

HB 657-FN-A-LOCAL - AS INTRODUCED

2015 SESSION

15-0610
08/10

HOUSE BILL ***657-FN-A-LOCAL***

AN ACT relative to video lottery.

SPONSORS: Rep. D. Sullivan, Hills 42

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 operation of slot machines by persons currently possessing a license to operate table games at a gaming location.

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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT relative to video lottery.

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 Definitions. In this chapter:

6 I. "Affiliate" means a person who directly or indirectly through one or more intermediaries,
7 controls, is controlled by, or is under common control with, a specified person.

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

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

18 IV. "Cash" means United States currency and coin, or foreign currency and coin that have
19 been exchanged for its equivalent in United States currency and coin.

20 V. "Cash equivalent" means:

21 (a) Certified check, cashiers check, treasurer's check, recognized travelers check, or
22 recognized money order that:

23 (1) Is made payable to a gaming licensee where presented, a holding company of a
24 gaming licensee, "bearer," or "cash";

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

26 (3) Does not contain any endorsement.

27 (b) Certified check, cashiers check, treasurer's check, or recognized money order that:

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

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

30 (3) Is dated but not postdated; and

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

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

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

5 VI. "Cashable promotional credit" means a credit or other electronic thing of value on a slot
6 machine or electronic table game that activates play and is convertible to cash at the conclusion of
7 play.

8 VII. "Cashless wagering system" means the collective hardware, software, communications
9 technology, and other ancillary equipment used to facilitate a method of wagering and accounting in
10 which the validity and value of a wager, not including a ticket, are determined, monitored, and
11 retained for an individual by an electronic system operated and maintained by a gaming licensee
12 that records each transaction involving each wager in a wagering account, separate from the slot
13 machine or table game or device on which the wager is made, including electronic systems which
14 facilitate electronic transfers of money directly to or from a slot machine or table game.

15 VIII. "Casino management system" means the collective hardware, software,
16 communications technology, and other ancillary equipment used to collect, monitor, interpret,
17 analyze, report, and audit data with regard to activity at a slot machine including slot machine level
18 accounting transactions, player tracking, and productivity analysis.

19 IX. "Central computer system" means a central monitor and control system acquired and
20 operated by the commission and connected to, and communicating with, a slot machine for purposes
21 of information retrieval, retrieval of slot machine win and loss determinations, and programs to
22 activate and disable slot machines.

23 X. "Chair" means the chair of the New Hampshire gaming commission.

24 XI. "Commission" or "gaming commission" or "New Hampshire gaming commission" means
25 the New Hampshire gaming commission established in RSA 284-B:3.

26 XII. "Complimentary services" means any lodging, service, or item which:

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

29 (b) "Complimentary services" shall not include noncashable credits issued to a player as
30 part of a player incentive or reward program or lodging available to the public through convention or
31 government rates.

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

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

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

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

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

9 XVIII. “Gaming applicant” means a person who has applied to the commission for a gaming
10 license pursuant to this chapter.

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

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

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

34 XXII. “Gaming license” means a license issued by the commission authorizing a gaming
35 licensee to operate slot machines.

36 XXIII. “Gaming licensee” means a person that has been awarded and issued a license by the
37 commission to possess, conduct, and operate slot machines and who possesses a license from the

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1 racing and charitable gaming commission to operate table games pursuant to RSA 287-D at a
2 gaming location pursuant to this chapter and RSA 287-D as of December 31, 2014, and who
3 continues to hold said license.

4 XXIV. "Gaming location" means the collective land, buildings, and structures at which a
5 gaming licensee is authorized pursuant to RSA 287-D and by the commission to place and operate
6 slot machines under this chapter and authorized to operate table games pursuant to RSA 287-D and
7 includes the gaming floor, restricted areas and all non-gaming structures and amenities including a
8 hotel, catering or room service operations serving a hotel, convention, meeting and multipurpose
9 facilities, retail facilities, food and beverage outlets, parking structures and lots, and other amenities
10 and activities not located on or adjacent to the gaming floor or related to gaming operations.

11 XXV. "Gaming ticket system" means the collective hardware, software, communications
12 technology, and other ancillary equipment used in conjunction with a slot machine to facilitate the
13 issuance or redemption of a ticket.

14 XXVI. "Gaming vendor" means, subject to a classification system to be prescribed in
15 accordance with RSA 284-B:23:

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

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

22 (c) A person providing goods and services ancillary to gaming including, but not limited
23 to, a junket enterprise, junket representative, a person employed by a junket enterprise or junket
24 representative in a managerial or supervisory position, a person with an ownership or financial
25 interest in a gaming location not required to qualify for licensure in accordance with RSA 284-B:16, a
26 licensor of an authorized game or such other person as the commission shall designate.

27 XXVII. "Gross slot machine revenue" means the total of:

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

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

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

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

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

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

5 (1) Counterfeit currency;

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

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

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

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

21 XXIX. “Host community” means a municipality in which a gaming location is located or in
22 which a gaming applicant has proposed locating a gaming location.

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

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

30 XXXII. “Institutional investor” means any of the following entities having an ownership
31 interest in a gaming applicant, gaming licensee, or gaming location: a corporation, bank, insurance
32 company, pension fund or pension fund trust, retirement fund, including funds administered by a
33 public agency, employees’ profit-sharing fund or employees’ profit-sharing trust, an association
34 engaged, as a substantial part of its business or operation, in purchasing or holding securities, or any
35 trust in respect of which a bank is a trustee or co-trustee, investment company registered under the
36 federal Investment Company Act of 1940, collective investment trust organized by banks under part
37 9 of the Rules of the Comptroller of Currency, closed end investment trust, chartered or licensed life

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1 insurance company or property and casualty insurance company, investment advisor registered
2 under the federal Investment Advisers Act of 1940, and such other persons as the commission may
3 reasonably determine to qualify as an institutional investor for the purposes of this chapter.

4 XXXIII. "Intermediary company" means a corporation, association, firm, partnership, trust,
5 or other form of business organization, other than an individual, which is a holding company with
6 respect to a corporation or other form of business organization which is a gaming applicant or
7 gaming licensee and is a subsidiary with respect to a holding company.

8 XXXIV. "Jackpot" means any cash, cash equivalent, ticket, annuity, or merchandise to be
9 paid to a player as a result of a specific combination of characters on a slot machine.

10 XXXV. "Junket" means an arrangement intended to induce a person to come to a gaming
11 location to gamble, where the person is selected or approved for participation on the basis of the
12 person's ability to satisfy a financial qualification obligation related to the person's ability or
13 willingness to gamble or on any other basis related to the person's propensity to gamble and
14 pursuant to which and as consideration for which, any of the cost of transportation, food, lodging,
15 and entertainment for the person is directly or indirectly paid by a gaming licensee or an affiliate of
16 the gaming licensee.

17 XXXVI. "Junket enterprise" means a person, other than a gaming applicant or gaming
18 licensee, who employs or otherwise engages the services of a junket representative in connection
19 with a junket to a licensed gaming location, regardless of whether or not those activities occur within
20 the state.

21 XXXVII. "Junket representative" means a person who negotiates the terms of, or engages in
22 the referral, procurement or selection of persons who may participate in, a junket to a gaming
23 location, regardless of whether or not those activities occur within the state.

24 XXXVIII. "Key employee" means any individual employed by a gaming applicant, gaming
25 licensee, or holding, intermediary, or subsidiary company required to qualify in accordance with 284-
26 B:16, in a director or department head capacity and who is authorized to make discretionary
27 decisions that regulate or affect slot machine and/or table game operations, including, but not
28 limited to, a general manager, assistant manager, shift managers, director of slot machine
29 operations, director of table game operations, pit boss, director of finance, comptroller, cashiers' cage
30 manager and shift supervisor, director of internal audit, director of surveillance, director of security,
31 director of marketing, director of information technology, director of food and beverage and any
32 employee who supervises the operations of these departments or to whom these department directors
33 or department heads report, and such other positions which the commission shall designate for
34 reasons consistent with the policies of this chapter.

35 XXXIX. "Management company" means a person, subject to a commission approved
36 management contract with a gaming licensee, that is responsible for the management of all or part
37 of the operation of a gaming floor.

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1 XL. “Management contract” means a contract, subcontract, or collateral agreement between
2 a management company and a gaming licensee providing for the management of all or part of a
3 gaming floor.

4 XLI. “Major policymaking position” means the executive director of the gaming control
5 division, any individual who reports directly to the executive director of the gaming control division,
6 the director of problem gambling and research, and any other individual so designated by the
7 commission.

8 XLII. “Minimum theoretical payout percentage” means the total value of jackpots expected
9 to be paid by a slot machine divided by the total value of slot machine wagers expected to be made on
10 that slot machine during a game cycle calculated in accordance with rules adopted by the
11 commission consistent with this chapter.

12 XLIII. “Money” means cash or instruments that are convertible to cash in any negotiable
13 currency.

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

17 XLV. “Noncashable promotional credit” means a credit or other electronic thing of value
18 utilized to play a slot machine or electronic table game that activates play but is not convertible to
19 cash at the conclusion of play.

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

26 XLVII. “Non-gaming vendor” means a person providing goods and services not included in
27 the definition of a gaming vendor including, but not limited to, construction companies, vending
28 machine providers, linen suppliers, garbage handlers, maintenance companies, limousine services,
29 food purveyors or suppliers of alcoholic beverages.

30 XLVIII. “Officer” means the chief executive officer, chief financial officer, chief operating
31 officer, chief information officer, chief compliance officer, and chief legal officer of a corporation, or
32 their equivalents in any unincorporated entity.

33 XLVIX. “Person” means an individual, limited liability company, proprietorship, firm,
34 partnership, joint venture, syndicate, business trust, labor organization, company, corporation,
35 association, committee, government entity, or other legal entity.

36 L. “Player” means an individual who plays a slot machine or a table game at a gaming
37 location licensed by the commission.

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

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

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

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

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

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

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

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

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

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

26 (i) Any other person associated with a gaming applicant or gaming licensee required to
27 be qualified for licensure in accordance with this chapter in conjunction with a gaming license
28 application.

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

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

34 (a) Directly or indirectly to a player.

35 (b) With or without regard to the:

36 (1) Identity of the player; or

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

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

4 (a) Promotional play instrument.

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

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

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

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

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

14 (c) Count room and trolley storage areas.

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

17 (e) Information technology department operations centers.

18 (f) Progressive controller locations.

19 (g) Surveillance monitoring rooms.

20 (h) Vault and armored car bay locations.

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

24 LVIII. “Slot data system” means the collective hardware, software, communications
25 technology, and other ancillary equipment used to collect, monitor, interpret, analyze, authorize,
26 report, and audit data with regard to activity at a slot machine, including slot machine meter
27 readings, error conditions, security, accounting, player tracking, and productivity analysis.

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

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1 LX. “Subsidiary” means a corporation, a significant part of whose outstanding equity
2 securities are owned, subject to a power or right of control, or held with power to vote, by a holding
3 company or an intermediary company, or a significant interest in a firm, association, partnership,
4 trust, or other form of business organization, other than an individual, which is owned, subject to a
5 power or right of control, or held with power to vote, by a holding company or an intermediary
6 company.

7 LXI. “Table game” means games of chance as authorized pursuant to RSA 287-D.

8 LXII. “Table game device” includes, but is not limited to, a gaming table, cards, dice, chips,
9 shufflers, tiles, dominoes, wheels, a drop box, or any other equipment used or consumed in
10 connection with the operation of a table game.

11 LXIII. “Ticket” means an instrument that upon insertion into a slot machine bill validator
12 entitles the player inserting the ticket to credits on a slot machine corresponding to the amount
13 printed on the ticket.

14 LXIV. “Wager” means a sum of money or representative of value that is risked on an
15 occurrence for which the outcome is uncertain.

16 284-B:2 Gaming Commission.

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

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

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

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

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

36 II. The gaming commission shall have responsibility for the administration and enforcement
37 of the New Hampshire state lottery in accordance with the provisions of RSA 284:21-a through

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1 RSA 284:21-v, for racing and charitable gaming in accordance with the provisions of RSA 284,
2 RSA 287-D and RSA 287-E, for redemption slot machines and redemption poker machines in a
3 family entertainment center under RSA 647:2 and for the administration and enforcement of gaming
4 in New Hampshire in accordance with the provisions of this chapter.

5 (a) The gaming commission shall assume the powers, rights, duties, and responsibilities
6 granted to the state lottery commission under RSA 284 and any rules issued pursuant thereto, and
7 any reference to the state lottery commission in RSA 284 or any other statutory cites, and any rules
8 issued pursuant thereto, including without limitation the reference in RSA 287-F:5, except for the
9 references in the provisions of RSA 284:21-a through RSA 284:21-d regarding the creation and
10 membership of the state lottery commission and except as the context may otherwise require and
11 shall be deemed to refer to the gaming commission, provided that the gaming commission may
12 delegate to the state lottery commission such powers, rights, duties, and responsibilities as it deems
13 in the best interest of the state lottery, and provided further that the gaming commission shall not
14 delegate its power to issue rules, nor its power to appoint the lottery executive director, and provided
15 further that the gaming commission may discontinue or adjust the terms of such delegation at any
16 time.

17 (b) The gaming commission shall assume the powers, rights, duties, and responsibilities
18 granted to the state racing and charitable gaming commission under RSA 284, RSA 287-D and
19 RSA 287-E, and any rules issued pursuant thereto, and any reference to the state racing and
20 charitable gaming commission in RSA 284, RSA 287-D and RSA 287-E or any other statutory cites,
21 and any rules issued pursuant thereto, except for the references in the provisions of RSA 284:6-a, I
22 regarding the creation and membership of the racing and charitable gaming commission and except
23 as the context may otherwise require shall be deemed to refer to the gaming commission, provided
24 that the gaming commission may delegate to the state racing and charitable gaming commission
25 such powers, rights, duties, and responsibilities as it deems in the best interest of racing and
26 charitable gaming, and provided further that the gaming commission shall not delegate its power to
27 issue rules, nor its power to appoint the racing and charitable gaming executive director, nor its
28 power to license a primary game operator or game operator employer, and provided further that the
29 gaming commission may discontinue or adjust the terms of such delegation at any time.

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

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

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

11 IV. Members of the gaming commission shall give bond to the state in such amount as shall
12 be determined under the provisions of RSA 93-B.

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

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

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

31 (a) Notwithstanding any provision of law to the contrary all expenses incurred by the
32 gaming commission prior to the issuance of an operation certificate to a gaming licensee pursuant to
33 284-B:32 of this chapter shall be charged to and paid from the funds received under the provisions of
34 RSA 284, RSA 284-B, RSA 287-D, RSA 287-E, RSA 287-F and RSA 647:2.

35 (b) Such funds shall be available as of the effective date of this chapter for expenses
36 incurred by the gaming commission and shall be reimbursed in accordance with the provisions of
37 284-B:17, IV.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 284-B:3 Divisions of State Lottery, Racing and Charitable Gaming, and Gaming Control.

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

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

20 (b) The lottery division by and through its executive director shall administer the
21 procedures associated with the operation of the state lottery under RSA 284:21-a through
22 RSA 284:21-v, RSA 287-F, all other provisions of law relating to the operation of the state lottery,
23 and the rules adopted pursuant thereto, shall have primary responsibility for the audit, compliance,
24 and regulatory enforcement functions required to effect the purposes of RSA 284:21-a through
25 RSA 284:21-v, RSA 287-F, all other provisions of law relating to the operation of the state lottery,
26 and the rules adopted pursuant thereto, and shall support the work of the lottery commission in its
27 performance of such powers, rights, duties and responsibilities as may be delegated to it by the
28 gaming commission. The lottery division shall cooperate with the attorney general and the division
29 of state police gaming enforcement unit in the enforcement of this chapter.

30 III.(a) The executive director of the racing and charitable gaming division shall be the
31 executive and administrative head of the division and shall be responsible for supervision and
32 management of the division and the administrative units created within it. The executive director of
33 the racing and charitable gaming division shall be appointed by the commission and shall report to
34 the chair of the commission for administrative matters, daily supervision, policy, purpose,
35 responsibility and authority. Upon the effective date of this chapter, the person who was executive
36 director for the state racing and charitable gaming commission immediately prior to the effective
37 date of this chapter shall become the executive director of the racing and charitable gaming division.

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1 Any subsequently appointed executive director shall be subject to a background investigation with
2 his or her suitability determined in accordance with the same standards for good character, honesty,
3 integrity, and financial stability applied to a key employee of a gaming licensee under this chapter.

