital
23 investment in the gaming location proposed in its gaming license application, which amount shall
24 meet or exceed \$450,000,000 exclusive of land acquisition, off-site improvement costs, and license
25 fees.

26 II. The full capital investment required under this section shall be made within 5 years of
27 the date of issuance of a gaming license.

28 III. In addition to the requirements of paragraph I, beginning with the sixth year after
29 receiving a gaming license, a gaming licensee shall make, or cause to be made, on an annual basis
30 capital expenditures to its gaming location in a minimum aggregate amount equal to 3.5 percent the
31 total gross gaming revenues derived from the gaming location, provided, however, that a gaming
32 licensee may make capital expenditures in an amount less than 3.5 percent per year as part of a
33 multi-year capital expenditure plan approved by the commission.

34 IV. A gaming licensee who fails to obtain an operation certificate under RSA 284-B:32 within
35 one year after the date specified in the construction timeline submitted with its application and
36 incorporated by the commission as a condition on the gaming license:

37 (a) May, if the commission finds good cause for such action after a hearing in accordance

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1 with this chapter, be subject to suspension or revocation of the gaming license.

2 (b) May, if found by the commission after a hearing in accordance with this chapter to
3 have acted in bad faith in its application, be assessed a fine by the commission of up to \$50,000,000.

4 V. Concurrent with the payment of the license fee required pursuant to RSA 284-B:18, III,
5 the gaming licensee shall be required to deposit 10 percent of the total capital investment proposed
6 in its application into an interest-bearing account under the control of the commission. Moneys
7 received from the gaming licensee shall be held in escrow until the final stage of construction, as
8 detailed in the timeline of construction submitted with the licensee's application and incorporated by
9 the commission as a condition on the gaming license, at which time the deposit, together with any
10 accrued interest, shall be returned to the applicant to be applied for the final stage of construction.
11 Should the licensee be unable or unwilling to complete the gaming location in accordance with the
12 timeline, the deposit shall be forfeited to the state in accordance with the conditions on the license
13 related to the construction timeline. The commission may, in lieu of a cash deposit, accept a
14 performance or deposit bond in an amount equivalent to 10 percent of the total capital investment
15 proposed in the application provided it determines that the bond would be a functional equivalent of
16 the deposit and would timely ensure the intended forfeiture to the state.

17 284-B:24 Revocable Privilege; Limits on License Transfer and Transfer of an Interest.

18 I. Any gaming license issued by the commission shall be a revocable privilege and may be
19 conditioned, suspended, or revoked upon a finding by the commission that such action is necessary to
20 accomplish the purposes of this chapter as a result of:

21 (a) A breach of a condition enumerated or inferred in the statement of conditions
22 applicable to the gaming license, including failure to timely complete any phase of construction of the
23 gaming location or to comply with any representation or promise made to the commission, the
24 attorney general, division of state police gaming enforcement unit or other state entity in connection
25 with a gaming license.

26 (b) Any action or event that constitutes grounds for denial of a gaming license under
27 RSA 284-B:21.

28 (c) A finding by the commission that a gaming licensee no longer meets the standards for
29 suitability set forth in this chapter.

30 (d) Such other finding as the commission deems relevant.

31 II. A gaming license issued by the commission pursuant to this chapter is transferrable with
32 the prior approval of the commission pursuant to regulations adopted by the commission consistent
33 with this chapter. A person seeking to acquire a gaming license through a transfer shall qualify for
34 licensure under this chapter. The commission shall reject a gaming license transfer to an unsuitable
35 person and may reject a proposed transfer that, in the opinion of the commission, would be
36 disadvantageous to the interests of the state. A transfer of a gaming license without the prior
37 approval of the commission shall result in the immediate and automatic termination of the gaming

1 license.

2 III. An interest in a gaming licensee or gaming location substantial enough to trigger a
3 requirement that a person qualify as a principal licensee in accordance with RSA 284-B:17, VII is
4 transferrable with the prior approval of the commission pursuant to regulations adopted by the
5 commission consistent with this chapter. A person seeking to acquire an interest in a gaming
6 licensee or gaming location shall qualify for licensure under this chapter. The commission shall
7 reject a transfer of an interest in a gaming licensee or gaming location to an unsuitable person and
8 may reject a proposed transfer that, in the opinion of the commission, would be disadvantageous to
9 the interests of the state. A transfer of an interest in a gaming licensee or gaming location meeting
10 the requirements of this paragraph without the prior approval of the commission may result in the
11 termination of a gaming license.

12 IV. The commission shall adopt rules consistent with this chapter relating to notice of, and
13 commission approval of, a transfer of a gaming license and the transfer of an interest in a gaming
14 licensee or gaming location including, but not limited to, a transfer not meeting the principal
15 licensing threshold of paragraph III.

16 284-B:25 Individuals Employed by a Gaming Licensee

17 I. The commission shall adopt rules consistent with this chapter relating to:

18 (a) A system of classification for individuals employed by a gaming licensee, which
19 classification system shall include, but need not be limited to, a key employee license, gaming
20 employee registration and non-gaming employee permit based on the degree of connection to the
21 operation, maintenance, security and accounting functions associated with a slot machine or table
22 game, access to the gaming floor or a restricted area or such other criteria as the commission shall
23 deem appropriate.

24 (b) Application, investigation, and review processes and time frames.

25 (c) Application, investigation, renewal and other fees for each category of license,
26 registration, or permit consistent with the annual fee schedule adopted and published by the
27 commission.

28 (d) Standards of review.

29 (e) Administrative procedures applicable to the conduct of hearings related to a key
30 license, gaming employee registration, and non-gaming employee permit including, but not limited
31 to:

32 (1) Rules of evidence;

33 (2) Notice requirements;

34 (3) Rules permitting an applicant to raise an objection to the conduct of a hearing
35 procedure, process or ruling of the commission; and

36 (4) Any delegation of commission authority specific to registrations and permits.

37 (f) Procedures for issuance of a temporary key license, gaming employee registration,

1 non-gaming employee permit, or other employee authorization if the commission determines that
2 such procedures are necessary to the efficient implementation of this chapter.

3 (g) Rules relative to the renewal of a license, registration or permit.

4 (h) A term for any employee license, registration, permit, or employee authorization
5 granted pursuant to this chapter.

6 II. A key employee license, gaming employee registration, a non-gaming employee permit,
7 and any other employment related authorization issued pursuant to this chapter shall expire 5 years
8 from the date of issuance subject to renewal pursuant to this chapter.

9 III. In connection with a key employee license, gaming employee registration, non-gaming
10 employee permit, or other employee authorization, the commission shall be authorized to exchange
11 fingerprint data with, and to receive criminal history record and background information from, the
12 department of safety, division of state police, the office of the attorney general, the Federal Bureau of
13 Investigation, or other sources consistent with applicable federal and state laws, rules and
14 regulations.

15 IV. No gaming applicant, gaming licensee or holding, intermediary or subsidiary company
16 required to qualify in conjunction with a gaming license under this chapter shall employ or otherwise
17 allow an individual to perform the duties of a key employee unless the person is the holder of a valid
18 key employee license issued by the commission.

19 V. No gaming licensee shall employ or otherwise allow an individual to perform duties
20 requiring a gaming employee registration, non-gaming employee permit, or other employee
21 authorization required pursuant to this chapter unless the person is registered, permitted or
22 otherwise authorized by the commission.

23 VI. A gaming licensee shall not utilize an independent contractor to perform duties requiring
24 a key employee license, gaming employee registration, non-gaming employee permit, or other
25 employee authorization required pursuant to this chapter without the prior approval of the
26 commission.

27 VII. An independent contractor of a gaming licensee authorized by the commission to
28 perform duties requiring a key employee license, gaming employee registration, non-gaming
29 employee permit, or other employee authorization required pursuant to this chapter shall be subject
30 to all of the provision of this chapter applicable to an employee of a gaming licensee.

31 VIII. During the course of its review of any application, the commission shall take
32 reasonable measures to prohibit and prevent all ex parte communication relating to the merits of
33 such application.

34 IX. In any decision relating to a key employee license, and with regard to a gaming employee
35 registration subject to a background investigation under RSA 284-B:27, II, the commission shall
36 consider, but shall not be bound by, any recommendation of the attorney general as to the suitability
37 of the applicant for licensure under RSA 284-B:20. Where the commission deviates from the

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1 recommendation of the attorney general the commission shall address the basis for its contrary
2 determination in the written decision required pursuant to paragraph XII.

3 X. Any licensing determination including, but not limited to, that related to a key license,
4 gaming employee registration, non-gaming employee permit, or other employee authorization shall
5 be made by majority vote of eligible commission members. Any commission member who has a
6 personal or business conflict with any application shall not vote on such application.

7 XI. Any decision of the commission approving an application, approving an application with
8 conditions, or denying an application under this section shall be issued by the commission within 30
9 days of the conclusion of the hearing conducted pursuant to this section and is a final, binding, non-
10 appealable determination which is not subject to legal challenge except as permitted by this chapter.

11 XII. The issuance by the commission of a license, registration, permit or other employee
12 authorization shall be evidenced by a written decision.

13 XIII.(a) Within 30 days after any order or decision has been made by the commission, any
14 party to the action or proceeding before the commission, or any person directly affected thereby, may
15 apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or
16 included in the order, specifying in the motion all grounds for rehearing, and the commission may
17 grant such rehearing if in its opinion good reason for the rehearing is stated in the motion.

18 (b) Such motion shall set forth fully every ground upon which it is claimed that the
19 decision or order complained of is unlawful or unreasonable. No appeal from any order or decision of
20 the commission shall be taken unless the appellant shall have made application for rehearing as
21 herein provided, and when such application shall have been made, no ground not set forth therein
22 shall be urged, relied on, or given any consideration by the court, unless the court for good cause
23 shown shall allow the appellant to specify additional grounds.

24 (c) Upon the filing of such motion for rehearing, the commission shall within ten days
25 either grant or deny the same, or suspend the order or decision complained of pending further
26 consideration, and any order of suspension may be upon such terms and conditions as the
27 commission may prescribe.

28 (d) Within 30 days after the application for a rehearing is denied, or, if the application is
29 granted, then within 30 days after the decision on such rehearing, any party aggrieved or dissatisfied
30 by any final decision of the commission under this section shall have the right to appeal from a final
31 decision to the superior court. The petition shall set forth that such decision or order is arbitrary or
32 capricious or not made in compliance with law, and shall specify the grounds on which such claim is
33 made.

34 XIV. The superior court shall affirm the decision of the commission unless it finds the
35 decision to be arbitrary or capricious or not made in compliance with law.

36 XV. A key employee license, gaming employee registration and non-gaming employee permit
37 issued by the commission shall expire 5 years from the date of issuance subject to renewal pursuant

1 to this chapter.

2 XVI. A key employee license, gaming employee registration and non-gaming employee
3 permit for which a completed renewal application and fee, if required, has been received by the
4 commission shall continue in effect unless and until the commission sends written notification to the
5 holder that the commission has denied the renewal of the gaming license, registration, or permit.

6 XVII. The division of state police shall promptly notify the commission in the event an
7 applicant for or key employee licensee, gaming employee registrant, or non-gaming employee
8 permittee is arrested for a crime or offense in this state after the date the background check was
9 performed.

10 284-B:26 Key Employee Licensing.

11 I. A key employee of an applicant, gaming licensee or principal licensee required to qualify in
12 conjunction with a gaming license under RSA 284-B:17, VII shall submit to the commission the
13 following information, documentation, and assurances:

14 (a) A description of the applicant's employment responsibilities.

15 (b) A fully executed and complete application on forms prescribed by the commission. An
16 application shall be deemed complete in accordance with rules adopted pursuant to RSA 284-B:19.

17 (c) All documentation, fingerprints, and consents required of a gaming license applicant
18 under RSA 284-B:17, III.

19 (d) All documentation required of a gaming license applicant under RSA 284-B:17, IV(a).

20 (e) If applicable, the documentation related to a similar gaming license, registration,
21 permit, or other authorization required of a gaming licensee applicant under RSA 284-B:17, IV(c).

22 (f) Such other information as the commission shall deem relevant to its consideration of
23 the application.

24 II. Upon a determination by the commission that a key employee license application is
25 complete in accordance with RSA 284-B:19, the commission shall request that the attorney general
26 commence an investigation into the suitability of the applicant in accordance with RSA 284-B:20. In
27 conducting its background investigation the attorney general shall consider the suitability of the
28 applicant including, but not limited to:

29 (a) Financial stability.

30 (b) Good character, honesty and integrity.

