

STATE OF NEW HAMPSHIRE  
*In the Year of Our Lord Two Thousand Fourteen*

AN ACT relative to *expanded gaming in New Hampshire*.

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

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

CHAPTER 284-B  
GAMING REGULATION

**284-B:1 Statement of Purpose**

The general court finds and declares to be the public policy of this state that:

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

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

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

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

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

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

VII. Restricting the issuance of a gaming license to a major entertainment complex is designed to assure that gaming pursuant to the provisions of this chapter is always offered and maintained as an integral element of a major hospitality facility rather than as an industry unto itself as gaming has become in some jurisdictions.

VIII. An integral and essential element of the success of a large-scale commercial gaming operation is public confidence and trust in the credibility and integrity of the regulatory process applicable to casino operations. To further such public confidence and trust, the regulatory provisions of this chapter are designed to extend strict regulation to all persons, locations, practices and associations related to the operation of a licensed gaming location and all providers of goods and services to a gaming licensee. In addition, comprehensive regulatory and law enforcement

supervision attendant thereto is further designed to contribute to the public confidence and trust in the efficacy and integrity of the regulatory process. To the same end, upgraded regulation of existing gaming, appropriate to the scale of such gaming, will be necessary.

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

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

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

XII. Research indicates that for some individuals compulsive and problem gambling and drug and alcohol addiction are related. Therefore, the general court intends to establish an approach to compulsive and problem gambling prevention, assessment and treatment that will ensure the provision of adequate resources to identify, assess and treat both compulsive and problem gambling and drug and alcohol addiction.

## **284-B:2 Definitions**

In this chapter the following words shall have, unless the context clearly requires otherwise, the following meanings.

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

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

III. "Associated equipment" means equipment, a system, software or mechanical, electromechanical or electronic contrivance or component used in connection with the operation of a slot machine or table game or the reporting and calculation of slot machine or table game revenue including, but not limited to, a central computer system, a slot machine data system, a casino management system, a gaming ticket system, promotional play system, player tracking system, ticket redemption unit, automated jackpot payout machine, external bonusing system, cashless

wagering system, a progressive controller, systems and devices for weighing and counting money, replacement parts or any other equipment, system or software designated by the commission.

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

V. "Cash equivalent" means a:

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

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

(2) Is dated, but not postdated; and

(3) Does not contain any endorsement.

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

(1) Is made payable to the presenting player;

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

(3) Is dated but not postdated; and

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

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

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

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

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

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

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

X. "Chair" means the Chair of the New Hampshire Gaming Commission.

XI. "Commission" or "Gaming Commission" or "New Hampshire Gaming Commission" means the New Hampshire Gaming Commission established by RSA 284-B:3 of this chapter.

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

2  
3 (a) Is offered by a gaming licensee directly or indirectly to a player at no cost or at a reduced  
4 cost and is not generally available to the public.

5  
6 (b) "Complimentary services" does not include noncashable credits issued to a player as part of  
7 a player incentive or reward program or lodging available to the public through convention or  
8 government rates.

9  
10 XIII. "Count room" means an area within a gaming location approved by the commission  
11 specifically designated, designed and used for counting the contents of table game drop boxes, slot  
12 machine cash storage boxes and such other activities as the commission shall deem appropriate.

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

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17 XV. "External bonusing system" means the collective hardware, software, communications  
18 technology and other ancillary equipment used in conjunction with a slot machine to deliver  
19 randomly selected player incentives in the form of credits to an active slot machine player and to  
20 effect the accurate metering of a bonus award event on a slot machine.

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22 XVI. "Game" means a slot machine or table game determined by the commission to be  
23 compatible with the public interest and to be suitable for use by players.

24  
25 XVII. "Gaming" means dealing, operating, carrying on, conducting, maintaining or exposing a  
26 game for compensation.

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28 XVIII. "Gaming applicant" means a person who has applied to the commission for a gaming  
29 license pursuant to this chapter.

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31 XIX. "Gaming employee" means an individual, not otherwise included in the definition of a key  
32 employee, who is employed by a gaming applicant or gaming licensee, and whose employment duties  
33 and responsibilities involve the operation of, accounting and auditing related to, security and  
34 surveillance over, or the maintenance, servicing or repair of, slot machines or table games. Such  
35 employees shall include, but not be limited to, dealers, floorpersons, boxmen, slot machine personnel,  
36 slot machine technicians, count room and cashiers' cage personnel, security and surveillance  
37 personnel, information technology department personnel, employees responsible for handling assets  
38 and proceeds associated with the operation of a gaming location, a host or other individual  
39 authorized to extend complimentary services or promotional play and an individual who, in the  
40 judgment of the commission, so regularly is required to work in a restricted area that registration as  
41 a gaming employee is appropriate. The term may include an employee of a person holding a gaming  
42 vendor license whose duties regularly involve the installation, maintenance and/or repair of slot  
43 machines, associated equipment or table game devices where the commission determines a gaming  
44 employee license for such an individual to be consistent with the policies of this chapter. The term  
45 does not include an employee that provides security services in a gaming location other than on the  
46 gaming floor or in a restricted area, bartenders, cocktail servers, or other persons engaged solely in  
47 preparing or serving food or beverages, clerical or secretarial personnel, parking attendants,  
48 janitorial, stage, sound and light technicians and other non-gaming employees so designated by the  
49 commission.

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51 XX. "Gaming equipment" means a collective reference to slot machines, associated equipment  
52 and table game devices.

53  
54 XXI. "Gaming floor" means the area within a gaming location authorized by the commission for  
55 the operation of slot machines and table games.

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

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

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

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

XXVI. "Gaming vendor" means, subject to a classification system to be prescribed in accordance with 284-B:25 of this chapter:

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

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

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

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

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

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

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

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

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

(c) Gross slot machine revenue shall not include;

- (1) Counterfeit currency;
- (2) Currency of other countries received in the playing of a slot machine except to the extent that the currency is readily convertible to cash; and
- (3) Cash taken in a fraudulent act perpetrated against a gaming licensee for which the gaming licensee is not reimbursed.

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

XXVIII. "Gross table game revenue" means the total of:

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

- (1) Cash or cash equivalents paid to players as a result of playing a table game;
- (2) Cash or cash equivalents paid to purchase an annuity to fund a prize payable to a player over a period of time as a result of playing a table game; and
- (3) The actual cost paid by a gaming licensee for any merchandise or other non-cash prize distributed to a player as a result of playing a table game. This does not include travel expenses, food, refreshments, lodging or services conferred as part of a promotion or as a complimentary service.

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

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

(d) Gross table game revenue shall not include;

- (1) Counterfeit cash or chips;
- (2) Currency of other countries received in the playing of a table game, except to the extent that the coin or currency are readily convertible to cash; and
- (3) Cash taken in a fraudulent act perpetrated against a gaming licensee for which the gaming licensee is not reimbursed.

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

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

XXX. "Host community" means a municipality in which a gaming location is located or in which a gaming applicant has proposed locating a gaming location.

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

XXXII. "Immediate Family" means an individual's spouse, domestic partner, partner in a civil union, child, parent or sibling, whether by the whole or half blood, by marriage, adoption or natural relationship, residing in the same household.

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

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

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

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

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

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

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

XL. "Key employee" means any individual employed by a gaming applicant, gaming licensee or holding, intermediary or subsidiary company required to qualify in accordance with 284-B:17, VII in a director or department head capacity and who is authorized to make discretionary decisions that regulate or affect slot machine and/or table game operations, including, but not limited to, a general

1 manager, assistant manager, shift managers, director of slot machine operations, director of table  
 2 game operations, pit boss, director of finance, comptroller, cashiers' cage manager and shift  
 3 supervisor, director of internal audit, director of surveillance, director of security, director of  
 4 marketing, director of information technology, director of food and beverage and any employee who  
 5 supervises the operations of these departments or to whom these department directors or  
 6 department heads report, and such other positions which the commission shall designate for reasons  
 7 consistent with the policies of this chapter.

8  
 9 XLI. "Management company" means a person, subject to a commission approved management  
 10 contract with a gaming licensee, that is responsible for the management of all or part of the  
 11 operation of a gaming floor.

12  
 13 XLII. "Management contract" means a contract, subcontract or collateral agreement between a  
 14 management company and a gaming licensee providing for the management of all or part of a  
 15 gaming floor.

16  
 17 XLIII. "Major policymaking position" means the executive director of the gaming control  
 18 division, any individual who reports directly to the executive director of the gaming control division,  
 19 the director of problem gambling and research, and any other individual so designated by the  
 20 commission.

21  
 22 XLIV. "Money" means cash or instruments that are convertible to cash in any negotiable  
 23 currency.

24  
 25 XLV. "Multi-casino progressive system" means a system approved by the commission pursuant  
 26 to which a common progressive jackpot is offered on slot machines that are interconnected in more  
 27 than one casino within or outside the state.

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

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

39  
 40 XLVIII. "Non-gaming vendor" means a person providing goods and services not included in the  
 41 definition of a gaming vendor including, but not limited to, construction companies, vending machine  
 42 providers, linen suppliers, garbage handlers, maintenance companies, limousine services, food  
 43 purveyors or suppliers of alcoholic beverages.

44  
 45 XLIX. "Officer" means the chief executive officer, chief financial officer, chief operating officer,  
 46 chief information officer, chief compliance officer, and chief legal officer of a corporation, or their  
 47 equivalents in any unincorporated entity.

48  
 49 L. "Person" means an individual, limited liability company, proprietorship, firm, partnership,  
 50 joint venture, syndicate, business trust, labor organization, company, corporation, association,  
 51 committee, government entity, or other legal entity.

52  
 53 LI. "Player" means an individual who plays a slot machine or a table game at a gaming location  
 54 licensed by the commission.



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

LIII. "Principal" means a person associated with a gaming applicant or gaming licensee required to be qualified for licensure in accordance with 284-B-17, VII of this chapter in conjunction with a gaming license application and includes the following persons:

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

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

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

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

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

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

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

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

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

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

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

(a) Directly or indirectly to a player.

(b) With or without regard to the:

(1) Identity of the player; or

(2) Player's level of gaming activity.

1 LVI. "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  
5 (a) Promotional play instrument.

6  
7 (b) Download from the system to a slot machine.

8  
9 LVII. "Rake" means a set fee or percentage assessed by a gaming licensee for providing the  
10 services of a dealer, gaming table or location, to allow the play or operation of a table game at which  
11 a player competes against another player.

12  
13 LVIII. "Restricted area" means that part of a gaming location directly related to the operation of  
14 the gaming floor where access is specifically designated by the commission as restricted, including,  
15 but not limited to:

16  
17 (a) Cashier's cage, including a satellite cashiers' cage and ancillary offices;.

18  
19 (b) A room or location in which any central computer system resides.

20  
21 (c) Count room and trolley storage areas.

22  
23 (d) Areas designated for the storage, repair or destruction of slot machines, associated  
24 equipment and table game devices.

25  
26 (e) Information technology department operations centers.

27  
28 (f) Progressive controller locations.

29  
30 (g) Surveillance monitoring rooms.

31  
32 (h) Vault and armored car bay locations.

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

37  
38 LIX. "Slot data system" means the collective hardware, software, communications technology  
39 and other ancillary equipment used to collect, monitor, interpret, analyze, authorize, report and  
40 audit data with regard to activity at a slot machine, inclusive of slot machine meter readings, error  
41 conditions, security, accounting, player tracking and productivity analysis.

42  
43 LX. "Slot machine" means a mechanical, electrical or other device, contrivance or machine  
44 which, upon insertion of a coin, ticket or similar object therein, or upon payment of any consideration  
45 whatsoever, is available to play or operate, the play or operation of which, whether by reason of the  
46 skill of the operator or application of the element of chance, or both, may deliver or entitle the person  
47 playing or operating the machine to receive cash or tickets to be exchanged for cash, or to receive  
48 merchandise or any thing of value, whether the payoff is made automatically from the machine or in  
49 any other manner, except that the cash equivalent value of any merchandise or other thing of value  
50 shall not be included in determining the payout percentage of a slot machine. Slot machine does not  
51 include a redemption slot machine or redemption poker machine available in a family entertainment  
52 center pursuant to RSA 647:2, II(f).

53  
54 LXI. "Subsidiary" means a corporation, a significant part of whose outstanding equity securities  
55 are owned, subject to a power or right of control, or held with power to vote, by a holding company or

an intermediary company, or a significant interest in a firm, association, partnership, trust or other form of business organization, other than an individual, which is owned, subject to a power or right of control, or held with power to vote, by a holding company or an intermediary company.

LXII. "Table game" means:

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

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

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

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

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

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

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

### **284-B:3 Gaming Commission**

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

(a) One member of the commission shall be appointed for one year, one for two years, one for three years, and one for four years, and upon the expiration of their terms of office their successors shall be appointed for a term of four years. The fifth member of the commission, who shall be appointed as chair of the commission by the governor with the advice and consent of the council, shall be appointed for four years and may be reappointed thereafter.

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

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

1  
2 (d) Any vacancy on the commission shall be filled by appointment for the unexpired term.  
3 The chair shall serve in that capacity throughout the term of appointment and until a successor shall  
4 be appointed. Prior to appointment to the commission, an individual shall be subject to a background  
5 investigation with his or her suitability determined in accordance with the same standards for good  
6 character, honesty, integrity and financial stability applied to a key employee of a gaming licensee  
7 under this chapter.  
8

9 II. The commission shall have responsibility for the administration and enforcement of the New  
10 Hampshire state lottery in accordance with the provisions of RSA 284:21-a through RSA 284:21-v,  
11 for racing and charitable gaming in accordance with the provisions of RSA 284, RSA 287-D and RSA  
12 287-E, for redemption slot machines and redemption poker machines in a family entertainment  
13 center under RSA 647:2 and for the administration and enforcement of gaming in New Hampshire in  
14 accordance with the provisions of this chapter.  
15

16 (a) The commission shall assume the powers, rights, duties, and responsibilities granted to  
17 the state lottery commission under RSA 284, and any reference to the state lottery commission in  
18 RSA 284 or any other statutory cites, including without limitation the reference in RSA 287-F:5,  
19 except for the references in the provisions of RSA 284:21-a through RSA 284:21-d regarding the  
20 creation and membership of the state lottery commission and except as the context may otherwise  
21 require, shall be deemed to refer to the commission, provided that the commission may delegate to  
22 the state lottery commission such powers, rights, duties, and responsibilities as it deems in the best  
23 interest of the state lottery, provided further that the commission shall not so delegate its power to  
24 issue rules, nor its power to appoint the lottery executive director, and provided further that the  
25 commission may discontinue or adjust the terms of such delegation at any time.  
26

27 (b) The commission shall assume the powers, rights, duties, and responsibilities granted to  
28 the state racing and charitable gaming commission under RSA 284, RSA 287-D and RSA 287-E, and  
29 any reference to the state racing and charitable gaming commission in RSA 284, RSA 287-D and  
30 RSA 287-E or any other statutory cites, except for the references in the provisions of RSA 284:6-a, I  
31 regarding the creation and membership of the racing and charitable gaming commission and except  
32 as the context may otherwise require, shall be deemed to refer to the commission, provided that the  
33 commission may delegate to the state racing and charitable gaming commission such powers, rights,  
34 duties, and responsibilities as it deems in the best interest of racing and charitable gaming, provided  
35 further that the commission shall not so delegate its power to issue rules, nor its power to appoint  
36 the racing and charitable gaming executive director, nor its power to license a primary game  
37 operator or game operator employer, and provided further that the commission may discontinue or  
38 adjust the terms of such delegation at any time.  
39

40 (c) The commission shall be granted all powers, rights, duties and responsibilities necessary  
41 to authorize, limit and regulate the operation of redemption slot machines and redemption poker  
42 machines in family entertainment centers under RSA 647:2 provided that the commission may  
43 delegate such powers, rights, duties, and responsibilities as it deems in the best interest of the state,  
44 provided further that the commission shall not so delegate its power to issue rules, and provided  
45 further that the commission may discontinue or adjust the terms of such delegation at any time.  
46

47 (d) The commission shall be advised in the exercise of its powers and rights and in the  
48 performance of its duties and responsibilities under this chapter by the gaming regulatory oversight  
49 authority in accordance with the provisions of RSA 284-A.  
50

51 III. Three of the members of the commission shall constitute a quorum to do business. It shall  
52 be the duty of a secretary to the commission appointed by the chair to keep a record of all  
53 proceedings of the commission and to preserve all books, documents, and records addressed to its  
54 care. Commission members shall be part-time except that the commission chair shall be full-time  
55 and shall be the chief administrative and enforcement officer of the commission. The office of the

1 chair and the commission shall be staffed with such legal, financial and technical experts as are  
 2 required to fulfill the purposes of this chapter.

3  
 4 IV. Members of the commission shall give bond to the state in such amount as shall be  
 5 determined under the provisions of RSA 93-B.

6  
 7 V. Each member of the commission shall receive a salary in accordance with RSA 94:1-a, II and  
 8 shall be allowed reasonable expenses, including transportation, incurred in the performance of the  
 9 member's duties.

10  
 11 VI. The commission shall have an office in Concord or in a municipality that borders Concord.

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

26  
 27 (a) Notwithstanding any provision of law to the contrary, all expenses incurred by the  
 28 commission prior to the issuance of an operation certificate to a gaming licensee pursuant to 284-  
 29 B:32 of this chapter shall be charged to and paid out of the funds received under the provisions of  
 30 RSA 284, RSA 284-B, RSA 287-D, RSA 287-E, RSA 287-F and RSA 647:2.

31  
 32 (b) Such funds shall be available upon enactment of this chapter for expenses incurred by the  
 33 commission and shall be reimbursed in accordance with the provisions of 284-B:18, III(a).

34  
 35 VIII. The commission shall establish a code of ethics for all commissioners and employees of the  
 36 commission. A copy of the code shall be filed with the attorney general's office. The code shall  
 37 include provisions reasonably necessary to carry out the purposes of this chapter and any other laws  
 38 subject to the jurisdiction of the commission including, but not limited to:

39  
 40 (a) Prohibiting the receipt by a commissioner or employee or his or her immediate family of  
 41 any commission, bonus, discount, gift, tip, gratuity, compensation, travel, lodging, or other thing of  
 42 value, except for items valued at \$25 or less, directly or indirectly, from a gaming licensee, principal  
 43 licensee, key employee licensee, gaming vendor licensee or applicant or other person subject to the  
 44 jurisdiction of the commission.

45  
 46 (b) Prohibiting the participation by commissioners and employees in a particular matter that  
 47 affects the financial interest of a commissioner or employee or a family member of a commissioner or  
 48 employee.

49  
 50 (c) Providing for recusal of a commissioner due to a potential conflict of interest.

51  
 52 (d) Prohibiting the solicitation of funds by a commissioner or employee for any charitable,  
 53 educational, religious, health, fraternal, civic, or other nonprofit entity from a gaming applicant,  
 54 gaming licensee or person that is an applicant for or holder of a license, registration or permit under  
 55 this chapter.

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

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

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

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

XIII. No employee of the commission in a non-major policymaking position shall acquire an interest in, or accept employment with, a gaming applicant or person that holds a license or registration under this chapter for a period of 1 year after the termination of employment with the commission, provided, however, that if the employment of an employee holding a non-major policymaking position at any time during the 5 years preceding a termination, is terminated as a result of a reduction in the workforce of the commission, the employee may immediately accept employment with a gaming applicant or person that holds a license or registration under this chapter upon application to and with the prior approval of the commission, upon a finding that the employment will not create the appearance of a conflict of interest and does not evidence a conflict of interest in fact. The commission shall act upon an application within 30 days of receipt.

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

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

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

3  
4 (b) Avoid impropriety and the appearance of impropriety in all matters under their  
5 jurisdiction.

6  
7 (c) Avoid all prohibited ex parte communications and the disclosure of confidential  
8 information.

9  
10 (d) Require staff and personnel subject to their direction and control to observe the same  
11 standards of fidelity and diligence.

12  
13 (e) Disqualify themselves from proceedings in which their impartiality might reasonably be  
14 questioned.