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

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

23 (b) The division of gaming control by and through its executive director shall administer
24 the procedures associated with the licensing, registration, and permitting of persons under this
25 chapter and the rules adopted pursuant thereto and shall have primary responsibility for the audit,
26 compliance, and regulatory enforcement functions required to effect the purposes of this chapter and
27 its rules. The division of gaming control shall cooperate with the attorney general and the division of
28 state police gaming enforcement unit in the enforcement of this chapter.

29 (c) The division of gaming control shall be present at a gaming location at such times,
30 under such circumstances, and to such extent as the commission deems appropriate to fulfill its
31 responsibilities under this chapter. Provision of onsite office space to accommodate the division of
32 gaming control shall be provided as an element of an operation certificate under RSA 284-B:30.

33 284-B:4 General and Specific Powers of the Gaming Commission.

34 I. The gaming commission shall have general and exclusive regulatory authority and
35 responsibility over the conduct of gaming and related activities as described in this chapter and the
36 rules adopted pursuant thereto. The commission shall enforce the provisions of this chapter and any
37 rules and shall ensure the integrity of the acquisition and operation of slot machines, associated

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1 equipment, and table game devices and shall have sole regulatory authority over every aspect of the
2 authorization, operation, and play of slot machines and table games.

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

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

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

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

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

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

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

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

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

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

14 XII. Subject to the standards enumerated in this chapter, the gaming commission shall not
15 approve an application for, or award, issue, accept, or renew a license, registration, or permit unless
16 it is satisfied, at a minimum, that the applicant has demonstrated by clear and convincing evidence
17 that the applicant is a person of good character, honesty, and integrity and is a person whose prior
18 activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the
19 public interest or the effective regulation and control of slot machine or table game operations or
20 create or enhance the danger of unsuitable, unfair, or illegal practices, methods, and activities in the
21 conduct of slot machine or table game operations or the carrying on of the business and financial
22 arrangements incidental thereto.

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

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

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

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

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

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

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

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

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

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

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

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

14 (b) To sue.

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

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

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

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

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

28 (h) To require a background investigation on a gaming applicant, gaming, licensee, and
29 an applicant for, or holder of, a principal license, key employee license, and gaming vendor license
30 and, in the exercise of its discretion, on an applicant for, or holder of, a gaming employee
31 registration, non-gaming employee permit, and non-gaming vendor registration under the
32 jurisdiction of the commission.

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

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

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

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

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

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

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

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

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

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

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

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

34 XXVIII. The commission may require a labor organization, union, or affiliate seeking to
35 represent employees at a gaming location to be registered by the commission.

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

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

4 284-B:5 Exercise of the Commission's Power to Sanction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 IV. The expense of investigation and any proceeding under this section before the
10 commission, including, but not limited to, that related to an employee shall be fully recoverable from
11 the gaming licensee unless the commission determines otherwise.

12 V. Any decision of the commission imposing an administrative sanction under this chapter
13 shall be a final, binding, non-appealable determination which shall not be subject to legal challenge
14 except as enumerated in RSA 284-B:23, XIII and RSA 284-B:23, XIV.

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

17 VII. 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 purposely:

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

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

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

33 IX. 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 shall be guilty of a class B felony if
36 they manufacture, supply, or place a slot machine, associated equipment, a table game, or a table

1 game, device into play or display slot machines, associated equipment, a table game, or table game
2 device in a gaming location without the authorization of the commission pursuant to this chapter.

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

11 XI. An individual shall be guilty of a misdemeanor if while in a gaming location the
12 individual knowingly uses currency other than legal tender of the United States to initiate play at a
13 slot machine or table game with the intent to cheat or defraud a gaming licensee, a gaming location,
14 or the state, or to damage a slot machine, associated equipment, a table game, or table game device.

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

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

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

35 (b) Except in connection with his or her employment duties, knowingly possesses or uses
36 while in a gaming location a key or device designed for the purpose of or suitable for, opening or

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1 entering a slot machine, a slot machine cash storage box, a table game drop box, or similar coin or
2 storage box.

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

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

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

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

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

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

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

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

30 284-B:6 Powers of the Attorney General.

31 I. Notwithstanding any other provision of law, the attorney general shall have the
32 independent authority, on his or her own motion to take such actions as may be necessary in his or
33 her judgment to ensure compliance with the provisions of this chapter and the rules adopted
34 pursuant thereto.

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

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

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1 (a) Perform in a timely manner all background investigations referred by the
2 commission or undertaken on the attorney general's motion in connection with a license,
3 registration, permit or other authorization required pursuant to this chapter.

4 (b) Issue timely reports to the commission in accordance with RSA 284-B:19 expressing
5 an opinion with regard to each person referred for investigation as to whether the person is suitable
6 to hold a gaming license, principal license, key employee license, gaming vendor license, gaming
7 employee registration or non-gaming vendor registration, or other commission required
8 authorization in this state.

9 (c) Prosecute all regulatory violations referred by the commission or undertaken on the
10 attorney general's motion and all criminal violations under this chapter.

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

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

15 (f) Receive and act on any referral from the commission, host community, the attorney
16 general's motion, or other person of a complaint relating to an alleged criminal violation of this
17 chapter.

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

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

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

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

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

36 284-B:7 Powers of the Division of State Police Gaming Enforcement Unit.

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

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

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

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

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

15 (c) Notwithstanding RSA 106-B:15, receive and investigate with regard to any referral
16 by the commission, a host community or other person relating to alleged criminal activity and
17 criminal violations involving the gaming floor and restricted areas of a gaming location.

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

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

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

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

24 IV. The division of state police gaming enforcement unit shall be present at a gaming
25 location, at such times, under such circumstances, and to such extent as it deems appropriate to
26 fulfill its responsibilities under this chapter. Provision of on site office space to accommodate the
27 gaming enforcement unit shall be provided as an element of an operation certificate under RSA 284-
28 B:30 of this chapter.

29 V. The commission shall notify the division of state police gaming enforcement unit of any
30 known or suspected criminal law violations that are related in any way to implementation and
31 enforcement of the provisions of this chapter. Notwithstanding any provisions relating to the
32 confidentiality of any information acquired under this chapter, the commission shall share such
33 information with the division of state police gaming enforcement unit as may be deemed necessary
34 by the commissioner of safety to ensure compliance with the provisions of this chapter.

35 VI. The commission, the division of state police gaming enforcement unit and the attorney
36 general shall cooperate on the regulatory and criminal implementation and enforcement of this

1 chapter, which efforts shall include cooperation with municipal and county attorney offices and with
2 local law enforcement.

3 284-B:8 Rulemaking.

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

8 (a) Methods, content, and forms, consistent with RSA 284-B:16, pertaining to the
9 application to be completed by a gaming applicant and an applicant for any other license,
10 registration, permit and or authorization issued pursuant to this chapter.

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

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

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

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

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

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

28 (h) Procedures, consistent with RSA 284-B:21, addressing the decision of the commission
29 on a gaming license application including, but not limited to:

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

31 (2) Rules relating to:

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

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

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

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

36 (4) Criteria for evaluating an application for a gaming license consistent with this

37 chapter.

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

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

5 (i) Licensing procedures, consistent with RSA 284-B:16, VII, addressing a principal
6 license including, but not limited to:

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

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

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

11 (4) A waiver process;

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

14 (A) Rules of evidence;

15 (B) Notice requirements; and

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

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

19 (7) An abbreviated investigative process under RSA 284-B:19 applicable to a
20 principal license granted pursuant to this chapter;

21 (j) Licensing procedures, consistent with RSA 284-B:23, addressing individuals employed
22 by a gaming applicant or gaming licensee including, but not limited to:

23 (1) A system of classification for individuals employed by a gaming licensee;

24 (2) Application, investigation, and review processes and time frames;

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

28 (4) Standards of review;

29 (5) Administrative procedures applicable to the conduct of hearings related to a key
30 employee license, gaming employee registration, and non-gaming employee permit;

31 (6) Procedures, if determined by the commission to be appropriate, for issuance of a
32 temporary key license, gaming employee registration, non-gaming employee permit, or other
33 employee authorization;

34 (7) Rules relating to the renewal of a license, registration, or permit; and

35 (8) An abbreviated investigative process, consistent with RSA 284-B:19, applicable to
36 any license, registration, permit, or employee authorization granted pursuant to this chapter other
37 than a competitively awarded gaming license where abbreviated licensing shall not be available.

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1 (k) Licensing procedures, consistent with RSA 284-B:27, addressing persons doing
2 business with a gaming applicant or gaming licensee including, but not limited to:

3 (1) A system of classification for persons doing business with a gaming applicant or
4 licensee;

5 (2) An application, investigation and review process;

6 (3) Application, investigation, and renewal fees for each category of license or
7 registration consistent with the annual fee schedule adopted and published by the commission;

8 (4) Exemption criteria and processes;

9 (5) Interim authorization and emergency authorization processes;

10 (6) Standards of review;

11 (7) Administrative procedures applicable to the conduct of hearings related to a
12 gaming vendor license and non-gaming vendor registration; and

13 (8) An abbreviated investigative process under RSA 284-B:19 applicable to any
14 license, registration, or authorization granted pursuant to this section.

15 (l) The issuance, suspension and revocation of an operation certificate pursuant to this
16 chapter and the approval of a temporary gaming location.

17 (m) The submission, content of, acceptance by the commission and amendment of a
18 gaming licensee's system of internal controls.

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

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

21 (p) The provision of complimentary services.

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

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

24 (s) Tips and gratuities.

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

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

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

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

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

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

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

36 (4) Security features preventing tampering with slot machines and associated
37 equipment;

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- 1 (5) Comprehensibility to the player of wagering options and rules of play;
- 2 (6) Noise and light levels generated by slot machines;
- 3 (7) Design features necessary to ensure the accurate recording of transactions, to
4 protect a player from fraud or deception, and to minimize any potential negative consequences
5 associated with the play of a slot machine including, but not limited to:
- 6 (A) A prohibition on the use of reflexive software which, for the purposes of this
7 section, shall be defined as any software that has the ability to manipulate and/or replace a
8 randomly generated outcome for the purposes of changing the result on a slot machine;
- 9 (B) A requirement that a slot machine utilize one, or a combination of more than
10 one random number generators working collectively, to determine the occurrence of a specific card,
11 number, symbol, or stop;
- 12 (C) A requirement that once a random selection has occurred that the slot
13 machine display an accurate representation of the randomly-selected outcome and that it be
14 prohibited from making a secondary decision which affects the result shown to the player on the slot
15 machine; and
- 16 (D) A requirement that where a slot machine includes a strategy choice, meaning
17 that a particular play option requires use of skill to consistently achieve the best result, that the slot
18 machine include in its rules of play mathematically sufficient information for a player to use optimal
19 skill unless the player is not required to make an additional wager and cannot lose any credits
20 earned prior to the strategy choice.
- 21 (8) Slot machine and table game circulation and density requirements;
- 22 (9) Progressive slot machines including multi-casino progressive systems;
- 23 (10) Review processes and product approval standards related to table game devices;
- 24 (11) Rules of the game for each table game permitted under this chapter;
- 25 (12) Review processes and testing and approval standards applicable to variations or
26 composites of table games; and
- 27 (13) Physical and logical access to computer systems, including but not limited to,
28 systems meeting the definition of associated equipment and the location of the primary and back-up
29 system attendant to each.
- 30 (x) The payout percentage of a slot machine.
- 31 (y) Minimum and maximum wagers and content of a gaming guide.
- 32 (z) Gaming ticket expiration, unclaimed tickets, cash and prizes.
- 33 (aa) The collection of any fee, tax, penalty, or interest required to be collected pursuant
34 to the provisions of this chapter.
- 35 (bb) The adoption of an annual fee schedule specifying application, investigation, and
36 renewal fees that are not expressly specified in this chapter and that relate to any license,
37 registration, permit, or authorization awarded, issued, or accepted pursuant to this chapter, which

1 fee schedule shall cover the reasonable costs associated with processing an application or renewal or
2 conducting an investigation, including the criminal history record check and any background
3 investigation required under this chapter.

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

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

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

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

14 (2) Ensure that any advertising plan developed and implemented by a gaming
15 applicant or gaming licensee is consistent with the department of resources and economic
16 development's program of information and publicity to attract tourists, visitors, industrial concerns,
17 and other interested persons from outside the state to the state of New Hampshire, to publicize the
18 family-friendly attributes and natural beauty of the state, and to encourage, coordinate, and
19 participate in the efforts of other public and private organizations or groups of citizens in order to
20 publicize the facilities, industrial advantages, and other attractions of the state for the same
21 purposes.

22 (ff) If the commission elects to employ a central computer system, rules establishing a
23 process for selecting and licensing a provider of a central computer system.

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

26 (hh) The qualifications of, and the conditions pursuant to which state licensed attorneys,
27 engineers, accountants, and others shall be permitted to practice before the commission or to submit
28 materials on behalf of any applicant, licensee, registrant, or permittee provided, however, that no
29 member of the legislature, nor any firm with which said member is associated, shall be permitted to
30 appear or practice or act in any capacity whatsoever before the commission regarding any matter
31 whatsoever, nor shall any member of the immediate family of the governor or of a member of the
32 legislature be permitted to so practice or appear in any capacity whatsoever before the commission
33 regarding any matter whatsoever, provided, however, that the commission may provide by rule for
34 the waiver of these prohibitions for an immediate family member or firm with which said member is
35 associated based on full disclosure of the nature of the practice or appearance and a finding that a
36 potential conflict is minimal or non-existent.

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

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

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

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

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

12 (nn) Providing for the monitoring and enforcement of representations and commitments
13 made by a gaming licensee in its license application, including, but not limited to, representations
14 and commitments made pursuant to RSA 284-B:16, IV(f) relative potential negative consequences
15 associated with gambling and the operation of its gambling location.

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

18 (pp) Criteria to be applied by the commission in determining whether a live
19 entertainment venue is impacted and establishing standards for monitoring and enforcing a gaming
20 licensee's agreement with an impacted live entertainment venue, provided, however, that in
21 adopting such rules the commission shall require the consideration of factors which include, but are
22 not limited to, the venue's distance from the gaming location, venue capacity, and the type of
23 performances offered by that venue.

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

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

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

32 (tt) Notice of, and commission approval of, a transfer of an interest in a gaming license, a
33 gaming licensee, or gaming location including, but not limited to, a transfer of an interest in a
34 gaming license, gaming licensee, or gaming location not meeting the principal licensing threshold of
35 RSA 284-B:22.

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

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

8 (ww) Commission approval of a management contract.

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

11 III. A request for applications under RSA 284-B:16 shall not occur prior to adoption of
12 licensing rules. Operating rules shall not be prerequisite to a request for applications.

13 IV. A license, registration, or permit, including a gaming license, shall not be issued prior to
14 the adoption of, at a minimum, licensing and operating rules.

15 284-B:9 Central Computer System.

16 I. Pursuant to an open competitive bidding process conducted in accordance with the
17 provisions of RSA 21-I, the commission may acquire and operate a central computer system into
18 which all slot machines shall be connected.

19 II. Any central computer system acquired and operated by the commission shall be capable
20 of:

21 (a) Continuously monitoring, retrieving, and auditing the operations, financial data, and
22 program information of all slot machines.

23 (b) Allowing the commission to account for all money inserted in and payouts made from
24 a slot machine.

25 (c) Disabling from operation or play a slot machine as the commission deems necessary
26 to carry out the provisions of this chapter.

27 (d) Supporting and monitoring a progressive jackpot system capable of operating one or
28 more progressive jackpots.

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

30 III. The central computer system shall employ a widely accepted gaming industry
31 communications protocol, as approved by the Gaming Standards Association, to facilitate the ability
32 of slot machine manufacturers to communicate with the central computer system.

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

37 284-B:10 Records; Confidentiality.

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

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

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

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

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

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

36 VII. Notice of the contents of any information or data to be released consistent with
37 paragraph IV of this section, except to a duly authorized law enforcement agency, shall be given to

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1 the person that is the subject of the release in a manner prescribed by the rules adopted by the
2 commission so that the applicant or licensee has the opportunity to object to such release.

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

9 284-B:11 Employees and Contractors.

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

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

18 284-B:12 Annual Report to the General Court.

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

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

32 284-B:13 Number of Gaming Licenses. The commission shall award not more than the number
33 of licenses equal to the number of Game Operator Employer licenses issued under RSA 287-D and
34 held as of December 31, 2014. Only those individuals or entities holding a game operator employer
35 license under RSA 287-D on December 31, 2014 shall be eligible to apply for a gaming license under
36 this chapter. Each eligible entity granted a license shall be limited to not more than 300 slot
37 machines.