31 (c) Business ability and gaming experience.

32 (d) Whether the applicant is disqualified from receiving a license under RSA 284-B:21.

33 (e) The applicant's ability, if required, to demonstrate rehabilitation in accordance with
34 RSA 284-B:21.

35 III. Upon receipt of the report of the attorney general on an applicant's suitability to hold a
36 key employee license the commission shall conduct a licensing hearing in accordance with rules
37 adopted pursuant to 284-B:22 of this chapter to determine whether the applicant meets the

1 standards for licensure set forth in this chapter.

2 284-B:27 Gaming Employee Registration.

3 I. A gaming employee seeking to register with the commission shall submit to the
4 commission the following information, documentation and assurances with regard to qualification
5 under this chapter:

6 (a) A description of the applicant's employment responsibilities.

7 (b) A fully executed and complete application on forms prescribed by the commission. An
8 application shall be deemed complete in accordance with rules adopted pursuant to RSA 284-B:19.

9 (c) All documentation, fingerprints and consents required of a gaming license applicant
10 under RSA 284-B:12, III(b)(1) through (2).

11 (d) If applicable, the documentation related to a similar gaming license, registration,
12 permit or other authorization required of a gaming licensee applicant under RSA 284-B:17, IV(c).

13 (e) Such other information as the commission shall deem relevant to its consideration of
14 the application.

15 II. Upon a determination by the commission that a gaming employee registration application
16 is complete in accordance with RSA 284-B:19 the commission may request that the attorney general
17 commence an investigation into the suitability of the applicant or conduct within the commission
18 such other form of review as it deems appropriate. The commission shall register the applicant
19 provided it is able to establish, at a minimum:

20 (a) Good character, honesty and integrity.

21 (b) That the applicant is not disqualified from receiving a license under rules adopted
22 pursuant to RSA 284-B:21 or is rehabilitated in accordance with rules adopted pursuant to RSA 284-
23 B:21 of this chapter.

24 284-B:28 Non-gaming Employee Permit.

25 I. A non-gaming employee seeking to be permitted by the commission shall submit to the
26 commission the following information, documentation, and assurances with regard to qualification
27 under this chapter.

28 (a) A description of the applicant's employment responsibilities.

29 (b) A fully executed and complete application on forms prescribed by the commission. An
30 application shall be deemed complete in accordance with rules adopted pursuant to 284-B:19.

31 (c) All fingerprints and consents required of a gaming license applicant under RSA 284-
32 B:17, III(b)(2).

33 (d) Such other information as the commission shall deem relevant to its consideration of
34 the application.

35 II. Upon a determination by the commission that a non-gaming employee permit application
36 is complete in accordance with rules adopted pursuant to RSA 284-B:19, the commission shall permit
37 the applicant provided it is able to establish that the applicant is not disqualified from receiving a

1 permit under rules adopted pursuant to RSA 284-B:21 or is rehabilitated in accordance with rules
2 specific to permit applications adopted pursuant to RSA 284-B:21.

3 284-B:29 Persons Doing Business with a Gaming Licensee

4 I. The commission shall adopt rules consistent with this chapter relating to:

5 (a) A system of classification for persons doing business with a gaming applicant or
6 gaming licensee, which classification system shall include, but need not be limited to, a gaming
7 vendor license and non-gaming vendor registrant, based upon product type, amount of business
8 conducted, access to the gaming floor or any restricted area or such other criteria deemed relevant by
9 the commission.

10 (b) Application, investigation, and review process.

11 (c) Application, investigation, renewal and other fees for each category of license or
12 registration consistent with the annual fee schedule adopted and published by the commission.

13 (d) Exemption criteria and processes.

14 (e) An interim authorization and emergency authorization processes.

15 (f) Standards of review.

16 (g) Administrative procedures applicable to the conduct of hearings related to a key
17 license, gaming employee registration and non-gaming employee permit including, but not limited to:

18 (1) Rules of evidence;

19 (2) Notice requirements;

20 (3) Rules permitting an applicant to raise an objection to the conduct of a hearing
21 procedure, process or ruling of the commission; and

22 (4) Any delegation of commission authority specific to a registration.

23 (h) An abbreviated investigative process under RSA 284-B:22 applicable to any license,
24 registration or authorization granted pursuant to this section.

25 (i) Such other procedures as are necessary to efficiently implement and administer this
26 paragraph.

27 II. A gaming vendor license, a non-gaming vendor registration and any other vendor related
28 authorization issued pursuant to this chapter shall expire 5 years from the date of issuance subject
29 to renewal pursuant to this chapter.

30 III. The commission may exempt a person or type of business from the requirements of this
31 section if the board determines the following:

32 (a) The person or type of business is regulated by an agency of the federal government,
33 an agency of the state, the New Hampshire supreme court, or any other regulatory oversight deemed
34 sufficient by the commission.

35 (b) The regulation of the person or type of business is determined not to be necessary in
36 order to protect the public interest or the integrity of gaming.

37 IV. The commission may require an employee of a vendor required to be licensed, registered,

1 or otherwise authorized under this section to become licensed, registered or otherwise authorized
2 under this section if, after an analysis of the duties, responsibilities and functions of the vendor
3 employee it determines that action to be necessary to protect the integrity of gaming.

4 V. The commission may permit a vendor required to be licensed, registered or otherwise
5 authorized under this section to engage in business with an applicant or gaming licensee prior to
6 being licensed, registered or otherwise authorized under this section if all of the following criteria
7 have been satisfied:

8 (a) A complete application has been filed with the commission.

9 (b) The gaming applicant or gaming licensee contracting or doing business with the
10 vendor certifies to the commission that it has performed due diligence on the person and believes
11 that the applicant meets the qualification to be a licensed, registered or otherwise authorized under
12 this section.

13 (c) The person required to be licensed, registered or otherwise authorized under this
14 section agrees in writing that the grant of interim authorization to conduct business prior to
15 commission action on its application does not create a right to continue to engage in business if the
16 commission determines that the applicant is not suitable or continued authorization is not in the
17 public interest.

18 (d) Nothing in this section shall be construed to prohibit the commission from rescinding
19 a grant of interim authorization if, at any time, the suitability of the person subject to interim
20 authorization is at issue or if the person fails to cooperate with the commission, the attorney general,
21 the division of state police or their agent.

22 VI. The commission shall establish a master vendor list to monitor all vendor contracts with
23 a gaming licensee which master list will also identify prohibited vendors.

24 (a) An gaming applicant or gaming licensee may not enter into an agreement or engage
25 in business with a person listed on the prohibited vendor list.

26 (b) The commission may prohibit a person required to be licensed, registered or
27 otherwise authorized under this section from doing business with a gaming licensee if that person
28 fails to submit an application under this chapter.

29 (c) The commission may terminate any contract that has been entered into with an
30 unlicensed or unregistered gaming or non-gaming vendor.

31 VII. An gaming applicant or gaming licensee may utilize a vendor that has not been
32 licensed, registered, or otherwise authorized under this section by the commission when a threat to
33 public health, welfare, or safety exists or circumstances outside the control of the applicant or
34 gaming licensee require immediate action to mitigate damage or loss to the gaming location or to the
35 state. Any regulations promulgated shall include a requirement that the applicant or gaming
36 licensee contact the board immediately upon utilizing a vendor that would otherwise require
37 licensing under this chapter.

1 VIII. A person doing business with an gaming applicant or gaming licensee required to be
2 licensed, registered or otherwise authorized under this section shall have the continuing duty to
3 provide any assistance or information required by the commission, the attorney general or the
4 division of state police and to cooperate in any inquiry, investigation, or hearing conducted by the
5 commission. If, upon issuance of a formal request to answer or produce information, evidence or
6 testimony, a person doing business with an gaming applicant or gaming licensee required to be
7 licensed, registered or otherwise authorized under this section refuses to comply, the application,
8 license, registration, or authorization of such person may be denied, suspended or revoked.

9 IX. In any decision relating to a gaming vendor license or non-gaming vendor registration
10 the commission shall consider, but shall not be bound by, any recommendation of the attorney
11 general as to suitability of the applicant for licensure under RSA 284-B:20. Where the commission
12 deviates from the recommendation of the attorney general the commission must address the basis for
13 its contrary determination in the written decision required pursuant to paragraph XI.

14 X. Any licensing determination including, but not limited to, that related to a gaming vendor
15 license or gaming vendor registration shall be made by majority vote of eligible commission
16 members. Any commission member who has a personal or business conflict with any application
17 shall not vote on such application.

18 XI. Any decision of the commission approving an application, approving an application with
19 conditions, or denying an application under this section shall be issued by the commission within 30
20 days of the conclusion of the hearing conducted pursuant to this section and is a final, binding, non-
21 appealable determination which is not subject to legal challenge except as permitted by this chapter.

22 XII. Any award by the commission of a license, registration, permit or other employee
23 authorization shall be evidenced by a written decision.

24 XIII.(a) Within 30 days after any order or decision has been made by the commission, any
25 party to the action or proceeding before the commission, or any person directly affected thereby, may
26 apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or
27 included in the order, specifying in the motion all grounds for rehearing, and the commission may
28 grant such rehearing if in its opinion good reason for the rehearing is stated in the motion.

29 (b) Such motion shall set forth fully every ground upon which it is claimed that the
30 decision or order complained of is unlawful or unreasonable. No appeal from any order or decision of
31 the commission shall be taken unless the appellant shall have made application for rehearing as
32 herein provided, and when such application shall have been made, no ground not set forth therein
33 shall be urged, relied on, or given any consideration by the court, unless the court for good cause
34 shown shall allow the appellant to specify additional grounds.

35 (c) Upon the filing of such motion for rehearing, the commission shall within 10 days
36 either grant or deny the same, or suspend the order or decision complained of pending further
37 consideration, and any order of suspension may be upon such terms and conditions as the

1 commission may prescribe.

2 (d) Within 30 days after the application for a rehearing is denied, or, if the application is
3 granted, then within 30 days after the decision on such rehearing, any party aggrieved or dissatisfied
4 by any final decision of the commission under this section shall have the right to appeal from a final
5 decision to the superior court. The petition shall set forth that such decision or order is arbitrary or
6 capricious or not made in compliance with law, and shall specify the grounds on which such claim is
7 made.

8 XIV. The superior court shall affirm the decision of the commission unless it finds the
9 decision to be arbitrary or capricious or not made in compliance with law.

10 XV. The division of state police shall promptly notify the commission in the event an
11 applicant for or gaming vendor licensee or non-gaming vendor registrant is arrested for a crime or
12 offense in this state after the date the background check was performed.

13 XVI. The commission may require a non-gaming vendor conducting over \$100,000 of
14 business with a gaming licensee within a 12 month period or \$250,000 of business with a gaming
15 licensee within a 3 year period to be licensed as a gaming vendor.

16 XVII. The commission may require a registered non-gaming vendor to be licensed as a
17 gaming vendor if, after an analysis of the functions of the vendor and its relationship with the
18 gaming applicant or gaming licensee it determines that action to be necessary to protect the integrity
19 of gaming.

20 XVIII. A gaming vendor license, a non-gaming vendor registration and any other
21 authorization for which a completed renewal application and fee, if required, has been received by
22 the commission shall continue in effect unless and until the commission sends written notification to
23 the holder that the commission has denied the renewal of the gaming license, registration or
24 authorization.

25 284-B:30 Gaming Vendor Licensing.

26 I. In connection with a gaming vendor license the commission shall be authorized to
27 exchange fingerprint data with, and to receive criminal history record and background information
28 from, the department of safety, division of state police, the office of the attorney general, the Federal
29 Bureau of Investigation or other source consistent with applicable federal and state laws and rules.

30 II. A gaming applicant or gaming licensee shall not conduct business with a person required
31 to be licensed as a gaming vendor pursuant to this chapter unless the person is licensed by the
32 commission.

33 III. A gaming vendor license applicant shall submit to the commission the following
34 information, documentation and assurances with regard to qualification under this chapter:

35 (a) A description of the applicant's business relationship with a gaming licensee.

36 (b) A fully executed and complete application on forms prescribed by the commission. An
37 application shall be deemed complete in accordance with regulations promulgated pursuant to

1 RSA 284-B:19.

2 (c) All documentation, fingerprints, and consents required of a gaming license applicant
3 under 284-B:17, III of this chapter.

4 (d) All documentation required of a gaming license applicant under RSA 284-B:17, IV(a).

5 (e) The documentation related to a similar gaming license, registration, permit or other
6 authorization required of a gaming licensee applicant under RSA 284-B:17, IV(c).