15  
16 (f) Refrain from financial or business dealings which would tend to reflect adversely on  
17 impartiality

18 .

19 **284-B:4 Divisions of State Lottery, Racing and Charitable Gaming, and Gaming**  
20 **Control**

21  
22 I. There shall be established within the commission a lottery division, a racing and charitable  
23 gaming division, and a gaming control division.

24  
25 II. The executive director of the lottery division shall be the executive and administrative head of  
26 the division and shall be responsible for supervision and management of the division and the  
27 administrative units created within it. The executive director of the lottery division shall be  
28 appointed by the commission and shall report to the chair of the commission for administrative  
29 matters, daily supervision, policy, purpose, responsibility and authority. Upon the effective date of  
30 this chapter, the person who was executive director for the state lottery commission immediately  
31 prior to the effective date shall become the executive director of the lottery division. Any  
32 subsequently appointed executive director shall be subject to a background investigation with his or  
33 her suitability determined in accordance with the same standards for good character, honesty,  
34 integrity and financial stability applied to a key employee of a gaming licensee under this chapter.

35  
36 III. The lottery division by and through its executive director shall administer the procedures  
37 associated with the operation of the state lottery under RSA 284:21-a through RSA 284:21-v, RSA  
38 287-F, all other provisions of law relating to the operation of the state lottery, and the regulations  
39 adopted pursuant thereto, shall have primary responsibility for the audit, compliance and regulatory  
40 enforcement functions required to effect the purposes of RSA 284:21-a through RSA 284:21-v, RSA  
41 287-F, all other provisions of law relating to the operation of the state lottery, and the regulations  
42 adopted pursuant thereto, and shall support the work of the lottery commission in its performance  
43 of such powers, rights, duties and responsibilities as may be delegated to it by the gaming  
44 commission. The lottery division shall cooperate with the attorney general and the division of state  
45 police gaming enforcement unit in the enforcement of this chapter.

46  
47 IV. The executive director of the racing and charitable gaming division shall be the executive and  
48 administrative head of the division and shall be responsible for supervision and management of the  
49 division and the administrative units created within it. The executive director of the racing and  
50 charitable gaming division shall be appointed by the commission and shall report to the chair of the  
51 commission for administrative matters, daily supervision, policy, purpose, responsibility and  
52 authority. Upon the effective date of this chapter, the person who was executive director for the state  
53 racing and charitable gaming commission immediately prior to the effective date shall become the  
54 executive director of the racing and charitable gaming division. Any subsequently appointed  
55 executive director shall be subject to a background investigation with his or her suitability

determined in accordance with the same standards for good character, honesty, integrity and financial stability applied to a key employee of a gaming licensee under this chapter.

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

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

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

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

#### **284-B:5 General and Specific Powers of the Commission.**

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

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

III. The commission shall employ a director of problem gambling and research, who shall have, in the commission's judgment, relevant experience in the field of problem gambling and research or



1 in related fields, who shall report to the chair and shall advise the chair on all matters relating to  
2 problem gambling and research, provided that the commission may authorize customary marketing  
3 research required by the lottery to be conducted independently of the director of problem gambling  
4 and research.

5  
6 IV. The commission and its chair shall cooperate with the Gaming Regulatory Oversight  
7 Authority pursuant to the provisions of RSA 284-A and shall perform such functions as are assigned  
8 to it by RSA 284-A.

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

17  
18 VI. The commission shall award, issue, accept, approve, renew, revoke, suspend, condition or  
19 deny issuance or renewal of a gaming license, principal license, key employee license, gaming vendor  
20 license, gaming employee registration, non-gaming employee permit, non-gaming vendor registration  
21 and any additional licenses, registration or permit as may be required under this chapter.

22  
23 VII. The commission shall have the authority to require individuals who are prospective and  
24 existing commission employees and independent contractors, applicants, licensees, registrants and  
25 permittees to submit to fingerprinting by the division of state police or other designated entity for  
26 purposes of verifying the identity of the individual and obtaining records of criminal arrests and  
27 convictions and to exchange fingerprint data with, and to receive criminal history record and  
28 background information from, the department of safety, division of state police, the attorney general,  
29 the Federal Bureau of Investigation or other source consistent with applicable federal and state  
30 laws, rules and regulations.

31  
32 VIII. The commission shall have the authority to require individuals who are prospective and  
33 existing commission employees and independent contractors, applicants, licensees, registrants and  
34 permittees to submit photographs for purposes of verifying the identity of the individual and  
35 obtaining records of criminal arrests and convictions.

36  
37 IX. The commission shall have the authority to conduct investigations through its staff into the  
38 conduct of gaming and gaming operations and to test compliance with the requirements of this  
39 chapter and the regulations adopted pursuant thereto.

40  
41 X. The commission shall have the authority to initiate a regulatory enforcement action through a  
42 referral to the attorney general for prosecution and to decide, after hearing, any action against a  
43 licensee, registrant, permittee or other person under this chapter or the regulations adopted  
44 pursuant thereto and to impose sanctions and/or levy a penalty upon finding a violation.

45  
46 XI. The commission shall have the authority to collect any fee, tax, penalty or interest required  
47 to be collected pursuant to the provisions of this chapter and the regulations adopted pursuant  
48 thereto.

49  
50 XII. Subject to the standards enumerated in this chapter, the commission shall not approve an  
51 application for, or award, issue, accept or renew a license, registration or permit unless it is satisfied,  
52 at a minimum, that the applicant has demonstrated by clear and convincing evidence that the  
53 applicant is a person of good character, honesty and integrity and is a person whose prior activities,  
54 criminal record, if any, reputation, habits and associations do not pose a threat to the public interest  
55 or the effective regulation and control of slot machine or table game operations or create or enhance

1 the danger of unsuitable, unfair or illegal practices, methods and activities in the conduct of slot  
 2 machine or table game operations or the carrying on of the business and financial arrangements  
 3 incidental thereto.

4  
 5 XIII. The commission shall have the authority to adopt regulations necessary for the effective  
 6 and efficient administration and enforcement of this chapter.

7  
 8 XIV. The commission shall have the authority to be present at any gaming location at such  
 9 times, under such circumstances, and to such extent as it deems appropriate to conduct reviews of  
 10 gaming operations through observation and other reasonable means to assure compliance with this  
 11 chapter and the regulations adopted pursuant thereto.

12  
 13 XV. The commission shall have the authority to conduct financial and operational reviews and  
 14 compliance audits of gaming operations at such times, under such circumstances, and to such extent  
 15 as it deems appropriate including reviews of accounting, administrative and financial records, and  
 16 internal control systems, procedures and records utilized by a gaming licensee.

17  
 18 XVI. The commission shall have the authority to request and receive information, materials and  
 19 any other data from a licensee, registrant, permittee or applicant under this chapter in such manner  
 20 as it deems appropriate.

21  
 22 XVII. The commission shall have the authority to receive complaints from the public relating to  
 23 the conduct of gaming operations.

24  
 25 XVIII. The commission shall have the authority to certify the revenue of any gaming licensee in  
 26 such manner as it deems appropriate.

27  
 28 XIX. The commission shall have the authority to create, maintain and administer a list of all  
 29 excluded individuals.

30 ]  
 31 XX. The commission shall have the authority to create, maintain and administer a list of all self-  
 32 excluded individuals and to decide all matters relating to the administration of that program.

33  
 34 XXI. At its discretion, the commission shall have the authority to issue, revoke, suspend,  
 35 condition or deny an operation certificate to a gaming licensee.

36  
 37 XXII. The commission shall have the authority to request any and all records maintained by  
 38 local, municipal, state, or federal agencies relative to a gaming applicant or gaming licensees.

39  
 40 XXIII. The commission shall also have the power and duty, subject to all applicable  
 41 provisions of state law, to:

42  
 43 (a) Pay or satisfy obligations of the commission.

44  
 45 (b) To sue.

46  
 47 (c) To contract and execute instruments as necessary to carry out the powers and duties of the  
 48 commission. Except for a contract related to a central computer system, all contracts entered into by  
 49 the commission during the two-year period following the effective date of this chapter shall not  
 50 exceed a term of two years.

51  
 52 (d) To sell, transfer, convey and dispose of tangible or intangible property owned by the  
 53 commission.

54  
 55 (e) To establish, charge and collect any fee, tax, penalty or interest authorized by this chapter.

1  
2 (f) To administer oaths, examine witnesses and issue subpoenas compelling the attendance of  
3 witnesses or the production of documents and records or other evidence, or to designate officers or  
4 employees to perform these duties.

5  
6 (g) To retain attorneys, with the approval of the attorney general, accountants, auditors and  
7 financial and other experts to render services as necessary.  
8

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

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

21 (j) For purposes of licensing and enforcement including, but not limited to, background  
22 investigations, to receive information otherwise protected.  
23

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

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

33 XXV. The commission shall have the authority, through its employees, without notice and  
34 without warrant:  
35

36 (a) To inspect and examine a gaming location where slot machine and table game operations  
37 are conducted as defined in this chapter, where associated equipment and table game devices used in  
38 the conduct thereof are manufactured, sold, distributed, or serviced or where records related to such  
39 gaming activity are prepared or maintained.  
40

41 (b) To inspect all slot machines, associated equipment, table game devices and related supplies  
42 in, about, upon or around a gaming location.  
43

44 (c) To seize summarily and remove from a gaming location slot machines, associated  
45 equipment, table game devices and related supplies for the purposes of examination and inspection.  
46

47 (d) To inspect, examine and audit all books, records, and documents pertaining to a gaming  
48 licensee's operations.  
49

50 (e) To seize, impound or assume physical control of any book, record, ledger, slot machine,  
51 associated equipment, table game device and its contents, a count or its equipment.  
52

53 XXVI. The commission shall have the authority to delegate its authority to perform any of its  
54 functions under this chapter or the regulations adopted pursuant thereto to an employee of the  
55 commission, provided, however, that any delegation expressly state whether the action or decision of

the employee is to be deemed the final action of the commission, without approval, ratification or other further action by the commission, and provided further that an action or decision by an employee of the commission pursuant to delegated authority shall be presented for review to the commission upon timely request by any party adversely affected by such determination.

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

XXVIII. The commission shall have the authority to require a labor organization, union or affiliate seeking to represent employees at a gaming location to be registered or otherwise authorized by the commission.

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

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

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

## **284-B:6 Exercise of the Commission's Power to Sanction**

I. Without limiting the authority of the attorney general, the commission shall have the sole and exclusive authority, following appropriate hearings and factual determinations, to impose administrative sanctions against any person for any violation of this chapter, the regulations adopted by the commission pursuant thereto or any law related to gaming in this state pursuant thereto including the following:

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

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

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

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

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

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

2  
3 II. In determining an appropriate administrative sanction in a particular case, the commission  
4 shall consider:

5  
6 (a) The risk to the public and to the integrity of slot machine or table game operations created  
7 by the conduct of the person.

8  
9 (b) The seriousness of the conduct of the person and whether the conduct was purposeful or  
10 with knowledge that it was in contravention of the provisions of this chapter or the regulations  
11 adopted by the commission.

12  
13 (c) Any justification or excuse for such conduct.

14  
15 (d) The prior history of the person involved with respect to gaming activity.

16  
17 (e) The corrective action taken by the person to prevent future misconduct of a like nature  
18 from occurring.

19  
20 (f) In the case of a monetary penalty, the amount of the penalty in relation to the misconduct  
21 and the financial means of the person.

22  
23 (g) It shall be no defense to disciplinary action before the commission that a person  
24 inadvertently, unintentionally, or unknowingly violated a provision of this chapter or the regulations  
25 adopted pursuant thereto provided that the commission may consider such factors in determining  
26 the degree of the penalty to be imposed.

27  
28 III. The commission may impose any schedule or terms of payment of a civil penalty as it deems  
29 to be in the best interest of the state.

30  
31 IV. The expense of investigation and any proceeding under this section before the commission,  
32 including, but not limited to, that related to an employee shall be fully recoverable from the gaming  
33 licensee unless the commission determines otherwise.

34  
35 V. Any decision of the commission imposing an administrative sanction under this chapter is  
36 a final, binding, non-appealable determination which is not subject to legal challenge except as  
37 enumerated in 284-B:25, XIII, XIV of this chapter.

38  
39 VI. Any decision of the commission imposing an administrative sanction under this chapter  
40 shall be evidenced by a written decision.

41  
42 VII. In addition to the administrative sanctions provided for in paragraph I of this section and  
43 the gaming offenses under RSA 674:2, the following criminal sanctions apply to a gaming applicant,  
44 gaming licensee, and an applicant for, or holder of, a principal license, key employee license, gaming  
45 employee registration, non-gaming employee permit, gaming vendor license, non-gaming vendor  
46 registration, or other person providing information or making any statement, whether written or  
47 oral, to the commission, the attorney general or the division of state police pursuant to the  
48 requirements of this chapter.

49  
50 (a) The provisions of RSA 641:1 relating to perjury.

51  
52 (b) The provisions of RSA 641:2 relating to false swearing.

53  
54 (c) The provisions of RSA 641:3 relating to unsworn falsification to authorities.)  
55

VIII. A gaming applicant, gaming licensee, and an applicant for, or holder of, a principal license, key employee license, gaming employee registration, non-gaming employee permit, gaming vendor license, non-gaming vendor registration, or other person is guilty of a class B felony level offense as defined in RSA 625:8,9 and subject to penalty therefore if they willfully:

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

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

IX. A gaming applicant, gaming licensee, and an applicant for, or holder of, a principal license, key employee license, gaming employee registration, non-gaming employee permit, gaming vendor license, non-gaming vendor registration, or other person is guilty of a class B felony level offense as defined in RSA 625:8,9 and subject to penalty therefore if they permit a slot machine, associated equipment, table game or a table game device to be operated, transported, repaired or opened in a gaming location by a person other than a person that is licensed, registered, permitted or otherwise authorized by the commission pursuant to this chapter

X. A gaming applicant, gaming licensee, and an applicant for, or holder of, a principal license, key employee license, gaming employee registration, non-gaming employee permit, gaming vendor license, non-gaming vendor registration, or other person is guilty of a class B felony level offense as defined in RSA 625:8,9 and subject to penalty therefore if they manufacture, supply or place a slot machine, associated equipment, a table game or a table game device into play or display slot machines, associated equipment, a table game or table game device in a gaming location without the authorization of the commission pursuant to this chapter.

XI. Except in the case where a completed renewal application and fee, if required, has been received by the commission but has not yet been acted upon by the commission, a gaming applicant, gaming licensee, and an applicant for, or holder of, a principal license, key employee license, gaming employee registration, non-gaming employee permit, gaming vendor license, non-gaming vendor registration, or other person is guilty of a misdemeanor level offense as defined in RSA 625:8,9 and subject to penalty therefore if they manufacture, supply, operate, carry on or expose for play a slot machine, associated equipment, a table game or table game device after the person's license, registration, permit or other authorization has expired and prior to the actual renewal of the license.

XII. An individual is guilty of a misdemeanor level offense as defined in RSA 625:8,9 and subject to penalty therefore if while in a gaming location the individual knowingly uses currency other than legal tender of the United States to initiate play at a slot machine or table game with the intent to cheat or defraud a gaming licensee, a gaming location, the state or to damage a slot machine, associated equipment, a table game or table game device.

XIII. An individual is guilty of a class B felony level offense as defined in RSA 625:8,9 and subject to penalty therefore if in playing a game in a gaming location the individual uses or assists another in the use of, a computerized, electronic, electrical or mechanical device which is designed, constructed or programmed specifically for use in obtaining an advantage at playing a slot machine or table game unless the advantage obtained can be assessed a monetary value or loss of \$75,000 or less in which case the offense is a misdemeanor level offense as defined in RSA 625:8,9, provided, however, that an authorized employee of a gaming licensee or an authorized employee of the commission may possess a computerized, electronic, electrical or mechanical device which is designed, constructed, or programmed specifically for use in obtaining an advantage at playing a slot machine or table game or other cheating device in the performance of his or her employment for training, investigative or testing purposes only. Any computerized, electronic, electrical or

1 mechanical device used in violation of this section shall be considered prima facie contraband and  
 2 shall be subject to seizure by the commission and forfeiture. A gaming licensee shall conspicuously  
 3 post notice of this prohibition and the penalties provided for under this section in a location and in a  
 4 manner determined by the commission.

5  
 6 XIV. An individual is guilty of a class B felony level offense as defined in RSA 625:8,9 and  
 7 subject to penalty therefore if the individual:  
 8

9 (a) Uses or possesses counterfeit, marked, loaded or tampered with table game devices  
 10 including chips, associated equipment or other cheating devices in the conduct of gaming under this  
 11 chapter, except that an authorized employee of a licensee or an authorized employee of the  
 12 commission may possess and use counterfeit chips or table game devices or associated equipment  
 13 that have been marked, loaded or tampered with, or other cheating devices in performance of the his  
 14 or her employment for training, investigative or testing purposes.  
 15

16 (b) Except in connection with his or her employment duties, knowingly possesses or uses while  
 17 in a gaming location a key or device designed for the purpose of or suitable for, opening or entering a  
 18 slot machine, a slot machine cash storage box, a table game drop box or similar coin or storage box.  
 19

20 XV. A person is guilty of a crime a class B felony level offense as defined in RSA 625:8.9 and  
 21 subject to penalty therefore if the person possesses a slot machine, associated equipment, a table  
 22 game, a table game device or other equipment or material knowing that it has been manufactured,  
 23 distributed, sold, tampered with or serviced in violation of the provisions of this chapter with the  
 24 intent to use the slot machine, associated equipment, a table game, table game device or other  
 25 equipment or material as though it had been manufactured, distributed, sold, tampered with or  
 26 serviced pursuant to this chapter.  
 27

28 XVI. A person is guilty of a crime of a class B felony level offense as defined in RSA 625:8,9 and  
 29 subject to penalty therefore if the person sells, offers for sale, represents or passes off as lawful a slot  
 30 machine, associated equipment, a table game, a table game device or other equipment or material  
 31 which the person knows has been manufactured, distributed, sold, tampered with or serviced in  
 32 violation of this chapter.  
 33

34 XVII. An individual is guilty of a misdemeanor level offense as defined in RSA 625:8,9 and  
 35 subject to penalty therefore if the individual works or is employed in a position the duties of which  
 36 require licensing, registration, permitting or other authorization under the provisions of this chapter  
 37 without first obtaining the requisite license, registration or permit.  
 38

39 XVIII. A person is guilty of a misdemeanor level offense as defined in RSA 625:8,9 and subject to  
 40 penalty therefore if the person employs or continues to employ an individual in a position the duties  
 41 of which require a license, registration, permit or other authorization under the provisions of this  
 42 chapter if the individual is either:  
 43

44 (a) Not licensed, registered, permitted or otherwise authorized under the provisions of this  
 45 chapter.  
 46

47 (b) Is prohibited from accepting employment from a gaming licensee, principal licensee or  
 48 gaming vendor licensee.  
 49

50 XIX. An individual excluded from a gaming location in accordance with 284-B:41 of this chapter  
 51 is guilty of a class A felony level offense as defined in RSA 625:8,9 and subject to penalty therefore if  
 52 the individual enters a gaming location, wagers, plays or attempts to play a slot machine or table  
 53 game at a gaming location.  
 54

55 XX. An individual that engages in illegal conduct relating to purchase, consumption, possession

1 or transportation of liquor or malt or brewed beverages in a gaming location commits a non-gambling  
2 offense.

### 7 **284-B:7 Powers of the Attorney General**

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

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

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

18 (a) The timely performance of all background investigations referred by the commission in  
19 connection with a license, registration, permit or other authorization required pursuant to this  
20 chapter.

22 (b) Issuance of timely reports to the commission in accordance with 284-B:20 of this chapter  
23 expressing an opinion with regard to each person referred for investigation as to whether the person  
24 is suitable to hold a gaming license, principal license, key employee license, gaming vendor license,  
25 gaming employee registration or non-gaming vendor registration or other commission required  
26 authorization in this state.

28 (c) Prosecution of all regulatory violations referred by the commission and all criminal  
29 violations under this chapter.