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1 284-B:14 Procedures for Adoption by Local Community.

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

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

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

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

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

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

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

4 284-B:15 Gaming License Authorization; Hours of Operation.

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

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

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

11 284-B:16 Gaming License Application Requirements.

12 I. The commission shall issue a request for applications:

13 (a) To any individual or entity holding a game operator employer license on December
14 31, 2014 provided that individual or entity has renewed and continues to hold said license.

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

18 (a) A fully executed and complete application on forms prescribed by the commission
19 which may include, but need not be limited to, a multi-jurisdictional personal history and/or business
20 entity disclosure form and any New Hampshire supplements to those forms. An application shall be
21 deemed complete in accordance with RSA 284-B:18.

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

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

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

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

33 (4) Information and documentation demonstrating by clear and convincing evidence
34 the applicant's financial stability including, but not limited to, bank references, business and
35 personal income and disbursement schedules, tax returns and other reports and actions filed with
36 government agencies, details with regard to any bankruptcy filing, whether or not dismissed,

1 business and personal accounting check records and ledgers, and other relevant source documents
2 covering at least the 10 year period immediately prior to the date of filing of the application;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (7) Commitment to the full implementation of procedures and controls precluding
21 the offer of alcoholic beverages free of charge for consumption at the gaming location; and

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

25 (g) A workforce development plan that advances job growth, positive economic
26 development and fulfills the related purposes of this chapter by:

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

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

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

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

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

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

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

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

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

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

13 IV. An applicant for a gaming license shall also submit to the commission the following
14 documentation regarding the gaming location and gaming operation proposed by the applicant.

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

17 (b) Details with regard to the amount and timing of its proposed capital investment,

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

22 (d) Documentation as to the assessed value of the land to be developed as a gaming
23 location as of the date of application as well as ownership of the land over the past 10 years,
24 including all interests, options, and agreements related to the land during that period.

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

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

35 (g) The number of employees and independent contractors required to operate the
36 proposed gaming location, including detailed information as to the projected breakdown between full

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1 and part time employees and independent contractors and proposed pay ranges and benefit packages
2 for each category of employee or contractor.

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

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

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

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

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

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

24 (5) The ability of the design of the proposed gaming location to enhance tourism and
25 development and to create commercial development opportunities for the community and its
26 compatibility with historic uses, regional branding and local zoning ordinances;

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

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

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

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

34 V. If the applicant for a gaming license is a corporation, limited liability company, or other
35 form of business enterprise, the applicant shall also provide or ensure the submission of the
36 following information:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (4) A waiver process;

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

6 (A) Rules of evidence;

7 (B) Notice requirements; and

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

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

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

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

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

17 (c) An individual required to qualify and be licensed as a principal pursuant to this
18 paragraph shall be required, at a minimum, to establish by clear and convincing evidence his or her
19 qualification in accordance with the standards applicable to a key employee under this chapter with
20 the exception of any requirement related to residency.

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

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

31 (f) The commission may waive a principal license requirement pursuant to this
32 paragraph for an institutional investor holding up to 15 percent of the stock of a gaming applicant or
33 gaming licensee upon a showing by the person seeking the waiver that the applicant purchased the
34 securities for investment purposes only and does not have the ability to, or the intention of,
35 managing, controlling, or otherwise influencing or affecting the affairs or operations of a gaming
36 applicant or gaming licensee or its holding, intermediary, or subsidiary company. An institutional
37 investor granted a waiver that subsequently determines to manage or control or to take an action

1 that potentially influences or affects the affairs or operations of an applicant or gaming license or its
2 holding, intermediary or subsidiary company shall be licensed under this chapter before the
3 institutional investor takes such action. The commission may, at any time, make a determination
4 that an institutional investor is in a position to control, manage, or otherwise influence or affect a
5 gaming applicant or gaming licensee and, on that basis, may require an institutional investor,
6 regardless of the extent of the ownership interest, to be licensed as a principal under this chapter.

7 (g) The commission may waive a principal license requirement pursuant to this
8 paragraph in accordance with rules adopted by the commission requiring a showing that the person
9 seeking the waiver does not have the ability to, or the intention of, managing, controlling, or
10 otherwise influencing or affecting the affairs or operations of a gaming applicant or gaming licensee
11 or its holding, intermediary, or subsidiary company. In no event, however, shall the commission
12 waive the requirements of this paragraph for a person holding more than 15 percent of a gaming
13 applicant or gaming licensee.

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

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

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

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

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

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

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

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

30 VIII. The hearing, decision, and appeal procedures enumerated in RSA 284-B:23, X through
31 RSA 284-B:23, XIV shall also apply to an applicant for or holder of a principal license.

32 IX. A principal license for which a completed renewal application and fee, if required, has
33 been received by the commission shall continue in effect unless and until the commission sends
34 written notification to the holder that the commission has denied the renewal of the principal
35 license.

36 284-B:17 Gaming License Fees; License Term.

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1 I. The commission shall collect in conjunction with a gaming license application a
2 nonrefundable gaming license application fee in the amount of \$100,000 to cover the cost of
3 processing and reviewing an application. If the cost of processing and reviewing the application
4 exceeds the amount of the initial application fee, the commission may impose upon the applicant an
5 additional fee sufficient to cover any documented shortfall which the applicant shall pay to the
6 commission within 15 days of the date of an invoice. The amount shall be deposited in the gaming
7 regulatory fund and shall be available to the state in the fiscal year received.

8 II.(a) Upon an award of a gaming license, the commission shall collect a fee of \$300,000.00.

9 (b) The amount shall be deposited in the gaming regulatory fund and shall be available
10 to the state in the fiscal year received.

11 III. A gaming license shall expire 10 years from the date of issuance of the gaming license
12 subject to renewal pursuant to this chapter.

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

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

23 IV. There is established in the office of the state treasurer a nonlapsing fund to be know as
24 the gaming regulatory fund to be administered by the gaming commission which shall be kept
25 distinct and separate from all other funds. All moneys in the gaming regulatory fund shall be
26 nonlapsing and continually appropriated to the gaming commission for the purpose of distribution
27 under this section.

28 284-B:18 Application Completeness Review.

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

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

35 III. The commission shall examine each application for a gaming license, principal license,
36 key employee license, gaming employee registration, non-gaming employee permit, gaming vendor

1 license, non-gaming vendor registration, or other authorization filed pursuant to this chapter for
2 completeness.

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

5 (a) If the commission determines a gaming license application to be incomplete, the
6 commission shall provide a written notification of incompleteness to the applicant within 30 days of
7 actual receipt by the commission of the application. The notification of incompleteness shall include
8 an explanation of the reason the application was deemed incomplete. If a written notice of
9 incompleteness is not issued by the commission within 30 days of actual receipt, the application shall
10 be deemed complete and the applicant notified to that effect.

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

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

18 (2) If the gaming license application remains incomplete, the commission shall
19 provide a second written notice of incompleteness to the applicant. The second notice of
20 incompleteness shall include a explanation of the reason the application was deemed incomplete and
21 shall allow the applicant an additional 10 business days from the date of the second written notice of
22 incompleteness to provide any requested information. The applicant shall not include in its
23 resubmission information unrelated to the deficiencies enumerated in the commission's notice. The
24 commission shall review the additional information submitted by the applicant within 10 business
25 days of actual receipt by the commission:

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

28 (B) If the gaming license application remains incomplete, the commission shall
29 provide a third and final written notice of incompleteness to the applicant. The third and final notice
30 of incompleteness shall include an explanation of the reason the application was deemed incomplete
31 and shall allow the applicant an additional 3 business days from the date of the third and final
32 written notice of incompleteness to provide any requested information. The applicant shall not
33 include in its resubmission information unrelated to the deficiencies enumerated in the commission's
34 notice. The commission shall review the additional information submitted by the applicant within
35 10 business days of actual receipt by the commission;

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

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

3 V. The commission shall adopt rules consistent with this chapter relative to the
4 completeness review applied to an application for a principal license, key employee license, gaming
5 employee registration, non-gaming employee permit, gaming vendor license, non-gaming vendor
6 registration, or other authorization filed with the commission. The rules shall provide for a form of
7 notice to the applicant and a time frame for notice of deficiency and resubmission by an applicant
8 consistent with the efficient administration of the licensing process.

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

11 284-B:19 License Background Review.

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

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

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

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

24 (a) Financial stability.

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

26 (c) Business ability and gaming experience.

27 (d) Where applicable, the applicant's history of compliance in other regulated gaming
28 jurisdictions including, but not limited to, a letter of reference or sworn statement of good standing
29 produced in accordance with RSA 284-B:16, IV(c).

30 (e) Where applicable, the suitability of all principals required to qualify in conjunction
31 with the gaming license application in accordance with RSA 284-B:16, VII.

32 (f) Whether the applicant is disqualified from receiving a license under RSA 284-B:20.

33 (g) The applicant's ability, if required, to demonstrate rehabilitation in accordance with
34 RSA 284-B:20.

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

1 VI. Where the commission finds, after study and comparison of applicable licensing
2 standards, that the licensing standards of another jurisdiction within the United States or Canada
3 are comprehensive, thorough, and require a suitability assessment substantially similar to this
4 chapter, the commission may prescribe by rules consistent with this chapter, an abbreviated
5 investigative process pursuant to which the attorney general and/or commission may, but are not
6 obligated to, expedite an applicant's background investigation or review by affording a degree of
7 deference to a license, registration, or permit held by an applicant in a jurisdiction found to be
8 comparable to New Hampshire. The availability of an abbreviated investigative process shall not
9 limit the discretion of or otherwise preclude the attorney general or commission from determining
10 that information it has independently or separately developed or received shall supersede or
11 outweigh a license, registration, or permit in good standing in a comparable state. An applicant's
12 eligibility for an abbreviated investigation process shall not be construed to waive any fees
13 associated with an application. An abbreviated licensing process shall not be applied to an applicant
14 for a gaming license.

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

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

23 IX. The attorney general may obtain from, and provide to, a law enforcement agency,
24 regulating authority or other domestic, federal, or foreign jurisdiction, including the Federal Bureau
25 of Investigation, pertinent information regarding an applicant or licensee and may transmit or
26 receive such information electronically.

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

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

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1 XII. The commission shall prescribe rules consistent with this chapter, after consultation
2 with the attorney general and division of state police, relative to the time allotted to the attorney
3 general to conduct and report to the commission on a background investigation related to an
4 applicant for a principal license, key employee license, gaming vendor license, or other background
5 investigation performed pursuant to this chapter. The rules shall be consistent with the efficient
6 administration of the licensing process.

7 284-B:20 Grounds for Denial of a License.

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

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

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

17 (c) The conviction of the applicant:

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

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

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

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

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

33 (e) The pursuit by the applicant of economic gain in an occupational manner or context
34 which is in violation of the criminal or civil public policies of this state, if such pursuit creates a
35 reasonable belief that the participation of such person in gaming operations would be inimical to the
36 policies of this chapter or injurious to the interests of the state in issuing a license. For purposes of

1 this paragraph, occupational manner or context shall be defined as the systematic planning,
2 administration, management, or execution of an activity for financial gain.

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

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

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

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

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

26 284-B:21 Gaming License Decision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 III. In any decision by the commission relating to the issuance of a license, the commission
23 shall consider the attorney general's report provided pursuant to RSA 284-B:19, XI; provided that,
24 notwithstanding any other provision of law, no person shall be issued or hold a license under this
25 chapter if in the opinion of the attorney general such person is not suitable to hold such a license.

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

30 V. The commission shall conduct a hearing with regard to an application under paragraph
31 IV within 60 days of actual receipt by the commission the attorney general's suitability report. At
32 the licensing hearing, the commission shall first consider whether the applicant is able to
33 demonstrate by clear and convincing evidence its financial stability, good character, honesty,
34 integrity, business ability and gaming experience in accordance with this chapter. If the commission
35 determines that the applicant is unable to establish the required suitability the commission shall not
36 give further consideration to the application. Any determination including, but not limited to, that
37 relating to the standards for licensure set out in this chapter shall be made by majority vote of

1 eligible commission members. Any commission member who has a personal or business conflict with
2 any application shall not vote on such application. The licensing decision shall be in the form of an
3 approval, denial, or an approval with conditions of a gaming license.

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

20 VII. At the competitive hearing the commission shall first consider whether each applicant
21 is able to demonstrate by clear and convincing evidence its financial stability, good character,
22 honesty, integrity, business ability, and gaming experience in accordance with this chapter. If the
23 commission determines that an applicant is unable to establish the required suitability the
24 commission shall not give further consideration to the application.

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

30 (a) Business and market factors including:

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

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

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

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

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

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

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

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

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

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

17 (b) Economic development factors, including:

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

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

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

23 (c) Site location factors including

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

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

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

30 (4) Such other considerations as the commission shall deem relevant to site location.

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

33 X. Any licensing determination including, but not limited to, that related to the selection of
34 an applicant shall be made by majority vote of eligible commission members. Any commission
35 member who has a personal or business conflict with any application shall not vote on such
36 application. The actual selection decision shall be in the form of an approval or an approval with
37 conditions. Unsuccessful applicants that were nonetheless found to be suitable in accordance with

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1 paragraph VII of this section shall be deemed “denied on the basis of a competitive process.”
2 Applicants failing to meet the standards for suitability set forth in paragraph VII shall be denied.

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

7 XII. An award by the commission of a gaming license shall be evidenced by a written
8 decision with detailed findings accompanied by a statement of conditions enumerating those
9 conditions precedent to the issuance by the commission of a gaming license, conditions that are
10 precedent to the commencement of gaming operations at a gaming location, and conditions that are
11 ongoing during the pendency of the license term.

12 XIII. A gaming applicant or gaming licensee aggrieved or dissatisfied with a final decision of
13 the commission shall have the right to immediate appeal from a final decision to the supreme court
14 pursuant to RSA 541.

15 XIV. The provisions of RSA 541 shall govern all appeals under this section, provided that
16 any request for rehearing provided for by RSA 541 shall be presented as a request for
17 reconsideration to the commission within 10 calendar days of the commission’s decision and the
18 commission’s decision on said request shall be issued within 10 days of the presentation of the
19 request.

20 XV. The appellant’s burden of proof in any appeal to the supreme court under this section
21 shall be as provided for by RSA 541:13.

22 XVI. A gaming license issued by the commission shall expire 10 years from the date of
23 issuance subject to renewal pursuant to this chapter.

24 XVII. The division of state police shall promptly notify the commission in the event an
25 applicant or licensee is arrested for a crime or offense in this state after the date the background
26 check was performed.

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

30 284-B:22 Revocable Privilege; Limits on License Transfer and Transfer of an Interest.

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

34 (a) A breach of a condition enumerated or inferred in the statement of conditions
35 applicable to the gaming license, including failure to timely complete any phase of construction of the
36 gaming location or to comply with any representation or promise made to the commission, the

1 attorney general, division of state police gaming enforcement unit or other state entity in connection
2 with a gaming license.

3 (b) Any action or event that constitutes grounds for denial of a gaming license under
4 RSA 284-B:20.

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

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

8 II. A gaming license issued by the commission pursuant to this chapter is transferrable with
9 the prior approval of the commission pursuant to rules adopted by the commission consistent with
10 this chapter. A person seeking to acquire a gaming license through a transfer shall qualify for
11 licensure under this chapter. The commission shall reject a gaming license transfer to an unsuitable
12 person and may reject a proposed transfer that, in the opinion of the commission, would be
13 disadvantageous to the interests of the state. A transfer of a gaming license without the prior
14 approval of the commission shall result in the immediate and automatic termination of the gaming
15 license.

16 III. An interest in a gaming licensee or gaming location substantial enough to trigger a
17 requirement that a person qualify as a principal licensee in accordance with RSA 284-B:16, VII is
18 transferrable with the prior approval of the commission pursuant to rules adopted by the commission
19 consistent with this chapter. A person seeking to acquire an interest in a gaming licensee or gaming
20 location shall qualify for licensure under this chapter. The commission shall reject a transfer of an
21 interest in a gaming licensee or gaming location to an unsuitable person and may reject a proposed
22 transfer that, in the opinion of the commission, would be disadvantageous to the interests of the
23 state. A transfer of an interest in a gaming licensee or gaming location meeting the requirements of
24 this paragraph without the prior approval of the commission may result in the termination of a
25 gaming license.