7 (f) If the applicant for a gaming vendor license is a corporation, limited liability company
8 or other form of business enterprise, all documentation required of a gaming license applicant under
9 RSA 284-B:17, VI and RSA 284-B:17, VII.

10 (g) Such other information as the commission shall deem relevant to its consideration of
11 the application.

12 IV. Upon a determination by the commission that a gaming vendor license application is
13 complete in accordance with RSA 284-B:19, the commission shall request that the attorney general
14 commence an investigation into the suitability of the applicant in accordance with RSA 284-B:20. In
15 conducting its background investigation the attorney general shall consider the suitability of the
16 applicant including, but not limited to:

17 (a) Financial stability.

18 (b) Good character, honesty and integrity.

19 (c) Business ability and gaming experience.

20 (d) If applicable, the applicant's history of compliance in other regulated gaming
21 jurisdictions including, but not limited to, a letter of reference or sworn statement of good standing
22 produced in accordance with RSA 284-B:17, IV(c).

23 (e) Whether the applicant is disqualified from receiving a license under RSA 284-B:21.

24 (f) The applicant's ability, if required, to demonstrate rehabilitation in accordance with
25 RSA 284-B:21.

26 V. Upon receipt of the report of the attorney general on an applicant's suitability to hold a
27 gaming vendor license the commission shall conduct a licensing hearing in accordance with rules
28 adopted pursuant to RSA 284-B:29 to determine whether the applicant meets the standards for
29 licensure set forth in this chapter.

30 284-B:31 Non-gaming Vendor Registration.

31 I. In connection with a non-gaming vendor registration the commission shall be authorized
32 to exchange fingerprint data with, and to receive criminal history record and background information
33 from, the division of state police, the attorney general, the Federal Bureau of Investigation or other
34 source consistent with applicable federal and state laws and rules.

35 II. A gaming applicant or gaming licensee shall not conduct business with a person required
36 to be registered as a non-gaming vendor pursuant to this chapter unless the person is registered with
37 the commission.

1 III. A non-gaming vendor seeking to register with the commission shall submit to the
2 commission the following information, documentation and assurances with regard to qualification
3 under this chapter.

4 (a) A description of the applicant’s business relationship with a applicant or gaming
5 licensee.

6 (b) A fully executed and complete application on forms prescribed by the commission. An
7 application shall be deemed complete in accordance with rules adopted pursuant to RSA 284-B:19.

8 (c) All documentation, fingerprints and consents required of a gaming license applicant
9 under RSA 284-B:17, III(b)(1)-(2).

10 (d) The documentation related to a similar gaming license, registration, permit, or other
11 authorization required of a gaming licensee applicant under RSA 284-B:17, IV (c).

12 (e) Such other information as the commission shall deem relevant to its consideration of
13 the application.

14 IV. Upon a determination by the commission that a non-gaming vendor registration
15 application is complete in accordance with RSA 284-B:19, the commission shall register the applicant
16 provided it is able to establish, at a minimum:

17 (a) Good character, honesty, and integrity.

18 (b) If applicable, the applicant’s history of compliance in other regulated gaming
19 jurisdictions including, but not limited to, a letter of reference or sworn statement of good standing
20 produced in accordance with RSA 284-B:17, IV(c) of this chapter.

21 (c) Whether the applicant is disqualified from receiving a license under RSA 284-B:21.

22 (d) That the applicant is not disqualified from receiving a registration under rules
23 adopted pursuant to RSA 284-B:21 or is rehabilitated in accordance with rules adopted pursuant to
24 RSA 284-B:21.

25 284-B:32 Issuance of an Operation Certificate to a Gaming Licensee.

26 I. A gaming licensee shall not commence slot machine and table operations at a gaming
27 location without an operation certificate issued by the commission.

28 II. An operation certificate shall specify the date and time at which gaming operations may
29 commence and shall fix the maximum square footage of the gaming floor, the maximum number of
30 slot machines and the maximum number of table games that may be operated by a gaming licensee
31 under the operation certificate. Once an operation certificate is issued by the commission, a gaming
32 licensee may not exceed the maximum square footage of gaming floor, slot machines or table games
33 specified therein without the prior approval of the commission.

34 III. The commission may amend, modify, restrict or limit an operation certificate and may
35 remove any restriction, limitation, or condition imposed on an operation certificate at any time
36 consistent with the purposes of this chapter and the rules adopted thereunder.

37 IV. The commission shall issue an operation certificate where it determines that the gaming

1 licensee has satisfied all conditions precedent to the commencement of gaming operations
2 enumerated in its statement of conditions, this chapter and the rules adopted by the commission
3 including the following requirements:

4 (a) That the gaming location complies with the provisions of this chapter and any
5 relevant regulations adopted by the commission relative to:

6 (1) Communication systems and the ability of persons at the gaming location to
7 timely communicate with the commission, all law enforcement exercising criminal or regulatory
8 jurisdiction over the gaming location and emergency first responders;

9 (2) A commission approved surveillance system and function:

10 (A) Configured to provide adequate and effective surveillance of all slot machines
11 and table games on the gaming floor;

12 (B) Enabled with a digital video recording format;

13 (C) Equipped with a monitoring station for the exclusive use of the commission
14 and division of state police gaming enforcement unit configured with full camera control capability
15 over the surveillance system and able to establish priority over a camera controlled by the gaming
16 licensee; and

17 (D) Meeting any minimum staffing requirements.

18 (3) A commission approved security system including required alarm systems and
19 meeting any minimum staffing requirements;

20 (4) An area for the detention of individuals taken into custody by any federal, state
21 or local law enforcement agency exercising proper jurisdiction over the gaming location;

22 (5) Signage;

23 (6) A count room and such other commission approved secure facilities as may be
24 required by the commission for the counting and storage of cash, tickets, checks and other devices or
25 items of value used in wagering and for the inspection, counting and storage of cards, dice, chips and
26 other representatives of value;

27 (7) Office space for use by the commission and division of state police gaming
28 enforcement unit located within the gaming location in an area satisfactory to the commission and
29 equipped as specified by the commission including, at a minimum, computer terminals permitting
30 read only access by authorized commission staff to any computerized video lottery monitoring
31 system, casino management system or player tracking system used by the gaming licensee; and

32 (8) If the commission elects to acquire a central computer system, data center space
33 for that system:

34 (A) Equipped with system appropriate HVAC;

35 (B) Supplied with system appropriate power including an uninterruptible back-
36 up power supply; and

37 (C) Subject to surveillance coverage and secured in a manner satisfactory to the

1 commission.

2 (b) All slot machines, associated equipment and table game devices have been tested,
3 certified or otherwise accepted or approved in accordance with this chapter and the rules adopted by
4 the commission.

5 (c) A floor plan depicting its gaming floor, all restricted areas, automatic teller machine
6 and lottery ticket vending locations has been received and reviewed and/or approved in accordance
7 with this chapter and rules adopted by the commission.

8 (d) The gaming licensee's system of internal control, gaming equipment procedures and
9 technical standards, rules of the games, security and surveillance procedures and any other pre-
10 opening submissions have been received and reviewed and/or approved in accordance with this
11 chapter and rules adopted by the commission.

12 (e) The gaming licensee is prepared to implement all operating procedures and systems,
13 including but not limited to, accounting and internal controls, surveillance and security procedures
14 necessary to insure the safe conduct of slot machine and table game operations.

15 (f) The gaming licensee's employees are licensed, registered or permitted by the
16 commission as required and trained in the performance of their responsibilities.

17 (g) The gaming location is prepared in all respects to receive the public.

18 (h) The gaming licensee has successfully completed a test period.

19 (i) The gaming licensee has filed an emergency response plan with the commission, the
20 division of state police gaming enforcement unit and the fire department and police department of
21 the host community which includes:

22 (1) A layout identifying all relevant areas of the gaming location's safety support
23 systems and internal and external access routes;

24 (2) The location and inventory of emergency response equipment and the contact
25 information of the emergency response coordinator for the gaming licensee;

26 (3) The location of any hazardous substances and a description of any public health
27 or safety hazards present on site;

28 (4) A description of any special equipment needed to respond to an emergency at the
29 gaming location;

30 (5) An evacuation plan; and

31 (6) Any other information relating to emergency response requested by the
32 commission, division of state police gaming enforcement unit, the fire department or the police
33 department of the host community.

34 (j) The gaming licensee has complied with any additional conditions precedent to the
35 commencement of gaming operations imposed by the commission.

36 V. The commission may issue an operation certificate to a temporary gaming location and
37 may, on its own initiative, waive, relax or permit deviations from the requirements of this chapter in

1 accordance with rules consistent with this chapter.

2 VI. A gaming licensee shall obtain an operation certificate for a permanent facility within 18
3 months of the date of issuance of an operation certificate on a temporary gaming location unless an
4 extension is granted pursuant to paragraph VIII.

5 VII. A gaming licensee shall be responsible for all costs associated with the transition from a
6 temporary gaming location to a permanent gaming location including the cost of relocation of the
7 commission's and division of state police gaming enforcement unit's on site offices and any central
8 computer system.

9 VIII. If the commission determines upon the written petition of a gaming licensee that
10 extenuating circumstances beyond the control of the gaming licensee have prevented the gaming
11 licensee from complying with the permanent facility requirements of paragraph VI of this section,
12 the commission:

13 (a) May approve an extension of 6 months to comply.

14 (b) May not grant more than 2 extensions to a gaming licensee under this section.

15 IX. If a gaming licensee fails to timely obtain an operation certificate on a permanent
16 gaming location, including any commission approved extensions, its gaming license shall be revoked
17 and shall revert to the state.

18 284-B:33 A Gaming Licensee's System of Internal Controls.

19 I. A gaming licensee shall submit to the commission a written description of its system of
20 administrative and accounting procedures over slot machine and table game operations (collectively
21 its "internal controls") at least 90 days before slot machine or table game operations are to
22 commence.

23 II. A gaming licensee's internal controls shall, at a minimum, be designed to achieve the
24 following safeguards by providing for the following:

25 (a) Secure its assets and revenues.

26 (b) Reliable records, accounts and reports on any transaction or financial event that
27 occurs in the operation of a slot machine or table game.

28 (c) If the commission elects to employ a central computer system, ensure that each slot
29 machine and fully automated electronic gaming table directly provides or communicates all required
30 activities and financial details to the central computer system.

31 (d) Ensure that transactions or financial events which occur in the operation of a slot
32 machine or table game are recorded as necessary to permit preparation of financial statements in
33 conformity with generally accepted accounting principles in the United States, this chapter and the
34 regulations promulgated thereunder.

35 (e) Ensure any transaction or financial event that occurs in the operation of a slot
36 machine or table game is performed only in accordance with a gaming licensee's general or specific
37 authorization as represented to the commission in its internal controls.

1 (f) Ensure that any transaction or financial event that occurs in the operation of a slot
2 machine and table game is recorded adequately to permit proper and timely reporting of gross
3 revenue and the calculation of fees, taxes and assessments related thereto.

4 (g) Ensure that access to assets is permitted only in accordance with a licensee’s general
5 or specific authorization as represented to the commission in its internal controls.

6 (h) Ensure that recorded accountability for assets is compared with actual assets at
7 reasonable intervals and appropriate action is taken with respect to any discrepancy.

8 (i) Ensure that all functions, duties and responsibilities relating to slot machine or table
9 game operations are appropriately segregated and performed in accordance with sound financial
10 practices by competent, qualified personnel.

11 (j) Establish comprehensive procedures addressing all transactions and reconciliations
12 that routinely occur in the operation of a slot machine or table game including, but not limited to, the
13 following:

14 (1) The receipt, storage and disbursal of cash, cash equivalents and chips used in
15 table games;

16 (2) Conversion of a cash equivalent to cash;

17 (3) Redemption of chips and other representations of value at a table game and the
18 payment of winnings and prizes;

19 (4) Recording of financial transactions pertaining to a table game;

20 (5) Transfer of chips and cash equivalents between a gaming table and the cashier’s
21 cage;

22 (6) Transfer of a drop box from a gaming table to the count room and a slot cash
23 storage box from a slot machine to the count room;

24 (7) Payment of a manual jackpot and redemption of a ticket;

25 (8) Counting and recording of gross slot machine and table game revenue; and

26 (9) Collection and recording of revenue from poker and other table games when
27 played as non-banked games, including the type of rake utilized and the methodology for calculating
28 the amount of rake.