31 (d) Upon a referral by the commission, to investigate an alleged regulatory violation of this  
32 chapter or the regulations adopted pursuant thereto.

34 (e) Investigation of alleged criminal activity and administrative law violations under law other  
35 than this chapter impacting the operation of a gaming location.

37 (f) Receipt and investigative action with regard to any referral by the commission, a host  
38 community or other person relating to a criminal violation of this chapter.

40 (g) Provision of advice and assistance, upon request or on his or her motion, to the commission  
41 in the consideration and promulgation of rules and regulations.

43 (h) Recommendations with respect to persons to be placed on a list of excluded persons to be  
44 maintained by the commission.

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

53 V. The attorney general shall delegate to the commission, by and through its division of gaming  
54 control, such law enforcement powers as are required by the commission to effectuate the purposes of



1 this chapter including, but not limited to, access to records and databases reserved for access by law  
2 enforcement.

3  
4 VI. The commission, the division of state police gaming enforcement unit and the attorney  
5 general shall cooperate on the regulatory and criminal implementation and enforcement of this  
6 chapter, which efforts shall include cooperation with municipal and county attorney offices and with  
7 local law enforcement.  
8

9 **284-B:8 Powers of the Division of State Police Gaming Enforcement Unit**

10  
11 I. The commissioner of safety acting through the division of state police gaming enforcement unit  
12 established by RSA 21-P-d, shall have independent authority to take such actions as may be  
13 necessary in his or her judgment to fulfill the responsibilities of the division of state police under this  
14 chapter and the regulations adopted pursuant thereto.  
15

16 II. The division of state police gaming enforcement unit shall have primary law enforcement  
17 authority over the gaming floor and restricted areas in the gaming location. It shall have concurrent  
18 law enforcement authority over all other areas of the gaming location with the local law enforcement  
19 having the primary enforcement responsibility.  
20

21 III. The responsibilities of the division of state police and its gaming enforcement unit shall  
22 include, but not be limited to:  
23

24 (a) The timely processing of fingerprints and criminal history record checks in connection with  
25 a license, registration, permit or other authorization required pursuant to this chapter.  
26

27 (b) Notwithstanding RSA 106-B:15, investigation on its own initiative into alleged criminal  
28 activity and criminal violations involving the gaming floor and restricted areas of a gaming location.  
29

30 (c) Notwithstanding RSA 106-B:15, receipt and investigation with regard to any referral by the  
31 commission, a host community or other person relating to alleged criminal activity and criminal  
32 violations involving the gaming floor and restricted areas of a gaming location .  
33

34 (d) Participation in any hearing conducted by the commission.  
35

36 (e) Provision of advice and assistance, upon request or on his or her motion, to the commission  
37 in the consideration and promulgation of rules and regulations.  
38

39 (f) Recommendations with respect to persons to be placed on a list of excluded persons to be  
40 maintained by the commission.  
41

42 III. The division of state police gaming enforcement unit shall be present at a gaming location,  
43 at such times, under such circumstances, and to such extent as it deems appropriate to fulfill its  
44 responsibilities under this chapter. Provision of on site office space to accommodate the gaming  
45 enforcement unit shall be provided as an element of an operation certificate under 284-B:32 of this  
46 chapter.  
47

48 IV. The commission shall notify the division of state police gaming enforcement unit of any  
49 known or suspected criminal law violations that are related in any way to implementation and  
50 enforcement of the provisions of this chapter. Notwithstanding any provisions relating to the  
51 confidentiality of any information acquired under this chapter, the commission shall share such  
52 information with the division of state police gaming enforcement unit as may be deemed necessary  
53 by the commissioner of safety to ensure compliance with the provisions of this chapter.  
54

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

#### **284-B:9 Rulemaking**

I. The commission shall adopt all regulations necessary to meaningfully and efficiently regulate slot machine and table game operations consistent with this chapter and to implement, administer and enforce a comprehensive regulatory scheme, which regulations shall include, but not be limited to, those prescribing:

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

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

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

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

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

(f) Rules, consistent with 284-B:20 of this chapter, relating to the time allotted to the attorney general to conduct and report to the commission on a background investigation related to an applicant for a principal license, key employee license, gaming vendor license or other license under this chapter. The regulations shall balance the efficient administration of the licensing process with the need to ensure licenses are issued to person meeting the suitability standards of this chapter. The regulations shall be formulated after consultation with the attorney general and the division of state police.

(g) Rules, consistent with 284-B:21, relating to disqualification and rehabilitation standards applicable to an applicant for a gaming employee registration, non-gaming employee permit or non-gaming vendor registration.

(h) Procedures, consistent with 284-B: 22 of this chapter, addressing the decision of the commission on a gaming license application including, but not limited to, those relating to:

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

(2) Rules relating to:

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

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

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

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

- 1
- 2 (4) Criteria for evaluating an application for a gaming license consistent with this chapter;
- 3
- 4 (5) Standards for monitoring and enforcing conditions placed by the commission on a gaming
- 5 license; and
- 6
- 7 (6) Procedures for monitoring and enforcing a gaming licensee's compliance with its capital
- 8 investment commitment.
- 9
- 10 (i) Licensing procedures, consistent with 284-B:17, VII of this chapter, addressing a principal
- 11 license including, but not limited to, those relating to:
- 12
- 13 (1) A system of classification and standard of review for principals;
- 14
- 15 (2) An application and review process and time frame;
- 16
- 17 (3) Application, investigation, renewal and other fees consistent with the annual fee
- 18 schedule adopted and published by the commission;
- 19
- 20 (4) A waiver process;
- 21
- 22 (5) Administrative procedures applicable to the conduct of hearings related to a principal
- 23 license including, but not limited to:
- 24
- 25 (i) Rules of evidence;
- 26
- 27 (ii) Notice requirements; and
- 28
- 29 (iii) Rules permitting an applicant to raise an objection to the conduct of a hearing
- 30 procedure, process or ruling of the commission;
- 31
- 32 (6) Rules relating to the renewal of a principal license;
- 33
- 34 (7) An abbreviated licensing process under 284-B:20 of this chapter applicable to a principal
- 35 license granted pursuant to this section;
- 36
- 37 (8) Such other procedures as are necessary to efficiently implement and administer this
- 38 paragraph.
- 39
- 40 (j) Licensing procedures, consistent with 284-B:25 of this chapter, addressing individuals
- 41 employed by a gaming applicant or gaming licensee including, but not limited to, those relating to:
- 42
- 43 (1) A system of classification for individuals employed by a gaming licensee;
- 44
- 45 (2) Application, investigation and review processes and time frames;
- 46
- 47 (3) Application, investigation, renewal and other fees for each category of license, registration
- 48 or permit consistent with the annual fee schedule adopted and published by the commission;
- 49
- 50 (4) Standards of review;
- 51
- 52 (5) Administrative procedures applicable to the conduct of hearings related to a key
- 53 employee license, gaming employee registration and non-gaming employee permit;
- 54

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

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

(8) An abbreviated licensing process, consistent with 284-B:20 of this chapter, applicable to any license, registration, permit or employee authorization granted pursuant to this chapter other than a competitively awarded gaming license where abbreviated licensing shall not be available.

(k) Licensing procedures, consistent with 284-B:29 of this chapter, addressing persons doing business with a gaming applicant or gaming licensee including, but not limited to, those relating to:

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

(2) An application, investigation and review process;

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

(4) Exemption criteria and processes;

(5) Interim authorization and emergency authorization processes;

(6) Standards of review;

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

(8) An abbreviated licensing process under 284-B:20 of this chapter applicable to any license, registration or authorization granted pursuant to this section.

(l) Rules, consistent with 284-B:32 of this chapter, relating to the issuance, suspension and revocation of an operation certificate pursuant to this chapter and the approval of a temporary gaming location.

(m) Rules, consistent with 284-B:33 of this chapter, relating to the submission, content of, acceptance by the commission and amendment of a gaming licensee's system of internal controls.

(n) Rules, consistent with 284-B:34 of this chapter, relating to the maintenance and retention of a licensee's books, records and documents.

(o) Rules, consistent with 284-B:35 of this chapter, amplifying the prohibition on credit and relating to play with credit cards and debit cards.

(p) Rules, consistent with 284-B:36 of this chapter, relating to the provision of complimentary services.

(q) Rules, consistent with 284-B:37 of this chapter, relating to betting limits and disclosure requirements applicable to a cashless wagering system.

(r) Rules, consistent with 284-B:38 of this chapter, relating to disclosure requirements applicable to a player tracking system.

(s) Rules, consistent with 284-B:39 of this chapter, relating to tips and gratuities.

1  
2 (t) Rules, consistent with 284-B:40 of this chapter, relating to exclusion of individuals under  
3 the age of 21 from a gaming location.  
4

5 (u) Rules, consistent with 284-B:41 of this chapter, relating to exclusion of individuals from a  
6 gaming location.  
7

8 (v) Rules, consistent with 284-B:42 of this chapter, relating to self-exclusion of individuals  
9 from a gaming location.  
10

11 (w) Rules, consistent with 284-B:43 of this chapter, enumerating comprehensive, New  
12 Hampshire specific technical standards and requirements applicable to gaming equipment including,  
13 but not limited to, requirements relating to:  
14

15 (1) Receipt, review, distribution and the commission approval process associated with the  
16 certification reports issued by independent testing laboratories pursuant to paragraphs V and VI of  
17 this section;  
18

19 (2) If the commission elects to employ a central computer system, the communications  
20 protocol and technical standards applicable thereto;  
21

22 (3) Mechanical and electrical reliability of slot machines and associated equipment;  
23

24 (4) Security features preventing tampering with slot machines and associated equipment;  
25

26 (5) Comprehensibility to the player of wagering options and rules of play;  
27

28 (6) Noise and light levels generated by slot machines;  
29

30 (7) Design features necessary to ensure the accurate recording of transactions, to protect a  
31 player from fraud or deception and to minimize any potential negative consequences associated with  
32 the play of a slot machine including, but not limited to:  
33

34 (i) A prohibition on the use of reflexive software which, for the purposes of this section,  
35 shall be defined as any software that has the ability to manipulate and/or replace a randomly  
36 generated outcome for the purposes of changing the result on a slot machine;  
37

38 (ii) A requirement that a slot machine utilize one, or a combination of more than one  
39 random number generators working collectively, to determine the occurrence of a specific card,  
40 number, symbol or stop;  
41

42 (iii) A requirement that once a random selection has occurred that the slot machine  
43 display an accurate representation of the randomly selected outcome and that it be prohibited from  
44 making a secondary decision which affects the result shown to the player on the slot machine; and  
45

46 (iv) A requirement that where a slot machine includes a strategy choice, meaning that a  
47 particular play option requires use of skill to consistently achieve the best result, that the slot  
48 machine include in its rules of play mathematically sufficient information for a player to use optimal  
49 skill unless the player is not required to make an additional wager and can not lose any credits  
50 earned prior to the strategy choice.  
51

52 (8) Slot machine and table game circulation and density requirements;  
53

54 (9) Progressive slot machines including multi-casino progressive systems;  
55

- 1 (10) Review processes and product approval standards related to table game devices;  
2  
3 (11) Rules of the game for each table game permitted under this chapter;  
4  
5 (12) Review processes and testing and approval standards applicable to variations or  
6 composites of table games; and  
7  
8 (13) Physical and logical access to computer systems, including but not limited to, systems  
9 meeting the definition of associated equipment and the location of the primary and back-up system  
10 attendant to each.  
11  
12 (x) Rules, consistent with 284-B:44 of this chapter, relating to the payout percentage of a slot  
13 machine.  
14  
15 (y) Rules, consistent with 284-B:45 of this chapter, relating to minimum and maximum wagers  
16 and content of a gaming guide.  
17  
18 (z) Rules, consistent with 284-B:32 of this chapter, relating to gaming ticket expiration,  
19 unclaimed tickets, cash and prizes.  
20  
21 (aa) Rules relating to the manner and method of collection of any fee, tax, penalty or interest  
22 required to be collected pursuant to the provisions of this chapter and the regulations adopted  
23 pursuant thereto.  
24  
25 (bb) The adoption of an annual fee schedule specifying application, investigation, renewal and  
26 other fees relating to any license, registration, permit or authorization except a gaming license  
27 awarded, issued or accepted pursuant to this chapter, which fee schedule shall ensure that all  
28 applicants are directly or indirectly responsible for all costs associated with processing an application  
29 including the criminal history record check and any background investigation required under this  
30 chapter.  
31  
32 (cc) Financial reports required to be submitted by a gaming licensee and the timing on the  
33 submission of and form thereof.  
34  
35 (dd) The submission to the commission of an annual audit prepared by a certified public  
36 accountant licensed to do business in this state attesting to the financial condition of a licensee  
37 accompanied by such reports and opinions as the commission shall require.  
38  
39 (ee) Rules applicable to advertising by or on behalf of a gaming applicant or gaming licensee  
40 and the commission's role in the approval thereto designed to:  
41  
42 (1) Ensure that advertising is in no way deceptive, that it contains messages identifying  
43 sources for help and assistance with problem gambling, and that it promotes the purposes of this  
44 chapter; and  
45  
46 (2) Ensure that any advertising plan developed and implemented by a gaming applicant or  
47 gaming licensee is consistent with the department of resources and economic development's program  
48 of information and publicity to attract tourists, visitors, industrial concerns and other interested  
49 persons from outside the state to the state of New Hampshire, to publicize the family-friendly  
50 attributes and natural beauty of the state, and to encourage, coordinate, and participate in the  
51 efforts of other public and private organizations or groups of citizens in order to publicize the  
52 facilities, industrial advantages, and other attractions of the state for the same purposes.  
53  
54 (ff) If the commission elects to employ a central computer system, rules establishing a process  
55 for selecting and licensing or otherwise authorizing a provider of a central computer system.

1  
2 (gg) Rules, consistent with 284-B:43 of this chapter, establishing a process pursuant to which  
3 an independent testing laboratory establishes that it meets the criteria required by this chapter to  
4 offer services in this state.

5  
6 (hh) The qualifications of, and the conditions pursuant to which state licensed attorneys,  
7 engineers, accountants and others shall be permitted to practice before the commission or to submit  
8 materials on behalf of any applicant, licensee, registrant or permittee provided, however, that no  
9 member of the Legislature, nor any firm with which said member is associated, shall be permitted to  
10 appear or practice or act in any capacity whatsoever before the commission regarding any matter  
11 whatsoever, , nor shall any member of the immediate family of the Governor or of a member of the  
12 Legislature be permitted to so practice or appear in any capacity whatsoever before the commission  
13 regarding any matter whatsoever, provided, however, that the commission may provide by rule  
14 for the waiver of these prohibitions for an immediate family member or firm with which said member  
15 is associated based on full disclosure of the nature of the practice or appearance and a finding that a  
16 potential conflict is de minimus or non-existent.

17  
18 (ii) Rules related to the conditioning, suspension or revocation of a gaming license and any  
19 other license, registration, permit or authorization awarded, issued or accepted pursuant to this  
20 chapter.

21  
22 (jj) Rules relating to hearings before the commission pertaining to an alleged regulatory  
23 violation and sanctions and penalties applicable thereto.

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

28  
29 (ll) Rules ensuring that all employees of a gaming licensee are properly trained in their  
30 respective duties and responsibilities.

31  
32 (mm) Rules relating to the conduct of junkets and conditions of junket agreements between a  
33 gaming licensee and a junket representative.

34  
35 (nn) Rules providing for the monitoring and enforcement of representations and commitments  
36 made by a gaming licensee in its license application, including, but not limited to, representations  
37 and commitments made pursuant to 284-B:17, IV(f) regarding potential negative consequences  
38 associated with gambling and the operation of its gambling location.

39  
40 (oo) Rules providing for the implementation of problem gambling, public health and related  
41 research strategies consistent with applicable provisions of this chapter.

42  
43 (pp) Criteria to be applied by the commission in determining whether a live entertainment  
44 venue is impacted and establishing standards for monitoring and enforcing a gaming licensee's  
45 agreement with an impacted live entertainment venue, provided, however, that in adopting such  
46 rules the commission shall require the consideration of factors which include, but are not limited to,  
47 the venue's distance from the gaming location, venue capacity and the type of performances offered  
48 by that venue.

49  
50 (qq) Rules, consistent with 284-B: 19 of this chapter , relating to the completeness review  
51 applied to an application for a principal license, key employee license, gaming employee registration,  
52 non-gaming employee permit, gaming vendor license, non-gaming vendor registration or other  
53 authorization filed with the commission.

1 (rr) Rules requiring a gaming licensee to update certain enumerated information in its  
 2 application to the commission at least one time during the ten year duration of a gaming license and  
 3 rules consistent therewith for other licensees, registrants and permittees if deemed appropriate.  
 4

5 (ss) Rules relating to the appointment of a conservator to temporarily manage and operate the  
 6 business of a suspended or revoked gaming licensee.  
 7

8 (tt) Rules, consistent with 284-B:22 of this chapter, relating to notice of, and commission  
 9 approval of, a transfer of an interest in a gaming license, a gaming licensee or gaming location  
 10 including, but not limited to, a transfer of an interest in a gaming license, gaming licensee or gaming  
 11 location not meeting the principal licensing threshold of 284-B:24 of this chapter.  
 12

13 (uu) Rules, consistent with 284-B:46 of this chapter regarding amounts related to expired  
 14 tickets and unclaimed cash and winnings reverting to the state.  
 15

16 (vv) Rules, consistent with 284-B:5, XXVI of this chapter, relating to the power of the  
 17 commission to delegate its authority to perform any of its functions under this chapter or the  
 18 regulations adopted pursuant thereto to an employee of the commission, which rules shall include,  
 19 but not be limited to, a right of appeal to the commission where a delegated action is to be deemed  
 20 the final action of the commission, provided, further that a commission action shall thereafter be  
 21 subject to review in accordance with the procedures specified in 284-B:25, XIII, XIV of this chapter.  
 22

23 (ww) Rules, consistent with this chapter, relating to commission approval of a management  
 24 contract.  
 25

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

29 III. In order to facilitate the prompt implementation of this chapter, the commission may adopt  
 30 temporary regulations, not subject to RSA 541-A, for a period of two years from the effective date of  
 31 this chapter. A temporary regulation adopted in accordance with this exception shall expire no later  
 32 than two years following its effective date.  
 33

34 IV. Adoption by the commission of a temporary regulation pursuant to paragraph III of this  
 35 section shall require the commission to perform the following:  
 36

37 (a) Publish notice of the proposed temporary regulation in a newspaper of daily statewide  
 38 circulation and on the commission's website.  
 39

40 (b) Disclose in the notice required pursuant to subparagraph (a):  
 41

42 (1) The name and address of the commission;  
 43

44 (2) A citation to the statutory authority for the proposed temporary regulation;  
 45

46 (3) The rule number, title and text of the proposed regulation;  
 47

48 (4) A concise summary explaining the effect of the proposed temporary regulation;  
 49

50 (5) The name, address, and telephone number of an individual at the commission able to answer  
 51 questions about the proposed temporary regulation;  
 52

53 (6) The date, time and place of the public hearing on the proposed temporary regulation, which  
 54 shall be no less than 14 days from the date of the published notice of the proposed temporary  
 55 regulation; and



(7) A statement that written public comment shall be accepted by the commission for a period of 14 days after the public hearing.

(c) A public hearing shall be held no less than 14 days after the publication of notice.

(d) The commission shall accept written public comment for a period of 14 days after the close of the public hearing.

(e) The commission may act on the proposed temporary regulation no less than 3 days after the close of the comment period provided for in subparagraph (d).

V. In no event may a request for applications under RSA 284-B:17 of this chapter occur prior to adoption of temporary licensing regulations. Temporary operating regulations are not a prerequisite to a request for applications.

VI. In no event may a license, registration or permit, including a gaming license, be issued prior to the adoption of, at a minimum, temporary licensing and operating regulations.