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

30 284-B:23 Individuals Employed by a Gaming Licensee

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

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

- 1 (b) Application, investigation, and review processes and time frames.
- 2 (c) Application, investigation, and renewal fees for each category of license, registration,
3 or permit consistent with the annual fee schedule adopted and published by the commission.
- 4 (d) Standards of review.
- 5 (e) Administrative procedures applicable to the conduct of hearings related to a key
6 license, gaming employee registration, and non-gaming employee permit including, but not limited
7 to:
- 8 (1) Rules of evidence;
- 9 (2) Notice requirements;
- 10 (3) Rules permitting an applicant to raise an objection to the conduct of a hearing
11 procedure, process or ruling of the commission; and
- 12 (4) Any delegation of commission authority specific to registrations and permits.
- 13 (f) Procedures for issuance of a temporary key license, gaming employee registration,
14 non-gaming employee permit, or other employee authorization if the commission determines that
15 such procedures are necessary to the efficient implementation of this chapter.
- 16 (g) Rules relative to the renewal of a license, registration, or permit.
- 17 (h) A term for any employee license, registration, permit, or employee authorization
18 granted pursuant to this chapter.
- 19 II. A key employee license, gaming employee registration, a non-gaming employee permit,
20 and any other employment related authorization issued pursuant to this chapter shall expire 5 years
21 from the date of issuance subject to renewal pursuant to this chapter.
- 22 III. In connection with a key employee license, gaming employee registration, non-gaming
23 employee permit, or other employee authorization, the commission shall be authorized to exchange
24 fingerprint data with, and to receive criminal history record and background information from, the
25 department of safety, division of state police, the office of the attorney general, the Federal Bureau of
26 Investigation, or other sources consistent with applicable federal and state laws, rules, and
27 regulations.
- 28 IV. No gaming applicant, gaming licensee, or holding, intermediary, or subsidiary company
29 required to qualify in conjunction with a gaming license under this chapter shall employ or otherwise
30 allow an individual to perform the duties of a key employee unless the person is the holder of a valid
31 key employee license issued by the commission.
- 32 V. No gaming licensee shall employ or otherwise allow an individual to perform duties
33 requiring a gaming employee registration, non-gaming employee permit, or other employee
34 authorization required pursuant to this chapter unless the person is registered, permitted, or
35 otherwise authorized by the commission.
- 36 VI. A gaming licensee shall not utilize an independent contractor to perform duties
37 requiring a key employee license, gaming employee registration, non-gaming employee permit, or

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1 other employee authorization required pursuant to this chapter without the prior approval of the
2 commission.

3 VII. An independent contractor of a gaming licensee authorized by the commission to
4 perform duties requiring a key employee license, gaming employee registration, non-gaming
5 employee permit, or other employee authorization required pursuant to this chapter shall be subject
6 to all of the provisions of this chapter applicable to an employee of a gaming licensee.

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

10 IX. In any decision relating to a key employee license, and with regard to a gaming employee
11 registration subject to a background investigation under RSA 284-B:25, II, the commission shall
12 consider, the attorney general's report provided pursuant to RSA 284-B:19; provided that,
13 notwithstanding any other provision of law, no person shall be issued or shall hold a license under
14 this chapter if in the opinion of the attorney general such person is not suitable to hold such a
15 license.

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

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

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

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

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

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

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

11 XIV. The appellant's burden of proof in any appeal to the superior court under this section
12 shall be as provided for by RSA 541:13.

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

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

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

24 284-B:24 Key Employee Licensing.

25 I. A key employee of an applicant, gaming licensee, or principal licensee required to qualify
26 in conjunction with a gaming license under RSA 284-B:16, VII shall submit to the commission the
27 following information, documentation, and assurances:

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

29 (b) A fully executed and complete application on forms prescribed by the commission.
30 An application shall be deemed complete in accordance with rules adopted pursuant to RSA 284-
31 B:18.

32 (c) All documentation, fingerprints, and consents required of a gaming license applicant
33 under RSA 284-B:16, III.

34 (d) All documentation required of a gaming license applicant under RSA 284-B:16, IV(a).

35 (e) If applicable, the documentation related to a similar gaming license, registration,
36 permit, or other authorization required of a gaming licensee applicant under RSA 284-B:16, IV(c).

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

3 II. Upon a determination by the commission that a key employee license application is
4 complete in accordance with RSA 284-B:18, the commission shall request that the attorney general
5 commence an investigation into the suitability of the applicant in accordance with RSA 284-B:19. In
6 conducting its background investigation the attorney general shall consider the suitability of the
7 applicant including, but not limited to:

8 (a) Financial stability.

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

10 (c) Business ability and gaming experience.

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

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

14 III. Upon receipt of the report of the attorney general on an applicant's suitability to hold a
15 key employee license the commission shall conduct a licensing hearing in accordance with rules
16 adopted pursuant to 284-B:21 of this chapter to determine whether the applicant meets the
17 standards for licensure set forth in this chapter. In any decision by the commission relating to the
18 issuance of a license, the commission shall consider the attorney general's report provided pursuant
19 to RSA 284-B:19, XI provided that, notwithstanding any other provision of law, no person shall be
20 issued or hold such a license under this chapter if in the opinion of the attorney general such person
21 is not suitable to hold such license.

22 284-B:25 Gaming Employee Registration.

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

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

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

28 An application shall be deemed complete in accordance with rules adopted pursuant to RSA 284-
29 B:18.

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

32 (d) If applicable, the documentation related to a similar gaming license, registration,
33 permit or other authorization required of a gaming licensee applicant under RSA 284-B:16, IV(c).

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

36 II. Upon a determination by the commission that a gaming employee registration
37 application is complete in accordance with RSA 284-B:19 the commission may request that the

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1 attorney general commence an investigation into the suitability of the applicant or conduct within
2 the commission such other form of review as it deems appropriate. The commission shall register
3 the applicant provided it is able to establish, at a minimum:

4 (a) Good character, honesty, and integrity.

5 (b) That the applicant is not disqualified from receiving a license under rules adopted
6 pursuant to RSA 284-B:20 or is rehabilitated in accordance with rules adopted pursuant to RSA 284-
7 B:20.

8 284-B:26 Non-Gaming Employee Permit.

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

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

13 (b) A fully executed and complete application on forms prescribed by the commission.
14 An application shall be deemed complete in accordance with rules adopted pursuant to 284-B:18.

15 (c) All fingerprints and consents required of a gaming license applicant under RSA 284-
16 B:16, III(b)(2).

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

19 II. Upon a determination by the commission that a non-gaming employee permit application
20 is complete in accordance with rules adopted pursuant to RSA 284-B:18, the commission shall permit
21 the applicant provided it is able to establish that the applicant is not disqualified from receiving a
22 permit under rules adopted pursuant to RSA 284-B:20 or is rehabilitated in accordance with rules
23 specific to permit applications adopted pursuant to RSA 284-B:20.

24 284-B:27 Persons Doing Business with a Gaming Licensee

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

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

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

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

34 (d) Exemption criteria and processes.

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

36 (f) Standards of review.

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

3 (1) Rules of evidence;

4 (2) Notice requirements;

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

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

8 (h) An abbreviated investigative process under RSA 284-B:21 applicable to any license,
9 registration or authorization granted pursuant to this section.

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

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

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

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

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

22 IV. The commission may require an employee of a vendor required to be licensed, registered,
23 or otherwise authorized under this section to become licensed, registered, or otherwise authorized
24 under this section if, after an analysis of the duties, responsibilities, and functions of the vendor
25 employee it determines that action to be necessary to protect the integrity of gaming.

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

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

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

35 (c) The person required to be licensed, registered, or otherwise authorized under this
36 section agrees in writing that the grant of interim authorization to conduct business prior to
37 commission action on its application does not create a right to continue to engage in business if the

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1 commission determines that the applicant is not suitable or continued authorization is not in the
2 public interest.

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

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

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

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

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

16 VII. A gaming applicant or gaming licensee may utilize a vendor that has not been licensed,
17 registered, or otherwise authorized under this section by the commission when a threat to public
18 health, welfare, or safety exists or circumstances outside the control of the applicant or gaming
19 licensee require immediate action to mitigate damage or loss to the gaming location or to the state.
20 Any rules adopted shall include a requirement that the applicant or gaming licensee contact the
21 board immediately upon utilizing a vendor that would otherwise require licensing under this
22 chapter.

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

31 IX. In any decision relating to a gaming vendor license or non-gaming vendor registration
32 the commission shall consider the attorney general's report provided pursuant to RSA 284-B:20;
33 provided that, notwithstanding any other provision of law, no person shall be issued or hold a license
34 under this chapter if in the opinion of the attorney general such person is not suitable to hold a
35 license.

36 X. Any licensing determination including, but not limited to, that related to a gaming vendor
37 license or gaming vendor registration shall be made by majority vote of eligible commission

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1 members. Any commission member who has a personal or business conflict with any application
2 shall not vote on such application.

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

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

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

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

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

24 (d) Within 30 days after the application for a rehearing is denied, or, if the application is
25 granted, then within 30 days after the decision on such rehearing, any party aggrieved or
26 dissatisfied by any final decision of the commission under this section shall have the right to appeal
27 from a final decision to the superior court. The petition shall set forth the grounds on which such
28 claim is made.

29 XIV. The appellant's burden of proof in any appeal to the superior court under this section
30 shall be as provided for by RSA 541:13.

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

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

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

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

10 284-B:28 Gaming Vendor Licensing.

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

15 II. A gaming applicant or gaming licensee shall not conduct business with a person required
16 to be licensed as a gaming vendor pursuant to this chapter unless the person is licensed by the
17 commission or otherwise authorized to engage in business with an applicant or the gaming licensee
18 in accordance with RSA 284-B:27, V(a)-(d).

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

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

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

23 An application shall be deemed complete in accordance with rules issued pursuant to RSA 284-B:18.

24 (c) All documentation, fingerprints, and consents required of a gaming license applicant
25 under 284-B:16, III of this chapter.

26 (d) All documentation required of a gaming license applicant under RSA 284-B:16, IV(a).

27 (e) The documentation related to a similar gaming license, registration, permit, or other
28 authorization required of a gaming licensee applicant under RSA 284-B:16, IV(c).

29 (f) If the applicant for a gaming vendor license is a corporation, limited liability company
30 or other form of business enterprise, all documentation required of a gaming license applicant under
31 RSA 284-B:16, VI and RSA 284-B:16, VII.

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

34 IV. Upon a determination by the commission that a gaming vendor license application is
35 complete in accordance with RSA 284-B:18, the commission shall request that the attorney general
36 commence an investigation into the suitability of the applicant in accordance with RSA 284-B:19. In

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1 conducting its background investigation the attorney general shall consider the suitability of the
2 applicant including, but not limited to:

3 (a) Financial stability.

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

5 (c) Business ability and gaming experience.

6 (d) If applicable, the applicant's history of compliance in other regulated gaming
7 jurisdictions including, but not limited to, a letter of reference or sworn statement of good standing
8 produced in accordance with RSA 284-B:16, IV(c).

9 (e) Whether the applicant is disqualified from receiving a license under RSA 284-B:20.

10 (f) The applicant's ability, if required, to demonstrate rehabilitation in accordance with
11 RSA 284-B:20.

12 V. Upon receipt of the report of the attorney general on an applicant's suitability to hold a
13 gaming vendor license the commission shall conduct a licensing hearing in accordance with rules
14 adopted pursuant to RSA 284-B:27 to determine whether the applicant meets the standards for
15 licensure set forth in this chapter. In any decision by the commission relating to the issuance of a
16 gaming vendor license, the commission shall consider the attorney general's report provided
17 pursuant to RSA 284-B:19; provided that notwithstanding any other provision of law, no person shall
18 be issued or hold a license under this chapter if in the opinion of the attorney general such person is
19 not suitable to hold such a license.

20 284-B:29 Non-Gaming Vendor Registration.

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

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

28 III. A non-gaming vendor seeking to register with the commission shall submit to the
29 commission the following information, documentation, and assurances with regard to qualification
30 under this chapter.

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

33 (b) A fully executed and complete application on forms prescribed by the commission.
34 An application shall be deemed complete in accordance with rules adopted pursuant to RSA 284-
35 B:18.

36 (c) All documentation, fingerprints, and consents required of a gaming license applicant
37 under RSA 284-B:16, III(b)(1)-(2).

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1 (d) The documentation related to a similar gaming license, registration, permit, or other
2 authorization required of a gaming licensee applicant under RSA 284-B:16, IV (c).

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

5 IV. Upon a determination by the commission that a non-gaming vendor registration
6 application is complete in accordance with RSA 284-B:18, the commission shall register the applicant
7 provided it is able to establish, at a minimum:

8 (a) Good character, honesty, and integrity.

9 (b) If applicable, the applicant's history of compliance in other regulated gaming
10 jurisdictions including, but not limited to, a letter of reference or sworn statement of good standing
11 produced in accordance with RSA 284-B:16, IV(c) of this chapter.

12 (c) Whether the applicant is disqualified from receiving a license under RSA 284-B:20.

13 (d) That the applicant is not disqualified from receiving a registration under rules
14 adopted pursuant to RSA 284-B:20 or is rehabilitated in accordance with rules adopted pursuant to
15 RSA 284-B:20.

16 284-B:30 Issuance of an Operation Certificate to a Gaming Licensee.

17 I. A gaming licensee shall not commence slot machine and table operations at a gaming
18 location without an operation certificate issued by the commission.

19 II. An operation certificate shall specify the date and time at which gaming operations may
20 commence and shall fix the maximum square footage of the gaming floor, the maximum number of
21 slot machines, and the maximum number of table games that may be operated by a gaming licensee
22 under the operation certificate. Once an operation certificate is issued by the commission, a gaming
23 licensee may not exceed the maximum square footage of gaming floor, slot machines, or table games
24 specified therein without the prior approval of the commission.

25 III. The commission may amend, modify, restrict, or limit an operation certificate and may
26 remove any restriction, limitation, or condition imposed on an operation certificate at any time
27 consistent with the purposes of this chapter and the rules adopted thereunder.

28 IV. The commission shall issue an operation certificate where it determines that the gaming
29 licensee has satisfied all conditions precedent to the commencement of gaming operations
30 enumerated in its statement of conditions, this chapter and the rules adopted by the commission
31 including the following requirements:

32 (a) That the gaming location complies with the provisions of this chapter and any
33 relevant rules adopted by the commission relative to:

34 (1) Communication systems and the ability of persons at the gaming location to
35 timely communicate with the commission, all law enforcement exercising criminal or regulatory
36 jurisdiction over the gaming location, and emergency first responders;

37 (2) A commission approved surveillance system and function:

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1 (A) Configured to provide adequate and effective surveillance of all slot machines
2 and table games on the gaming floor;

3 (B) Enabled with a digital video recording format;

4 (C) Equipped with a monitoring station, for the exclusive use of the commission
5 and division of state police gaming enforcement unit, configured with full camera control capability
6 over the surveillance system and able to establish priority over a camera controlled by the gaming
7 licensee; and

8 (D) Meeting any minimum staffing requirements.

9 (3) A commission approved security system including required alarm systems and
10 meeting any minimum staffing requirements;

11 (4) An area for the detention of individuals taken into custody by any federal, state
12 or local law enforcement agency exercising proper jurisdiction over the gaming location;

13 (5) Signage;

14 (6) A count room and such other commission approved secure facilities as may be
15 required by the commission for the counting and storage of cash, tickets, checks, and other devices or
16 items of value used in wagering and for the inspection, counting, and storage of cards, dice, chips,
17 and other representatives of value;

18 (7) Office space for use by the commission and division of state police gaming
19 enforcement unit located within the gaming location in an area satisfactory to the commission and
20 equipped as specified by the commission including, at a minimum, computer terminals permitting
21 read-only access by authorized commission staff to any computerized video lottery monitoring
22 system, casino management system or player tracking system used by the gaming licensee; and

23 (8) If the commission elects to acquire a central computer system, data center space
24 for that system:

25 (A) Equipped with system appropriate HVAC;

26 (B) Supplied with system appropriate power including an uninterruptible back-
27 up power supply; and

28 (C) Subject to surveillance coverage and secured in a manner satisfactory to the
29 commission.

30 (b) All slot machines, associated equipment, and table game devices have been tested,
31 certified, or otherwise accepted or approved in accordance with this chapter and the rules adopted by
32 the commission.

33 (c) A floor plan depicting its gaming floor, all restricted areas, automatic teller machines,
34 and lottery ticket vending locations has been received and reviewed and/or approved in accordance
35 with this chapter and rules adopted by the commission.