29 (k) Establish procedures and security standards for the receipt, use and storage of table
30 game devices and associated equipment used in connection with table game and slot machine
31 operations;

32 (l) Establish procedures and rules governing the conduct of each table game and the
33 responsibility of employees in the conduct of each table game;

34 (m) Ensure, through the use of surveillance and security departments, that a gaming
35 location is secure during normal operations and during any emergencies due to malfunctioning
36 equipment, loss of power, natural disaster or any other cause.

37 III. A gaming licensee’s system of internal controls shall ensure the safeguards enumerated

1 in paragraph II and the written description submitted to the commission pursuant to paragraph I
2 shall include, at a minimum:

3 (a) Organization charts depicting the appropriate segregation of functions and
4 responsibilities between departments involved in the conduct of slot machine and table game
5 operations.

6 (b) A description of the duties and responsibilities of each employee position shown on
7 the organization charts, their respective lines of authority and whether that position requires a key
8 employee license, gaming employee registration, non-gaming employee permit or other commission
9 licensing designation.

10 (c) Procedures addressing the transactions, controls and assurances enumerated in
11 paragraph II.

12 (d) A record retention policy addressing retention, storage and destruction of books,
13 records and documents.

14 (e) Procedures governing the authorization and documentation of gaming related
15 promotions to be offered by the gaming licensee.

16 (f) Policies related to prevention of prohibited political contributions in accordance with
17 RSA 284-B:50 and the annual certification to the commission required by that section.

18 (g) Such other information, narratives, documents or assurances as shall be required by
19 the commission.

20 IV. An initial internal control submission submitted pursuant to paragraph I shall be
21 accompanied by the following attestations and reports:

22 (a) An attestation by the gaming licensee's chief executive officer or a designee with a
23 direct reporting relationship to the chief executive officer attesting that the officer believes, in good
24 faith, that the submitted internal controls conform to the requirements of the chapter and the
25 regulations promulgated by the commission.

26 (b) An attestation by the chief financial officer or a designee with a direct reporting
27 relationship to the chief financial officer attesting that the officer believes, in good faith, that the
28 submitted internal controls are designed to provide reasonable assurance that financial reporting
29 conforms to generally accepted accounting principles in the United States and complies with
30 applicable laws and regulations, including this chapter and the regulations promulgated by the
31 commission.

32 (c) A report from an independent registered public accounting firm licensed to practice in
33 New Hampshire expressing an opinion regarding:

34 (1) The effectiveness of the design of the submitted system of internal controls over
35 financial reporting; and

36 (2) Whether the submitted system of internal controls materially deviates from the
37 requirements of applicable laws and regulations, this chapter and the regulations promulgated by

1 the commission.

2 V. Any change to a gaming licensee’s internal controls shall be submitted to the commission
3 along with the certifications required by paragraph IV, (a) and (b) of this section at least 10 calendar
4 days prior to implementation. If the commission does not interpose an objection in writing, the
5 gaming licensee may implement the precise change submitted on the eleventh day following the date
6 of submission to the commission.

7 284-B:34 A Gaming Licensee’s Books, Records and Documents .

8 I. A gaming licensee shall maintain and retain all books, records, and documents pertaining
9 to the operation of slot machines and table games in accordance with such rules and at such location
10 as shall be authorized by the commission.

11 II. A gaming licensee shall maintain all books, records, and documents pertaining to the
12 operation of slot machines and table games immediately available for inspection upon request of the
13 commission, division of state police gaming enforcement unit, the attorney general or agents thereof
14 during all hours of operation.

15 III. No later than 2 days after the date of filing with the applicable agency, a gaming
16 licensee shall file with the commission a copy of each Suspicious Activity Report-Casino and
17 Currency Transaction Report by Casino filed under 31 C.F.R. sections 1000-1099.

18 284-B:35 Prohibition on Credit and Play with Credit Cards or Debit Cards.

19 I. A gaming licensee shall not extend credit to a player at a gaming location.

20 II. A gaming licensee shall not accept credit cards or debit cards from a player in exchange
21 for, or to otherwise purchase, chips, slot machine credits or table game credits or for an advance of
22 cash to be used at a slot machine or table game.

23 III. No credit card or debit card advance machine, kiosk or booth operated by a third party
24 shall be located on or within 100 feet of a gaming floor.

25 IV. No automatic teller machine operated by a gaming licensee or a third party pursuant to
26 this chapter shall be located on or within 100 feet of a gaming floor.

27 284-B:36 Complimentary Services.

28 I. The commission shall adopt regulations consistent with this chapter relating to the direct
29 or indirect offer by a gaming licensee to a player and a player’s guests of complimentary services.
30 The regulations shall require a gaming licensee to provide such information as the commission shall
31 require with regard to complimentary services at least quarterly and shall further require more
32 timely and detailed disclosure to the commission where a player or a player’s guests receive
33 complimentary services valued in excess of \$2,000 over a specified period.

34 II. A gaming licensee is prohibited from directly or indirectly offering alcoholic beverages
35 free of charge for consumption on its gaming floor.

36 III. Notwithstanding the provisions of RSA 179:44, I, a gaming licensee may directly or
37 indirectly offer alcoholic beverages as a complimentary service including, but not limited to, the offer

1 of such services within a gaming location, provided that:

2 (a) Complimentary alcoholic beverages are not provided or consumed on a gaming floor.

3 (b) Complimentary alcoholic beverages are offered in accordance with regulations
4 adopted by the commission, which rules shall include, but not be limited to, a requirement that
5 employees with the authority to offer complimentary alcoholic beverages, servers, dealers and other
6 employees deemed relevant by the commission receive formal and regular training in the legal
7 responsibilities and obligations associated with the authorization and service of these beverages.

8 284-B:37 Betting Limits and Disclosure Requirements Applicable to a Cashless Wagering
9 System.

10 I. A gaming licensee utilizing a cashless wagering system to facilitate cashless wagering
11 accounts shall allow a player to monitor and impose betting limits on his or her cashless wagering
12 account including, but not limited to, per bet limits, hourly limits, daily limits, weekly limits and
13 monthly limits. A player may decrease and increase limits in the exercise of his or her discretion
14 provided, however, that a player shall not increase a betting limit more than once in a 24-hour
15 period.

16 II. A gaming licensee shall issue to a player who utilizes a cashless wagering system a
17 monthly statement, mailed to the player at the player's physical mailing address, which shall include
18 the player's total bets, wins and losses as recorded by the cashless wagering system, provided,
19 however, that a player shall be given the opportunity to decline receiving a monthly statement
20 during the process of opening a wagering account, provided, however, that a player who elects to
21 receive a monthly statement may thereafter opt out of receiving monthly statements by providing a
22 written request to cease monthly statements to a gaming licensee.

23 III. A gaming licensee offering a cashless wagering system shall annually report to the
24 commission the amount of money spent and lost by players with wagering accounts aggregated by
25 zip code. Activity under this section shall be monitored by the commission.

26 IV. An individual who has self-excluded under this chapter shall not open a cashless
27 wagering account.

28 284-B:38 Disclosure Requirements Applicable to a Player Tracking System.

29 I. A gaming licensee utilizing a player tracking system to facilitate a player incentive
30 program shall issue to a player who participates in its incentive program a monthly statement,
31 mailed to the player at the player's postal mailing address, which shall include the player's total
32 bets, wins and losses as recorded by the player tracking system.

33 (a) A player shall be given the opportunity to decline receiving a monthly statement
34 during the process of joining the incentive program.

35 (b) A player who elects to receive a monthly statement may thereafter opt out of
36 receiving monthly statements by providing a written request to cease monthly statements to a
37 gaming licensee.

1 II. A gaming licensee utilizing a player tracking system to facilitate a player incentive
2 program shall annually report to the commission the amount of money spent and lost by players
3 participating in its incentive program aggregated by zip code. Activity under this section shall be
4 monitored by the commission.

5 III. An individual who has self-excluded under this chapter shall not be permitted to join or
6 otherwise participate in an incentive program offered by a gaming licensee.

7 284-B:39 Tips and Gratuities.

8 I. The commission shall adopt regulations consistent with this chapter relating to the
9 acceptance, accounting for and distribution of tips and gratuities received by an employee of a
10 gaming licensee from a player at a slot machine or table game.

11 II. No key employee, box person, floor person or other gaming employee who serves in a
12 supervisory position shall solicit or accept, and no employee may solicit, a tip or gratuity from a
13 player at a slot machine or table game.

14 284-B:40 Exclusion of Individuals Under the Age of 21 from a Gaming Location.

15 I. Except as provided in paragraph II, no individual under the age of 21 shall be permitted
16 access to a gaming floor or restricted area or to otherwise place a wager on a slot machine or table
17 game.

18 II. An individual 18 years or older who is a commission licensed, registered or permitted
19 employee of a gaming licensee may access a gaming floor or restricted area only at such times and to
20 the extent necessary to perform the duties the individual was employed to perform.

21 III. No gaming licensee shall conduct marketing and promotional communications or
22 otherwise target or incent to gamble an individual under the age of 21.

23 IV. An individual who is prohibited from gaming in a gaming location under this section
24 shall not collect any winnings or recover any losses arising as a result of prohibited gaming winnings
25 and any winnings shall be forfeited to the commission and deposited into the general fund.

26 V. A gaming licensee shall take all reasonable measures to prevent violations of the criminal
27 code provisions related to gambling by individuals under the age of 21 including the provisions set
28 forth in this chapter and at RSA 672.

29 284-B:41 Exclusion of an Individual from a Gaming Location.

30 I. The commission shall adopt regulations consistent with this chapter relating to the
31 exclusion of an individual from a gaming location including, but not limited to, standards for
32 exclusion, administration of an exclusion list and notice to gaming licensees of placement of an
33 individual on the exclusion list.

34 II. In determining whether an individual should be excluded from a gaming location the
35 commission shall assess whether the individual's presence in a gaming location is inimical or a
36 potentially injurious threat to the interest of the state, the gaming licensee or both. The commission
37 shall consider, at a minimum, the following factors:

1 (a) Whether an individual has been convicted of:

2 (1) A criminal offense under the laws of any state or the United States that is
3 punishable by more than 6 months in a state prison, a house of correction or any comparable
4 incarceration; or

5 (2) A crime of moral turpitude; or

6 (3) A violation of the gaming laws of any state;

7 (b) Whether an individual has violated or conspired to violate this chapter relating to:

8 (1) Failure to disclose an interest in a gaming licensee for which the individual is
9 required to obtain a license; or

10 (2) Willful evasion of fees or taxes.

11 (c) Whether an individual has a notorious or unsavory reputation that would adversely
12 affect public confidence and trust that the gaming industry is free from criminal or corruptive
13 elements.

14 (d) Whether an individual's presence is otherwise inimical or a potentially injurious
15 threat to the interests of the state, the gaming licensee or both.

16 III. No individual shall be placed by the commission on its exclusion list due to race, color,
17 religion, national origin, ancestry, sexual orientation, disability, or sex.

18 IV. No gaming license shall conduct marketing and promotional communications or
19 otherwise target or incite to gamble an individual placed by the commission on its exclusion list.

20 V. The commission may revoke, limit, condition, suspend, or fine a gaming licensee if the
21 licensee knowingly or recklessly fails to exclude or eject from its gaming location an individual placed
22 by the commission on its exclusion list.

23 VI. Whenever the commission places a name on the exclusion list, the commission shall
24 serve written notice upon that individual by personal service, registered or certified mail return
25 receipt requested to the last ascertainable address or by publication in a daily newspaper of general
26 circulation for one week.

27 VII. Within 30 days of receipt of service by mail or 60 days after the last publication under
28 paragraph VI an individual placed on the exclusion list may request an hearing before the
29 commission and show cause as to why the individual should be removed from the exclusion list.
30 Failure to demand a hearing within the time allotted in this section shall preclude the individual
31 from having a hearing but shall not affect the individual's right to petition for judicial review.

32 VIII. Upon receipt of a demand for hearing, the commission shall set a time and place for the
33 hearing. This hearing shall be held not later than 30 days after receipt of the demand for the
34 hearing, unless the time of the hearing is changed by agreement of the commission and the
35 individual demanding the hearing.

36 IX. If upon completion of the hearing the commission determines that the individual was
37 wrongfully placed on the exclusion list, the commission shall remove the individual's name from the

1 exclusion list and notify all gaming licensees. The decision shall be final.

2 X. Placement of an individual on the exclusion list shall be evidenced by a written decision.

3 XI.(a) Within 30 days after any order or decision has been made by the commission, any
4 party to the action or proceeding before the commission, or any person directly affected thereby, may
5 apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or
6 included in the order, specifying in the motion all grounds for rehearing, and the commission may
7 grant such rehearing if in its opinion good reason for the rehearing is stated in the motion.