#### **284-B:10 Central Computer System.**

I. The commission may acquire and operate a central computer system into which all slot machines shall be connected.

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

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

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

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

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

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

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

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

#### **284-B:11 Records; Confidentiality**

I. The commission shall keep and maintain a list of all applications it receives under this chapter together with a record of each action taken with respect to an applicant. Except as provided in paragraph IV of this section, a file, including the criminal records of an applicant under this

chapter and the record of the actions of the commission shall be open to public inspection provided, however, that information regarding an applicant whose license, registration or permit has been denied, revoked or not renewed shall be removed from the list after 5 years from the date of such action.

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

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

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

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

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

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

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

#### **284-B:12 Employees and Contractors.**

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

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

#### **284-B:13 Annual Report to the General Court**

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

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

#### **284-B:14 Number of Gaming Licenses**

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

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

#### **284-B:15 Procedures for Adoption by Local Community**

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

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

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

(c) In any unincorporated place, and notwithstanding any other provision of law to the contrary, upon the request of a gaming applicant to authorize the operation of slot machines and

1 table games at a specific location within the unincorporated place to either the moderator of the  
 2 unincorporated place if the unincorporated place is organized to vote pursuant to RSA 668:1, or the  
 3 clerk of the designated town if the unincorporated place is not organized for voting as provided in  
 4 RSA 668:2, the moderator or the clerk shall place the question on the ballot to be voted upon at the  
 5 next regularly scheduled biennial election. The ballot shall be given to the individuals who are  
 6 domiciled in such unincorporated place who are registered to vote.

7  
 8 (d) If a majority of those voting on the question vote “Yes,” RSA 284-B shall apply in such town  
 9 or city and the operation of slot machines and table games shall be permitted at a specific location  
 10 within such town, city, or unincorporated place in accordance with RSA 284-B. If a majority of those  
 11 voting on the question vote “No” the question may be voted on at a subsequent time in accordance  
 12 with this section provided, however, the town may consider the question at no more than one special  
 13 meeting and the annual town meeting in the same calendar year after a “No” vote. A city or town  
 14 subject to paragraph I,(b) of this section may consider the question at no more than one special  
 15 election and a regular municipal or biennial election in the same calendar year after a “No” vote.

16  
 17 (e) The wording of the question shall be substantially as follows: “Shall we adopt the  
 18 provisions of RSA 284-B allowing the operation of slot machines and table games at [insert the name  
 19 of the proposed gaming location] located within the [insert name of town, city, or unincorporated  
 20 place]”?

21  
 22 II. When a gaming applicant requests a town, city, or unincorporated place to act under  
 23 paragraph I, the gaming applicant shall pay all costs associated with carrying out the actions under  
 24 this section.

#### 25 26 **284-B:16 Gaming License Authorization; Hours of Operation**

27  
 28 I. A gaming license issued by the commission shall authorize an applicant to possess, conduct  
 29 and operate slot machines and table games at a gaming location.

30  
 31 II. A gaming licensee may operate up to twenty-four hours a day on every day of the year with a  
 32 gaming day commencing at 6:00 AM and ending at 5:59 AM.

33  
 34 III. A gaming licensee may operate only on the days and during the hours authorized by the  
 35 commission in the operation certificate issued pursuant to 284-B:32 of this chapter.

#### 36 37 **284-B:17 Gaming License Application Requirements.**

38  
 39 I. The commission shall issue a request for applications for a gaming license within 30 days of  
 40 the adoption of temporary licensing regulations in accordance with 284-B:9, IV of this chapter. The  
 41 request for applications shall require all gaming license applications to be submitted to the  
 42 commission no later than 120 days after the publication of the request, provided, however, that an  
 43 applicant who has paid the full application and investigation fees required by 284-B:18 of this  
 44 chapter may receive one extension of up to 30 days upon a finding of good cause shown by the  
 45 commission. Applications received after the deadline shall not be reviewed by the commission. The  
 46 commission shall approve, approve with conditions, or deny all applications submitted in accordance  
 47 with the provisions of this chapter and any applicable rules promulgated by the commission.

48  
 49 II. Requests for applications pursuant to paragraph I of this section shall be advertised in a  
 50 newspaper of general circulation in the state, in Commerce Business Daily or an equivalent  
 51 publication, and on the official internet website of the commission.

52  
 53 III. An applicant for a gaming license shall submit the following documentation, as reasonably  
 54 applicable to status as an individual, corporation, limited liability company or other form of business  
 55 enterprise, for consideration by the commission.

1  
2 (a) A fully executed and complete application on forms prescribed by the commission which  
3 may include, but need not be limited to, a multi-jurisdictional personal history and/or business entity  
4 disclosure form and any New Hampshire supplements to those forms. An application shall be  
5 deemed complete in accordance with 284-B:19 of this chapter.

6  
7 (b) The application shall include any and all information requested by the commission  
8 including, but not limited to, information regarding:  
9

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

15  
16 (2) Fingerprints for each individual applicant and a written consent for a criminal history  
17 record check for the applicant;  
18

19 (3) All civil actions, including bankruptcy filings, to which the applicant was a party during  
20 the past 10 years; including, but not limited to, actions resulting in a civil judgment;  
21

22 (4) Information and documentation demonstrating by clear and convincing evidence the  
23 applicant's financial stability including, but not limited to, bank references, business and personal  
24 income and disbursement schedules, tax returns and other reports and actions filed with government  
25 agencies, details with regard to any bankruptcy filing, whether or not dismissed, business and  
26 personal accounting check records and ledgers and other relevant source documents covering at least  
27 the ten year period immediately prior to the date of filing of the application;  
28

29 (5) Information and documentation demonstrating by clear and convincing evidence the  
30 applicant's good character, honesty and integrity including, but not limited to, information  
31 pertaining to family, habits, character, reputation, criminal history, business activities, financial  
32 affairs and business, professional and personal associates, covering at least the ten year period  
33 immediately prior to the date of filing of the application;  
34

35 (6) Information and documentation with regard to all contributions, donations, loans or any  
36 other financial transactions to or from a gaming entity or operator in the past 5 years;  
37

38 (7) Full name, address, date of birth, a photograph and other personal identifying  
39 information; and  
40

41 (8) Such other information as the commission shall deem relevant to its consideration of the  
42 application including documentation and information that predates the ten year period immediately  
43 prior to the date of filing of the application.  
44

45 IV. An applicant for a gaming license shall also submit the following documentation, as  
46 reasonably applicable to status as an individual, corporation, limited liability company or other form  
47 of business enterprise, for consideration by the commission.  
48

49 (a) Information and documentation demonstrating by clear and convincing evidence that the  
50 applicant has sufficient business ability and experience to establish and maintain a successful  
51 gaming operation, including, but not limited to, information demonstrating the experience of the  
52 applicant in developing, constructing, and managing a gaming operation.  
53

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

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

(d) If directed to do so by the commission, an application to any federal or state agency deemed appropriate by the commission for agency records pertaining to the applicant under the Freedom of Information Act (Public Law 89-554, 5 U.S.C. § 552) and the subsequent provision of the complete record received from said agency, provided, however, that nothing shall preclude the commission from awarding or issuing a license prior to receipt of any information so requested.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Evidence that the applicant has obtained local approval in accordance with 284-B:10 of this chapter.

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

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

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

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

1  
2 (f) A description of the supporting amenities and ancillary entertainment services to be offered  
3 at the proposed gaming location, including the number of hotels and rooms, if any, restaurants and  
4 other amenities located within the proposed gaming location and how they measure in quantity and  
5 quality to other area amenities.  
6

7 (g) The number of employees and independent contractors required to operate the proposed  
8 gaming location, including detailed information as to the projected breakdown between full and part  
9 time employees and independent contractors and proposed pay ranges and benefit packages for each  
10 category of employee or contractor.  
11

12 (h) Documentation to support the applicant's ability to make necessary capital and  
13 maintenance expenditures in a timely manner that are adequate to ensure maintenance of a  
14 superior, first-class gaming location.  
15

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

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

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

31 (3) Economic and environmental benefits to the region and the state from the project,  
32 including the ability of the applicant's proposed gaming location and operation, both in its  
33 construction and its operation, to provide new and sustainable jobs for the community and to meet  
34 the highest practicable energy efficiency and environmental sustainability standards;  
35

36 (4) The accessibility of the proposed gaming location to public transportation and public  
37 highway infrastructures;  
38

39 (5) The ability of the design of the proposed gaming location to enhance tourism and  
40 development and to create commercial development opportunities for the community and its  
41 compatibility with historic uses, regional branding and local zoning ordinances;  
42

43 (6) The impact on the local and regional community, including:  
44

45 (A) Impact on the local and regional economies, including but not limited to, cultural  
46 institutions and small businesses in the host community and surrounding communities; and  
47

48 (B) Costs and benefits to the host and surrounding communities in the form of jobs,  
49 revenues, business development, and social issues associated with the gaming location; and  
50

51 (7) Signed agreements between the impacted live entertainment venue and the applicant  
52 setting forth the agreement of the parties with regard to mitigation of any potential negative impact  
53 resulting from the construction and operation of a gaming location in proximity to the impacted live  
54 entertainment venue, provided, however, that the agreement shall include, but not be limited to,



1 terms relating to cross marketing, limitations to exclusivity arrangements with performers,  
2 coordination of performance schedules, promotions, and ticket prices.

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

6  
7 VI. If the applicant for a gaming license is a corporation, limited liability company or other form  
8 of business enterprise, the applicant shall also provide or ensure the submission of the following  
9 information:

10  
11 (a) The ownership, organization, financial structure and nature of all businesses operated by  
12 the applicant including the name of the state under the laws of which each business is formed and  
13 the location of its principal place of business.

14  
15 (b) The names and personal employment and criminal histories of all officers, directors and  
16 key employees of the applicant.

17  
18 (c) The names of all holding, intermediary and subsidiary companies of the applicant.

19  
20 (d) With regard to any holding, intermediary or subsidiary company the ownership,  
21 organization, financial structure and nature of all businesses operated by each company and, to the  
22 extent required by paragraph VII of this section and the rules promulgated by the commission, the  
23 names and personal employment and criminal histories of all officers, directors and key employees of  
24 such holding, intermediary and subsidiary companies.

25  
26 (e) The rights and privileges acquired by the holders of different classes of authorized  
27 securities in the applicant including the names, addresses and amounts held by all holders of such  
28 securities.

29  
30 (f) The terms upon which securities in the applicant have been or are to be offered.

31  
32 (g) Any other indebtedness or security devices utilized by the applicant.

33  
34 (h) The extent of the equity security holdings in the applicant of all officers, directors and key  
35 employees together with their remuneration in the form of salary, wages, fees or otherwise.

36  
37 (i) A description of all bonus and profit-sharing arrangements.

38  
39 (j) Details with regard to any management or inter-company shared service agreements or  
40 functional equivalent thereof.

41  
42 (k) A listing of stock options existing or to be created.

43  
44 (l) Documentation establishing that the applicant and any holding, intermediary or subsidiary  
45 company required to qualify in conjunction with the gaming license application pursuant to  
46 paragraph VII of this section are qualified to do business in the State of New Hampshire.

47  
48 (m) If a direct or indirect interest in the applicant is a trust, the application shall disclose the  
49 names and addresses of all trustees and beneficiaries and shall provide details with regard to their  
50 respective interests.

51  
52 (n) Such other information as the commission shall deem relevant to its consideration of the  
53 application.

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

(a) The commission shall prescribe regulations consistent with this chapter and the efficient administration of the licensing process relating to:

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

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

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

(4) A waiver process;

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

(i) Rules of evidence;

(ii) Notice requirements; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) All documentation required of a gaming license applicant under paragraphs IV(a) of this section.

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

(f) Where applicable, all documentation required of a gaming license applicant under paragraphs VI of this section.

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

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

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

## 284-B:18 Gaming License Fees; License Term

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

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

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

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

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

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

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

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

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

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

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

(d) The amount deposited shall be available to the state in the fiscal year received.

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

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

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

#### **284-B:19 Application Completeness Review**

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

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

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

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

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

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

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

(2) If the gaming license application remains incomplete, the commission shall provide a second written notice of incompleteness to the applicant. The second notice of incompleteness shall include a explanation of the reason the application was deemed incomplete and shall allow the applicant an additional 10 business days from the date of the second written notice of

incompleteness to provide any requested information. The applicant shall not include in its resubmission information unrelated to the deficiencies enumerated in the commission's notice. The commission shall review the additional information submitted by the applicant within 10 business days of actual receipt by the commission:

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

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

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

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

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

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

## **284-B:20 License Background Review**

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

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

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

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

(a) Financial stability.

(b) Good character, honesty and integrity.

1 (c) Business ability and gaming experience.

2  
3 (d) Where applicable, the applicant's history of compliance in other regulated gaming  
4 jurisdictions including, but not limited to, a letter of reference or sworn statement of good standing  
5 produced in accordance with 284-B:17, IV(c) of this chapter.

6  
7 (e) Where applicable, the suitability of all principals required to qualify in conjunction with the  
8 gaming license application in accordance with 284-B:17, VII of this chapter.

9  
10 (f) Whether the applicant is disqualified from receiving a license under 284-B:21. of this  
11 chapter

12  
13 (g) The applicant 's ability, if required, to demonstrate rehabilitation in accordance with 284-  
14 B:21 of this chapter.

15  
16 V. The attorney general may include in the scope of his or her investigation any other  
17 information that the attorney general, in the exercise of his or her sole discretion, may deem  
18 relevant.

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

34  
35 VII. The attorney general may contract for legal, financial and other professional services as he  
36 or she deems appropriate to discharge his or her duties under this chapter. The attorney general  
37 may also outsource a background investigation to an entity with demonstrated experienced in  
38 gaming related background investigations provided that any recommendation to the commission as  
39 to the suitability of an applicant to hold a license is made by the attorney general.

40  
41 VIII. In the course of its background investigation, the attorney general may draw upon the  
42 department of safety, division of state police and any other state or federal law enforcement agency  
43 or regulating authority he or she deems appropriate.

44  
45 IX. The attorney general may obtain from, and provide to, a law enforcement agency, regulating  
46 authority or other domestic, federal or foreign jurisdiction, including the Federal Bureau of  
47 Investigation, pertinent information regarding an applicant or licensee. It may transmit such  
48 information electronically.

49  
50 X. The attorney general's report to the commission with regard to an applicant's background  
51 investigation shall state whether or not in his or her opinion the person is suitable to hold, or to  
52 qualify in conjunction with, a license in New Hampshire. The attorney general shall determine the  
53 extent to which and the manner in which investigative results are reported to the commission and, if  
54 reported, whether such results are to retain their confidential character.

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

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

#### **284-B:21 Grounds for Denial of a License**

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

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

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

(c) The conviction of the applicant:

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

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

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

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

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

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



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

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

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

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

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

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

## **284-B:22 Gaming License Decision**

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

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

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

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

(3) Notice requirements applicable to a hearing; and

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

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

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

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

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

5  
6  
7 (c) Rules relating to the renewal of a gaming license.

8  
9 (d) Criteria for evaluating an application for a gaming license consistent with this chapter  
10 including, but not limited to, that relating to local approval of the gaming location under 284-B:15 of  
11 this chapter, an evaluation of architectural design and concept excellence, integration of the gaming  
12 location into its surroundings, potential access to multi-modal means of transportation, tourism  
13 appeal, level of capital investment commitment, financial stability of the applicant and the  
14 applicant's financial plan.

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

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

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

24  
25 III. In any decision relating to a gaming license the commission shall consider, but is not bound  
26 by, the recommendation of the attorney general as to the suitability of the applicant for licensure  
27 under 284-B:20 of this chapter. Where the commission deviates from the recommendation of the  
28 attorney general the commission shall address the basis for its contrary determination in the written  
29 decision required pursuant to paragraph XII of this section.

30  
31 IV. If there is only one complete application for a gaming license pending, then upon receipt of  
32 the report of the attorney general on the applicant's suitability to hold a gaming license in New  
33 Hampshire the commission shall schedule and conduct a licensing hearing to determine whether the  
34 applicant meets the standards for licensure set forth in this chapter.

35  
36 V. The commission shall conduct a hearing with regard to an application under paragraph IV of  
37 this section within 60 days of actual receipt by the commission the attorney general's suitability  
38 report. At the licensing hearing, the commission shall first consider whether the applicant is able to  
39 demonstrate by clear and convincing evidence its financial stability, good character, honesty,  
40 integrity, business ability and gaming experience in accordance with this chapter. If the commission  
41 determines that the applicant is unable to establish the required suitability the commission shall not  
42 give further consideration to the application. Any determination including, but not limited to, that  
43 relating to the standards for licensure set out in this chapter shall be made by majority vote of  
44 eligible commission members. Any commission member who has a personal or business conflict with  
45 any application shall not vote on such application. The licensing decision shall be in the form of an  
46 approval, denial, or an approval with conditions of a gaming license.

47  
48 VI. If there is more than one gaming license application deemed complete by the commission,  
49 upon receipt of all of the reports of the attorney general on an applicant's suitability to hold a gaming  
50 license in New Hampshire the commission shall commence consideration of each application in a  
51 competitive process pursuant to which each application is evaluated in relationship to each other  
52 application. Within 30 days of actual receipt by the commission of all of the attorney general's  
53 suitability reports the commission shall schedule a competitive hearing and shall instruct each  
54 applicant to file prehearing memoranda as prescribed by the commission which shall include, at a  
55 minimum, a summary of evidence each applicant intends to present in support of its application for

1 licensure. Competing applications shall be heard separately by the commission at one hearing to be  
 2 held no more than 75 days of actual receipt by the commission of all of the attorney general's  
 3 suitability reports unless the commission determines that additional time is needed and notifies the  
 4 applicants that good cause exists for an extension of the hearing date to a date certain. Nothing  
 5 herein shall limit the commission to one extension for good cause. An applicant shall have no right  
 6 to cross-examine the witnesses of a competing applicant but there shall be a right to raise an  
 7 objection to the conduct of a hearing procedure, process or ruling of the commission as it relates to  
 8 the applicant or a competitor applicant.

9  
 10 VII. At the competitive hearing the commission shall first consider whether each applicant is  
 11 able to demonstrate by clear and convincing evidence its financial stability, good character, honesty,  
 12 integrity, business ability and gaming experience in accordance with this chapter. If the commission  
 13 determines that an applicant is unable to establish the required suitability the commission shall not  
 14 give further consideration to the application.

15  
 16 VIII. At the competitive hearing the commission shall determine, based on the evidence  
 17 submitted, including completed studies and/or reports issued by independent, recognized experts in  
 18 the most relevant fields, which suitable applicant(s) demonstrate superiority in meeting the  
 19 standards set forth in this chapter. In making its determination the commission shall consider the  
 20 following relevant factors.

21  
 22 (a) Business and market factors including:

23  
 24 (1) Highest potential benefit and highest prospective total revenues to be derived by the  
 25 state;

26  
 27 (2) Potential gaming revenues to be generated by a gaming location based upon expert  
 28 market analysis;

29  
 30 (3) The extent to which the proposed gaming location could be expected to encourage New  
 31 Hampshire gaming participants to remain in the state;

32  
 33 (4) The extent to which the proposed gaming location could be expected to be a substantial  
 34 regional and national tourist destination;

35  
 36 (5) The extent to which the proposed gaming location could be expected to create commercial  
 37 development opportunities for the community consistent with historic uses, regional branding and  
 38 local zoning ordinances;

39  
 40 (6) The applicant's proposed capital investment in the gaming location and operation and  
 41 the expected competitiveness of the proposed gaming operation;

42  
 43 (7) The extent to which the proposed gaming location will preserve existing New Hampshire  
 44 jobs and the number of net new full time and part time jobs to be created;

45  
 46 (8) The applicant's plan to identify, address and minimize any potential negative  
 47 consequences associated with gambling and the operation of its gaming location including, but not  
 48 limited to, an adequately funded commitment to combat compulsive gambling to include efforts  
 49 directed at prevention, intervention, treatment and research;

50  
 51 (9) The impact on the host community and municipalities in the region; and

52  
 53 (10) Such other considerations as the commission shall deem relevant to business and  
 54 market factors.