36 (d) The gaming licensee's system of internal control, gaming equipment procedures and
37 technical standards, rules of the games, security and surveillance procedures, and any other pre-

1 opening submissions have been received and reviewed and/or approved in accordance with this
2 chapter and rules adopted by the commission.

3 (e) The gaming licensee is prepared to implement all operating procedures and systems,
4 including but not limited to, accounting and internal controls, and surveillance and security
5 procedures necessary to insure the safe conduct of slot machine and table game operations.

6 (f) The gaming licensee's employees are licensed, registered, or permitted by the
7 commission as required and trained in the performance of their responsibilities.

8 (g) The gaming location is prepared in all respects to receive the public.

9 (h) The gaming licensee has successfully completed a test period.

10 (i) The gaming licensee has filed an emergency response plan with the commission, the
11 division of state police gaming enforcement unit, and the fire department and police department of
12 the host community which includes:

13 (1) A layout identifying all relevant areas of the gaming location's safety support
14 systems and internal and external access routes;

15 (2) The location and inventory of emergency response equipment and the contact
16 information of the emergency response coordinator for the gaming licensee;

17 (3) The location of any hazardous substances and a description of any public health
18 or safety hazards present on site;

19 (4) A description of any special equipment needed to respond to an emergency at the
20 gaming location;

21 (5) An evacuation plan; and

22 (6) Any other information relating to emergency response requested by the
23 commission, the division of state police gaming enforcement unit, or the fire department or the police
24 department of the host community.

25 (j) The gaming licensee has complied with any additional conditions precedent to the
26 commencement of gaming operations imposed by the commission.

27 V. The commission may issue an operation certificate to a temporary gaming location and
28 may, on its own initiative, waive, relax, or permit deviations from the requirements of this chapter in
29 accordance with rules consistent with this chapter.

30 VI. A gaming licensee shall obtain an operation certificate for a permanent facility within 18
31 months of the date of issuance of an operation certificate on a temporary gaming location, unless an
32 extension is granted pursuant to paragraph VIII.

33 VII. A gaming licensee shall be responsible for all costs associated with the transition from a
34 temporary gaming location to a permanent gaming location, including the cost of relocation of the
35 commission's and division of state police gaming enforcement unit's on-site offices and any central
36 computer system.

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1 VIII. If the commission determines upon the written petition of a gaming licensee that
2 extenuating circumstances beyond the control of the gaming licensee have prevented the gaming
3 licensee from complying with the permanent facility requirements of paragraph VI, the commission:

4 (a) May approve an extension of 6 months to comply.

5 (b) May not grant more than 2 extensions to a gaming licensee under this section.

6 IX. If a gaming licensee fails to timely obtain an operation certificate on a permanent
7 gaming location, including any commission approved extensions, its gaming license shall be revoked
8 and shall revert to the state.

9 284-B:31 Gaming Licensee; System of Internal Controls.

10 I. A gaming licensee shall submit to the commission a written description of its system of
11 administrative and accounting procedures over slot machine and table game operations (collectively
12 its "internal controls") at least 90 days before slot machine or table game operations are to
13 commence.

14 II. A gaming licensee's internal controls shall, at a minimum, be designed to achieve the
15 following safeguards by providing for the following:

16 (a) Secure its assets and revenues.

17 (b) Reliable records, accounts, and reports on any transaction or financial event that
18 occurs in the operation of a slot machine or table game.

19 (c) If the commission elects to employ a central computer system, ensure that each slot
20 machine and fully automated electronic gaming table directly provides or communicates all required
21 activities and financial details to the central computer system.

22 (d) Ensure that transactions or financial events which occur in the operation of a slot
23 machine or table game are recorded as necessary to permit preparation of financial statements in
24 conformity with generally accepted accounting principles in the United States, this chapter and the
25 rules issued thereunder.

26 (e) Ensure any transaction or financial event that occurs in the operation of a slot
27 machine or table game is performed only in accordance with a gaming licensee's general or specific
28 authorization as represented to the commission in its internal controls.

29 (f) Ensure that any transaction or financial event that occurs in the operation of a slot
30 machine and table game is recorded adequately to permit proper and timely reporting of gross
31 revenue and the calculation of fees, taxes and assessments related thereto.

32 (g) Ensure that access to assets is permitted only in accordance with a licensee's general
33 or specific authorization as represented to the commission in its internal controls.

34 (h) Ensure that recorded accountability for assets is compared with actual assets at
35 reasonable intervals and appropriate action is taken with respect to any discrepancy.

1 (i) Ensure that all functions, duties, and responsibilities relating to slot machine or table
2 game operations are appropriately segregated and performed in accordance with sound financial
3 practices by competent, qualified personnel.

4 (j) Establish comprehensive procedures addressing all transactions and reconciliations
5 that routinely occur in the operation of a slot machine or table game including, but not limited to, the
6 following:

7 (1) The receipt, storage and disbursal of cash, cash equivalents, and chips used in
8 table games;

9 (2) Conversion of a cash equivalent to cash;

10 (3) Redemption of chips and other representations of value at a table game and the
11 payment of winnings and prizes;

12 (4) Recording of financial transactions pertaining to a table game;

13 (5) Transfer of chips and cash equivalents between a gaming table and the cashier's
14 cage;

15 (6) Transfer of a drop box from a gaming table to the count room and a slot cash
16 storage box from a slot machine to the count room;

17 (7) Payment of a manual jackpot and redemption of a ticket;

18 (8) Counting and recording of gross slot machine and table game revenue; and

19 (9) Collection and recording of revenue from poker and other table games when
20 played as non-banked games, including the type of rake utilized and the methodology for calculating
21 the amount of rake.

22 (k) Establish procedures and security standards for the receipt, use, and storage of table
23 game devices and associated equipment used in connection with table game and slot machine
24 operations;

25 (l) Establish procedures and rules governing the conduct of each table game and the
26 responsibility of employees in the conduct of each table game;

27 (m) Ensure, through the use of surveillance and security departments, that a gaming
28 location is secure during normal operations and during any emergencies due to malfunctioning
29 equipment, loss of power, natural disaster, or any other cause.

30 III. A gaming licensee's system of internal controls shall ensure the safeguards enumerated
31 in paragraph II and the written description submitted to the commission pursuant to paragraph I
32 shall include, at a minimum:

33 (a) Organization charts depicting the appropriate segregation of functions and
34 responsibilities between departments involved in the conduct of slot machine and table game
35 operations.

36 (b) A description of the duties and responsibilities of each employee position shown on
37 the organization charts, their respective lines of authority and whether that position requires a key

1 employee license, gaming employee registration, non-gaming employee permit or other commission
2 licensing designation.

3 (c) Procedures addressing the transactions, controls, and assurances enumerated in
4 paragraph II.

5 (d) A record retention policy addressing retention, storage and destruction of books,
6 records and documents.

7 (e) Procedures governing the authorization and documentation of gaming-related
8 promotions to be offered by the gaming licensee.

9 (f) Policies related to prevention of prohibited political contributions in accordance with
10 RSA 284-B:48 and the annual certification to the commission required by that section.

11 (g) Such other information, narratives, documents, or assurances as shall be required by
12 the commission.

13 IV. An initial internal control submission submitted pursuant to paragraph I shall be
14 accompanied by the following attestations and reports:

15 (a) An attestation by the gaming licensee's chief executive officer or a designee with a
16 direct reporting relationship to the chief executive officer attesting that the officer believes, in good
17 faith, that the submitted internal controls conform to the requirements of the chapter and the rules
18 issued by the commission.

19 (b) An attestation by the chief financial officer or a designee with a direct reporting
20 relationship to the chief financial officer attesting that the officer believes, in good faith, that the
21 submitted internal controls are designed to provide reasonable assurance that financial reporting
22 conforms to generally accepted accounting principles in the United States and complies with
23 applicable laws and regulations, including this chapter and the rules issued by the commission.

24 (c) A report from an independent registered public accounting firm licensed to practice in
25 New Hampshire expressing an opinion regarding:

26 (1) The effectiveness of the design of the submitted system of internal controls over
27 financial reporting; and

28 (2) Whether the submitted system of internal controls materially deviates from the
29 requirements of applicable laws, rules, and regulations, this chapter and the rules issued by the
30 commission.

31 V. Any change to a gaming licensee's internal controls shall be submitted to the commission
32 along with the certifications required by paragraph IV(a) and (b) at least 10 calendar days prior to
33 implementation. If the commission does not interpose an objection in writing, the gaming licensee
34 may implement the precise change submitted on the eleventh day following the date of submission to
35 the commission.

36 284-B:32 Books, Records, and Documents.

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1 I. A gaming licensee shall maintain and retain all books, records, and documents pertaining
2 to the operation of slot machines and table games in accordance with such rules and at such location
3 as shall be authorized by the commission.

4 II. A gaming licensee shall maintain all books, records, and documents pertaining to the
5 operation of slot machines and table games immediately available for inspection upon request of the
6 commission, the division of state police gaming enforcement unit, the attorney general or agents
7 thereof during all hours of operation.

8 III. No later than 2 days after the date of filing with the applicable agency, a gaming
9 licensee shall file with the commission a copy of each Suspicious Activity Report-Casino and
10 Currency Transaction Report by Casino filed under 31 C.F.R. sections 1000-1099.

11 284-B:33 Prohibition on Credit and Play with Credit Cards or Debit Cards.

12 I. A gaming licensee shall not extend credit to a player at a gaming location.

13 II. A gaming licensee shall not permit or enable in any way the direct use of credit cards or
14 debit cards by a player at a slot machine or table game.

15 III. No credit card or debit card advance machine, kiosk, or booth shall be located on or
16 within 100 feet of a gaming floor.

17 IV. No automatic teller machine shall be located on or within 100 feet of a gaming floor.

18 V. A player may use a credit card or a debit card at a gaming location to purchase chips, slot
19 machine credits, or table game credits or for an advance of cash to be used at a slot machine or table
20 game, provided the purchase or advance is processed by a payment processor licensed and classified
21 as a gaming vendor providing services ancillary to gaming.

22 284-B:34 Complimentary Services.

23 I. The commission shall adopt rules consistent with this chapter relating to the direct or
24 indirect offer by a gaming licensee to a player and a player's guests of complimentary services. The
25 rules shall require a gaming licensee to provide such information as the commission shall require
26 with regard to complimentary services at least quarterly and shall further require more timely and
27 detailed disclosure to the commission where a player or a player's guests receive complimentary
28 services valued in excess of \$2,000 over a specified period.

29 II. A gaming licensee is prohibited from directly or indirectly offering alcoholic beverages
30 free of charge for consumption on its gaming floor.

31 III. The gaming licensee shall comply with the provisions of RSA 179:44, I, prohibiting the
32 provision of free drinks in any part of the gaming location.

33 284-B:35 Betting Limits and Disclosure Requirements Applicable to a Cashless Wagering
34 System.

35 I. A gaming licensee utilizing a cashless wagering system to facilitate cashless wagering
36 accounts shall allow a player to monitor and impose betting limits on his or her cashless wagering
37 account including, but not limited to, per bet limits, hourly limits, daily limits, weekly limits, and

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1 monthly limits. A player may decrease and increase limits in the exercise of his or her discretion
2 provided, however, that a player shall not increase a betting limit more than once in a 24-hour
3 period.

4 II. A gaming licensee shall issue to a player who utilizes a cashless wagering system a
5 monthly statement, mailed to the player at the player's physical mailing address, which shall
6 include the player's total bets, wins, and losses as recorded by the cashless wagering system,
7 provided, however, that a player shall be given the opportunity to decline receiving a monthly
8 statement during the process of opening a wagering account, provided, however, that a player who
9 elects to receive a monthly statement may thereafter opt out of receiving monthly statements by
10 providing a written request to cease monthly statements to a gaming licensee.

11 III. A gaming licensee offering a cashless wagering system shall annually report to the
12 commission the amount of money spent and lost by players with wagering accounts aggregated by
13 zip code. Activity under this section shall be monitored by the commission.

14 IV. An individual who has self-excluded under this chapter shall not open a cashless
15 wagering account.

16 284-B:36 Disclosure Requirements Applicable to a Player Tracking System.

17 I. A gaming licensee utilizing a player tracking system to facilitate a player incentive
18 program shall issue to a player who participates in its incentive program a monthly statement,
19 mailed to the player at the player's postal mailing address, which shall include the player's total
20 bets, wins, and losses as recorded by the player tracking system.

21 (a) A player shall be given the opportunity to decline receiving a monthly statement
22 during the process of joining the incentive program.

23 (b) A player who elects to receive a monthly statement may thereafter opt out of
24 receiving monthly statements by providing a written request to cease monthly statements to a
25 gaming licensee.

26 II. A gaming licensee utilizing a player tracking system to facilitate a player incentive
27 program shall annually report to the commission the amount of money spent and lost by players
28 participating in its incentive program aggregated by zip code. Activity under this section shall be
29 monitored by the commission.

30 III. An individual who has self-excluded under this chapter shall not be permitted to join or
31 otherwise participate in an incentive program offered by a gaming licensee.

32 284-B:37 Tips and Gratuities.

33 I. The commission shall adopt rules consistent with applicable state law relating to the
34 acceptance, accounting for, and distribution of tips and gratuities received by an employee of a
35 gaming licensee from a player at a slot machine or table game.

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1 (c) Whether an individual has a notorious or unsavory reputation that would adversely
2 affect public confidence and trust that the gaming industry is free from criminal or corruptive
3 elements.

4 (d) Whether an individual's presence is otherwise inimical or a potentially injurious
5 threat to the interests of the state, the gaming licensee or both.

6 III. No individual shall be placed by the commission on its exclusion list due to race, color,
7 religion, national origin, ancestry, sexual orientation, disability, or sex.

8 IV. No gaming license shall conduct marketing and promotional communications or
9 otherwise target or incent to gamble an individual placed by the commission on its exclusion list.

10 V. The commission may revoke, limit, condition, suspend, or fine a gaming licensee if the
11 licensee knowingly or recklessly fails to exclude or eject from its gaming location an individual
12 placed by the commission on its exclusion list.

13 VI. Whenever the commission places a name on the exclusion list, the commission shall
14 serve written notice upon that individual by personal service, registered or certified mail return
15 receipt requested to the last ascertainable address or by publication in a daily newspaper of general
16 circulation for one week.

17 VII. Within 30 days of receipt of service by mail or 60 days after the last publication under
18 paragraph VI an individual placed on the exclusion list may request an hearing before the
19 commission and show cause as to why the individual should be removed from the exclusion list.
20 Failure to demand a hearing within the time allotted in this section shall preclude the individual
21 from having a hearing but shall not affect the individual's right to petition for judicial review.

22 VIII. Upon receipt of a demand for hearing, the commission shall set a time and place for the
23 hearing. This hearing shall be held not later than 30 days after receipt of the demand for the
24 hearing, unless the time of the hearing is changed by agreement of the commission and the
25 individual demanding the hearing.

26 IX. If upon completion of the hearing the commission determines that the individual was
27 wrongfully placed on the exclusion list, the commission shall remove the individual's name from the
28 exclusion list and notify all gaming licensees. The decision shall be final.

29 X. Placement of an individual on the exclusion list shall be evidenced by a written decision.

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

35 (b) Such motion shall set forth fully every ground upon which it is claimed that the
36 decision or order complained of is unlawful or unreasonable. No appeal from any order or decision of
37 the commission shall be taken unless the appellant shall have made application for rehearing as

1 herein provided, and when such application shall have been made, no ground not set forth therein
2 shall be urged, relied on, or given any consideration by the court, unless the court for good cause
3 shown shall allow the appellant to specify additional grounds.

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

8 (d) Within 30 days after the application for a rehearing is denied, or, if the application is
9 granted, then within 30 days after the decision on such rehearing, any party aggrieved or
10 dissatisfied by any final decision of the commission under this section shall have the right to appeal
11 from a final decision to the superior court. The petition shall specify the grounds on which such
12 claim is made.

13 XII. The appellant's burden of proof in any appeal to the superior court under this section
14 shall be as provided for by RSA 541:13.

15 XIII. An individual who is prohibited from gaming in a gaming location under this section
16 shall not collect any winnings or recover any losses arising as a result of prohibited gaming winnings
17 and any winnings shall be forfeited to the commission and deposited into the general fund.

18 XIV. A gaming licensee may also exclude or eject from its gaming location an individual who
19 is known to it to have been convicted of a misdemeanor or felony committed in the gaming location.
20 Nothing in this chapter shall limit the right of a gaming licensee to exercise its common law right to
21 exclude or eject permanently from its gaming location an individual who disrupts its gaming
22 operations, threatens the security of the gaming location or its employees, players and invitees or is
23 disorderly or intoxicated.