8 (b) Such motion shall set forth fully every ground upon which it is claimed that the
9 decision or order complained of is unlawful or unreasonable. No appeal from any order or decision of
10 the commission shall be taken unless the appellant shall have made application for rehearing as
11 herein provided, and when such application shall have been made, no ground not set forth therein
12 shall be urged, relied on, or given any consideration by the court, unless the court for good cause
13 shown shall allow the appellant to specify additional grounds.

14 (c) Upon the filing of such motion for rehearing, the commission shall within ten days
15 either grant or deny the same, or suspend the order or decision complained of pending further
16 consideration, and any order of suspension may be upon such terms and conditions as the
17 commission may prescribe.

18 (d) Within 30 days after the application for a rehearing is denied, or, if the application is
19 granted, then within 30 days after the decision on such rehearing, any party aggrieved or dissatisfied
20 by any final decision of the commission under this section shall have the right to appeal from a final
21 decision to the superior court. The petition shall set forth that such decision or order is arbitrary or
22 capricious or not made in compliance with law, and shall specify the grounds on which such claim is
23 made.

24 XII. The superior court shall affirm the decision of the commission unless it finds the
25 decision to be arbitrary or capricious or not made in compliance with law.

26 XIII. An individual who is prohibited from gaming in a gaming location under this section
27 shall not collect any winnings or recover any losses arising as a result of prohibited gaming winnings
28 and any winnings shall be forfeited to the commission and deposited into the general fund.

29 XIV. A gaming licensee may also exclude or eject from its gaming location an individual who
30 is known to it to have been convicted of a misdemeanor or felony committed in the gaming location.
31 Nothing in this chapter shall limit the right of a gaming licensee to exercise its common law right to
32 exclude or eject permanently from its gaming location an individual who disrupts its gaming
33 operations, threatens the security of the gaming location or its employees, players and invitees or is
34 disorderly or intoxicated.

35 284-B:42 Self-Exclusion By an Individual from a Gaming Location.

36 I. The commission shall establish and administer a list of individuals voluntarily electing to
37 self-exclude themselves from a gaming location operated pursuant to this chapter. The commission

1 may further adopt provisions expanding the availability of self-exclusion to games of chance
2 conducted pursuant to RSA 287-D.

3 II. The commission shall adopt rules consistent with this chapter relating to the self-
4 exclusion of an individual from a gaming location including, but not limited to, multiple time periods
5 for self- exclusion, administration of, and removal from, the self-exclusion list, notice to gaming
6 licensees of placement of an individual on the self-exclusion list and forfeiture of winnings and
7 recovery of losses.

8 III. An individual may place his or her name on the self-exclusion list by filing a request
9 with the commission acknowledging that they are a problem gambler and by agreeing that, during
10 any period of voluntary exclusion, that they shall not collect any winnings or recover any losses
11 resulting from any gaming activity at a gaming location operated pursuant to this chapter.

12 IV. No gaming license shall:

13 (a) Authorize and conduct marketing and promotional communications or otherwise
14 target or incent to gamble an individual electing to place their name on the commission's self-
15 exclusion list.

16 (b) Provide complimentary services, check cashing privileges, incentive program
17 membership or other benefits to a person electing to place their name on the commission's self-
18 exclusion list.

19 V. The commission may revoke, limit, condition, suspend or fine a gaming licensee if the
20 licensee knowingly or recklessly fails to exclude or eject from its gaming location an individual
21 electing to place their name on the commission's self-exclusion list.

22 VI. Notwithstanding any other general or special law to the contrary, the commission's list of
23 individuals electing to place their name on the commission's self-exclusion list shall not be open to
24 public inspection.

25 VII. A gaming licensee receiving notice from the commission that an individual has elected
26 to place their name on the commission's self-exclusion list shall not be precluded from disclosing the
27 identity of the self-excluding individual to affiliated gaming operations in other jurisdictions for the
28 limited purpose of assisting in the proper administration of responsible gaming programs operated
29 by affiliated gaming operations.

30 VIII. An individual who is prohibited from gaming in a gaming location under this section
31 shall not collect any winnings or recover any losses arising as a result of prohibited gaming winnings
32 and any winnings shall be forfeited to the commission and deposited into the general fund.

33 284-B:43 Authorized Gaming; Possession, Testing and Certification.

34 I. This chapter shall not be construed to authorize any gaming other than in connection with
35 a slot machine and table game meeting the requirements of this chapter.

36 II. The commission shall adopt rules consistent with this chapter relating to gaming
37 equipment including, but not limited to, requirements addressing:

1 (a) Receipt, review, distribution and the commission approval process associated with
2 the certification reports issued by independent testing laboratories pursuant to paragraphs V and VI;

3 (b) If the commission elects to employ a central computer system, the communications
4 protocol and technical standards applicable thereto.

5 (c) Mechanical and electrical reliability of slot machines and associated equipment.

6 (d) Security features preventing tampering with slot machines and associated
7 equipment.

8 (e) Comprehensibility to the player of wagering options and rules of play.

9 (f) Noise and light levels generated by slot machines.

10 (g) Design features necessary to ensure the accurate recording of transactions, to protect
11 a player from fraud or deception and to minimize any potential negative consequences associated
12 with the play of a slot machine including, but not limited to:

13 (A) A prohibition on the use of reflexive software which, for the purposes of this
14 section, shall be defined as any software that has the ability to manipulate and/or replace a
15 randomly generated outcome for the purposes of changing the result on a slot machine;

16 (B) A requirement that a slot machine utilize one, or a combination of more than
17 one random number generators working collectively, to determine the occurrence of a specific card,
18 number, symbol or stop;

19 (C) A requirement that once a random selection has occurred that the slot
20 machine display an accurate representation of the randomly selected outcome and that it be
21 prohibited from making a secondary decision which affects the result shown to the player on the slot
22 machine; and

23 (D) A requirement that where a slot machine includes a strategy choice, meaning
24 that a particular play option requires use of skill to consistently achieve the best result, that the slot
25 machine include in its rules of play sufficient information for a player to use optimal skill unless the
26 player is not required to make an additional wager and can not lose any credits earned prior to the
27 strategy choice.

28 (h) Slot machine and table game circulation and density requirements including, but not
29 limited to, those related to:

30 (1) Promotion of optimum physical safety, security and the comfort of players;

31 (2) Creation and maintenance of a gracious playing environment; and

32 (3) Promotion of a competitive games mix.

33 (i) Progressive slot machines including multi-casino progressive systems.

34 (j) Commission review requirements and product approval standards related to table
35 game devices.

36 (k) Rules of the game for each table game permitted under this chapter which include a
37 prohibition on:

1 (1) Use of a skill or barker to induce an individual to enter a gaming floor or play a
2 table game;

3 (2) A dealer in a table game in which cards are dealt to deal cards by hand or other
4 than from a device specifically designed for that purpose unless otherwise permitted by the rules of
5 the commission; and

6 (3) A key employee, gaming employee directly involved with the conduct of gaming
7 operations, including but not limited to dealers, floor persons, box persons, security and surveillance
8 employees or any other individual so designated by the commission from wagering at the gaming
9 location at which they are employed.

10 (l) Physical and logical access to computer systems, including but not limited to, systems
11 meeting the definition of associated equipment and the location of the primary and back-up system
12 attendant to each.

13 (m) Such other gaming equipment requirements as the commission shall deem
14 appropriate.

15 III. A gaming licensee shall only possess, maintain, offer for play or exhibit a slot machine,
16 associated equipment and table game devices on a gaming floor or in a restricted area approved by
17 the commission for the installation, inspection, repair or storage of such equipment, provided,
18 however, that this limitation shall not apply to a licensed gaming vendor who operates a warehouse,
19 showroom or sales facility within the state subject to the approval of the commission.

20 IV. Notwithstanding the provisions of paragraph III, the commission may allow the
21 collective hardware, software, communications technology, and other ancillary equipment used to
22 facilitate a multi-casino progressive system to reside outside a gaming location in a secure facility
23 inaccessible to the public and specifically designed for that purpose.

24 V. No slot machine shall be sold, leased, or distributed within the state or used by a gaming
25 licensee to conduct gaming unless it is identical in all electrical, mechanical, and other respects to a
26 prototype thereof that has been both:

27 (a) Tested and certified by an independent testing laboratory meeting the requirements
28 of paragraph VIII as complying with the requirements of this chapter and the regulations, technical
29 standards and testing protocols adopted by the commission; and

30 (b) Approved by the commission.

31 VI. No associated equipment shall be sold, leased, or distributed within the state or utilized
32 by a gaming licensee to facilitate the operation of a slot machine, the conduct of a table game or the
33 calculation of gaming revenue unless a prototype thereof is both:

34 (a) Tested and certified by an independent testing laboratory meeting the requirements
35 of paragraph VIII as complying with the requirements of this chapter and the regulations, technical
36 standards and testing protocols adopted by the commission; and

37 (b) Approved by the commission.

1 VII. The cost of all testing and certification services required in accordance with paragraphs
2 V and VI shall be paid by the licensed gaming vendor of the slot machine or associated equipment.

3 VIII. The commission shall periodically test slot machines and associated equipment
4 installed at a gaming location and may utilize the services of independent testing laboratories to
5 assist its staff in the performance of such testing. The gaming licensee shall pay the cost of such
6 testing including, but not limited to, the cost of any independent testing laboratory services utilized
7 by the commission.

8 IX. The commission shall utilize, and shall accept data, forensic reports, and certifications in
9 accordance with paragraphs V, VI, and VII of this section from multiple independent testing
10 laboratories provided each laboratory meets the following criteria:

11 (a) Holds a certificate in good standing for compliance with:

12 (1) International Organization for Standardization # 17025 — General Requirements
13 for the Competence of Testing and Calibration Laboratories as amended, amplified or substituted by
14 that organization or a functional equivalent; and

15 (2) International Organization for Standardization # 17020 — General Criteria for
16 the Operation of Various Types of Bodies Performing Inspections as amended, amplified or
17 substituted by that organization or a functional equivalent.

18 (b) Has performed testing and certification of gaming equipment, systems and software
19 on behalf of a state or tribal jurisdiction within the United States for a period of 5 or more years.

20 (c) Has been determined by the commission to be qualified in accordance with standards
21 adopted by regulation consistent with this chapter.

22 284-B:44 Payout Percentage.

23 I. No slot machine shall be sold, leased, or distributed within the state or used by a gaming
24 licensee to conduct gaming unless it has been certified by an independent testing laboratory meeting
25 the requirements of RSA 284-B:43, VIII as having a minimum theoretical payout percentage of 85
26 percent and a maximum theoretical payout percentage of less than 100 percent.

27 II. A gaming licensee shall prominently post on its gaming floor information regarding the
28 minimum theoretical payout percentage required by paragraph I of this section and such other
29 disclosures to slot machine players as the commission shall deem in the best interest of slot machine
30 players.

31 III. The commission shall require that each slot machine prominently display to slot
32 machine players an award schedule disclosing the value of each winning combination.

33 284-B:45 Wagers; Table Games Gaming Guide

34 I. A gaming licensee shall equip each gaming table with a sign indicating the permissible
35 minimum and maximum wagers pertaining thereto.

36 II. A gaming licensee shall not accept a wager greater than the stated maximum or less than
37 the stated minimum, provided, however, that a wager actually made by a player and not rejected by

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1 a gaming licensee prior to the commencement of play shall be treated as a valid wager.

2 III. A gaming licensee shall make available to any player upon request the complete text of
3 any regulations adopted by the commission regarding table games and the conduct of play, the pay-
4 off of a winning wager, an approximation of the odds of winning for each wager, and such other
5 disclosures to the player as the commission shall require. If requested by the player, the information
6 required by this paragraph shall be made available in hard copy form at no cost to the player.

7 IV. A gaming licensee shall prominently post on its gaming floor such information regarding
8 the conduct of table game play, the pay-off of a winning wager, an approximation of the odds of
9 winning for each wager, and such other disclosures to the player as the commission shall require.

10 284-B:46 Gaming Ticket Expiration, Unclaimed Tickets, Cash and Prizes.

11 I. A gaming licensee shall redeem a ticket issued by a slot machine for cash or a cash
12 equivalent for a period of one year from the date of issuance of the ticket.

13 II. Upon the expiration of the one-year period in paragraph I, the value of the expired ticket
14 shall revert to the state as an unclaimed prize.

