

HB 643-FN - AS INTRODUCED

2015 SESSION

15-0466
08/05

HOUSE BILL **643-FN**

AN ACT relative to recovery of certain lottery winnings.

SPONSORS: Rep. Beaudoin, Straf 9

COMMITTEE: Ways and Means

ANALYSIS

This bill allows the department of health and human services to recover certain lottery winnings where the winner has received public assistance.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT relative to recovery of certain lottery winnings.

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

1 1 New Section; Recovery of Assistance; Lottery Winnings. Amend RSA 167 by inserting after
2 section 14-a the following new section:

3 167:14-b Recovery of Assistance; Lottery Winnings.

4 I. In this section:

5 (a) "Public assistance" means the programs offered or administered through the
6 department under this chapter or under RSA 161.

7 (b) "Department" means the department of health and human services.

8 II. The department may receive up to 50 percent of any lottery prize of \$600 or more from
9 any individual who has received public assistance benefits within a period of up to 10 years prior to
10 the date of issuance of such prize.

11 III. When the department has been notified by the lottery commission that a person who has
12 been a recipient of public assistance during the past 10 years has won a lottery prize of \$600 or more,
13 it will send a written notice to the individual at the individual's last known address from the public
14 assistance file and, if different, to the individual at the address shown on the lottery intercept file,
15 which:

16 (a) States that the department may intercept up to 50 percent of any New Hampshire
17 lottery prize of \$600 or more to repay public assistance received during the past 10 years;

18 (b) Sets forth the amount of public assistance owed and the amount of the repayment
19 intercepted;

20 (c) States that the individual may send a written request to an address set forth in the
21 notice for review of the department's determination not later than 30 days from the date of the
22 notice;

23 (d) States that the individual may present written arguments and evidence in support of
24 any defense to the interception of the lottery prize with the request for a review; and

25 (e) Lists the defenses available to the individual to contest the interception of the lottery
26 prize.

27 IV. The following defenses may be raised against the interception of all or a part of the
28 lottery prize:

29 (a) The person who received the notice of the lottery prize interception is not the person
30 identified as owing and does not owe public assistance;

31 (b) All public assistance received within the previous 10 years has been repaid in full;

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1 (c) The amount of public assistance received within the last 10 years and not repaid is
2 less than the amount set forth in the notice;

3 (d) The amount of the prize was less than \$600; and

4 (e) The amount intercepted was more than 50 percent of the prize.

5 V. When the department receives a written request for review, the department shall review
6 the arguments and evidence submitted by the individual. The department shall issue a written
7 response to the individual, which shall be the final determination of the department. The
8 department shall be entitled to keep the intercepted lottery prize money when the time for
9 requesting a review has expired, or, if such request for a review was timely made, when a written
10 response has been issued by the department advising the individual that retention of a specified
11 portion of the lottery prize by the department is proper. Such written response shall constitute a
12 final determination of the matter.

13 2 Effective Date. This act shall take effect January 1, 2016.

HB 643-FN FISCAL NOTE

AN ACT relative to the recovery of certain lottery winnings.

FISCAL IMPACT:

The Department of Health and Human Services states this bill, **as introduced**, will increase state revenue and expenditures by an indeterminable amount in FY 2016 and each fiscal year thereafter. There will be no impact on county and local revenue or expenditures.

METHODOLOGY:

The Department of Health and Human Services states this bill authorizes the Department to recoup certain public assistance benefits paid to an individual within a period of up to 10 years from subsequent lottery winnings. The Department states public assistance as used in the proposed legislation refers to the Temporary Assistance for Needy Families, Aid to the Permanently and Totally Disabled, Old Age Assistance, Medicaid, Foster Care, Emergency Assistance, Child Care Scholarship, and Food Stamp programs. The Department states they do not have information from which to estimate if, or how many, former recipients will win lottery games in the future or how much will be won. Accordingly, the Department is unable to estimate to what extent the proposed legislation will increase state revenues through the recovery of public assistance benefits. Additionally, the Department notes different types of assistance are administered through different systems including New HEIGHTS, the Medicaid Management Information System (MMIS), and Bridges. The Department states the complexities of tracking an individual's public assistance across multiple divisions and systems will result in an indeterminable increase in costs to the Department in FY 2016 and each fiscal year thereafter. The Department states these complexities are further exacerbated by associated federal funding of the benefits received. The Department states passage of the proposed legislation will necessitate the implementation of a mechanism for identification and reimbursement of the federal share of any funds recovered. The Department is unable to estimate the increase in state expenditures that would be incurred in the development and implementation of such a mechanism.