24 284-B:40 Self-Exclusion By an Individual From a Gaming Location.

25 I. The commission shall establish and administer a list of individuals voluntarily electing to
26 self-exclude themselves from a gaming location operated pursuant to this chapter. The commission
27 may further adopt provisions expanding the availability of self-exclusion to games of chance
28 conducted pursuant to RSA 287-D.

29 II. The commission shall adopt rules consistent with this chapter relating to the self-
30 exclusion of an individual from a gaming location including, but not limited to, multiple time periods
31 for self- exclusion, administration of, and removal from, the self-exclusion list, notice to gaming
32 licensees of placement of an individual on the self-exclusion list and forfeiture of winnings and
33 recovery of losses.

34 III. An individual may place his or her name on the self-exclusion list by filing a request
35 with the commission acknowledging that they are a problem gambler and by agreeing that, during
36 any period of voluntary exclusion, that they shall not collect any winnings or recover any losses
37 resulting from any gaming activity at a gaming location operated pursuant to this chapter.

1 IV. No gaming license shall:

2 (a) Authorize and conduct marketing and promotional communications or otherwise
3 target or incent to gamble an individual electing to place their name on the commission's self-
4 exclusion list.

5 (b) Provide complimentary services, check cashing privileges, incentive program
6 membership or other benefits to a person electing to place their name on the commission's self-
7 exclusion list.

8 V. The commission may revoke, limit, condition, suspend or fine a gaming licensee if the
9 licensee knowingly or recklessly fails to exclude or eject from its gaming location an individual
10 electing to place their name on the commission's self-exclusion list.

11 VI. Notwithstanding any other general or special law to the contrary, the commission's list
12 of individuals electing to place their name on the commission's self-exclusion list shall not be open to
13 public inspection.

14 VII. A gaming licensee receiving notice from the commission that an individual has elected
15 to place their name on the commission's self-exclusion list shall not be precluded from disclosing the
16 identity of the self-excluding individual to affiliated gaming operations in other jurisdictions for the
17 limited purpose of assisting in the proper administration of responsible gaming programs operated
18 by affiliated gaming operations.

19 VIII. An individual who is prohibited from gaming in a gaming location under this section
20 shall not collect any winnings or recover any losses arising as a result of prohibited gaming winnings
21 and any winnings shall be forfeited to the commission and deposited into the general fund.

22 284-B:41 Authorized Gaming; Possession, Testing, and Certification.

23 I. This chapter shall not be construed to authorize any gaming other than in connection with
24 a slot machine and table game meeting the requirements of this chapter.

25 II. The commission shall adopt rules consistent with this chapter relating to gaming
26 equipment including, but not limited to, requirements addressing:

27 (a) Receipt, review, distribution, and the commission approval process associated with
28 the certification reports issued by independent testing laboratories pursuant to paragraphs V and
29 VI;

30 (b) If the commission elects to employ a central computer system, the communications
31 protocol and technical standards applicable thereto.

32 (c) Mechanical and electrical reliability of slot machines and associated equipment.

33 (d) Security features preventing tampering with slot machines and associated
34 equipment.

35 (e) Comprehensibility to the player of wagering options and rules of play.

36 (f) Noise and light levels generated by slot machines.

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

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

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

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

14 (D) A requirement that where a slot machine includes a strategy choice, meaning
15 that a particular play option requires use of skill to consistently achieve the best result, that the slot
16 machine include in its rules of play sufficient information for a player to use optimal skill unless the
17 player is not required to make an additional wager and cannot lose any credits earned prior to the
18 strategy choice.

19 (h) Slot machine and table game circulation and density requirements including, but not
20 limited to, those related to:

21 (1) Promotion of optimum physical safety, security, and the comfort of players;

22 (2) Creation and maintenance of a gracious playing environment; and

23 (3) Promotion of a competitive games mix.

24 (i) Progressive slot machines including multi-casino progressive systems.

25 (j) Commission review requirements and product approval standards related to table
26 game devices.

27 (k) Rules of the game for each table game permitted under this chapter which include a
28 prohibition on:

29 (1) Use of a shill or barker to induce an individual to enter a gaming floor or play a
30 table game;

31 (2) A dealer in a table game in which cards are dealt to deal cards by hand or other
32 than from a device specifically designed for that purpose unless otherwise permitted by the rules of
33 the commission; and

34 (3) A key employee, gaming employee directly involved with the conduct of gaming
35 operations, including but not limited to dealers, floor persons, box persons, security and surveillance
36 employees, or any other individual so designated by the commission from wagering at the gaming
37 location at which they are employed.

1 (l) Physical and logical access to computer systems, including but not limited to, systems
2 meeting the definition of associated equipment and the location of the primary and back-up system
3 attendant to each.

4 (m) Such other gaming equipment requirements as the commission shall deem
5 appropriate.

6 III. A gaming licensee shall only possess, maintain, offer for play, or exhibit a slot machine,
7 associated equipment, and table game devices on a gaming floor or in a restricted area approved by
8 the commission for the installation, inspection, repair, or storage of such equipment, provided,
9 however, that this limitation shall not apply to a licensed gaming vendor who operates a warehouse,
10 showroom, or sales facility within the state subject to the approval of the commission.

11 IV. Notwithstanding the provisions of paragraph III, the commission may allow the
12 collective hardware, software, communications technology, and other ancillary equipment used to
13 facilitate a multi-casino progressive system to reside outside a gaming location in a secure facility
14 inaccessible to the public and specifically designed for that purpose.

15 V. No slot machine shall be sold, leased, or distributed within the state or used by a gaming
16 licensee to conduct gaming unless it is identical in all electrical, mechanical, and other respects to a
17 prototype thereof that has been both:

18 (a) Tested and certified by an independent testing laboratory meeting the requirements
19 of paragraph VIII as complying with the requirements of this chapter and the rules, technical
20 standards, and testing protocols adopted by the commission; and

21 (b) Approved by the commission.

22 VI. No associated equipment shall be sold, leased, or distributed within the state or utilized
23 by a gaming licensee to facilitate the operation of a slot machine, the conduct of a table game, or the
24 calculation of gaming revenue unless a prototype thereof is both:

25 (a) Tested and certified by an independent testing laboratory meeting the requirements
26 of paragraph VIII as complying with the requirements of this chapter and the rules, technical
27 standards, and testing protocols adopted by the commission; and

28 (b) Approved by the commission.

29 VII. The cost of all testing and certification services required in accordance with paragraphs
30 V and VI shall be paid by the licensed gaming vendor of the slot machine or associated equipment.

31 VIII. The commission shall periodically test slot machines and associated equipment
32 installed at a gaming location and may utilize the services of independent testing laboratories to
33 assist its staff in the performance of such testing. The gaming licensee shall pay the cost of such
34 testing including, but not limited to, the cost of any independent testing laboratory services utilized
35 by the commission.

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1 IX. The commission shall utilize, and shall accept data, forensic reports, and certifications in
2 accordance with paragraphs V, VI, and VII of this section from multiple independent testing
3 laboratories provided each laboratory meets the following criteria:

4 (a) Holds a certificate in good standing for compliance with:

5 (1) International Organization for Standardization # 17025 — General
6 Requirements for the Competence of Testing and Calibration Laboratories as amended, amplified, or
7 substituted by that organization or a functional equivalent; and

8 (2) International Organization for Standardization # 17020 — General Criteria for
9 the Operation of Various Types of Bodies Performing Inspections as amended, amplified, or
10 substituted by that organization or a functional equivalent.

11 (b) Has performed testing and certification of gaming equipment, systems, and software
12 on behalf of a state or tribal jurisdiction within the United States for a period of 5 or more years.

13 (c) Has been determined by the commission to be qualified in accordance with standards
14 adopted by rules consistent with this chapter.

15 284-B:42 Payout Percentage.

16 I. No slot machine shall be sold, leased, or distributed within the state or used by a gaming
17 licensee to conduct gaming unless it has been certified by an independent testing laboratory meeting
18 the requirements of RSA 284-B:42, VI as having a minimum theoretical payout percentage of 85
19 percent and a maximum theoretical payout percentage of less than 100 percent.

20 II. A gaming licensee shall prominently post on its gaming floor information regarding the
21 minimum theoretical payout percentage required by paragraph I of this section and such other
22 disclosures to slot machine players as the commission shall deem in the best interest of slot machine
23 players.

24 III. The commission shall require that each slot machine prominently display to slot
25 machine players an award schedule disclosing the value of each winning combination.

26 284-B:43 Wagers; Table Games Gaming Guide.

27 I. A gaming licensee shall equip each gaming table with a sign indicating the permissible
28 minimum and maximum wagers pertaining thereto.

29 II. A gaming licensee shall not accept a wager greater than the stated maximum or less than
30 the stated minimum, provided, however, that a wager actually made by a player and not rejected by
31 a gaming licensee prior to the commencement of play shall be treated as a valid wager.

32 III. A gaming licensee shall make available to any player upon request the complete text of
33 any rules adopted by the commission regarding table games and the conduct of play, the pay-off of a
34 winning wager, an approximation of the odds of winning for each wager, and such other disclosures
35 to the player as the commission shall require. If requested by the player, the information required
36 by this paragraph shall be made available in hard copy form at no cost to the player.

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1 IV. A gaming licensee shall prominently post on its gaming floor such information regarding
2 the conduct of table game play, the pay-off of a winning wager, an approximation of the odds of
3 winning for each wager, and such other disclosures to the player as the commission shall require.

4 284-B:44 Gaming Ticket Expiration, Unclaimed Tickets, Cash, and Prizes.

5 I. A gaming licensee shall redeem a ticket issued by a slot machine for cash or a cash
6 equivalent for a period of one year from the date of issuance of the ticket.

7 II. Upon the expiration of the one-year period in paragraph I, the value of the expired ticket
8 shall revert to the state as an unclaimed prize.

9 III. A gaming licensee shall retain unclaimed cash and winnings for a player for a one-year
10 period from the date of the transaction generating the cash or winnings.

11 IV. Upon the expiration of the one-year period in paragraph III, the value of the unclaimed
12 cash or winnings shall revert to the state as unclaimed prizes.

13 V. The commission shall issue rules consistent with this chapter and the efficient
14 administration of a gaming licensee's obligations hereunder with regard to the reversion of amounts
15 to the state.

16 284-B:45 Junkets. No junket may be organized or permitted and no person may act as a junket
17 representative or junket enterprise except as authorized by the commission under rules adopted
18 pursuant to this chapter.

19 284-B:46 Gross Revenue Tax and Other Assessments Payable by a Gaming Licensee.

20 I. A gaming licensee shall remit to the state treasurer a tax of 50 percent of gross slot
21 machine revenue in a manner and time as provided for by this chapter.

22 (a) Upon receipt of payment of taxes on gross slot machine revenue by a gaming licensee
23 under this chapter and in accordance with a schedule established by the state treasurer, the state
24 treasurer shall:

25 (1) Pay 3 percent of the gross slot machine revenue of the gaming licensee located in
26 the host community to the host community;

27 (2) Pay one percent of the gross slot machine revenue to the commissioner of the
28 department of health and human services to support programs established by RSA 172 to identify,
29 assess, prevent, and treat both compulsive and problem gambling and the related disorders of drug
30 and alcohol addiction;

31 (3) Return that part of the gross slot machine revenue remaining after the
32 distributions provided in subparagraphs (1) through (4) to cities and towns in New Hampshire equal
33 to the amounts determined in accordance with RSA 31-A:4 or if the remaining gross slot machine
34 revenue is less than the amounts that would otherwise be payable in accordance with RSA 31-A:4,
35 then each such city's or town's pro rata share of the total available amount determined in accordance
36 with RSA 31-A:4; and

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1 (4) Deposit the balance into the gaming regulatory fund established by RSA 284-
2 B:17, VI.

3 (b) Upon payment of taxes on gross slot machine revenue by a gaming licensee under
4 this chapter, and subject to payment by the state treasurer of the amounts specified in subparagraph
5 (a), the commission shall:

6 (1) Reimburse funds received by the commission from activities authorized by
7 RSA 284, RSA 287-D, RSA 287-E, and RSA 287-F in proportion to the expenses of the commission
8 borne by each such activity in the administration of this chapter as authorized by RSA 284-B:3,
9 VII(a), prior to the payment of the license fee.

10 (2) Reimburse funds received by the gaming regulatory oversight authority from
11 activities authorized by RSA 284 and RSA 287-F in proportion to the expenses of the authority borne
12 by each such activity in the administration of RSA 284-A.

13 (3) Charge to and pay out of the tax payments received the compensation of the
14 commissioners, expenses of the commissioners, compensation of assistants, and other necessary
15 expenses of the commission, of the office of the commission chair, and of the division of gaming
16 control, including suitable furniture, equipment, supplies, and office expenses, provided that the
17 commission shall submit an operating budget based on accounting units or other budgetary units
18 required by the general court and shall submit its budget in the same format and at the same time
19 as other state agencies; provided, however, the commission is authorized to transfer funds between
20 line items within and among any budgetary unit.

21 (4) Make distributions to the state treasurer for transfer to the attorney general and
22 the department of safety and local law enforcement agencies in amounts equal to any costs of
23 regulatory control over a gaming licensee that are not covered by any other designated source of
24 funding in this chapter, provided that such distributions shall be in accordance with a budget
25 approved by the general court.

26 II. The general court shall determine the distribution of the balance of tax payments on
27 gross slot machine revenue remitted by a gaming licensee that remains after provision for the
28 distributions and charges provided for by paragraph I.

29 III. A gaming licensee shall deliver to the state treasurer the amount due to the state
30 treasurer provided for in this section in immediately available funds of the United States at least
31 once a week in such manner and at such time as the state treasurer, with the concurrence of the
32 commission, shall agree. At the time payment is delivered, a gaming licensee shall provide to the
33 state treasurer a written accounting of gross slot machine revenue on an aggregate basis together
34 with its calculation of the amount due to the state treasurer pursuant to this section. The gaming
35 licensee's written accounting shall be in a form satisfactory to the commission and shall be filed
36 concurrently with the commission. A gaming licensee shall pay a penalty of \$1,000 for each day that
37 payment or the accounting is not delivered on time to the state treasurer and/or the commission.

1 IV. A gaming licensee shall remit to the commission a fee in the amount of \$600 per year per
2 slot machine which fee shall be deposited in a public health trust fund administered by the
3 commission dedicated to addressing problems associated with compulsive gambling, including, but
4 not limited to, gambling prevention and addiction services, substance abuse services, educational
5 campaigns to mitigate the potential addictive nature of gambling, research, and any studies and
6 evaluations consistent with this chapter.

7 284-B:47 Conservatorship.

8 I. Upon revocation or suspension of a gaming license by the commission or upon the failure
9 or refusal of a gaming licensee to renew a gaming license for any reason, the commission may seek
10 the appointment of a conservator pursuant to this section to temporarily manage and operate the
11 business of the gaming licensee relating to a gaming location if it is able to establish both of the
12 following:

13 (a) The possible adverse economic impact of closure of the gaming location upon the host
14 community and upon the state generally is significant.

15 (b) Continued gaming operations pursuant to a conservatorship would facilitate speedy
16 transfer of ownership of the gaming location in a manner that does not unreasonably endanger the
17 public health, safety, morals, good order and general welfare. Such conservator shall be a person of
18 similar experience in the field of gaming management and, in the case of replacing a gaming
19 licensee, shall have experience operating a gaming location of similar caliber in another jurisdiction,
20 and shall be in good standing in any jurisdiction where the person has held or holds a license,
21 registration or other authorization. Upon appointment, a conservator shall agree to operate a
22 gaming location in compliance with all requirements of the statement of conditions issued by the
23 commission in connection with the gaming license for the gaming location.

24 II. If the commission deems it warranted pursuant to this section, the commission, and only
25 the commission, may petition ex parte for a court order appointing a conservator for the gaming
26 location. The decision to file such a petition is discretionary with the commission, and in
27 determining whether such a petition shall be filed, the commission shall consider, at any time
28 following issuance of an order revoking or suspending a gaming license or upon the failure or refusal
29 to renew a gaming license the following criteria.

30 (a) The nature of the violation or event that resulted in the revocation, suspension,
31 surrender, or lapse.

32 (b) The ability and actions taken, if any, for a removal by a gaming licensee in good
33 standing of persons who committed the violation.