15 III. A gaming licensee shall retain unclaimed cash and winnings for a player for a one-year
16 period from the date of the transaction generating the cash or winnings.

17 IV. Upon the expiration of the one-year period in paragraph III, the value of the unclaimed
18 cash or winnings shall revert to the state as unclaimed prizes.

19 V. The commission shall prescribe regulations consistent with this chapter and the efficient
20 administration of a gaming licensee's obligations hereunder with regard to the reversion of amounts
21 to the state.

22 284-B:47 Junkets. No junket may be organized or permitted and no person may act as a junket
23 representative or junket enterprise except as authorized by the commission under rules adopted
24 pursuant to this chapter.

25 284-B:48 Gross Revenue Tax and Other Assessments Payable by a Gaming Licensee.

26 I. A gaming licensee shall remit to the state treasurer a tax of 35 percent of gross slot
27 machine revenue and 18 percent of gross table game revenue in a manner and time frame as
28 provided for by this chapter.

29 (a) Upon payment of taxes on gross slot machine revenue and gross table game revenue
30 by a gaming licensee under this chapter, the commission shall:

31 (1) Reimburse funds received by the commission from activities authorized by
32 RSA 284, RSA 287-D, RSA 287-E, and RSA 287-F in proportion to the expenses of the commission
33 borne by each such activity in the administration of this chapter as authorized by RSA 284-B:3, VII
34 (a), prior to the payment of the license fee.

35 (2) Reimburse funds received by the gaming regulatory oversight authority from
36 activities authorized by RSA 284 and RSA 287-F in proportion to the expenses of the authority borne
37 by each such activity in the administration of RSA 284-A.

1 (3) Charge to and pay out of the tax payments received the compensation of the
2 commissioners, expenses of the commissioners, compensation of assistants and other necessary
3 expenses of the commission, of the office of the commission chair, and of the division of gaming
4 control, including suitable furniture, equipment, supplies, and office expenses, provided that the
5 commission shall submit an operating budget based on accounting units or other budgetary units
6 required by the general court and shall submit its budget in the same format and at the same time
7 as other state agencies, provided, however, the commission is authorized to transfer funds between
8 line items within and among any budgetary unit.

9 II. The general court shall determine the distribution of the balance of tax payments on
10 gross slot machine revenue or gross table game revenue remitted by a gaming licensee that remains
11 after provision for the distributions and charges provided for by paragraph 284-B:48, I, provided that
12 distributions shall include the following:

13 (a) Distributions to host or near-by municipalities in an amount deemed sufficient by the
14 general court to offset costs incurred by such municipalities attributable to a gaming location's
15 placement.

16 (b) One percent of gross slot machine revenue shall be paid to the state treasurer and
17 credited to the commissioner of the department of health and human services to support programs
18 established by RSA 172 to identify, assess, and treat both compulsive and problem gambling and the
19 related disorders of drug and alcohol addiction.

20 (c) Distributions to the state treasurer for transfer to the commission, attorney general
21 and department of safety and local law enforcement in amounts equal to any costs of regulatory
22 control over a gaming licensee that are not covered by any other designated source of funding in this
23 chapter.

24 III. A gaming licensee shall deliver to the state treasurer the amount due to the state
25 treasurer provided for in this section in immediately available funds of the United States at least
26 once a week in such manner and at such time as the state treasurer, with the concurrence of the
27 commission, shall agree. At the time payment is delivered, a gaming licensee shall provide to the
28 state treasurer a written accounting of gross table game revenue and gross slot machine revenue on
29 an aggregate basis together with its calculation of the amount due to the state treasurer pursuant to
30 this section. The gaming licensee's written accounting shall be in a form satisfactory to the
31 commission and shall be filed concurrently with the commission. A gaming licensee shall pay a
32 penalty of \$1,000 for each day that payment or the accounting is not delivered on time to the state
33 treasurer and/or the commission.

34 IV. A gaming licensee shall remit to the commission a fee in the amount of \$600 per year per
35 slot machine which fee shall be deposited in a public health trust fund administered by the
36 commission dedicated to addressing problems associated with compulsive gambling, including, but
37 not limited to, gambling prevention and addiction services, substance abuse services, educational

1 campaigns to mitigate the potential addictive nature of gambling, research, and any studies and
2 evaluations consistent with this chapter.

3 284-B:49 Conservatorship.

4 I. Upon revocation or suspension of a gaming license by the commission or upon the failure
5 or refusal of a gaming licensee to renew a gaming license for any reason, the commission may seek
6 the appointment of a conservator pursuant to this section to temporarily manage and operate the
7 business of the gaming licensee relating to a gaming location if it is able to establish both of the
8 following:

9 (a) The possible adverse economic impact of closure of the gaming location upon the host
10 community and upon the state generally is significant.

11 (b) Continued gaming operations pursuant to a conservatorship would facilitate speedy
12 transfer of ownership of the gaming location in a manner that does not unreasonably endanger the
13 public health, safety, morals, good order and general welfare. Such conservator shall be a person of
14 similar experience in the field of gaming management and, in the case of replacing a gaming
15 licensee, shall have experience operating a gaming location of similar caliber in another jurisdiction,
16 and shall be in good standing in any jurisdiction where the person has held or holds a license,
17 registration or other authorization. Upon appointment, a conservator shall agree to operate a
18 gaming location in compliance with all requirements of the statement of conditions issued by the
19 commission in connection with the gaming license for the gaming location.

20 II. If the commission deems it warranted pursuant to this section, the commission, and only
21 the commission, may petition ex parte for a court order appointing a conservator for the gaming
22 location. The decision to file such a petition is discretionary with the commission, and in
23 determining whether such a petition shall be filed, the commission shall consider, at any time
24 following issuance of an order revoking or suspending a gaming license or upon the failure or refusal
25 to renew a gaming license the following criteria.

26 (a) The nature of the violation or event that resulted in the revocation, suspension,
27 surrender, or lapse.

28 (b) The ability and actions taken, if any, for a removal by a gaming licensee in good
29 standing of persons who committed the violation.

30 (c) The involvement in the operation during a proposed conservatorship of persons whose
31 licenses were revoked, suspended, surrendered, or lapsed.

32 (d) The economic impact of closure of the gaming location upon the community in which
33 the establishment is located.

34 (e) The economic impact of closure of the gaming location upon the state of New
35 Hampshire.

36 (f) The prior efforts, if any, to sell the gaming location.

37 (g) The involvement, if any, of undisclosed interests in the gaming location.

1 (h) The presence, if any, of a publicly traded holding company and the public trading
2 that would occur during a conservatorship.

3 (i) The current status of all fees and taxes applicable to the operation.

4 (j) The adequacy of existing financing for the operation, if continued, and the suitability
5 of the source of such financing.

6 (k) The impact upon public confidence and trust that gaming operations in New
7 Hampshire are conducted honestly, competitively and free from criminal and corruptive elements.

8 (l) The ownership of the gaming location or an interest therein by persons other than the
9 offending, surrendering or lapsed licensee.

10 (m) Any other matter material to a full and complete consideration of the particular
11 circumstances presented.

12 (n) The availability of 2 or more persons qualified and willing to assume the position of
13 conservator for the gaming location in question, unless, in the opinion of the commission, only one
14 person is available who is qualified to serve, in which case the commission may name only that
15 person.

16 III. The commission may decline to petition for appointment of a conservator if satisfied that
17 because of any or all of the above considerations or for any other reason, a continuation of the
18 operation of the gaming location would not be in the best interest of the state, the gaming industry,
19 or both.

20 IV. The commission shall not petition for a conservator to continue gaming operations at any
21 gaming location if any of the following are established:

22 (a) A rehearing has been granted by the commission to the gaming licensee on the
23 revocation or suspension of its license and the rehearing has not been concluded.

24 (b) The gaming location has never been in operation and opened to the public.

25 (c) The gaming location is, or reasonably appears to be, insolvent.

26 (d) Gaming operations ceased at the gaming location for any reason prior to revocation,
27 suspension or lapse of an essential license.

28 V. A conservator shall, before assuming managerial or operational duties, execute and file a
29 bond for the faithful performance of its duties payable to the commission with such surety and in
30 such form and amount as the commission shall approve.

31 VI. After issuance of an order to appoint a conservator, the former or suspended gaming
32 licensee may not exercise any of its privileges, collect or receive any debts or pay out, sell, assign, or
33 transfer any of its assets to anyone without prior approval of the appointed conservator and the
34 commission.

35 VII. A conservator shall not distribute earnings of the gaming location to the former
36 licensed owners thereof, until deduction is made for:

37 (a) All amounts payable under this chapter.

1 (b) The costs of the conservatorship, including compensation and expenses incurred by
2 the conservator and those engaged by the conservator to aid in the conservator’s duties, then due and
3 owing.

4 (c) Amounts deemed necessary by the conservator for continuing the operation of the
5 gaming location including, but not limited to, bankroll, salaries, and foreseeable operating expenses.

6 (d) Amounts deemed necessary by the conservator to preserve the assets of the gaming
7 location.

8 (e) A reserve fund sufficient, in the determination of the conservator, to facilitate
9 continued operation in light of pending civil litigation, disputed claims, contractual obligations,
10 taxes, fees, and any other contingency known to the conservator which may require payment by the
11 gaming location.

12 VIII. During the period of conservatorship, the commission shall, as applicable, initiate
13 proceedings under this chapter to award a new gaming license to a qualified applicant. An applicant
14 for a new gaming license shall be qualified for licensure under this chapter, provided, however, that
15 the commission shall determine an appropriate minimum capital investment by an applicant into the
16 preexisting gaming location and upon award of a new gaming license, the new gaming licensee shall
17 pay the original licensing fee required under this chapter.

18 IX. Following the sale, assignment, conveyance or other disposition in bulk of all the
19 property subject to a conservatorship and the payment of any obligations to the state and political
20 subdivisions pursuant to this chapter, the commission will conduct a hearing to determine the
21 distribution of the remaining assets.

22 X. The commission may issue an order to discontinue a conservatorship when:

23 (a) The commission determines that circumstances requiring the appointment of the
24 conservator no longer exist.

25 (b) The conservator has, with the prior approval of the commission, consummated the
26 sale, assignment, conveyance or other disposition of all the assets or interest of the former gaming
27 licensee relating to the gaming license.

28 284-B:50 Prohibitions on Certain Political Contributions.

29 I. For the purposes of this section:

30 (a) “Candidate” means any person publicly declared as such, including any person who
31 prior to the opening of the period for the filing of a declaration of candidacy has made a public
32 statement of intent to run for elective office, and for whom votes are sought in an election, but shall
33 not include a person seeking nomination or election to any federal public office.

34 (b) “Close associate” means a person who holds a relevant financial interest in, or is
35 entitled to exercise power in, the business of a gaming applicant or gaming licensee and, by virtue of
36 that interest or power, is able to exercise a significant influence over the management or operation of
37 a gaming location or business licensed under this chapter.

1 (c) “Co-employee” means a individual that through a contractual arrangement is
2 employed by two separate business entities that share control over an employee’s work or working
3 conditions.

4 (d) “Contribution” shall be defined as in RSA 664:2.

5 (e) “Political committee” shall be defined as in RSA 664:2.

6 (f) “Political party” shall be defined as in RSA 664:2.

7 (g) “Independent expenditure” shall be defined as in RSA 664:2.

8 (h) “Dependent person” means an individual that is an employee or co-employee of a
9 gaming applicant or gaming licensee, an employee or co-employee of a person affiliated with a
10 gaming applicant or gaming licensee or an enterprise or firm, or an officer, director, partner, owner,
11 or key employee of an enterprise or firm, that is a party to any contract with, or is bidding for or
12 seeking to enter any contract with, or regularly represents or provides services to, a gaming
13 applicant or gaming licensee.

14 (i) “Public official” means any person holding the office of governor, executive councilor,
15 state senator, state representative, county commissioner, county treasurer, county attorney, county
16 sheriff, county registrar of deeds or local, town or city office.

17 (j) “Solicitation” means a request, suggestion, or recommendation made to a particular
18 person, by any means of communication, that the person make a contribution, provided, however,
19 that a statement to a person expressing support for or opposition to the election of any candidate, or
20 support for or opposition to any political party, which is made without reference to a contribution, or
21 a statement intended for and given public dissemination encouraging all persons to make
22 contributions to any candidate or political party, is not a solicitation.