(b) Economic development factors, including:

(1) The applicant's workforce development plan;

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

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

(c) Site location factors including

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

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

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

(4) The analysis related to impacted live entertainment venues contemplated by paragraph IX of this section.

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

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

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

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

XII. Any decision of the commission approving a gaming license application, approving an application with conditions, or denying an application shall be issued by the commission within 30

1 days of the conclusion of the hearing conducted pursuant to this section is a final, binding, non-  
 2 appealable determination which is not subject to legal challenge except as permitted by this chapter.

3  
 4 XIII. An award by the commission of a gaming license shall be evidenced by a written decision  
 5 with detailed findings accompanied by a statement of conditions enumerating those conditions  
 6 precedent to the issuance by the commission of a gaming license, conditions that are precedent to the  
 7 commencement of gaming operations at a gaming location and conditions that are ongoing during  
 8 the pendency of the license term.

9  
 10 XIV. A gaming applicant or gaming licensee aggrieved or dissatisfied with a final decision of the  
 11 commission shall have the right to immediate appeal from a final decision to the supreme court  
 12 pursuant to RSA 541.

13  
 14 XV. The provisions of RSA 541 shall govern all appeals under this section, provided that any  
 15 request for rehearing provided for by RSA 541 shall be presented as a request for reconsideration to  
 16 the commission within 10 calendar days of the commission's decision and the commission's decision  
 17 on said request shall be issued within 10 days of the presentation of the request.

18  
 19 XVI. The supreme court shall affirm the decision of the commission unless it finds it to be  
 20 arbitrary or capricious or not made in compliance with applicable law.

21  
 22 XVII. A gaming license issued by the commission shall expire ten years from the date of  
 23 issuance subject to renewal pursuant to this chapter.

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

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

### 32 33 **284-B:23 Minimum Capital Investment**

34  
 35 I. A gaming licensee shall be required as a condition of licensure to make the capital investment  
 36 in the gaming location proposed in its gaming license application, which amount shall meet or exceed  
 37 \$450,000,000 exclusive of land acquisition, off-site improvement costs, and license fees.

38  
 39 II. The full capital investment required under this section shall be made within 5 years of the  
 40 date of issuance of a gaming license.

41  
 42 III. In addition to the requirements of paragraph I of this section, beginning with the sixth year  
 43 after receiving a gaming license, a gaming licensee shall make, or cause to be made, on an annual  
 44 basis capital expenditures to its gaming location in a minimum aggregate amount equal to 3.5 per  
 45 cent of the total gross gaming revenues derived from the gaming location, provided, however, that a  
 46 gaming licensee may make capital expenditures in an amount less than 3.5 per cent per year as part  
 47 of a multi-year capital expenditure plan approved by the commission.

48  
 49 IV. A gaming licensee who fails to obtain an operation certificate under 284-B:32 within 1 year  
 50 after the date specified in the construction timeline submitted with its application and incorporated  
 51 by the commission as a condition on the gaming license:

52  
 53 (a) May, if the commission finds good cause for such action after a hearing in accordance with  
 54 this chapter, be subject to suspension or revocation of the gaming license.

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

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

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

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

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

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

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

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

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

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

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

#### **284-B:25 Individuals Employed by a Gaming Licensee**

I. The commission shall prescribe regulations consistent with this chapter and the efficient administration of the licensing process relating to:

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

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

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

(d) Standards of review.

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

(1) Rules of evidence;

(2) Notice requirements;

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

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

(f) Procedures for issuance of a temporary key license, gaming employee registration, non-gaming employee permit or other employee authorization if the commission determines that such procedures are necessary to the efficient implementation of this chapter.

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

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

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

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

III. In connection with a key employee license, gaming employee registration, non-gaming employee permit or other employee authorization, the commission shall be authorized to exchange

1 fingerprint data with, and to receive criminal history record and background information from, the  
2 department of safety, division of state police, the office of the attorney general, the Federal Bureau of  
3 Investigation or other sources consistent with applicable federal and state laws, rules and  
4 regulations.

5  
6 IV. No gaming applicant, gaming licensee or holding, intermediary or subsidiary company  
7 required to qualify in conjunction with a gaming license under this chapter shall employ or otherwise  
8 allow an individual to perform the duties of a key employee unless the person is the holder of a valid  
9 key employee license issued by the commission.

10  
11 V. No gaming licensee shall employ or otherwise allow an individual to perform duties requiring  
12 a gaming employee registration, non-gaming employee permit or other employee authorization  
13 required pursuant to this chapter unless the person is registered, permitted or otherwise authorized  
14 by the commission.

15  
16 VI. A gaming licensee shall not utilize an independent contractor to perform duties requiring a  
17 key employee license, gaming employee registration, non-gaming employee permit or other employee  
18 authorization required pursuant to this chapter without the prior approval of the commission.

19  
20 VII. An independent contractor of a gaming licensee authorized by the commission to perform  
21 duties requiring a key employee license, gaming employee registration, non-gaming employee  
22 permit or other employee authorization required pursuant to this chapter shall be subject to all of  
23 the provision of this chapter applicable to an employee of a gaming licensee.

24  
25 VIII. During the course of its review of any application, the commission shall take reasonable  
26 measures to prohibit and prevent all ex parte communication relating to the merits of such  
27 application.

28  
29 IX. In any decision relating to a key employee license, and with regard to a gaming employee  
30 registration subject to a background investigation under 284-B:27, II, the commission shall consider,  
31 but is not bound by, any recommendation of the attorney general as to the suitability of the applicant  
32 for licensure under 284-B:20 of this chapter. Where the commission deviates from the  
33 recommendation of the attorney general the commission shall address the basis for its contrary  
34 determination in the written decision required pursuant to paragraph XII of this section.

35  
36 X. Any licensing determination including, but not limited to, that related to a key license,  
37 gaming employee registration, non-gaming employee permit or other employee authorization shall  
38 be made by majority vote of eligible commission members. Any commission member who has a  
39 personal or business conflict with any application shall not vote on such application.

40  
41 XI. Any decision of the commission approving an application, approving an application with  
42 conditions, or denying an application under this section shall be issued by the commission within 30  
43 days of the conclusion of the hearing conducted pursuant to this section and is a final, binding, non-  
44 appealable determination which is not subject to legal challenge except as permitted by this chapter.

45  
46 XII. The issuance by the commission of a license, registration, permit or other employee  
47 authorization shall be evidenced by a written decision.

48  
49 XIII. (a) Within 30 days after any order or decision has been made by the commission, any party  
50 to the action or proceeding before the commission, or any person directly affected thereby, may apply  
51 for a rehearing in respect to any matter determined in the action or proceeding, or covered or  
52 included in the order, specifying in the motion all grounds for rehearing, and the commission may  
53 grant such rehearing if in its opinion good reason for the rehearing is stated in the motion.



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

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

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

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

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

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

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

#### **284-B:26 Key Employee Licensing**

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

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

(b) A fully executed and complete application on forms prescribed by the commission. An application shall be deemed complete in accordance with regulations promulgated pursuant to 284-B:19 of this chapter.

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

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

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

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

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

(a) Financial stability.

(b) Good character, honesty and integrity.

(c) Business ability and gaming experience.

(d) Whether the applicant is disqualified from receiving a license under 284-B:21 of this chapter.

(e) The applicant's ability, if required, to demonstrate rehabilitation in accordance with 284-B:21 of this chapter.

III. Upon receipt of the report of the attorney general on an applicant's suitability to hold a key employee license the commission shall conduct a licensing hearing in accordance with regulations promulgated pursuant to 284-B:22 of this chapter to determine whether the applicant meets the standards for licensure set forth in this chapter.

#### **284-B:27 Gaming Employee Registration**

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

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

(b) A fully executed and complete application on forms prescribed by the commission. An application shall be deemed complete in accordance with regulations promulgated pursuant to 284-B:19 of this chapter.

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

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

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

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

(a) Good character, honesty and integrity.

(b) That the applicant is not disqualified from receiving a license under regulations promulgated pursuant to 284-B:21 of this chapter or is rehabilitated in accordance with rules specific to registration applications promulgated pursuant to 284-B:21 of this chapter.

#### **284-B:28 Non-gaming Employee Permit**

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

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

(b) A fully executed and complete application on forms prescribed by the commission. An application shall be deemed complete in accordance with regulations promulgated pursuant to 284-B:19 of this chapter.

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

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

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

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

I. The commission shall prescribe regulations consistent with this chapter and the efficient administration of the licensing process relating to:

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

(b) Application, investigation and review process.

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

(d) Exemption criteria and processes.

(e) An interim authorization and emergency authorization processes.

(f) Standards of review.

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

(i) Rules of evidence;

(ii) Notice requirements;

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

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

(h) An abbreviated licensing process under 284-B:22 of this chapter applicable to any license, registration or authorization granted pursuant to this section.

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

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

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

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

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

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

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

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

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

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

(d) Nothing in this section shall be construed to prohibit the commission from rescinding a grant of interim authorization if, at any time, the suitability of the person subject to interim

1 authorization is at issue or if the person fails to cooperate with the commission, the attorney general,  
2 the division of state police or their agent.

3  
4 VI. The commission shall establish a master vendor list to monitor all vendor contracts with a  
5 gaming licensee which master list will also identify prohibited vendors.

6  
7 (a) An gaming applicant or gaming licensee may not enter into an agreement or engage in  
8 business with a person listed on the prohibited vendor list.

9  
10 (b) The commission may prohibit a person required to be licensed, registered or otherwise  
11 authorized under this section from doing business with a gaming licensee if that person fails to  
12 submit an application under this chapter.

13  
14 (c) The commission may terminate any contract that has been entered into with an unlicensed  
15 or unregistered gaming or non-gaming vendor.

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

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

33  
34 IX. In any decision relating to a gaming vendor license or non-gaming vendor registration the  
35 commission shall consider, but is not bound by, any recommendation of the attorney general as to  
36 suitability of the applicant for licensure under 284-B:20 of this chapter. Where the commission  
37 deviates from the recommendation of the attorney general the commission must address the basis for  
38 its contrary determination in the written decision required pursuant to paragraph XI of this section.

39  
40 X. Any licensing determination including, but not limited to, that related to a gaming vendor  
41 license or gaming vendor registration shall be made by majority vote of eligible commission  
42 members. Any commission member who has a personal or business conflict with any application  
43 shall not vote on such application.

44  
45 XI. Any decision of the commission approving an application, approving an application with  
46 conditions, or denying an application under this section shall be issued by the commission within 30  
47 days of the conclusion of the hearing conducted pursuant to this section and is a final, binding, non-  
48 appealable determination which is not subject to legal challenge except as permitted by this chapter.

49  
50 XII. Any award by the commission of a license, registration, permit or other employee  
51 authorization shall be evidenced by a written decision.

52  
53 XIII. (a) Within 30 days after any order or decision has been made by the commission, any party  
54 to the action or proceeding before the commission, or any person directly affected thereby, may apply  
55 for a rehearing in respect to any matter determined in the action or proceeding, or covered or

1 included in the order, specifying in the motion all grounds for rehearing, and the commission may  
 2 grant such rehearing if in its opinion good reason for the rehearing is stated in the motion.  
 3

4 (b) Such motion shall set forth fully every ground upon which it is claimed that the decision or  
 5 order complained of is unlawful or unreasonable. No appeal from any order or decision of the  
 6 commission shall be taken unless the appellant shall have made application for rehearing as herein  
 7 provided, and when such application shall have been made, no ground not set forth therein shall be  
 8 urged, relied on, or given any consideration by the court, unless the court for good cause shown shall  
 9 allow the appellant to specify additional grounds.  
 10

11 (c) Upon the filing of such motion for rehearing, the commission shall within ten days either  
 12 grant or deny the same, or suspend the order or decision complained of pending further  
 13 consideration, and any order of suspension may be upon such terms and conditions as the  
 14 commission may prescribe.  
 15

16 (d) Within thirty days after the application for a rehearing is denied, or, if the application is  
 17 granted, then within thirty days after the decision on such rehearing, any party aggrieved or  
 18 dissatisfied by any final decision of the commission under this section shall have the right to appeal  
 19 from a final decision to the superior court. The petition shall set forth that such decision or order is  
 20 arbitrary or capricious or not made in compliance with law, and shall specify the grounds on which  
 21 such claim is made.  
 22

23 XIV. The superior court shall affirm the decision of the commission unless it finds the decision  
 24 to be arbitrary or capricious or not made in compliance with law.  
 25

26 XV. The division of state police shall promptly notify the commission in the event an applicant  
 27 for or gaming vendor licensee or non-gaming vendor registrant is arrested for a crime or offense in  
 28 this State after the date the background check was performed.  
 29

30 XVI. The commission may require a non-gaming vendor conducting over \$100,000 of business  
 31 with a gaming licensee within a 12 month period or \$250,000 of business with a gaming licensee  
 32 within a 3 year period to be licensed as a gaming vendor.  
 33

34 XVII. The commission may require a registered non-gaming vendor to be licensed as a gaming  
 35 vendor if, after an analysis of the functions of the vendor and its relationship with the gaming  
 36 applicant or gaming licensee it determines that action to be necessary to protect the integrity of  
 37 gaming.  
 38

39 XVIII. A gaming vendor license, a non-gaming vendor registration and any other authorization  
 40 for which a completed renewal application and fee, if required, has been received by the commission  
 41 shall continue in effect unless and until the commission sends written notification to the holder that  
 42 the commission has denied the renewal of the gaming license, registration or authorization.  
 43

#### 44 **284-B:30 Gaming Vendor Licensing**

45  
 46 I. In connection with a gaming vendor license the commission shall be authorized to exchange  
 47 fingerprint data with, and to receive criminal history record and background information from, the  
 48 Department of Safety, Division of State Police, the Office of the Attorney General, the Federal  
 49 Bureau of Investigation or other source consistent with applicable federal and state laws, rules and  
 50 regulations.  
 51

52 II. A gaming applicant or gaming licensee shall not conduct business with a person required to  
 53 be licensed as a gaming vendor pursuant to this chapter unless the person is licensed by the  
 54 commission.  
 55

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

3  
4        (a) A description of the applicant's business relationship(s) with a gaming licensee.

5  
6        (b) A fully executed and complete application on forms prescribed by the commission. An  
7 application shall be deemed complete in accordance with regulations promulgated pursuant to 284-  
8 B:19 of this chapter.

9  
10        (c) All documentation, fingerprints and consents required of a gaming license applicant under  
11 284-B:17, III of this chapter.

12  
13        (d) All documentation required of a gaming license applicant under 284-B:17, IV(a) of this  
14 chapter.

15  
16        (e) The documentation related to a similar gaming license, registration, permit or other  
17 authorization required of a gaming licensee applicant under 284-B:17, IV(c) of this chapter.

18  
19        (f) If the applicant for a gaming vendor license is a corporation, limited liability company or  
20 other form of business enterprise, all documentation required of a gaming license applicant under  
21 284-B:17, VI and VII of this chapter.

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

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

31  
32        (a) Financial stability.

33  
34        (b) Good character, honesty and integrity.

35  
36        (c) Business ability and gaming experience.

37  
38        (d) If applicable, the applicant's history of compliance in other regulated gaming jurisdictions  
39 including, but not limited to, a letter of reference or sworn statement of good standing produced in  
40 accordance with 284-B:17, IV(c) of this chapter.

41  
42        (e) Whether the applicant is disqualified from receiving a license under 284-B:21.

43  
44        (f) The applicant 's ability, if required, to demonstrate rehabilitation in accordance with 284-  
45 B:21.

46  
47        V. Upon receipt of the report of the attorney general on an applicant's suitability to hold a  
48 gaming vendor license the commission shall conduct a licensing hearing in accordance with  
49 regulations promulgated pursuant to 284-B:29 to determine whether the applicant meets the  
50 standards for licensure set forth in this chapter.

## 51 52        **284-B:31 Non-gaming Vendor Registration**

53  
54        I. In connection with a non-gaming vendor registration the commission shall be authorized to  
55 exchange fingerprint data with, and to receive criminal history record and background information

from, the division of state police, the attorney general, the Federal Bureau of Investigation or other source consistent with applicable federal and state laws, rules and regulations.

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

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

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

(b) A fully executed and complete application on forms prescribed by the commission. An application shall be deemed complete in accordance with regulations promulgated pursuant to 284-B:19 of this chapter.

(c) All documentation, fingerprints and consents required of a gaming license applicant under 284-B:17, III (b)1 and 2 of this chapter.

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

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

IV. Upon a determination by the commission that a non-gaming vendor registration application is complete in accordance with 284-B:19, the commission shall register the applicant provided it is able to establish, at a minimum:

(a) Good character, honesty and integrity.

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

(c) Whether the applicant is disqualified from receiving a license under 284-B:21 of this chapter.

(d) That the applicant is not disqualified from receiving a registration under regulations promulgated pursuant to 284-B:21 of this chapter or is rehabilitated in accordance with rules specific to registration applications promulgated pursuant to 284-B:21 of this chapter.

#### **284-B:32 Issuance of an Operation Certificate to a Gaming Licensee**

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

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



1  
2 III. The commission may amend, modify, restrict or limit an operation certificate and may  
3 remove any restriction, limitation or condition imposed on an operation certificate at any time  
4 consistent with the purposes of this chapter and the regulations promulgated thereunder.  
5

6 IV. The commission shall issue an operation certificate where it determines that the gaming  
7 licensee has satisfied all conditions precedent to the commencement of gaming operations  
8 enumerated in its statement of conditions, this chapter and the regulations promulgated by the  
9 commission including the following requirements:  
10

11 (a) That the gaming location complies with the provisions of this chapter and any relevant  
12 regulations adopted by the commission as it relates to:  
13

14 (1) Communication systems and the ability of persons at the gaming location to timely  
15 communicate with the commission, all law enforcement exercising criminal or regulatory jurisdiction  
16 over the gaming location and emergency first responders;  
17

18 (2) A commission approved surveillance system and function:  
19

20 (i) Configured to provide adequate and effective surveillance of all slot machines and  
21 table games on the gaming floor;  
22

23 (ii) Enabled with a digital video recording format;  
24

25 (iii) Equipped with a monitoring station for the exclusive use of the commission and  
26 division of state police gaming enforcement unit configured with full camera control capability over  
27 the surveillance system and able to establish priority over a camera controlled by the gaming  
28 licensee; and  
29

30 (iv) Meeting any minimum staffing requirements.  
31

32 (3) A commission approved security function including required alarm systems and meeting  
33 any minimum staffing requirements;  
34

35 (4) An area for the detention of individuals taken into custody by any federal, state or local  
36 law enforcement agency exercising proper jurisdiction over the gaming location;  
37

38 (5) Signage;  
39

40 (6) A count room and such other commission approved secure facilities as may be required by  
41 the commission for the counting and storage of cash, tickets, checks and other devices or items of  
42 value used in wagering and for the inspection, counting and storage of cards, dice, chips and other  
43 representatives of value;  
44

45 (7) Office space for use by the commission and division of state police gaming enforcement  
46 unit located within the gaming location in an area satisfactory to the commission and equipped as  
47 specified by the commission including, at a minimum, computer terminals permitting read only  
48 access by authorized commission staff to any computerized video lottery monitoring system, casino  
49 management system or player tracking system used by the gaming licensee; and  
50

51 (8) If the commission elects to acquire a central computer system, data center space for that  
52 system:  
53

54 (i) Equipped with system appropriate HVAC;

1 (ii) Supplied with system appropriate power including an uninterruptible back-up power  
2 supply; and  
3

4 (iii) Subject to surveillance coverage and secured in a manner satisfactory to the  
5 commission.  
6

7 (b) All slot machines, associated equipment and table game devices have been tested, certified  
8 or otherwise accepted or approved in accordance with this chapter and the regulations promulgated  
9 by the commission.  
10

11 (c) A floor plan depicting its gaming floor, all restricted areas, ATM and Lottery Instant Ticket  
12 Vending Machine locations has been received and reviewed and/or approved in accordance with this  
13 chapter and regulations promulgated by the commission.  
14

15 (d) The gaming licensee's system of internal control, gaming equipment procedures and  
16 technical standards, rules of the games, security and surveillance procedures and any other pre-  
17 opening submissions have been received and reviewed and/or approved in accordance with this  
18 chapter and regulations promulgated by the commission.  
19

20 (e) The gaming licensee is prepared to implement all operating procedures and systems,  
21 including but not limited to, accounting and internal controls, surveillance and security procedures  
22 necessary to insure the safe conduct of slot machine and table game operations.  
23

24 (f) The gaming licensee's employees are licensed, registered or permitted by the commission  
25 as required and trained in the performance of their responsibilities.  
26

27 (g) The gaming location is prepared in all respects to receive the public.  
28

29 (h) The gaming licensee has successfully completed a test period.  
30

31 (i) The gaming licensee has filed an emergency response plan with the commission, the division  
32 of state police gaming enforcement unit and the fire department and police department of the host  
33 community which includes:  
34

35 (1) A layout identifying all relevant areas of the gaming location's safety support systems  
36 and internal and external access routes;  
37

38 (2) The location and inventory of emergency response equipment and the contact  
39 information of the emergency response coordinator for the gaming licensee;  
40

41 (3) The location of any hazardous substances and a description of any public health or safety  
42 hazards present on site;  
43

44 (4) A description of any special equipment needed to respond to an emergency at the gaming  
45 location;  
46

47 (5) An evacuation plan; and  
48

49 (6) Any other information relating to emergency response requested by the commission,  
50 division of state police gaming enforcement unit, the fire department or the police department of the  
51 host community.  
52

53 (j) The gaming licensee has complied with any additional conditions precedent to the  
54 commencement of gaming operations imposed by the commission.  
55

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

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

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

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

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

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

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

#### **284-B:33 A Gaming Licensee's System of Internal Controls**

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

II. A gaming licensee's internal controls shall, at a minimum, be designed to achieve the following safeguards.

(a) Secure its assets and revenues.