34 (c) The involvement in the operation during a proposed conservatorship of persons whose
35 licenses were revoked, suspended, surrendered, or lapsed.

36 (d) The economic impact of closure of the gaming location upon the community in which
37 the establishment is located.

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1 (e) The economic impact of closure of the gaming location upon the state of
2 New Hampshire.

3 (f) The prior efforts, if any, to sell the gaming location.

4 (g) The involvement, if any, of undisclosed interests in the gaming location.

5 (h) The presence, if any, of a publicly traded holding company and the public trading
6 that would occur during a conservatorship.

7 (i) The current status of all fees and taxes applicable to the operation.

8 (j) The adequacy of existing financing for the operation, if continued, and the suitability
9 of the source of such financing.

10 (k) The impact upon public confidence and trust that gaming operations in New
11 Hampshire are conducted honestly, competitively, and free from criminal and corruptive elements.

12 (l) The ownership of the gaming location or an interest therein by persons other than the
13 offending, surrendering, or lapsed licensee.

14 (m) Any other matter material to a full and complete consideration of the particular
15 circumstances presented.

16 (n) The availability of 2 or more persons qualified and willing to assume the position of
17 conservator for the gaming location in question, unless, in the opinion of the commission, only one
18 person is available who is qualified to serve, in which case the commission may name only that
19 person.

20 III. The commission may decline to petition for appointment of a conservator if satisfied that
21 because of any or all of the above considerations or for any other reason, a continuation of the
22 operation of the gaming location would not be in the best interest of the state, the gaming industry,
23 or both.

24 IV. The commission shall not petition for a conservator to continue gaming operations at any
25 gaming location if any of the following are established:

26 (a) A rehearing has been granted by the commission to the gaming licensee on the
27 revocation or suspension of its license and the rehearing has not been concluded.

28 (b) The gaming location has never been in operation and opened to the public.

29 (c) The gaming location is, or reasonably appears to be, insolvent.

30 (d) Gaming operations ceased at the gaming location for any reason prior to revocation,
31 suspension, or lapse of an essential license.

32 V. A conservator shall, before assuming managerial or operational duties, execute and file a
33 bond for the faithful performance of its duties payable to the commission with such surety and in
34 such form and amount as the commission shall approve.

35 VI. After issuance of an order to appoint a conservator, the former or suspended gaming
36 licensee may not exercise any of its privileges, collect or receive any debts, or pay out, sell, assign, or

1 transfer any of its assets to anyone without prior approval of the appointed conservator and the
2 commission.

3 VII. A conservator shall not distribute earnings of the gaming location to the former licensed
4 owners thereof, until deduction is made for:

5 (a) All amounts payable under this chapter.

6 (b) The costs of the conservatorship, including compensation and expenses incurred by
7 the conservator and those engaged by the conservator to aid in the conservator's duties, then due
8 and owing.

9 (c) Amounts deemed necessary by the conservator for continuing the operation of the
10 gaming location including, but not limited to, bankroll, salaries, and foreseeable operating expenses.

11 (d) Amounts deemed necessary by the conservator to preserve the assets of the gaming
12 location.

13 (e) A reserve fund sufficient, in the determination of the conservator, to facilitate
14 continued operation in light of pending civil litigation, disputed claims, contractual obligations,
15 taxes, fees, and any other contingency known to the conservator which may require payment by the
16 gaming location.

17 VIII. During the period of conservatorship, the commission shall, as applicable, initiate
18 proceedings under this chapter to award a new gaming license to a qualified applicant. An applicant
19 for a new gaming license shall be qualified for licensure under this chapter, provided, however, that
20 the commission shall determine an appropriate minimum capital investment by an applicant into
21 the preexisting gaming location and upon award of a new gaming license, the new gaming licensee
22 shall pay the original licensing fee required under this chapter.

23 IX. Following the sale, assignment, conveyance, or other disposition in bulk of all the
24 property subject to a conservatorship and the payment of any obligations to the state and political
25 subdivisions pursuant to this chapter, the commission shall conduct a hearing to determine the
26 distribution of the remaining assets.

27 X. The commission may issue an order to discontinue a conservatorship when:

28 (a) The commission determines that circumstances requiring the appointment of the
29 conservator no longer exist.

30 (b) The conservator has, with the prior approval of the commission, consummated the
31 sale, assignment, conveyance, or other disposition of all the assets or interest of the former gaming
32 licensee relating to the gaming license.

33 284-B:48 Prohibitions on Certain Political Contributions.

34 I. For the purposes of this section:

35 (a) "Candidate" means any person publicly declared as such, including any person who
36 prior to the opening of the period for the filing of a declaration of candidacy has made a public

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1 statement of intent to run for elective office, and for whom votes are sought in an election, but shall
2 not include a person seeking nomination or election to any federal public office.

3 (b) "Close associate" means a person who holds a relevant financial interest in, or is
4 entitled to exercise power in, the business of a gaming applicant or gaming licensee and, by virtue of
5 that interest or power, is able to exercise a significant influence over the management or operation of
6 a gaming location or business licensed under this chapter.

7 (c) "Co-employee" means a individual that through a contractual arrangement is
8 employed by 2 separate business entities that share control over an employee's work or working
9 conditions.

10 (d) "Contribution" shall be defined as in RSA 664:2.

11 (e) "Political committee" shall be defined as in RSA 664:2.

12 (f) "Political party" shall be defined as in RSA 664:2.

13 (g) "Independent expenditure" shall be defined as in RSA 664:2.

14 (h) "Dependent person" means an individual that is an employee or co-employee of a
15 gaming applicant or gaming licensee, an employee or co-employee of a person affiliated with a
16 gaming applicant or gaming licensee or an enterprise or firm, or an officer, director, partner, owner,
17 or key employee of an enterprise or firm, that is a party to any contract with, or is bidding for or
18 seeking to enter any contract with, or regularly represents or provides services to, a gaming
19 applicant or gaming licensee.

20 (i) "Public official" means any person holding the office of governor, executive councilor,
21 state senator, state representative, county commissioner, county treasurer, county attorney, county
22 sheriff, county registrar of deeds, or local, town or city office.

23 (j) "Solicitation" means a request, suggestion, or recommendation made to a particular
24 person, by any means of communication, that the person make a contribution, provided, however,
25 that a statement to a person expressing support for or opposition to the election of any candidate, or
26 support for or opposition to any political party, which is made without reference to a contribution, or
27 a statement intended for and given public dissemination encouraging all persons to make
28 contributions to any candidate or political party, is not a solicitation.

29 (k) "Thing of value" means an item of real, personal, or intellectual property that may be
30 converted into money by selling it or pledging it as security for a loan or other advance of funds; a
31 loan of assets, property, personnel, or facilities for use by a candidate or political party, such as,
32 without limitation, office space, automobiles, telephones or telephone services, or the time and effort
33 of employees or consultants who are paid by the person making the contribution; a personal or
34 professional service that is not incidental to the expression of a person's ideological beliefs or
35 membership in a political party, and that has a value to the candidate or political organization; a
36 non-reimbursed expense that is not incidental to the expression of a person's ideological beliefs or
37 membership in a political party, and is of the type normally incurred by the candidate or political

1 organization; or any thing, service, expense, or other item of value similar to that identified in this
2 paragraph.

3 II. A gaming applicant, a gaming licensee, a close associate of a gaming applicant or gaming
4 licensee or any holding, intermediary, or subsidiary company of a gaming applicant or gaming
5 licensee or any dependent person thereof; an officer, director, key employee, or principal of a gaming
6 applicant or gaming licensee; a person who holds at least a one percent interest in a gaming
7 applicant or gaming licensee; the spouse or children of a gaming applicant or gaming licensee; or any
8 person or agent acting on behalf of any of the persons enumerated herein are prohibited from
9 making contributions of money or things of value to public officials or candidates for public office and
10 political parties in New Hampshire provided further that the above-mentioned persons shall not
11 offer or give to a candidate or public official or his or her spouse, his or her parent, brother, sister, or
12 child or spouse of such child, or a business with which he or she is associated, anything of value,
13 including, but not limited to, a gift, loan, political contribution, reward, or promise of future
14 employment.

15 III. A gaming applicant, a gaming licensee, a close associate of a gaming applicant or gaming
16 licensee or any holding, intermediary, or subsidiary company of a gaming applicant or gaming
17 licensee or any dependent person thereof; an officer, director, key employee, or principal of a gaming
18 applicant or gaming licensee; a person who holds at least a one percent interest in a gaming
19 applicant or gaming licensee; the spouse or children of a gaming applicant or gaming licensee; or any
20 person or agent acting on behalf of any of the persons enumerated herein are prohibited from
21 making a contribution to a candidate or political committee through a legal entity that is
22 established, directed, or controlled by the persons described in this paragraph.

23 IV. No candidate or public official or political committee shall solicit or accept from a gaming
24 applicant, a gaming licensee, a close associate of a gaming applicant or gaming licensee or any
25 holding, intermediary, or subsidiary company of a gaming applicant or gaming licensee or any
26 dependent person thereof; an officer, director, key employee, or principal of a gaming applicant or
27 gaming licensee; a person who holds at least a one percent interest in a gaming applicant or gaming
28 licensee; the spouse or children of a gaming applicant or gaming licensee; or any person or agent
29 acting on behalf of any of the persons enumerated herein anything of value, including but not limited
30 to, a gift, loan, political contribution, reward, or promise of future employment.

31 V. This prohibition is designed to protect the public interest in both the fact and the
32 appearance of the independence of the political process, and the insulation of the government
33 institutions that are responsible for the supervision of the gaming industry, from the uniquely
34 powerful economic force that is presented by that industry. The protection of these interests is
35 critical to the maintenance of public confidence and trust in the regulation of gaming in
36 New Hampshire.

1 VI. A violation of the prohibitions in paragraphs II through V shall be punishable by a fine
2 not to exceed \$20,000 per illicit donation plus the amount of each illicit donation and such other
3 sanctions and penalties as the commission shall deem appropriate.

4 VII. The prohibitions enumerated in paragraphs II through V shall also apply to an
5 applicant for, or holder of, a key employee license or gaming vendor license, a close associate of a
6 gaming vendor applicant or gaming vendor licensee, or any holding, intermediary, or subsidiary
7 company of a gaming vendor applicant or gaming vendor licensee or any dependent person thereof;
8 an officer, director, key employee, or principal of a gaming vendor applicant or gaming vendor
9 licensee; a person who holds at least a one percent interest in a gaming vendor applicant or gaming
10 vendor licensee; the spouse or children of a key employee applicant or key employee licensee, gaming
11 vendor applicant, or gaming vendor licensee; or any person or agent acting on behalf of any of the
12 persons enumerated herein.

13 VIII. A violation of the prohibitions in paragraphs VII shall be punishable by a such
14 sanctions and penalties as the commission shall deem appropriate.

15 IX. The chief executive officer of a gaming applicant, a gaming licensee, an applicant for a
16 gaming vendor license, or a gaming vendor licensee shall annually certify to the commission and to
17 the attorney general under oath that they have developed and implemented internal safeguards and
18 policies intended to prevent a violation of this provision and that such person has conducted a good
19 faith investigation that has not revealed any violation of this provision during the past year.

20 284-B:49 Data; Research.

21 I. Notwithstanding any law to the contrary, a gaming licensee shall supply the commission
22 with customer tracking data collected or generated by loyalty programs, player tracking software,
23 player card systems, cashless wagering systems, or any other player incentive related information
24 system. The commission shall contract with an experienced nonprofit research entity to develop an
25 anonymizing system that automatically removes from the data:

26 (a) Personal identifying information, including player name, street address, bank or
27 credit information, and the last 4 digits of a player's zip code.

28 (b) Slot machine identifying information, including game name and manufacturer, in
29 protection of corporate intellectual property.

30 (c) The data shall retain information on player characteristics including, but not limited
31 to, gender, age, and region of residence, and player behavior including, where available on the
32 systems referenced in this paragraph, frequency of play, length of play, speed of play, denomination
33 of play, amounts wagered and, if applicable, number of lines or hands played and the characteristics
34 of the games played including, but not limited to, reel configuration, return-to-player, and volatility
35 index.

36 II. The commission shall convey the anonymized data to a research facility which shall make
37 the data available to qualified researchers for the purposes of:

1 (a) Conducting analyses that improve understanding of how gambling addiction develops
2 and progresses.

3 (b) Developing evidence-based harm minimization strategies.

4 (c) Developing evidence-based systems to monitor, detect, and intervene in high-risk
5 gambling.

6 III. The commission shall request reports on researcher analyses of the behavioral data,
7 which could provide informed recommendations to the general court relative to more effective
8 regulation of gambling operations. The commission may directly initiate studies assessing the
9 effectiveness of any specific measures, programs, or interventions which the state has imposed on its
10 gaming licensees and which might be illuminated through the behavioral data in question.

11 IV. The commission, with the advice of the gaming regulatory oversight authority, shall
12 develop an annual research agenda in order to understand the social and economic effects of
13 expanding gaming in New Hampshire and to obtain scientific information relative to the
14 neuroscience, psychology, sociology, epidemiology, and etiology of gambling. The commissioner of
15 health and human services, with the advice and consent of the commission, may expend funds
16 received pursuant to RSA 284-B:48 to implement the objectives of the research agenda. The
17 commission shall annually make scientifically-based recommendations which reflect the results of
18 this research to the general court. The commission shall consider any such recommendations,
19 research, and findings in all decisions related to enhancing responsible gaming and mitigating
20 problem gambling.

21 2 Gaming Regulatory Oversight Authority. RSA 284-A is repealed and reenacted to read as
22 follows:

23 284-A:1 Gaming Regulatory Oversight Authority. There is hereby established a gaming
24 regulatory oversight authority to ensure integrity and public confidence in gaming regulation and to
25 oversee and assess the regulation of gaming activities authorized pursuant to New Hampshire law,
26 to advise the gaming commission established by RSA 284-B on all matters pertaining to the exercise
27 of the gaming commission's powers and rights and the performance of the gaming commission's
28 duties and responsibilities, and to report at least annually to the general court with its findings and
29 recommendations regarding the appropriate regulation of gambling in New Hampshire. The
30 authority shall consist of the following members:

31 I. The attorney general, or designee.

32 II. The commissioner of the department of safety, or designee.

33 III. One member of the senate, appointed by the president of the senate.

34 IV. One member of the house of representatives, appointed by the speaker of the house of
35 representatives.

36 V. One member who has relevant experience, appointed by the governor.

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1 VI. Two public members appointed by the governor one of whom shall be appointed to serve
2 as the chair of the authority.

3 284-A:2 Functions and Duties of the Authority.

4 I. The authority shall evaluate whether the current and proposed regulations, policies, and
5 practices for legal gaming in the state are adequate to operate in a manner that protects the public
6 interest and allows the regulation of gaming to be conducted in an effective and efficient manner,
7 advise the gaming commission at regular quarterly or special meetings of its findings and
8 recommendations, and report its findings and recommendations annually to the general court.

9 II. Meetings shall be called by the chair. All meetings of the authority shall be open to the
10 public and subject to RSA 91-A.

11 III. With regard to meetings, minutes, and records of the authority:

12 (a) The authority shall notice all proceedings and shall make and keep a record of all
13 proceedings held at public meetings of the authority. A verbatim record of those proceedings shall be
14 prepared by the authority. A copy of the record shall be made available to any person upon request
15 and payment of the costs of preparing the copy.

16 (b) The authority shall maintain such other files and records as the authority
17 determines is necessary.

18 (c) All records, information, or data maintained or kept by the authority shall be
19 maintained or kept at the office of the gaming commission.

20 IV. The balance of unexpended funds remaining in the allocation by the lottery commission
21 in 2013 of \$250,000 to the authority shall be available to the authority until June 30, 2016 and the
22 authority may expend funds remaining in this allocation as needed to support its activities
23 including, but not limited to, the hiring of staff and the retention of experts in the area of the
24 authority's oversight activities. In fiscal years 2016 and 2017, the gaming commission may expend
25 the remaining balance of said \$250,000 in funds not otherwise appropriated to support the
26 authority's activities. The authority may expend such funds without the approval of the governor
27 and executive council.

28 V. The gaming commission and all agencies and commissions subject to the authority of the
29 gaming commission shall cooperate with the authority and shall provide data and information to the
30 authority upon request. The authority shall be administratively attached to, but not under the
31 control of, the gaming commission pursuant to RSA 21-G:10.