23 (k) “Thing of value” means an item of real, personal, or intellectual property that may be
24 converted into money by selling it or pledging it as security for a loan or other advance of funds; a
25 loan of assets, property, personnel, or facilities for use by a candidate or political party, such as,
26 without limitation, office space, automobiles, telephones or telephone services, or the time and effort
27 of employees or consultants who are paid by the person making the contribution; a personal or
28 professional service that is not incidental to the expression of a person’s ideological beliefs or
29 membership in a political party, and that has a value to the candidate or political organization; a
30 non-reimbursed expense that is not incidental to the expression of a person’s ideological beliefs or
31 membership in a political party, and is of the type normally incurred by the candidate or political
32 organization; or any thing, service, expense or other item of value similar to that identified in this
33 paragraph.

34 II. A gaming applicant, a gaming licensee, a close associate of a gaming applicant or gaming
35 licensee or any holding, intermediary or subsidiary company of a gaming applicant or gaming
36 licensee or any dependent person thereof; an officer, director, key employee or principal of a gaming
37 applicant or gaming licensee; a person who holds at least a one percent interest in a gaming

1 applicant or gaming licensee; the spouse or children of a gaming applicant or gaming licensee; or any
2 person or agent acting on behalf of any of the persons enumerated herein are prohibited from making
3 contributions of money or things of value to public officials or candidates for public office and political
4 parties in New Hampshire provided further that the above mentioned persons shall not offer or give
5 to a candidate or public official or his or her spouse, his or her parent, brother, sister, or child or
6 spouse of such child or a business with which he or she is associated, anything of value, including,
7 but not limited to, a gift, loan, political contribution, reward, or promise of future employment.

8 III. A gaming applicant, a gaming licensee, a close associate of a gaming applicant or gaming
9 licensee or any holding, intermediary or subsidiary company of a gaming applicant or gaming
10 licensee or any dependent person thereof; an officer, director, key employee or principal of a gaming
11 applicant or gaming licensee; a person who holds at least a one percent interest in a gaming
12 applicant or gaming licensee; the spouse or children of a gaming applicant or gaming licensee; or any
13 person or agent acting on behalf of any of the persons enumerated herein are prohibited from making
14 a contribution to a candidate or political committee through a legal entity that is established,
15 directed, or controlled by the persons described in this paragraph.

16 IV. No candidate or public official or political committee shall solicit or accept from a gaming
17 applicant, a gaming licensee, a close associate of a gaming applicant or gaming licensee or any
18 holding, intermediary or subsidiary company of a gaming applicant or gaming licensee or any
19 dependent person thereof; an officer, director, key employee or principal of a gaming applicant or
20 gaming licensee; a person who holds at least a one percent interest in a gaming applicant or gaming
21 licensee; the spouse or children of a gaming applicant or gaming licensee; or any person or agent
22 acting on behalf of any of the persons enumerated herein anything of value, including but not limited
23 to, a gift, loan, political contribution, reward, or promise of future employment.

24 V. This prohibition is designed to protect the public interest in both the fact and the
25 appearance of the independence of the political process, and the insulation of the government
26 institutions that are responsible for the supervision of the gaming industry, from the uniquely
27 powerful economic force that is presented by that industry. The protection of these interests is
28 critical to the maintenance of public confidence and trust in the regulation of gaming in
29 New Hampshire.

30 VI. A violation of the prohibitions in paragraphs II through V shall be punishable by a fine
31 not to exceed \$20,000 per illicit donation plus the amount of each illicit donation and such other
32 sanctions and penalties as the commission shall deem appropriate.

33 VII. The prohibitions enumerated in paragraphs II through V shall also apply to an
34 applicant for, or holder of, a key employee license or gaming vendor license, a close associate of a
35 gaming vendor applicant or gaming vendor licensee or any holding, intermediary or subsidiary
36 company of a gaming vendor applicant or gaming vendor licensee or any dependent person thereof;
37 an officer, director, key employee or principal of a gaming vendor applicant or gaming vendor

1 licensee; a person who holds at least a one percent interest in a gaming vendor applicant or gaming
2 vendor licensee; the spouse or children of a key employee applicant or key employee licensee, gaming
3 vendor applicant or gaming vendor licensee; or any person or agent acting on behalf of any of the
4 persons enumerated herein.

5 VIII. A violation of the prohibitions in paragraphs VII shall be punishable by a such
6 sanctions and penalties as the commission shall deem appropriate.

7 IX. The chief executive officer of a gaming applicant, a gaming licensee, an applicant for a
8 gaming vendor license or a gaming vendor licensee shall annually certify to the commission and to
9 the attorney general under oath that they have developed and implemented internal safeguards and
10 policies intended to prevent a violation of this provision and that such person has conducted a good
11 faith investigation that has not revealed any violation of this provision during the past year.

12 284-B:51 Data; Research.

13 I. Notwithstanding any law to the contrary, a gaming licensee shall supply the commission
14 with customer tracking data collected or generated by loyalty programs, player tracking software,
15 player card systems, cashless wagering systems or any other player incentive related information
16 system. The commission shall contract with an experienced nonprofit research entity to develop an
17 anonymizing system that automatically removes from the data:

18 (a) Personal identifying information, including player name, street address, bank or
19 credit information and the last 4 digits of a player's zip code.

20 (b) Slot machine identifying information, including game name and manufacturer, in
21 protection of corporate intellectual property.

22 (c) The data shall retain information on player characteristics including, but not limited
23 to, gender, age and region of residence, and player behavior including, where available on the
24 systems referenced in this paragraph, frequency of play, length of play, speed of play, denomination
25 of play, amounts wagered and, if applicable, number of lines or hands played and the characteristics
26 of the games played including, but not limited to, reel configuration, return-to-player and volatility
27 index.

28 II. The commission shall convey the anonymized data to a research facility which shall make
29 the data available to qualified researchers for the purposes of:

30 (a) Conducting analyses that improve understanding of how gambling addiction develops
31 and progresses.

32 (b) Developing evidence-based harm minimization strategies.

33 (c) Developing evidence-based systems to monitor, detect and intervene in high-risk
34 gambling.

35 III. The commission shall request reports on researcher analyses of the behavioral data,
36 which could provide informed recommendations to the general court relative to more effective
37 regulation of gambling operations. The commission may directly initiate studies assessing the

1 effectiveness of any specific measures, programs or interventions which the state has imposed on its
2 gaming licensees and which might be illuminated through the behavioral data in question.

3 IV. The commission, with the advice of the gaming regulatory oversight authority, shall
4 develop an annual research agenda in order to understand the social and economic effects of
5 expanding gaming in New Hampshire and to obtain scientific information relative to the
6 neuroscience, psychology, sociology, epidemiology and etiology of gambling. The commissioner of
7 health and human services, with the advice and consent of the commission, may expend funds
8 received pursuant to RSA 284-B:48 to implement the objectives of the research agenda. The
9 commission shall annually make scientifically-based recommendations which reflect the results of
10 this research to the general court. The commission shall consider any such recommendations,
11 research and findings in all decisions related to enhancing responsible gaming and mitigating
12 problem gambling.

13 284-B:52 Legal Shipment of Gaming Devices Into New Hampshire. All shipments into this state
14 of gaming devices, including slot machines, the registering, recording, and labeling of which has been
15 duly made by the manufacturer or dealer in accordance with sections 3 and 4 of an Act of Congress of
16 the United States entitled “An Act to Prohibit Transportation of Gambling Devices in Interstate and
17 Foreign Commerce,” designated as 15 U.S.C. sections 171-1172, shall be deemed legal shipments into
18 this state.

19 284-B:53 Declaration of Limited Exemption From Operation of the Provisions of 15 U.S.C.
20 sections 1171-1178. Pursuant to section 2 of an act of Congress of the United States entitled “An Act
21 to Prohibit Transportation of Gambling Devices in Interstate and Foreign Commerce,” designated as
22 15 U.S.C. sections 1171-1178, the state of New Hampshire, acting by and through the duly elected
23 and qualified members of its legislature, does hereby, in accordance with and in compliance with the
24 provisions of that section 2 of that act of Congress, declare and proclaim that section 2 of that Act of
25 Congress shall not apply to any gambling device in this state where the transportation of such a
26 device is specifically authorized by and done in compliance with the provisions of this chapter and
27 any rules adopted by the commission pursuant to it, and that any such gambling device transported
28 in compliance with state law or regulations shall be exempt from the provisions of that Act of
29 Congress.

30 284-B:54 Severability and Preemption.

31 I. If any clause, sentence, subparagraph, paragraph, subsection, section, article or other
32 portion of this chapter or the application thereof to a person or circumstances shall be held to be
33 invalid, such holding shall not affect, impair or invalidate the remainder of this chapter or the
34 application of such portion held invalid to any other person or circumstances, but shall be confined in
35 its operation to the clause, sentence, paragraph, subparagraph, subsection, section, article or other
36 portion thereof directly involved in such holding or to the person or circumstance therein involved.

37 II. If any provision of this chapter is inconsistent with, in conflict with, or contrary to any

1 other provision of law, such provision of this act shall prevail over such other provision and such
2 other provision shall be deemed to be amended, superseded or repealed to the extent of such
3 inconsistency or conflict. Notwithstanding the provisions of any other law to the contrary, no local
4 government unit of this state may enact or enforce any ordinance or resolution conflicting with any
5 provision of this act or with any policy of this state expressed or implied herein, whether by exclusion
6 or inclusion. The commission shall have exclusive jurisdiction over all matters delegated to it or
7 within the scope of its powers under the provisions of this chapter.

8 2 Gaming Regulatory Oversight Authority. RSA 284-A is repealed and reenacted to read as
9 follows:

10 284-A:1 Gaming Regulatory Oversight Authority. There is hereby established a gaming
11 regulatory oversight authority to ensure integrity and public confidence in gaming regulation and to
12 oversee and assess the regulation of gaming activities authorized pursuant to New Hampshire law,
13 to advise the gaming commission established by RSA 284-B on all matters pertaining to the exercise
14 of the gaming commission's powers and rights and the performance of the gaming commission's
15 duties and responsibilities, and to report at least annually to the general court with its findings and
16 recommendations regarding the appropriate regulation of gambling in New Hampshire. The
17 authority shall consist of the following members:

- 18 I. The attorney general, or designee.
19 II. The commissioner of the department of safety, or designee.
20 III. One member of the senate, appointed by the president of the senate.
21 IV. One member of the house of representatives, appointed by the speaker of the house of
22 representatives.
23 V. One member who has relevant experience, appointed by the governor.
24 VI. Two public members appointed by the governor one of whom shall be
25 appointed to serve as the chair of the authority.

26 284-A:2 Functions and Duties of the Authority.

27 I. The authority shall evaluate whether the current and proposed regulations, policies and
28 practices for legal gaming in the state are adequate to operate in a manner that protects the public
29 interest and allows the regulation of gaming to be conducted in an effective and efficient manner,
30 advise the gaming commission at regular quarterly or special meetings of its findings and
31 recommendations, and report its findings and recommendations annually to the general court.

32 II. Meetings shall be called by the chair. All meetings of the authority shall be open to the
33 public and subject to RSA 91-A.

34 III. With regard to meetings, minutes, and records of the authority:

35 (a) The authority shall notice all proceedings and shall make and keep a record of all
36 proceedings held at public meetings of the authority. A verbatim record of those proceedings shall be

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1 prepared by the authority. A copy of the record shall be made available to any person upon request
2 and payment of the costs of preparing the copy.

3 (b) The authority shall maintain such other files and records as the authority determines
4 is necessary.

5 (c) All records, information, or data maintained or kept by the authority shall be
6 maintained or kept at the office of the gaming commission.

7 IV. The balance of unexpended funds remaining in the allocation by the lottery commission
8 in 2013 of \$250,000 to the authority shall be available to the authority until June 30, 2015.
9 Notwithstanding any provision of law to the contrary, for fiscal years 2014 and 2015, the authority
10 may expend funds remaining in this allocation as needed to support its activities including, but not
11 limited to, the hiring of staff and the retention of experts in the area of the authority's oversight
12 activities. In fiscal years 2014 and 2015, the gaming commission may expend the remaining balance
13 of said \$250,000 in funds not otherwise appropriated to support the authority's activities. The
14 authority may expend such funds without the approval of the governor and executive council.

15 V. The gaming commission and all agencies and commissions subject to the authority of the
16 gaming commission shall cooperate with the authority and shall provide data and information to the
17 authority upon request. The authority shall be administratively attached to, but not under the
18 control of, the gaming commission pursuant to RSA 21-G:10.

19 3 New Sections; Department of Safety; Gaming Enforcement Unit Established. Amend RSA 21-
20 P by inserting after section 7-c the following new sections:

21 21-P:7-d Division of State Police; Gaming Enforcement Unit.

