

Amendment to HB 607-FN

1 Amend the bill by replacing sections 4-7 with the following:

2

3 4 Facilities License Application; Specific Requirements. RSA 287-D:7 is repealed and reenacted
4 to read as follows:

5 287-D:7 Facilities License Application; Specific Requirements.

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

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

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

18 5 Game Operator Employer License Application; Specific Requirements. RSA 287-D:8 is
19 repealed and reenacted to read as follows:

20 287-D:8 Game Operator Employer License Application; Specific Requirements. Any person or
21 entity other than a charitable organization that employs primary or secondary game operators shall
22 be licensed under this section. In addition to the general requirements under RSA 287-D:5, a game
23 operator employer license application shall include the following information provided that the
24 lottery commission may, by rules adopted by the commission under RSA 541-A, establish additional
25 items to be submitted on the application form or attached to it:

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

27 II. Federal tax identification number.

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

29 IV. A description of the licensed premises.

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

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

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

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

13 VIII. Unless a provision to the contrary is part of a written agreement in place prior to the
14 commencement of a game date between the charitable organization and the game operator employer,
15 all moneys due to the charitable organization shall be paid over to the organization no later than the
16 15th day of the month following the month in which a game was conducted.

17 6 Primary Game Operator License; Specific Requirements RSA 287-D:9 is repealed and
18 reenacted to read as follows:

19 287-D:9 Primary Game Operator License Application; Specific Requirements.

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

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

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

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

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

35 (e) One passport quality photograph.

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

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

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

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

12 287-D:10 Secondary Game Operator License Application; Specific Requirements.

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

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

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

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

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

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

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

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

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

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

8
9 Amend the bill by replacing section 13-14 with the following:
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11 13 Penalties. Amend RSA 287-D:23, III to read as follows:

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

21 14 Penalties. Amend RSA 287-D:23, IX to read as follows:

22 IX. The lottery commission may impose an administrative fine scaled to reflect a violator's
23 prior history of noncompliance with laws pertaining to games of chance and the scope and severity of
24 the violation, after notice and hearing, pursuant to rules adopted under RSA 541-A, for any violation
25 of this chapter, any rule adopted under this chapter, any license issued pursuant to this chapter, or
26 any order issued pursuant to this chapter, or upon any person who makes or certifies to a [~~material~~]
27 ***materially*** false statement relative to any application or report required by this chapter. In
28 determining the amount of a fine, the lottery commission may take into consideration all relevant
29 circumstances, including: the degree of noncompliance, the extent of harm caused by the violation,
30 the nature and persistence of the violation, the time and cost associated with the investigation by
31 the state, and the economic impact of the violation on the state or the charitable organization
32 conducting or sponsoring the game. No administrative fine imposed under this paragraph shall
33 preclude the imposition of other penalties as provided by law. Rehearings and appeals from a
34 decision of the lottery commission under this paragraph shall comply with RSA 541. Fines imposed
35 by the lottery commission shall be as follows:

36 (a) The fine for a minor violation shall be not less than \$25 and not more than \$500 per
37 violation. A minor violation shall be one where the lottery commission determines that the potential

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1 for harm to the interests of the state and the charitable organization, as well as the integrity of
2 charitable gaming is minor [~~and may include, but is not limited to, the failure of a game operator, a~~
3 ~~game operator employer, charitable organization, or charitable organization member to:~~

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

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

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

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

10 (b) The fine for a moderate violation shall be not less than \$250 and not more than
11 \$1,500 per violation. A moderate violation shall be one where the lottery commission determines
12 that the potential for harm to the interests of the state and the charitable organization, as well as
13 the integrity of charitable gaming is moderate [~~and may include, but is not limited to, a game~~
14 ~~operator, game operator employer, charitable organization, or charitable organization member:~~

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

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

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

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

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

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

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

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

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

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

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

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

34
35 Amend the bill by replacing section 19 with the following:

36
37 19 Effective Date.

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- 1 I. Sections 9 and 10 of this act shall take effect upon its passage.
- 2 II. The remainder of this act shall take effect 60 days after its passage.