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

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

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

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

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

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

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

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

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

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

(2) Conversion of a cash equivalent to cash;

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

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

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

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

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

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

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

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

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

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

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

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

(b) A description of the duties and responsibilities of each employee position shown on the organization charts, their respective lines of authority and whether that position requires a key employee license, gaming employee registration, non-gaming employee permit or other commission licensing designation.

(c) Procedures addressing the transactions, controls and assurances enumerated in paragraph II of this section.

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

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

(f) Policies related to prevention of prohibited political contributions in accordance with 284-B:50 of this chapter and the annual certification to the commission required by that section.

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

IV. An initial internal control submission submitted pursuant to paragraph I of this section shall be accompanied by the following attestations and reports.

(a) An attestation by the gaming licensee's chief executive officer or a designee with a direct reporting relationship to the chief executive officer attesting that the officer believes, in good faith, that the submitted internal controls conform to the requirements of the chapter and the regulations promulgated by the commission.

(b) An attestation by the chief financial officer or a designee with a direct reporting relationship to the chief financial officer attesting that the officer believes, in good faith, that the submitted internal controls are designed to provide reasonable assurance that financial reporting conforms to generally accepted accounting principles in the United States and complies with applicable laws and regulations, including this chapter and the regulations promulgated by the commission.

(c) A report from an independent registered public accounting firm licensed to practice in New Hampshire expressing an opinion regarding:

(1) The effectiveness of the design of the submitted system of internal controls over financial reporting; and

(2) Whether the submitted system of internal controls materially deviates from the requirements of applicable laws and regulations, this chapter and the regulations promulgated by the commission.

V. Any change to a gaming licensee's internal controls shall be submitted to the commission along with the certifications required by paragraph IV, (a) and (b) of this section at least 10 calendar days prior to implementation. If the commission does not interpose an objection in writing, the gaming licensee may implement the precise change submitted on the eleventh day following the date of submission to the commission.

#### **284-B:34 A Gaming Licensee's Books, Records and Documents**

I. A gaming licensee shall maintain and retain all books, records, and documents pertaining to the operation of slot machines and table games in accordance with such regulations and at such location(s) as shall be authorized by the commission.

II. A gaming licensee shall maintain all books, records, and documents pertaining to the operation of slot machines and table games immediately available for inspection upon request of the commission, division of state police gaming enforcement unit, the attorney general or agents thereof during all hours of operation.

III. No later than two days after the date of filing with the applicable agency, a gaming licensee shall file with the commission a copy of each Suspicious Activity Report-Casino and Currency Transaction Report by Casino filed under 31 CFR Parts 1000-1099.

#### **284-B:35 Prohibition on Credit and Play with Credit Cards or Debit Cards.**

I. A gaming licensee shall not extend credit to a player at a gaming location.

II. A gaming licensee shall not accept credit cards or debit cards from a player in exchange for, or to otherwise purchase, chips, slot machine credits or table game credits or for an advance of cash to be used at a slot machine or table game.

III. No credit card or debit card advance machine, kiosk or booth operated by a third party shall be located on or within 100 feet of a gaming floor.

IV. No automatic teller machine operated by a gaming licensee or a third party pursuant to this chapter shall be located on or within 100 feet of a gaming floor.

#### **284-B:36 Complimentary Services**

I. The commission shall adopt regulations consistent with this chapter relating to the direct or indirect offer by a gaming licensee to a player and a player's guests of complimentary services. The regulations shall require a gaming licensee to provide such information as the commission shall require with regard to complimentary services at least quarterly and shall further require more timely and detailed disclosure to the commission where a player or a player's guests receive complimentary services valued in excess of \$2,000 over a specified period.

II. A gaming licensee is prohibited from directly or indirectly offering alcoholic beverages free of charge for consumption on its gaming floor.

III. Notwithstanding the provisions of RSA 179:44, I, a gaming licensee may directly or indirectly offer alcoholic beverages as a complimentary service including, but not limited to, the offer of such services within a gaming location, provided that:

(a) Complimentary alcoholic beverages are not provided or consumed on a gaming floor.

(b) Complimentary alcoholic beverages are offered in accordance with regulations adopted by the commission, which rules shall include, but not be limited to, a requirement that employees with the authority to offer complimentary alcoholic beverages, servers, dealers and other employees deemed relevant by the commission receive formal and regular training in the legal responsibilities and obligations associated with the authorization and service of these beverages.

#### **284-B:37 Betting Limits and Disclosure Requirements Applicable to a Cashless Wagering System**

I. A gaming licensee utilizing a cashless wagering system to facilitate cashless wagering accounts shall allow a player to monitor and impose betting limits on his or her cashless wagering account including, but not limited to, per bet limits, hourly limits, daily limits, weekly limits and monthly limits. A player may decrease and increase limits in the exercise of his or her discretion provided, however, that a player shall not increase a betting limit more than once in a 24-hour period.

II. A gaming licensee shall issue to a player who utilizes a cashless wagering system a monthly statement, mailed to the player at the player's physical mailing address, which shall include the player's total bets, wins and losses as recorded by the cashless wagering system, provided, however, that a player shall be given the opportunity to decline receiving a monthly statement during the process of opening a wagering account, provided, however, that a player who elects to receive a monthly statement may thereafter opt out of receiving monthly statements by providing a written request to cease monthly statements to a gaming licensee.

III. A gaming licensee offering a cashless wagering system shall annually report to the commission the amount of money spent and lost by players with wagering accounts aggregated by zip code. Activity under this section shall be monitored by the commission.

IV. An individual who has self-excluded under this chapter shall not be permitted to open a cashless wagering account.

#### **284-B:38 Disclosure Requirements Applicable to a Player Tracking System**

I. A gaming licensee utilizing a player tracking system to facilitate a player incentive program shall issue to a player who participates in its incentive program a monthly statement, mailed to the player at the player's postal mailing address, which shall include the player's total bets, wins and losses as recorded by the player tracking system.

(a) A player shall be given the opportunity to decline receiving a monthly statement during the process of joining the incentive program.

(b) A player who elects to receive a monthly statement may thereafter opt out of receiving monthly statements by providing a written request to cease monthly statements to a gaming licensee.

II. A gaming licensee utilizing a player tracking system to facilitate a player incentive program shall annually report to the commission the amount of money spent and lost by players participating in its incentive program aggregated by zip code. Activity under this section shall be monitored by the commission.

III. An individual who has self-excluded under this chapter shall not be permitted to join or otherwise participate in an incentive program offered by a gaming licensee.

#### **284-B:39 Tips and Gratuities**

I. The commission shall adopt regulations consistent with this chapter relating to the acceptance, accounting for and distribution of tips and gratuities received by an employee of a gaming licensee from a player at a slot machine or table game.

II. No key employee, box person, floor person or other gaming employee who serves in a supervisory position shall solicit or accept, and no employee may solicit, a tip or gratuity from a player at a slot machine or table game.

#### **284-B:40 Exclusion of Individuals Under the Age of 21 from a Gaming Location**

I. Except as provided in paragraph II of this section, no individual under the age of 21 shall be permitted access to a gaming floor or restricted area or to otherwise place a wager on a slot machine or table game.

II. An individual 18 years or older who is a commission licensed, registered or permitted employee of a gaming licensee may access a gaming floor or restricted area only at such times and to the extent necessary to perform the duties the individual was employed to perform.

III. No gaming licensee shall authorize and conduct marketing and promotional communications or otherwise target or incent to gamble an individual under the age of 21.

IV. An individual who is prohibited from gaming in a gaming location under this section shall not collect any winnings or recover any losses arising as a result of prohibited gaming winnings and any winnings shall be forfeited to the commission and deposited into the general fund.

V. A gaming licensee shall take all reasonable measures to prevent violations of the criminal code provisions related to gambling by individuals under the age of 21 including the provisions set forth in this chapter and at RSA 672.

#### **284-B:41 Exclusion of an Individual from a Gaming Location**

I. The commission shall adopt regulations consistent with this chapter relating to the exclusion of an individual from a gaming location including, but not limited to, standards for exclusion, administration of an exclusion list and notice to gaming licensees of placement of an individual on the exclusion list.

II. In determining whether an individual should be excluded from a gaming location the commission shall assess whether the individual's presence in a gaming location is inimical or a potentially injurious threat to the interest of the state, the gaming licensee or both. The commission shall consider, at a minimum, the following factors:

(a) Whether an individual has been convicted of:

(1) A criminal offense under the laws of any state or the United States that is punishable by more than 6 months in a state prison, a house of correction or any comparable incarceration; or

(2) A crime of moral turpitude; or

(3) A violation of the gaming laws of any state;

(b) Whether an individual has violated or conspired to violate this chapter relating to:

(1) Failure to disclose an interest in a gaming licensee for which the individual is required to obtain a license; or

(2) Willful evasion of fees or taxes.

(c) Whether an individual has a notorious or unsavory reputation that would adversely affect public confidence and trust that the gaming industry is free from criminal or corruptive elements.

(d) Whether an individual's presence is otherwise inimical or a potentially injurious threat to the interests of the state, the gaming licensee or both.



1        III. No individual shall be placed by the commission on its exclusion list due to race, color,  
2 religion, national origin, ancestry, sexual orientation, disability or sex.

3  
4        IV. No gaming license shall authorize and conduct marketing and promotional communications  
5 or otherwise target or incent to gamble an individual placed by the commission on its exclusion list.

6  
7        V. The commission may revoke, limit, condition, suspend or fine a gaming licensee if the licensee  
8 knowingly or recklessly fails to exclude or eject from its gaming location an individual placed by the  
9 commission on its exclusion list.

10  
11       VI. Whenever the commission places a name on the exclusion list, the commission shall serve  
12 written notice upon that individual by personal service, registered or certified mail return receipt  
13 requested to the last ascertainable address or by publication in a daily newspaper of general  
14 circulation for 1 week.

15  
16       VII. Within 30 days of receipt of service by mail or 60 days after the last publication under  
17 paragraph VI of this section an individual placed on the exclusion list may request an hearing before  
18 the commission and show cause as to why the individual should be removed from the exclusion list.  
19 Failure to demand a hearing within the time allotted in this section shall preclude the individual  
20 from having a hearing but shall not affect the individual's right to petition for judicial review.

21  
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  
27       IX. If upon completion of the hearing the commission determines that the individual was  
28 wrongfully placed on the exclusion list, the commission shall remove the individual's name from the  
29 exclusion list and notify all gaming licensees. The decision shall be final.

30  
31       X. Placement of an individual on the exclusion list shall be evidenced by a written decision.

32  
33       XI. (a) Within 30 days after any order or decision has been made by the commission, any party to  
34 the action or proceeding before the commission, or any person directly affected thereby, may apply  
35 for a rehearing in respect to any matter determined in the action or proceeding, or covered or  
36 included in the order, specifying in the motion all grounds for rehearing, and the commission may  
37 grant such rehearing if in its opinion good reason for the rehearing is stated in the motion.

38  
39       (b) Such motion shall set forth fully every ground upon which it is claimed that the decision or  
40 order complained of is unlawful or unreasonable. No appeal from any order or decision of the  
41 commission shall be taken unless the appellant shall have made application for rehearing as herein  
42 provided, and when such application shall have been made, no ground not set forth therein shall be  
43 urged, relied on, or given any consideration by the court, unless the court for good cause shown shall  
44 allow the appellant to specify additional grounds.

45  
46       (c) Upon the filing of such motion for rehearing, the commission shall within ten days either  
47 grant or deny the same, or suspend the order or decision complained of pending further  
48 consideration, and any order of suspension may be upon such terms and conditions as the  
49 commission may prescribe.

50  
51       (d) Within thirty days after the application for a rehearing is denied, or, if the application is  
52 granted, then within thirty days after the decision on such rehearing, any party aggrieved or  
53 dissatisfied by any final decision of the commission under this section shall have the right to appeal  
54 from a final decision to the superior court. The petition shall set forth that such decision or order is

1 arbitrary or capricious or not made in compliance with law, and shall specify the grounds on which  
2 such claim is made.

3  
4 XII. The superior court shall affirm the decision of the commission unless it finds the decision to  
5 be arbitrary or capricious or not made in compliance with law.

6  
7 XIII. An individual who is prohibited from gaming in a gaming location under this section shall  
8 not collect any winnings or recover any losses arising as a result of prohibited gaming winnings and  
9 any winnings shall be forfeited to the commission and deposited into the general fund.

10  
11 XIV. A gaming licensee may also exclude or eject from its gaming location an individual who is  
12 known to it to have been convicted of a misdemeanor or felony committed in the gaming location.  
13 Nothing in this chapter shall limit the right of a gaming licensee to exercise its common law right to  
14 exclude or eject permanently from its gaming location an individual who disrupts its gaming  
15 operations, threatens the security of the gaming location or its employees, players and invitees or is  
16 disorderly or intoxicated.

#### 17 18 19 **284-B:42 Self-Exclusion By an Individual from a Gaming Location**

20  
21 I. The commission shall establish and administer a list of individuals voluntarily electing to self-  
22 exclude themselves from a gaming location operated pursuant to this chapter. The commission may  
23 further adopt provisions expanding the availability of self-exclusion to games of chance conducted  
24 pursuant to RSA 287-D.

25  
26 II. The commission shall adopt regulations consistent with this chapter relating to the self-  
27 exclusion of an individual from a gaming location including, but not limited to, multiple time periods  
28 for self-exclusion, administration of, and removal from, the self-exclusion list, notice to gaming  
29 licensees of placement of an individual on the self-exclusion list and forfeiture of winnings and  
30 recovery of losses.

31  
32 III. An individual may place his or her name on the self-exclusion list by filing a request with  
33 the commission acknowledging that they are a problem gambler and by agreeing that, during any  
34 period of voluntary exclusion, that they shall not collect any winnings or recover any losses resulting  
35 from any gaming activity at a gaming location operated pursuant to this chapter.

36  
37 IV. No gaming license shall:

38  
39 (a) Authorize and conduct marketing and promotional communications or otherwise target or  
40 incent to gamble an individual electing to place their name on the commission's self-exclusion list.

41  
42 (b) Provide complimentary services, check cashing privileges, incentive program membership  
43 or other benefits to a person electing to place their name on the commission's self-exclusion list.

44  
45 V. The commission may revoke, limit, condition, suspend or fine a gaming licensee if the licensee  
46 knowingly or recklessly fails to exclude or eject from its gaming location an individual electing to  
47 place their name on the commission's self-exclusion list.

48  
49 VI. Notwithstanding any other general or special law to the contrary, the Commission's list of  
50 individuals electing to place their name on the commission's self-exclusion list shall not be open to  
51 public inspection.

52  
53 VII. A gaming licensee receiving notice from the commission that an individual has elected to  
54 place their name on the commission's self-exclusion list shall not be precluded from disclosing the  
55 identity of the self-excluding individual to affiliated gaming operations in other jurisdictions for the

1 limited purpose of assisting in the proper administration of responsible gaming programs operated  
2 by affiliated gaming operations.

3  
4 VIII. An individual who is prohibited from gaming in a gaming location under this section shall  
5 not collect any winnings or recover any losses arising as a result of prohibited gaming winnings and  
6 any winnings shall be forfeited to the commission and deposited into the general fund.

7  
8 **284-B:43 Authorized Gaming; Possession, Testing and Certification**

9  
10 I. This chapter shall not be construed to authorize any gaming other than in connection with a  
11 slot machine and table game meeting the requirements of this chapter.

12  
13 II. The commission shall adopt regulations and technical standards consistent with this chapter  
14 relating to gaming equipment including, but not limited to, requirements addressing:

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

19  
20 (b) If the commission elects to employ a central computer system, the communications protocol  
21 and technical standards applicable thereto.

22  
23 (c) Mechanical and electrical reliability of slot machines and associated equipment.

24  
25 (d) Security features preventing tampering with slot machines and associated equipment.

26  
27 (e) Comprehensibility to the player of wagering options and rules of play.

28  
29 (f) Noise and light levels generated by slot machines.

30  
31 (g) Design features necessary to ensure the accurate recording of transactions, to protect a  
32 player from fraud or deception and to minimize any potential negative consequences associated with  
33 the play of a slot machine including, but not limited to:

34  
35 (i) A prohibition on the use of reflexive software which, for the purposes of this section,  
36 shall be defined as any software that has the ability to manipulate and/or replace a randomly  
37 generated outcome for the purposes of changing the result on a slot machine;

38  
39 (ii) A requirement that a slot machine utilize one, or a combination of more than one  
40 random number generators working collectively, to determine the occurrence of a specific card,  
41 number, symbol or stop;

42  
43 (iii) A requirement that once a random selection has occurred that the slot machine  
44 display an accurate representation of the randomly selected outcome and that it be prohibited from  
45 making a secondary decision which affects the result shown to the player on the slot machine; and

46  
47 (iv) A requirement that where a slot machine includes a strategy choice, meaning that a  
48 particular play option requires use of skill to consistently achieve the best result, that the slot  
49 machine include in its rules of play sufficient information for a player to use optimal skill unless the  
50 player is not required to make an additional wager and can not lose any credits earned prior to the  
51 strategy choice.