22 I. There is established within the division of state police a gaming enforcement unit under
23 the supervision of the commissioner of the department of safety. Notwithstanding RSA 106-B:15, the
24 unit shall:

25 (a) Investigate violations of RSA 284-B and the rules adopted under the provisions of
26 RSA 284-B, and initiate proceedings before the commission for such violations. The unit shall report
27 the results of any investigation conducted to the commission.

28 (b) Participate in any hearing conducted by the commission.

29 (c) Investigate crimes which may involve a violation of RSA 284-B that occur at a gaming
30 location.

31 II. The commissioner of the department of safety shall organize the unit as the commissioner
32 deems necessary. The commissioner of safety may employ such state police personnel as the
33 commissioner deems necessary to fulfill the responsibilities of the unit.

34 21-P:7-e Enforcement Expenditures. The governor and council, upon request from the
35 commissioner of the department of safety, may authorize the transfer of general funds as necessary
36 to the department of safety to implement and enforce RSA 21-P:7-d and RSA 284-B.

37 4 Restriction on Gambling. RSA 284:17-c is repealed and reenacted to read as follows:

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1 284:17-c Restriction on Gambling. Except as provided in the introductory paragraph of
2 RSA 284:22, RSA 284:22-a, and RSA 284-B, no licensee who holds running horse races shall at the
3 same facility hold any other kinds of races or permit any other type of gambling except harness horse
4 races, thoroughbred races and activities licensed by the commission or the racing and charitable
5 gaming commission.

6 5 New Paragraph; Facility License; Cocktail Lounge License. Amend RSA 178:22 by inserting
7 after paragraph V the following new paragraph:

8 VI. The commission may issue a special license to a person holding a gaming license under
9 the provisions of RSA 284-B, provided the gaming location has an existing liquor license. Such
10 special license shall allow the sale of liquor and beverage within the gaming location, including
11 dining room, function room, gaming room, lounge, or any other area designated by the commission,
12 without regard to whether meals are served therein, but only during the time gaming is being
13 conducted under RSA 284-B and subject to the same hours of sale as all other on-premises licenses
14 pursuant to RSA 179:17, II(b).

15 6 New Subparagraph; Authorized Slot Machines and Table Games. Amend RSA 647:2, V by
16 inserting after subparagraph (c) the following new subparagraph:

17 (d) Slot machines and table games authorized pursuant to RSA 284-B.

18 7 Rehabilitation of Problem Gambling. Amend RSA 172:2-a to read as follows:

19 172:2-a Program Established. The commissioner shall provide for the scientific care, treatment,
20 and rehabilitation of **gambling**, alcohol and drug abusers, and work towards the prevention of, and
21 assist in the control of, **gambling**, alcohol and drug abuse within the state through education,
22 treatment, community organization, and research.

23 8 Rehabilitation of Problem Gaming. Amend RSA 172:8 to read as follows:

24 172:8 Duties of Commissioner. The commissioner shall:

25 I. Study the problems presented by **gambling**, alcohol and drug abuse, including methods
26 and facilities available for the care, treatment, custody, employment, and rehabilitation of persons
27 who are **problem gamblers**, inebriates, alcohol abusers, drug dependent, or drug abusers.

28 II. Promote meetings and programs for the discussion of **gambling**, alcohol and drug
29 dependency and abuse for the guidance and assistance of individuals, schools, courts, and other
30 public and private agencies.

31 III. Conduct, promote and finance, in full or in part, studies, and other appropriate facilities
32 dealing with the physical, psychological, and/or social aspects of **gambling**, alcohol and drug abuse.

33 IV. Have the authority to accept or reject for examination, diagnosis, guidance, and
34 treatment, insofar as funds and facilities permit, any resident of the state who comes to the
35 commissioner voluntarily for advice and treatment.

36 V. [Repealed.]

37 VI. Render biennially to the governor and council a report of his activities including

1 recommendations for improvements therein by legislation or otherwise.

2 VII. Coordinate community medical resources for the emergency medical care of persons
3 suffering acute mental or physical reaction to **gambling**, alcohol or drugs and of persons suffering
4 from drug dependency.

5 VIII. Employ such assistants as may be necessary to carry out the purposes of this chapter,
6 in accordance with state personnel regulations, and within available appropriations and funds.

7 IX. Disseminate information on the subjects of **gambling**, alcohol and drug abuse for the
8 guidance and assistance of individuals, schools, courts and other public and private agencies.

9 X. ~~Repealed.~~

10 9 Problem Gaming Added. Amend RSA 172:8-a to read as follows:

11 172:8-a Confidentiality of Client Records. No reports or records or the information contained
12 therein on any client of the program or a certified **gambling**, alcohol or drug abuse treatment
13 facility or any client referred by the commissioner shall be discoverable by the state in any criminal
14 prosecution. No such reports or records shall be used for other than rehabilitation, research,
15 statistical or medical purpose, except upon the written consent of the person examined or treated.
16 Confidentiality shall not be construed in such manner as to prevent recommendation by the
17 commissioner to a referring court, nor shall it deny release of information through court order
18 pursuant to appropriate federal regulations.

19 10 Problem Gaming Added. Amend RSA 172:8-b to read as follows:

20 172:8-b Rulemaking. The commissioner shall adopt rules under RSA 541-A relative to the
21 following:

22 I. The acceptance, care, and treatment of **gambling**, alcohol or drug dependent persons and
23 alcohol or drug abusers who are clients of the program established under this chapter or a certified
24 substance abuse treatment facility.

25 II. A fee schedule and collection of fees under RSA 172:14, IV.

26 III. Certification of **such** substance abuse treatment facilities including, but not limited to:

- 27 (a) Program content;
28 (b) Qualifications of program staff; and
29 (c) Type of substance abuse treatment offered.

30 IV. Certification and recertification of **gambling**, alcohol and drug abuse counselors
31 including, but not limited to:

- 32 (a) Peer review of applicants.
33 (b) Minimum qualifications and competency.
34 (c) Education and continuing education.
35 (d) Experience required.
36 (e) Required knowledge of **gambling**, alcohol and drug abuse counseling.
37 (f) Such other matters as the commissioner may deem necessary to carry out the

1 purposes of this chapter.

2 V. Voluntary admissions under RSA 172:13.

3 11 Acceptance of Funds; Treatment of Problem Gamblers. Amend RSA 172:9 to read as follows:

4 172:9 Acceptance of [~~Grants~~] **Funds**. The commissioner is authorized to accept in the name of
5 the state special grants or money or services from the federal or state governments or any of their
6 agencies and may accept gifts to carry on the functions provided for in this chapter.

7 12 New Paragraphs; Gaming Offenses. Amend RSA 647:2 by inserting after paragraph I-b the
8 following new paragraphs:

9 I-c.(a) A person shall be guilty of cheating if such person, during a game in a gaming location
10 licensed by the commission, knowingly and by any trick or sleight of hand performance or by a fraud
11 or fraudulent scheme, cards, dice, or other gaming device for oneself or for another:

12 (1) Wins, or attempts to win, money or property; or

13 (2) Reduces, or attempts to reduce, a losing wager in said gaming location shall be
14 guilty of cheating.

15 (3) Uses a cheating device or game in a gaming location licensed by the commission
16 shall be guilty of cheating.

17 (b) Whoever commits the offense of cheating shall be punished as follows:

18 (1) A person is guilty of a class A felony if the value of the money, property, or wager
19 cheated is \$75,000 or more, and in the case of a person other than a natural person, by a fine not to
20 exceed \$100,000.

21 (2) A person is guilty of a class B felony if the value of the money, property, or wager
22 cheated is \$10,000 or more but less than \$75,000, and in the case of a person other than a natural
23 person, by a fine not to exceed \$100,000.

24 (3) A person if guilty of a class A misdemeanor if the value of the money, property or
25 wager cheated is \$1,000 or more but less than \$10,000, and in the case of a person other than a
26 natural person, by a fine not to exceed \$20,000.

27 (d) Each episode or transaction of cheating may be the subject of a separate prosecution
28 and conviction. In the discretion of the state, multiple episodes or transactions of cheating
29 committed as part of a single scheme or course of conduct may be treated as a single offense and the
30 amounts involved in acts of cheating committed according to a scheme or course of conduct, whether
31 by the same person or several persons, may be aggregated in determining the value of money,
32 property, or wager involved in the offense.

33 (e) A gaming applicant, gaming licensee, and an applicant for, or holder of, a principal
34 license, key employee license, gaming employee registration, non-gaming employee permit, gaming
35 vendor license, non-gaming vendor registration, or other person who, in a gaming location,
36 knowingly:

37 (1) Conducts or operates any game using a cheating device or game;

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1 (2) Displays for play a cheating game; or

2 (3) Permits to be conducted, operated or displayed, any cheating device or game shall
3 be guilty of a class B felony, and in the case of a person other than a natural person, by a fine not to
4 exceed \$100,000.

5 I-d.(a) Whoever possesses a cheating device or game, with the intent to defraud, cheat, or
6 steal, shall be guilty of a class A misdemeanor, and in the case of a person other than a natural
7 person, by a fine not to exceed \$20,000.

8 (b) Knowing possession of a cheating device or game within a gaming location shall
9 constitute prima facie evidence of an intent to defraud, cheat, or steal, except possession by a gaming
10 licensee or an employee of a gaming licensee, acting lawfully in furtherance of such person's
11 employment within the casino, and shall constitute a class B felony.

12 13 New Subparagraph; Gaming Offenses. Amend RSA 647:2, V by inserting after subparagraph
13 (c) the following new subparagraph:

14 (d) A gaming location approved and licensed by the commission under RSA 284-B.

15 14 New Paragraph; Gaming Offenses. Amend RSA 647:2 by inserting after paragraph VI the
16 following new paragraph:

17 VII.(a) Whoever, being under 21 years old, plays, places wagers at or collects winnings from,
18 whether personally or through an agent, a game in a gaming location licensed by the commission
19 shall be guilty of a violation level offense and shall be punished by a fine not to exceed \$1,000.

20 (b) Whoever, being a gaming location licensee by the commission or an employee of a
21 gaming location licensee, who knowingly allows a person under the age of 21 to play, place wagers at,
22 or collect winnings from a game in a gaming location licensed by the commission, whether personally
23 or through an agent, shall be guilty of a class B misdemeanor and shall be punished, for a first
24 offense, by a fine not to exceed \$1,200, and in the case of a person other than a natural person, by a
25 fine not to exceed \$20,000 and, for a second or subsequent offense, shall be guilty of a class A
26 misdemeanor, and in the case of a person other than a natural person, by a fine not to exceed
27 \$20,000.

28 (c) Whoever knowingly plays, places wagers at, or collects winnings from a game in a
29 gaming location licensed by the commission for or on behalf of a person under 21 years of age shall be
30 guilty of a class B misdemeanor and shall be punished by a fine of not more than \$1,200 for the first
31 offense, and, for a second or subsequent offense, shall be guilty of a class A misdemeanor, and in the
32 case of a person other than a natural person, by a fine not to exceed \$20,000.

33 15 Issuance of Reports. Amend RSA 20:7 to read as follows:

34 20:7 Issuance of Reports. The following agency reports shall be issued annually: secretary of
35 state, state treasurer, bank commissioner, insurance commissioner, division of personnel,
36 commissioner of revenue administration, [~~lottery commission, racing and charitable~~] gaming
37 commission, liquor commission, department of transportation, department of environmental services,

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1 department of safety, adult parole board, and the board of trustees of the state colleges and
2 university. All other reports shall be issued biennially. All reports shall cover periods ending on
3 June 30, and be submitted to the governor and council, the speaker of the house of representatives,
4 and the senate president by October 1. Biennial reports shall cover periods ending in odd-numbered
5 years.

6 16 New Subparagraph; Application of Receipts; Gaming Regulatory Fund. Amend RSA 6:12,
7 I(b) by inserting after subparagraph (316) the following new subparagraph:

8 (317) The gaming regulatory fund established in RSA 284-B:18.

9 17 Transfer of Powers. The transfer of powers, rights, duties and responsibilities to the gaming
10 commission pursuant to RSA 284-B:3 shall not take effect until all 5 commissioners of the gaming
11 commission have been duly appointed and sworn, which appointments shall be made at the earliest
12 possible date after passage.

13 18 Effective Date. This act shall take effect upon its passage.

LBAO
14-2846
Revised 01/17/14

HB 1633-FN-A-LOCAL - FISCAL NOTE

AN ACT relative to expanded gaming in New Hampshire.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, **as introduced**, at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.