32 3 New Sections; Department of Safety; Gaming Enforcement Unit Established. Amend RSA 21-
33 P by inserting after section 7-c the following new sections:

34 21-P:7-d Division of State Police; Gaming Enforcement Unit.

35 I. There is established within the division of state police a gaming enforcement unit under
36 the supervision of the commissioner of the department of safety. Notwithstanding RSA 106-B:15,
37 the unit shall:

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1 (a) Investigate violations of RSA 284-B and the rules adopted under the provisions of
2 RSA 284-B, and initiate proceedings before the commission for such violations. The unit shall report
3 the results of any investigation conducted to the commission.

4 (b) Participate in any hearing conducted by the commission.

5 (c) Investigate crimes which may involve a violation of RSA 284-B that occur at a
6 gaming location.

7 II. The commissioner of the department of safety shall organize the unit as the
8 commissioner deems necessary. The commissioner of safety may employ such state police personnel
9 as the commissioner deems necessary to fulfill the responsibilities of the unit.

10 21-P:7-e Enforcement Expenditures. The governor and council, upon request from the
11 commissioner of the department of safety, may authorize the transfer of general funds as necessary
12 to the department of safety to implement and enforce RSA 21-P:7-d and RSA 284-B.

13 4 Restriction on Gambling. RSA 284:17-c is repealed and reenacted to read as follows:

14 284:17-c Restriction on Gambling. Except as provided in the introductory paragraph of
15 RSA 284:22, RSA 284:22-a, and RSA 284-B, no licensee who holds running horse races shall at the
16 same facility hold any other kinds of races or permit any other type of gambling except harness horse
17 races, thoroughbred races, and activities licensed by the commission or the racing and charitable
18 gaming commission.

19 5 New Paragraph; Facility License; Cocktail Lounge License. Amend RSA 178:22 by inserting
20 after paragraph V the following new paragraph:

21 VI. The commission may issue a special license to a person holding a gaming license under
22 the provisions of RSA 284-B, provided the gaming location has an existing liquor license. Such
23 special license shall allow the sale of liquor and beverage within the gaming location, including
24 dining room, function room, gaming room, lounge, or any other area designated by the commission,
25 without regard to whether meals are served therein, but only during the time gaming is being
26 conducted under RSA 284-B and subject to the same hours of sale as all other on-premises licenses
27 pursuant to RSA 179:17, II(b).

28 6 New Subparagraph; Authorized Slot Machines and Table Games. Amend RSA 647:2, V by
29 inserting after subparagraph (c) the following new subparagraph:

30 (d) Slot machines and table games authorized pursuant to RSA 284-B.

31 7 Rehabilitation of Problem Gambling. Amend RSA 172:2-a to read as follows:

32 172:2-a Program Established. The commissioner shall provide for the scientific care, treatment,
33 and rehabilitation of **gambling**, alcohol and drug abusers, and work towards the prevention of, and
34 assist in the control of, **gambling**, alcohol and drug abuse within the state through education,
35 treatment, community organization, and research.

36 8 Rehabilitation of Problem Gaming. Amend RSA 172:8 to read as follows:

37 172:8 Duties of Commissioner. The commissioner shall:

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1 I. Study the problems presented by **gambling**, alcohol and drug abuse, including methods
2 and facilities available for the care, treatment, custody, employment, and rehabilitation of persons
3 who are **problem gamblers**, inebriates, alcohol abusers, drug dependent, or drug abusers.

4 II. Promote meetings and programs for the discussion of **gambling**, alcohol and drug
5 dependency and abuse for the guidance and assistance of individuals, schools, courts, and other
6 public and private agencies.

7 III. Conduct, promote and finance, in full or in part, studies, and other appropriate facilities
8 dealing with the physical, psychological, and/or social aspects of **gambling**, alcohol and drug abuse.

9 IV. Have the authority to accept or reject for examination, diagnosis, guidance, and
10 treatment, insofar as funds and facilities permit, any resident of the state who comes to the
11 commissioner voluntarily for advice and treatment.

12 V. [Repealed.]

13 VI. Render biennially to the governor and council a report of his activities including
14 recommendations for improvements therein by legislation or otherwise.

15 VII. Coordinate community medical resources for the emergency medical care of persons
16 suffering acute mental or physical reaction to **gambling**, alcohol or drugs and of persons suffering
17 from drug dependency.

18 VIII. Employ such assistants as may be necessary to carry out the purposes of this chapter,
19 in accordance with state personnel regulations, and within available appropriations and funds.

20 IX. Disseminate information on the subjects of **gambling**, alcohol and drug abuse for the
21 guidance and assistance of individuals, schools, courts and other public and private agencies.

22 X. [Repealed.]

23 9 Problem Gaming Added. Amend RSA 172:8-a to read as follows:

24 172:8-a Confidentiality of Client Records. No reports or records or the information contained
25 therein on any client of the program or a certified **gambling**, alcohol or drug abuse treatment
26 facility or any client referred by the commissioner shall be discoverable by the state in any criminal
27 prosecution. No such reports or records shall be used for other than rehabilitation, research,
28 statistical or medical purpose, except upon the written consent of the person examined or treated.
29 Confidentiality shall not be construed in such manner as to prevent recommendation by the
30 commissioner to a referring court, nor shall it deny release of information through court order
31 pursuant to appropriate federal regulations.

32 10 Problem Gaming Added. Amend RSA 172:8-b to read as follows:

33 172:8-b Rulemaking. The commissioner shall adopt rules under RSA 541-A relative to the
34 following:

35 I. The acceptance, care, and treatment of **gambling**, alcohol or drug dependent persons and
36 alcohol or drug abusers who are clients of the program established under this chapter or a certified
37 substance abuse treatment facility.

1 II. A fee schedule and collection of fees under RSA 172:14, IV.

2 III. Certification of *such* substance abuse treatment facilities including, but not limited to:

- 3 (a) Program content;
- 4 (b) Qualifications of program staff; and
- 5 (c) Type of substance abuse treatment offered.

6 IV. Certification and recertification of *gambling*, alcohol and drug abuse counselors
7 including, but not limited to:

- 8 (a) Peer review of applicants.
- 9 (b) Minimum qualifications and competency.
- 10 (c) Education and continuing education.
- 11 (d) Experience required.
- 12 (e) Required knowledge of *gambling*, alcohol and drug abuse counseling.
- 13 (f) Such other matters as the commissioner may deem necessary to carry out the

14 purposes of this chapter.

15 V. Voluntary admissions under RSA 172:13.

16 11 Acceptance of Funds; Treatment of Problem Gamblers. Amend RSA 172:9 to read as follows:

17 172:9 Acceptance of [~~Grants~~] **Funds**. The commissioner is authorized to accept in the name of
18 the state special grants or money or services from the federal or state governments or any of their
19 agencies and may accept gifts to carry on the functions provided for in this chapter.

20 12 New Paragraphs; Gaming Offenses. Amend RSA 647:2 by inserting after paragraph I-b the
21 following new paragraphs:

22 I-c.(a) A person shall be guilty of cheating if such person, during a game in a gaming location
23 licensed by the commission, knowingly and by any trick or sleight of hand performance or by a fraud
24 or fraudulent scheme, cards, dice, or other gaming device for oneself or for another:

- 25 (1) Wins, or attempts to win, money or property; or
- 26 (2) Reduces, or attempts to reduce, a losing wager in said gaming location shall be
27 guilty of cheating.
- 28 (3) Uses a cheating device or game in a gaming location licensed by the commission
29 shall be guilty of cheating.

30 (b) Whoever commits the offense of cheating shall be punished as follows:

31 (1) A person is guilty of a class A felony if the value of the money, property, or wager
32 cheated is \$75,000 or more, and in the case of a person other than a natural person, by a fine not to
33 exceed \$100,000.

34 (2) A person is guilty of a class B felony if the value of the money, property, or wager
35 cheated is \$10,000 or more but less than \$75,000, and in the case of a person other than a natural
36 person, by a fine not to exceed \$100,000.

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1 (3) A person is guilty of a class A misdemeanor if the value of the money, property or
2 wager cheated is \$1,000 or more but less than \$10,000, and in the case of a person other than a
3 natural person, by a fine not to exceed \$20,000.

4 (d) Each episode or transaction of cheating may be the subject of a separate prosecution
5 and conviction. In the discretion of the state, multiple episodes or transactions of cheating
6 committed as part of a single scheme or course of conduct may be treated as a single offense and the
7 amounts involved in acts of cheating committed according to a scheme or course of conduct, whether
8 by the same person or several persons, may be aggregated in determining the value of money,
9 property, or wager involved in the offense.

10 (e) A gaming applicant, gaming licensee, and an applicant for, or holder of, a principal
11 license, key employee license, gaming employee registration, non-gaming employee permit, gaming
12 vendor license, non-gaming vendor registration, or other person who, in a gaming location,
13 knowingly:

14 (1) Conducts or operates any game using a cheating device or game;

15 (2) Displays for play a cheating game; or

16 (3) Permits to be conducted, operated or displayed, any cheating device or game shall
17 be guilty of a class B felony, and in the case of a person other than a natural person, by a fine not to
18 exceed \$100,000.

19 I-d.(a) Whoever possesses a cheating device or game, with the intent to defraud, cheat, or
20 steal, shall be guilty of a class A misdemeanor, and in the case of a person other than a natural
21 person, by a fine not to exceed \$20,000.

22 (b) Knowing possession of a cheating device or game within a gaming location shall
23 constitute prima facie evidence of an intent to defraud, cheat, or steal, except possession by a gaming
24 licensee or an employee of a gaming licensee, acting lawfully in furtherance of such person's
25 employment within the casino, and shall constitute a class B felony.

26 13 New Subparagraph; Gaming Offenses. Amend RSA 647:2, V by inserting after subparagraph
27 (c) the following new subparagraph:

28 (d) A gaming location approved and licensed by the commission under RSA 284-B.

29 14 New Paragraph; Gaming Offenses. Amend RSA 647:2 by inserting after paragraph VI the
30 following new paragraph:

31 VII.(a) Whoever, being under 21 years old, plays, places wagers at or collects winnings from,
32 whether personally or through an agent, a game in a gaming location licensed by the commission
33 shall be guilty of a violation level offense and shall be punished by a fine not to exceed \$1,000.

34 (b) Whoever, being a gaming location licensee by the commission or an employee of a
35 gaming location licensee, who knowingly allows a person under the age of 21 to play, place wagers
36 at, or collect winnings from a game in a gaming location licensed by the commission, whether
37 personally or through an agent, shall be guilty of a class B misdemeanor and shall be punished, for a

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1 first offense, by a fine not to exceed \$1,200, and in the case of a person other than a natural person,
2 by a fine not to exceed \$20,000 and, for a second or subsequent offense, shall be guilty of a class A
3 misdemeanor, and in the case of a person other than a natural person, by a fine not to exceed
4 \$20,000.

5 (c) Whoever knowingly plays, places wagers at, or collects winnings from a game in a
6 gaming location licensed by the commission for or on behalf of a person under 21 years of age shall
7 be guilty of a class B misdemeanor and shall be punished by a fine of not more than \$1,200 for the
8 first offense, and, for a second or subsequent offense, shall be guilty of a class A misdemeanor, and in
9 the case of a person other than a natural person, by a fine not to exceed \$20,000.

10 15 Issuance of Reports. Amend RSA 20:7 to read as follows:

11 20:7 Issuance of Reports. The following agency reports shall be issued annually: secretary of
12 state, state treasurer, bank commissioner, insurance commissioner, division of personnel,
13 commissioner of revenue administration, [~~lottery commission, racing and charitable~~] gaming
14 commission, liquor commission, department of transportation, department of environmental
15 services, department of safety, adult parole board, and the board of trustees of the state colleges and
16 university. All other reports shall be issued biennially. All reports shall cover periods ending on
17 June 30, and be submitted to the governor and council, the speaker of the house of representatives,
18 and the senate president by October 1. Biennial reports shall cover periods ending in odd-numbered
19 years.

20 16 New Subparagraphs; Application of Receipts; Gaming Regulatory Fund; Public Health Trust
21 Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (326) the following new
22 subparagraphs:

23 (327) The gaming regulatory fund established in RSA 284-B:18.

24 (328) The public trust health fund established in RSA 284-B:48, IV.

25 17 Transfer of Powers. The transfer of powers, rights, duties and responsibilities to the gaming
26 commission pursuant to RSA 284-B:3 shall not take effect until all 5 commissioners of the gaming
27 commission have been duly appointed and sworn, which appointments shall be made at the earliest
28 possible date after passage.

29 18 Restoration of Revenue Sharing with Cities and Towns. The general court intends that
30 revenue sharing under RSA 31-A shall be effective for payments made pursuant to RSA 284-B:48.

31 19 Change from "Racing and Charitable Gaming Commission" to "Gaming Commission". Amend
32 the following RSA provisions by replacing "racing and charitable gaming commission" with "gaming
33 commission": 6:12-d, II(1); 21:33-a, III(a); 21-I:18, I(n); 21-P:4, VI (introductory paragraph); 167:7-b,
34 II(c); 175:1, LVI; 273-C:2, IV; 284:6-a, IV-VI; 284:9; 284:11; 284:12; 284:12-a; 284:20-f; 284:22;
35 284:23; 287-A:8, III; 287-D:1-b; 287-D:2; 287-D:2-b; 287-D:2-c; 287-D:2-d; 287-D:3; 287-D:6, III; 287-
36 D:7; 287-D:8; 287-E:1, VI; 287-E:7, II(b); 647:2, V(a).

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1 20 Change from “Racing and Charitable Gaming Commission” to “Racing and Charitable
2 Gaming Division.” Amend the following RSA provisions by replacing “racing and charitable gaming
3 commission” with “racing and charitable gaming division”: 284:7; 284:8; 284:13; 284:13-a; 284:14;
4 284:14-c; 284:14-d; 284:20-d; 284:32-b; 284:38-a; 284-A:1; 287-D:1-a; 287-D:2, II; 287-D: VIII-X; 287-
5 D:9; 287-E:2; 287-E:16.

6 21 Change from “Lottery Commission” to “Gaming Commission”. Amend the following
7 RSA provisions by replacing “lottery commission” with “gaming commission”: 6:12, I(b)(1); 21-I:18,
8 I(g); 94:1-a; 284:21-jj; 284:21-f; 284:21-i; 284:21-j.

9 22 Change from “Lottery Commission” to “Lottery Division”. Amend the following
10 RSA provisions by replacing “racing and charitable gaming commission” with “lottery division”:
11 284:21-h; 284:21-k; 284:21-m; 284:21-o; 284:21-q; 284:21-s; 284:21-v; 287-F:10, I-j; 663:8.

12 23 Change from “Lottery Commission and Racing and Charitable Gaming Commission” to
13 “Gaming Commission”. Amend the following RSA provisions by replacing “lottery commission and
14 racing and charitable gaming commission” with “gaming commission”: 284:17-c; 284:21-j; 284-A:2,
15 I(e); 284-A:2, VI; 20:7; 21:33-a.

16 24 Gaming Regulatory Oversight Authority; Reference Changed. Amend RSA 284-A:1, III to
17 read as follows:

18 III. The executive director of the lottery [~~commission~~] **division**, or designee.

19 25 Operations of Games of Chance. Amend RSA 287-D:14, XV and XVI to read as follows:

20 XV. For games of chance where chips have no monetary face value, the charitable
21 organization may offer any number of games per licensed event in which each player may spend up
22 to [~~\$150~~] **\$250** per game including buy-ins and re-buys.

23 XVI. Notwithstanding paragraph XV, the charitable organization may offer one game per
24 licensed event in which each player may spend up to [~~\$250~~] **\$500** for the game including buy-ins and
25 re-buys.

26 26 Wager Limit; Charity Gaming. Amend RSA 287-D:16 to read as follows:

27 287-D:16 Wagers. No single wager by a player, on any game of chance, shall exceed the amount
28 of [~~\$4~~] **\$25**. ***Electronic poker and Blackjack tables which employ an automatic shuffling***
29 ***feature may be used provided they are approved by the Commission.***

30 27 Effective Date. This act shall take effect upon its passage.

LBAO
15-0610
01/26/15

HB 657-FN-A-LOCAL - FISCAL NOTE

AN ACT relative to video lottery.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, **as introduced**, as it is awaiting information from the New Hampshire Lottery Commission, Racing and Charitable Gaming Commission, Departments of Justice, Corrections, Health and Human Services, Judicial Branch, New Hampshire Association of Counties, and New Hampshire Municipal Association, who were contacted on 01/12/15. When completed, the fiscal note will be forwarded to the House Clerk's Office.