52  
53 (h) Slot machine and table game circulation and density requirements including, but not  
54 limited to, those related to:

- 1 (1) Promotion of optimum physical safety, security and the comfort of players;
- 2
- 3 (2) Creation and maintenance of a gracious playing environment; and
- 4
- 5 (3) Promotion of a competitive games mix.
- 6
- 7 (i) Progressive slot machines including multi-casino progressive systems.
- 8
- 9 (j) Commission review requirements and product approval standards related to table game
- 10 devices.
- 11
- 12 (k) Rules of the game for each table game permitted under this chapter which include a
- 13 prohibition on:
- 14
- 15 (1) Use of a shill or barker to induce an individual to enter a gaming floor or play a table
- 16 game;
- 17
- 18 (2) A dealer in a table game in which cards are dealt to deal cards by hand or other than
- 19 from a device specifically designed for that purpose unless otherwise permitted by the rules of the
- 20 commission; and
- 21
- 22 (3) A key employee, gaming employee directly involved with the conduct of gaming
- 23 operations, including but not limited to dealers, floor persons, box persons, security and surveillance
- 24 employees or any other individual so designated by the commission from wagering at the gaming
- 25 location at which they are employed.
- 26
- 27 (l) Physical and logical access to computer systems, including but not limited to, systems
- 28 meeting the definition of associated equipment and the location of the primary and back-up system
- 29 attendant to each.
- 30
- 31 (m) Such other gaming equipment requirements as the commission shall deem appropriate.
- 32
- 33 III. A gaming licensee may only possess, maintain, offer for play or exhibit a slot machine,
- 34 associated equipment and table game devices on a gaming floor or in a restricted area approved by
- 35 the commission for the installation, inspection, repair or storage of such equipment, provided,
- 36 however, that this limitation shall not apply to a licensed gaming vendor who operates a warehouse,
- 37 showroom or sales facility within the state subject to the approval of the commission.
- 38
- 39 IV. Notwithstanding the provisions of paragraph III of this section the commission may allow
- 40 the collective hardware, software, communications technology and other ancillary equipment used to
- 41 facilitate a multi-casino progressive system to reside outside a gaming location in a secure facility
- 42 inaccessible to the public and specifically designed for that purpose.
- 43
- 44 V. No slot machine shall be sold, leased, or distributed within the state or used by a gaming
- 45 licensee to conduct gaming unless it is identical in all electrical, mechanical and other respects to a
- 46 prototype thereof that has been both:
- 47
- 48 (a) Tested and certified by an independent testing laboratory meeting the requirements of
- 49 paragraph VIII of this section as complying with the requirements of this chapter and the
- 50 regulations, technical standards and testing protocols adopted by the commission.
- 51
- 52 (b) Approved by the commission.
- 53

VI. No associated equipment shall be sold, leased, or distributed within the state or utilized by a gaming licensee to facilitate the operation of a slot machine, the conduct of a table game or the calculation of gaming revenue unless a prototype thereof is both:

(a) Tested and certified by an independent testing laboratory meeting the requirements of paragraph VIII of this section as complying with the requirements of this chapter and the regulations, technical standards and testing protocols adopted by the commission.

(b) Approved by the commission.

VII. The cost of all testing and certification services required in accordance with paragraphs V and VI of this section shall be paid by the licensed gaming vendor of the slot machine or associated equipment.

VIII. The commission shall periodically test slot machines and associated equipment installed at a gaming location and may utilize the services of independent testing laboratories to assist its staff in the performance of such testing. The gaming licensee shall pay the cost of such testing including, but not limited to, the cost of any independent testing laboratory services utilized by the commission.

IX. The commission shall utilize, and shall accept data, forensic reports and certifications in accordance with paragraphs V, VI and VII of this section from multiple independent testing laboratories provided each laboratory meets the following criteria:

(a) Holds a certificate in good standing for compliance with:

(1) International Organization for Standardization # 17025 — General Requirements for the Competence of Testing and Calibration Laboratories as amended, amplified or substituted by that organization or a functional equivalent; and

(2) International Organization for Standardization # 17020 — General Criteria for the Operation of Various Types of Bodies Performing Inspections as amended, amplified or substituted by that organization or a functional equivalent.

(b) Has performed testing and certification of gaming equipment, systems and software on behalf of a state or tribal jurisdiction within the United States for a period of 5 or more years.

(c) Has been determined by the commission to be qualified in accordance with standards adopted by regulation consistent with this chapter.

#### **284-B:44 Payout Percentage**

I. No slot machine shall be sold, leased, or distributed within the state or used by a gaming licensee to conduct gaming unless it has been certified by an independent testing laboratory meeting the requirements of 284-B:43, VIII of this chapter as having a minimum theoretical payout percentage of 85% and a maximum theoretical payout percentage of less than 100%.

II. A gaming licensee shall prominently post on its gaming floor information regarding the minimum theoretical payout percentage required by paragraph I of this section and such other disclosures to slot machine players as the commission shall deem in the best interest of slot machine players.

III. The commission shall require that each slot machine prominently display to slot machine players an award schedule disclosing the value of each winning combination.

#### **284-B:45 Wagers; Table Games Gaming Guide**

I. A gaming licensee shall equip each gaming table with a sign indicating the permissible minimum and maximum wagers pertaining thereto.

II. A gaming licensee shall not accept a wager greater than the stated maximum or less than the stated minimum, provided, however, that a wager actually made by a player and not rejected by a gaming licensee prior to the commencement of play shall be treated as a valid wager.

III. A gaming licensee shall make available to any player upon request the complete text of any regulations adopted by the commission regarding table games and the conduct of play, the pay-off of a winning wager, an approximation of the odds of winning for each wager, and such other disclosures to the player as the commission shall require. If requested by the player, the information required by this paragraph shall be made available in hard copy form at no cost to the player.

IV. A gaming licensee shall prominently post on its gaming floor such information regarding the conduct of table game play, the pay-off of a winning wager, an approximation of the odds of winning for each wager, and such other disclosures to the player as the commission shall require.

#### **284-B:46 Gaming Ticket Expiration, Unclaimed Tickets, Cash and Prizes**

I. A gaming licensee shall redeem a ticket issued by a slot machine for cash or a cash equivalent for a period of one year from the date of issuance of the ticket.

II. Upon the expiration of the one-year period in paragraph I of this section, the value of the expired ticket shall revert to the state as an unclaimed prize.

III. A gaming licensee shall retain unclaimed cash and winnings for a player for a one-year period from the date of the transaction generating the cash or winnings.

IV. Upon the expiration of the one-year period in paragraph III of this section, the value of the unclaimed cash or winnings shall revert to the state as unclaimed prizes.

V. The commission shall prescribe regulations consistent with this chapter and the efficient administration of a gaming licensee's obligations hereunder with regard to the reversion of amounts to the state.

#### **284-B:47 Junkets**

No junket may be organized or permitted and no person may act as a junket representative or junket enterprise except as authorized by the commission under regulations adopted pursuant to this chapter.

#### **284-B:48 Gross Revenue Tax and Other Assessments Payable by a Gaming Licensee.**

I. A gaming licensee shall remit to the state treasurer a tax of 35 percent of gross slot machine revenue and 18% of gross table game revenue in a manner and time frame as provided for by this chapter.

(a) Upon payment of taxes on gross slot machine revenue and gross table game revenue by a gaming licensee under this chapter, the commission shall:

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

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

(3) charge to and pay out of the tax payments received the compensation of the commissioners, expenses of the commissioners, compensation of assistants and other necessary expenses of the commission, of the office of the commission chair, and of the division of gaming control, including suitable furniture, equipment, supplies and office expenses, provided that the commission shall submit an operating budget based on accounting units or other budgetary units required by the general court and shall submit its budget in the same format and at the same time as other state agencies, provided, however, the commission is authorized to transfer funds between line items within and among any budgetary unit.

II. The general court shall determine the distribution of the balance of tax payments on gross slot machine revenue or gross table game revenue remitted by a gaming licensee that remains after provision for the distributions and charges provided for by paragraph 284-B:48, I, provided that distributions shall include the following:

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

(b) One percent of gross slot machine revenue shall be paid to the state treasurer and credited to the commissioner of the department of health and human services to support programs established by RSA 172 to identify, assess and treat both compulsive and problem gambling and the related disorders of drug and alcohol addiction.

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

III. A gaming licensee shall deliver to the state treasurer the amount due to the state treasurer provided for in this section in immediately available funds of the United States at least once a week in such manner and at such time as the state treasurer, with the concurrence of the commission, shall agree. At the time payment is delivered, a gaming licensee shall provide to the state treasurer a written accounting of gross table game revenue and gross slot machine revenue on an aggregate basis together with its calculation of the amount due to the state treasurer pursuant to this section. The gaming licensee's written accounting shall be in a form satisfactory to the commission and shall be filed concurrently with the commission. A gaming licensee shall pay a penalty of \$1,000 for each day that payment or the accounting is not delivered on time to the state treasurer and/or the commission.

IV. A gaming licensee shall remit to the commission a fee in the amount of \$600 per year per slot machine which fee shall be deposited in a public health trust fund administered by the commission dedicated to addressing problems associated with compulsive gambling, including, but not limited to, gambling prevention and addiction services, substance abuse services, educational campaigns to mitigate the potential addictive nature of gambling, research, and any studies and evaluations consistent with this chapter.

#### **284-B:49 Conservatorship**

I. Upon revocation or suspension of a gaming license by the commission or upon the failure or refusal of a gaming licensee to renew a gaming license for any reason, the commission may seek the

1 appointment of a conservator pursuant to this section to temporarily manage and operate the  
2 business of the gaming licensee relating to a gaming location if it is able to establish both of the  
3 following:

4  
5 (a) The possible adverse economic impact of closure of the gaming location upon the host  
6 community and upon the state generally is significant.

7  
8 (b) Continued gaming operations pursuant to a conservatorship would facilitate speedy  
9 transfer of ownership of the gaming location in a manner that does not unreasonably endanger the  
10 public health, safety, morals, good order and general welfare. Such conservator shall be a person of  
11 similar experience in the field of gaming management and, in the case of replacing a gaming  
12 licensee, shall have experience operating a gaming location of similar caliber in another jurisdiction,  
13 and shall be in good standing in any jurisdiction where the person has held or holds a license,  
14 registration or other authorization. Upon appointment, a conservator shall agree to operate a gaming  
15 location in compliance with all requirements of the statement of conditions issued by the commission  
16 in connection with the gaming license for the gaming location.

17  
18 II. If the commission deems it warranted pursuant to this section, the commission, and only the  
19 commission, may petition ex parte for a court order appointing a conservator for the gaming location.  
20 The decision to file such a petition is discretionary with the commission, and in determining whether  
21 such a petition shall be filed, the commission shall consider, at any time following issuance of an  
22 order revoking or suspending a gaming license or upon the failure or refusal to renew a gaming  
23 license the following criteria.

24  
25 (a) The nature of the violation or event that resulted in the revocation, suspension, surrender,  
26 or lapse.

27  
28 (b) The ability and actions taken, if any, for a removal by a gaming licensee in good standing  
29 of persons who committed the violation.

30  
31 (c) The involvement in the operation during a proposed conservatorship of persons whose  
32 licenses were revoked, suspended, surrendered, or lapsed.

33  
34 (d) The economic impact of closure of the gaming location upon the community in which the  
35 establishment is located.

36  
37 (e) The economic impact of closure of the gaming location upon the state of New Hampshire.

38  
39 (f) The prior efforts, if any, to sell the gaming location.

40  
41 (g) The involvement, if any, of undisclosed interests in the gaming location.

42  
43 (h) The presence, if any, of a publicly traded holding company and the public trading that  
44 would occur during a conservatorship.

45  
46 (i) The current status of all fees and taxes applicable to the operation.

47  
48 (j) The adequacy of existing financing for the operation, if continued, and the suitability of the  
49 source of such financing.

50  
51 (k) The impact upon public confidence and trust that gaming operations in New Hampshire  
52 are conducted honestly, competitively and free from criminal and corruptive elements.

53  
54 (l) The ownership of the gaming location or an interest therein by persons other than the  
55 offending, surrendering or lapsed licensee.



1  
2 (m) Any other matter material to a full and complete consideration of the particular  
3 circumstances presented.  
4

5 (n) The availability of 2 or more persons qualified and willing to assume the position of  
6 conservator for the gaming location in question, unless, in the opinion of the commission, only one  
7 person is available who is qualified to serve, in which case the commission may name only that  
8 person.  
9

10 III. The commission may decline to petition for appointment of a conservator if satisfied that  
11 because of any or all of the above considerations or for any other reason, a continuation of the  
12 operation of the gaming location would not be in the best interest of the state, the gaming industry,  
13 or both.  
14

15 IV. The commission shall not petition for a conservator to continue gaming operations at any  
16 gaming location if any of the following are established:  
17

18 (a) A rehearing has been granted by the commission to the gaming licensee on the revocation  
19 or suspension of its license and the rehearing has not been concluded.  
20

21 (b) The gaming location has never been in operation and opened to the public.  
22

23 (c) The gaming location is, or reasonably appears to be, insolvent.  
24

25 (d) Gaming operations ceased at the gaming location for any reason prior to revocation,  
26 suspension or lapse of an essential license.  
27

28 V. A conservator shall, before assuming managerial or operational duties, execute and file a  
29 bond for the faithful performance of its duties payable to the commission with such surety and in  
30 such form and amount as the commission shall approve.  
31

32 VI. After issuance of an order to appoint a conservator, the former or suspended gaming licensee  
33 may not exercise any of its privileges, collect or receive any debts or pay out, sell, assign, or transfer  
34 any of its assets to anyone without prior approval of the appointed conservator and the commission.  
35

36 VII. A conservator shall not distribute earnings of the gaming location to the former licensed  
37 owners thereof, until deduction is made for:  
38

39 (a) All amounts payable under this chapter.  
40

41 (b) The costs of the conservatorship, including compensation and expenses incurred by the  
42 conservator and those engaged by the conservator to aid in the conservator's duties, then due and  
43 owing.  
44

45 (c) Amounts deemed necessary by the conservator for continuing the operation of the gaming  
46 location including, but not limited to, bankroll, salaries, and foreseeable operating expenses.  
47

48 (d) Amounts deemed necessary by the conservator to preserve the assets of the gaming  
49 location.  
50

51 (e) A reserve fund sufficient, in the determination of the conservator, to facilitate continued  
52 operation in light of pending civil litigation, disputed claims, contractual obligations, taxes, fees, and  
53 any other contingency known to the conservator which may require payment by the gaming location.  
54

VIII. During the period of conservatorship, the commission shall, as applicable, initiate proceedings under this chapter to award a new gaming license to a qualified applicant. An applicant for a new gaming license shall be qualified for licensure under this chapter, provided, however, that the commission shall determine an appropriate minimum capital investment by an applicant into the preexisting gaming location and upon award of a new gaming license, the new gaming licensee shall pay the original licensing fee required under this chapter.

IX. Following the sale, assignment, conveyance or other disposition in bulk of all the property subject to a conservatorship and the payment of any obligations to the state and political subdivisions pursuant to this chapter, the commission will conduct a hearing to determine the distribution of the remaining assets.

X. The commission may issue an order to discontinue a conservatorship when:

(a) The commission determines that circumstances requiring the appointment of the conservator no longer exist.

(b) The conservator has, with the prior approval of the commission, consummated the sale, assignment, conveyance or other disposition of all the assets or interest of the former gaming licensee relating to the gaming license.

#### **284-B:50 Prohibitions on Certain Political Contributions**

I. For the purposes of this section:

(a) "Candidate" means any person publicly declared as such, including any person who prior to the opening of the period for the filing of a declaration of candidacy has made a public statement of intent to run for elective office, and for whom votes are sought in an election, but shall not include a person seeking nomination or election to any federal public office.

(b) "Close associate" means a person who holds a relevant financial interest in, or is entitled to exercise power in, the business of a gaming applicant or gaming licensee and, by virtue of that interest or power, is able to exercise a significant influence over the management or operation of a gaming location or business licensed under this chapter.

(c) "Co-employee" means a individual that through a contractual arrangement is employed by two separate business entities that share control over an employee's work or working conditions.

(d) "Contribution" shall be defined as in RSA 664:2.

(e) "Political committee" shall be defined as in RSA 664:2.

(f) "Political party" shall be defined as in RSA 664:2.

(g) "Independent expenditure" shall be defined as in RSA 664:2.

(h) "Dependent person" means an individual that is an employee or co-employee of a gaming applicant or gaming licensee, an employee or co-employee of a person affiliated with a gaming applicant or gaming licensee or an enterprise or firm, or an officer, director, partner, owner, or key employee of an enterprise or firm, that is a party to any contract with, or is bidding for or seeking to enter any contract with, or regularly represents or provides services to, a gaming applicant or gaming licensee.

1 (i) "Public official" means any person holding the office of Governor, Executive Councilor, State  
 2 Senator, State Representative, County Commissioner, County Treasurer, County Attorney, County  
 3 Sheriff, County Registrar of Deeds or Local, Town or City Office.

4  
 5 (j) "Solicitation" means a request, suggestion, or recommendation made to a particular person,  
 6 by any means of communication, that the person make a contribution, provided, however, that a  
 7 statement to a person expressing support for or opposition to the election of any candidate, or  
 8 support for or opposition to any political party, which is made without reference to a contribution, or  
 9 a statement intended for and given public dissemination encouraging all persons to make  
 10 contributions to any candidate or political party, is not a solicitation.

11  
 12 (k) "Thing of value" means an item of real, personal, or intellectual property that may be  
 13 converted into money by selling it or pledging it as security for a loan or other advance of funds; a  
 14 loan of assets, property, personnel, or facilities for use by a candidate or political party, such as,  
 15 without limitation, office space, automobiles, telephones or telephone services, or the time and effort  
 16 of employees or consultants who are paid by the person making the contribution; a personal or  
 17 professional service that is not incidental to the expression of a person's ideological beliefs or  
 18 membership in a political party, and that has a value to the candidate or political organization; a  
 19 non-reimbursed expense that is not incidental to the expression of a person's ideological beliefs or  
 20 membership in a political party, and is of the type normally incurred by the candidate or political  
 21 organization; or any thing, service, expense or other item of value similar to that identified in this  
 22 paragraph.

23  
 24 II. A gaming applicant, a gaming licensee, a close associate of a gaming applicant or gaming  
 25 licensee or any holding, intermediary or subsidiary company of a gaming applicant or gaming  
 26 licensee or any dependent person thereof; an officer, director, key employee or principal of a gaming  
 27 applicant or gaming licensee; a person who holds at least a one percent interest in a gaming  
 28 applicant or gaming licensee; the spouse or children of a gaming applicant or gaming licensee; or any  
 29 person or agent acting on behalf of any of the persons enumerated herein are prohibited from  
 30 making contributions of money or things of value to public officials or candidates for public office and  
 31 political parties in New Hampshire provided further that the above mentioned persons shall not  
 32 offer or give to a candidate or public official or his or her spouse, his or her parent, brother, sister, or  
 33 child or spouse of such child or a business with which he or she is associated, anything of value,  
 34 including, but not limited to, a gift, loan, political contribution, reward, or promise of future  
 35 employment.

36  
 37 III. A gaming applicant, a gaming licensee, a close associate of a gaming applicant or gaming  
 38 licensee or any holding, intermediary or subsidiary company of a gaming applicant or gaming  
 39 licensee or any dependent person thereof; an officer, director, key employee or principal of a gaming  
 40 applicant or gaming licensee; a person who holds at least a one percent interest in a gaming  
 41 applicant or gaming licensee; the spouse or children of a gaming applicant or gaming licensee; or any  
 42 person or agent acting on behalf of any of the persons enumerated herein are prohibited from  
 43 making a contribution to a candidate or political committee through a legal entity that is  
 44 established, directed, or controlled by the persons described in this paragraph.

45  
 46 IV. No candidate or public official or political committee shall solicit or accept from a gaming  
 47 applicant, a gaming licensee, a close associate of a gaming applicant or gaming licensee or any  
 48 holding, intermediary or subsidiary company of a gaming applicant or gaming licensee or any  
 49 dependent person thereof; an officer, director, key employee or principal of a gaming applicant or  
 50 gaming licensee; a person who holds at least a one percent interest in a gaming applicant or gaming  
 51 licensee; the spouse or children of a gaming applicant or gaming licensee; or any person or agent  
 52 acting on behalf of any of the persons enumerated herein anything of value, including but not limited  
 53 to, a gift, loan, political contribution, reward, or promise of future employment.

V. This prohibition is designed to protect the public interest in both the fact and the appearance of the independence of the political process, and the insulation of the government institutions that are responsible for the supervision of the gaming industry, from the uniquely powerful economic force that is presented by that industry. The protection of these interests is critical to the maintenance of public confidence and trust in the regulation of gaming in New Hampshire.

VI. A violation of the prohibitions in paragraphs II through V of this section shall be punishable by a fine not to exceed \$20,000 per illicit donation plus the amount of each illicit donation and such other sanctions and penalties as the commission shall deem appropriate.

VII. The prohibitions enumerated in paragraphs II through V shall also apply to an applicant for, or holder of, a key employee license or gaming vendor license, a close associate of a gaming vendor applicant or gaming vendor licensee or any holding, intermediary or subsidiary company of a gaming vendor applicant or gaming vendor licensee or any dependent person thereof; an officer, director, key employee or principal of a gaming vendor applicant or gaming vendor licensee; a person who holds at least a one percent interest in a gaming vendor applicant or gaming vendor licensee; the spouse or children of a key employee applicant or key employee licensee, gaming vendor applicant or gaming vendor licensee; or any person or agent acting on behalf of any of the persons enumerated herein

VIII. A violation of the prohibitions in paragraphs VII of this section shall be punishable by a such sanctions and penalties as the commission shall deem appropriate.

IX. The chief executive officer of a gaming applicant, a gaming licensee, an applicant for a gaming vendor license or a gaming vendor licensee shall annually certify to the commission and to the attorney general under oath that they have developed and implemented internal safeguards and policies intended to prevent a violation of this provision and that such person has conducted a good faith investigation that has not revealed any violation of this provision during the past year.

#### **284-B:51 Data; Research**

I. Notwithstanding any law to the contrary, a gaming licensee shall supply the commission with customer tracking data collected or generated by loyalty programs, player tracking software, player card systems, cashless wagering systems or any other player incentive related information system. The commission shall contract with an experienced nonprofit research entity to develop an anonymizing system that automatically removes from the data:

(a) Personal identifying information, including player name, street address, bank or credit information and the last 4 digits of a player's zip code, in compliance with section 2 of chapter 93H of the General Laws.

(b) Slot machine identifying information, including game name and manufacturer, in protection of corporate intellectual property.

(c) The data shall retain information on player characteristics including, but not limited to, gender, age and region of residence, and player behavior including, where available on the systems referenced in this paragraph, frequency of play, length of play, speed of play, denomination of play, amounts wagered and, if applicable, number of lines or hands played and the characteristics of the games played including, but not limited to, reel configuration, return-to-player and volatility index.

II. The commission shall convey the anonymized data to a research facility which shall make the data available to qualified researchers for the purposes of:

(a) Conducting analyses that improve understanding of how gambling addiction develops and progresses.

(b) Developing evidence-based harm minimization strategies.

(c) Developing evidence-based systems to monitor, detect and intervene in high-risk gambling.

III. The commission shall request reports on researcher analyses of the behavioral data, which could provide informed recommendations to the general court relative to more effective regulation of gambling operations. The commission may directly initiate studies assessing the effectiveness of any specific measures, programs or interventions which the state has imposed on its gaming licensees and which might be illuminated through the behavioral data in question.

IV. The commission, with the advice of the gaming regulatory oversight authority, shall develop an annual research agenda in order to understand the social and economic effects of expanding gaming in New Hampshire and to obtain scientific information relative to the neuroscience, psychology, sociology, epidemiology and etiology of gambling. The commissioner of health and human services, with the advice and consent of the commission, may expend funds received pursuant to RSA 284-B:48 of this chapter to implement the objectives of the research agenda. The commission shall annually make scientifically-based recommendations which reflect the results of this research to the general court. The commission shall consider any such recommendations, research and findings in all decisions related to enhancing responsible gaming and mitigating problem gambling.

#### **284-B:52 Legal shipment of gaming devices into New Hampshire.**

All shipments into this state of gaming devices, including slot machines, the registering, recording, and labeling of which has been duly made by the manufacturer or dealer in accordance with sections 3 and 4 of an Act of Congress of the United States entitled “An Act to Prohibit Transportation of Gambling Devices in Interstate and Foreign Commerce,” designated as 15 U.S.C. §§ 171-1172, shall be deemed legal shipments into this state.

#### **284-B:53 Declaration of limited exemption from operation of the provisions of 15 U.S.C. §§ 1171-1178**

Pursuant to section 2 of an act of Congress of the United States entitled “An Act to Prohibit Transportation of Gambling Devices in Interstate and Foreign Commerce,” designated as 15 U.S.C. §§ 1171-1178, the state of New Hampshire, acting by and through the duly elected and qualified members of its legislature, does hereby, in accordance with and in compliance with the provisions of that section 2 of that act of Congress, declare and proclaim that section 2 of that Act of Congress shall not apply to any gambling device in this state where the transportation of such a device is specifically authorized by and done in compliance with the provisions of this chapter and any rules adopted by the commission pursuant to it, and that any such gambling device transported in compliance with state law or regulations shall be exempt from the provisions of that Act of Congress.

#### **284-B:54 Severability and preemption**

I. If any clause, sentence, subparagraph, paragraph, subsection, section, article or other portion of this chapter or the application thereof to a person or circumstances shall be held to be invalid, such holding shall not affect, impair or invalidate the remainder of this chapter or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, subparagraph, subsection, section, article or other portion thereof directly involved in such holding or to the person or circumstance therein involved.

II. If any provision of this chapter is inconsistent with, in conflict with, or contrary to any other provision of law, such provision of this act shall prevail over such other provision and such other provision shall be deemed to be amended, superseded or repealed to the extent of such inconsistency or conflict. Notwithstanding the provisions of any other law to the contrary, no local government unit

of this state may enact or enforce any ordinance or resolution conflicting with any provision of this act or with any policy of this state expressed or implied herein, whether by exclusion or inclusion. The commission shall have exclusive jurisdiction over all matters delegated to it or within the scope of its powers under the provisions of this chapter.

2 Gaming Regulatory Oversight Authority. RSA 284-A is repealed and reenacted to read as follows:

284-A:1 There is hereby established a gaming regulatory oversight authority to ensure integrity and public confidence in gaming regulation and to oversee and assess the regulation of gaming activities authorized pursuant to New Hampshire law, to advise the gaming commission established by RSA 284-B on all matters pertaining to the exercise of the gaming commission's powers and rights and the performance of the gaming commission's duties and responsibilities, and to report at least annually to the general court with its findings and recommendations regarding the appropriate regulation of gambling in New Hampshire. The authority shall consist of the following members:

I. The attorney general, or designee.

II. The commissioner of the department of safety, or designee.

III. One member of the senate, appointed by the president of the senate.

IV. One member of the house of representatives, appointed by the speaker of the house of representatives.

V. One member who has relevant experience, appointed by the governor.

VI. Two public members appointed by the governor one of whom shall be appointed to serve as the chair of the authority.

284-A:2 Functions and Duties of the Authority.

I. The Authority shall evaluate whether the current and proposed regulations, policies and practices for legal gaming in the state are adequate to operate in a manner that protects the public interest and allows the regulation of gaming to be conducted in an effective and efficient manner, advise the gaming commission at regular quarterly or special meetings of its findings and recommendations, and report its findings and recommendations annually to the general court.

II. Meetings shall be called by the chair. All meetings of the authority shall be open to the public and subject to RSA 91-A.

III. With regard to meetings, minutes, and records of the authority:

(a) The authority shall notice all proceedings and shall make and keep a record of all proceedings held at public meetings of the authority. A verbatim record of those proceedings shall be prepared by the authority. A copy of the record shall be made available to any person upon request and payment of the costs of preparing the copy.

(b) The authority shall maintain such other files and records as the authority determines is necessary.

(c) All records, information, or data maintained or kept by the authority shall be maintained or kept at the office of the gaming commission.

IV. The balance of unexpended funds remaining in the allocation by the lottery commission in 2013 of \$250,000 to the authority shall continue to be available to the authority until the close of fiscal year 2015. Notwithstanding any provision of law to the contrary, for fiscal years 2014 and 2015, the authority may expend funds remaining in this allocation as needed to support its activities including, but not limited to, the hiring of staff and the retention of experts in the area of the authority's oversight activities. In fiscal years 2014 and 2015, the gaming commission may expend the remaining balance of said \$250,000 in funds not otherwise appropriated to support the authority's activities. The authority may expend such funds without the approval of the governor and executive council.

V. The gaming commission and all agencies and commissions subject to the authority of the gaming commission shall cooperate with the authority and shall provide data and information to the authority upon request. The authority shall be administratively attached to, but not under the control of, the gaming commission pursuant to RSA 21-G:10.

3 New Sections; Department of Safety; Gaming Enforcement Unit Established. Amend RSA 21-P by

1 inserting after section 7-c the following new sections:

2 21-P:7-d Division of State Police; Gaming Enforcement Unit.

3 I. There is established within the division of state police a gaming enforcement unit under the  
4 supervision of the commissioner of the department of safety. Notwithstanding RSA 106-B:15, the  
5 unit shall:

6 (a) Investigate violations of RSA 284-B and the rules adopted under the provisions of RSA 284-B,  
7 and initiate proceedings before the commission for such violations. The unit shall report the results  
8 of any investigation conducted to the commission.

9 (b) Participate in any hearing conducted by the commission.

10 (c) Investigate crimes which may involve a violation of RSA 284-B that occur at a gaming location.

11 II. The commissioner of the department of safety shall organize the unit as the commissioner deems  
12 necessary. The commissioner of safety may employ such state police personnel as the commissioner  
13 deems necessary to fulfill the responsibilities of the unit.

14 21-P:7-e Enforcement Expenditures. The governor and council, upon request from the commissioner  
15 of the department of safety, may authorize the transfer of general funds as necessary to the  
16 department of safety to implement and enforce RSA 21-P:7-d and RSA 284-B.

17  
18 4 Restriction on Gambling. RSA 284:17-c is repealed and reenacted to read as follows:

19 284:17-c Restriction on Gambling. Except as provided in the introductory paragraph of RSA 284:22,  
20 RSA 284:22-a, and RSA 284-B, no licensee who holds running horse races shall at the same facility  
21 hold any other kinds of races or permit any other type of gambling except harness horse races,  
22 thoroughbred races and activities licensed by the commission or the racing and charitable gaming  
23 commission.

24  
25 5 New Paragraph; Facility License; Cocktail Lounge License. Amend RSA 178:22, by inserting after  
26 paragraph V the following new paragraph:

27  
28 VI. The commission may issue a special license to a person holding a gaming license under  
29 the provisions of RSA 284-B, provided the gaming location has an existing liquor license. Such  
30 special license shall allow the sale of liquor and beverage within the gaming location, including  
31 dining room, function room, gaming room, lounge, or any other area designated by the commission,  
32 without regard to whether meals are served therein, but only during the time gaming is being  
33 conducted under RSA 284-B and subject to the same hours of sale as all other on-premises licenses  
34 pursuant to RSA 179:17, II(b).

35  
36 6 New Subparagraph; Authorized Slot Machines and Table Games. Amend RSA 647:2, V by  
37 inserting after subparagraph (c) the following new subparagraph:

38 (d) slot machines and table games authorized pursuant to RSA 284-B.

39  
40 7 Rehabilitation of Problem Gambling. Amend RSA 172:2-a to read as follows:

41 172:2-a Program Established. The commissioner shall provide for the scientific care, treatment, and  
42 rehabilitation of **gambling**, alcohol and drug abusers, and work towards the prevention of, and  
43 assist in the control of, alcohol and drug abuse within the state through education, treatment,  
44 community organization, and research.

45  
46 8 Rehabilitation of Problem Gambling. Amend RSA 172:8 to read as follows:

47 172:8 Duties of Commissioner. The commissioner shall:

48 I. Study the problems presented by **gambling**, alcohol and drug abuse, including methods and  
49 facilities available for the care, treatment, custody, employment, and rehabilitation of persons who  
50 are **problem gamblers**, inebriates, alcohol abusers, drug dependent, or drug abusers.

51 II. Promote meetings and programs for the discussion of **gambling**, alcohol and drug dependency  
52 and abuse for the guidance and assistance of individuals, schools, courts, and other public and  
53 private agencies.

54 III. Conduct, promote and finance, in full or in part, studies, and other appropriate facilities dealing  
55 with the physical, psychological, and/or social aspects of **gambling**, alcohol and drug abuse.

IV. Have the authority to accept or reject for examination, diagnosis, guidance, and treatment, insofar as funds and facilities permit, any resident of the state who comes to the commissioner voluntarily for advice and treatment.

V. [Repealed.]

VI. Render biennially to the governor and council a report of his activities including recommendations for improvements therein by legislation or otherwise.

VII. Coordinate community medical resources for the emergency medical care of persons suffering acute mental or physical reaction to **gambling**, alcohol or drugs and of persons suffering from drug dependency.

VIII. Employ such assistants as may be necessary to carry out the purposes of this chapter, in accordance with state personnel regulations, and within available appropriations and funds.

IX. Disseminate information on the subjects of **gambling**, alcohol and drug abuse for the guidance and assistance of individuals, schools, courts and other public and private agencies.

X. [Repealed.]

9 Problem Gambling Added. Amend RSA 172:8-a to read as follows:

172:8-a Confidentiality of Client Records. No reports or records or the information contained therein on any client of the program or a certified **gambling**, alcohol or drug abuse treatment facility or any client referred by the commissioner shall be discoverable by the state in any criminal prosecution. No such reports or records shall be used for other than rehabilitation, research, statistical or medical purpose, except upon the written consent of the person examined or treated. Confidentiality shall not be construed in such manner as to prevent recommendation by the commissioner to a referring court, nor shall it deny release of information through court order pursuant to appropriate federal regulations.

10 Problem Gambling Added. Amend RSA 172:8-b to read as follows:

172:8-b Rulemaking. The commissioner shall adopt rules under RSA 541-A relative to the following:

I. The acceptance, care, and treatment of **gambling**, alcohol or drug dependent persons and alcohol or drug abusers who are clients of the program established under this chapter or a certified substance abuse treatment facility.

II. A fee schedule and collection of fees under RSA 172:14, IV.

III. Certification of **such** substance abuse treatment facilities including, but not limited to:

(a) Program content;

(b) Qualifications of program staff; and

(c) Type of substance abuse treatment offered.

IV. Certification and recertification of **gambling**, alcohol and drug abuse counselors including, but not limited to:

(a) Peer review of applicants.

(b) Minimum qualifications and competency.

(c) Education and continuing education.

(d) Experience required.

(e) Required knowledge of **gambling**, alcohol and drug abuse counseling.

(f) Such other matters as the commissioner may deem necessary to carry out the purposes of this chapter.

V. Voluntary admissions under RSA 172:13.

11 Acceptance of Funds; Treatment of Problem Gamblers. Amend RSA 172:9 to read as follows:

172:9 Acceptance of [Grants] **Funds**. The commissioner is authorized to accept in the name of the state special grants or money or services from the federal or state governments or any of their agencies and may accept gifts to carry on the functions provided for in this chapter.

12 New Paragraphs; Gaming Offenses. Amend RSA 674:2 by inserting after paragraph I-b the following new paragraphs:

I-c.(a) Whoever, during a game in a gaming location licensed by the commission, knowingly and by any trick or sleight of hand performance or by a fraud or fraudulent scheme, cards, dice, or



1 other gaming device, for himself, for another or for a representative of either:

2 (1) Wins, or attempts to win, money or property; or

3 (2) Reduces, or attempts to reduce, a losing wager in said gaming location shall be  
4 guilty of cheating and swindling.

5 (b) Whoever knowingly uses a cheating and swindling device or game in a gaming  
6 location licensed by the commission shall be guilty of cheating and swindling.

7 (c) Whoever commits the offense of cheating and swindling shall be punished as follows:

8 (1) A person is guilty of a class A felony if the value of the money, property, or wager  
9 cheated and swindled is \$75,000 or more, and in the case of a person other than a natural person, by  
10 a fine not to exceed \$100,000.

11 (2) A person is guilty of a class B felony if the value of the money, property, or wager  
12 cheated and swindled is \$10,000 or more but less than \$75,000, and in the case of a person other  
13 than a natural person, by a fine not to exceed \$100,000.

14 (3) A person if guilty of a class A misdemeanor if the value of the money, property or  
15 wager cheated and swindled is \$1,000 or more but less than \$10,000, and in the case of a person  
16 other than a natural person, by a fine not to exceed \$20,000.

17 (d) Each episode or transaction of swindling and cheating may be the subject of a  
18 separate prosecution and conviction. In the discretion of the state, multiple episodes or transactions  
19 of swindling and cheating committed as part of a single scheme or course of conduct may be treated  
20 as a single offense and the amounts involved in acts of swindling and cheating committed according  
21 to a scheme or course of conduct, whether by the same person or several persons, may be aggregated  
22 in determining the value of money, property, or wager involved in the offense.

23 (e) A gaming applicant, gaming licensee, and an applicant for, or holder of, a principal  
24 license, key employee license, gaming employee registration, non-gaming employee permit, gaming  
25 vendor license, non-gaming vendor registration, or other person who, in a gaming location,  
26 knowingly:

27 (1) Conducts or operates any game using a cheating and swindling device or game;

28 (2) Displays for play a cheating and swindling game; or

29 (3) Permits to be conducted, operated or displayed, any cheating and swindling  
30 device or game shall be guilty of a class B felony, and in the case of a person other than a natural  
31 person, by a fine not to exceed \$100,000.

32 I-d.(a) Whoever possesses a cheating and swindling device or game, with the intent to  
33 defraud, cheat, or steal, shall be guilty of a class A misdemeanor, and in the case of a person other  
34 than a natural person, by a fine not to exceed \$20,000.

35 (b) Knowing possession of a cheating and swindling device or game within a gaming  
36 location shall constitute prima facie evidence of an intent to defraud, cheat, or steal, except  
37 possession by a gaming licensee or an employee of a gaming licensee, acting lawfully in furtherance  
38 of such person's employment within the casino, and shall constitute a class B felony.  
39

40 13 New Subparagraph; Gaming Offenses. Amend RSA 647:2, V by inserting after subparagraph (c)  
41 the following new subparagraph:

42 (d) A gaming location approved and licensed by the commission under RSA 284:B.  
43

44 14 New Paragraph; Gaming Offenses. Amend RSA 647:2 by inserting after paragraph VI the  
45 following new paragraph:

46 VII.(a) Whoever, being under 21 years old, plays, places wagers at or collects winnings from,  
47 whether personally or through an agent, a game in a gaming location licensed by the commission  
48 shall be guilty of a violation level offense and shall be punished by a fine not to exceed \$1,000.

49 (b) Whoever, being a gaming location licensee by the commission or an employee of a  
50 gaming location licensee, who knowingly allows a person under the age of 21 to play, place wagers  
51 at, or collect winnings from a game in a gaming location licensed by the commission, whether  
52 personally or through an agent, shall be guilty of a class B misdemeanor and shall be punished, for a  
53 first offense, by a fine not to exceed \$1,200, and in the case of a person other than a natural person,  
54 by a fine not to exceed \$20,000 and, for a second or subsequent offense, shall be guilty of a class A  
55 misdemeanor, and in the case of a person other than a natural person, by a fine not to exceed

1 \$20,000.

2 (c) Whoever knowingly plays, places wagers at, or collects winnings from a game in a  
3 gaming location licensed by the commission for or on behalf of a person under 21 years of age shall  
4 be guilty of a class B misdemeanor and shall be punished by a fine of not more than \$1,200 for the  
5 first offense, and, for a second or subsequent offense, shall be guilty of a class A misdemeanor, and in  
6 the case of a person other than a natural person, by a fine not to exceed \$20,000.

7  
8 15. Issuance of Reports. Amend RSA 20:7 by inserting a reference to the New Hampshire Gaming  
9 Commission.

10 The following agency reports shall be issued annually: secretary of state, state treasurer, bank  
11 commissioner, insurance commissioner, division of personnel, commissioner of revenue  
12 administration, gaming commission, lottery commission, racing and charitable gaming commission,  
13 liquor commission, department of transportation, department of environmental services, department  
14 of safety, adult parole board, and the board of trustees of the state colleges and university. All other  
15 reports shall be issued biennially. All reports shall cover period ending on June 30, and be  
16 submitted to the governor and council, the speaker of the house of representatives, and the senate  
17 president by October 1. Biennial reports shall cover periods ending in odd-numbered years.

18  
19 16 Effective Date. This act shall take effect upon its passage, provided that the transfer of powers,  
20 rights, duties and responsibilities to the gaming commission pursuant to RSA 284-B:3 shall not take  
21 effect until all five commissioners of the gaming commission have been duly appointed and sworn,  
22 which appointments shall be made at the earliest possible date after passage.