

Committee Report

Rep. Abrami, Rock. 19
May 14, 2021
2021-1491h
08/04

Amendment to SB 22-FN

1 Amend the bill by replacing section 3 with the following:

2

3 3 Lucky 7 Ticket Prices. Amend RSA 287-E:20, II to read as follows:

4 II. The price of any lucky 7 ticket pack or ticket card shall ~~[be either \$.50 or]~~ **not exceed** \$1,
5 provided that at any location where a charitable organization offers \$1 tickets for sale the charitable
6 organization shall also offer \$.50 tickets for sale.

Voting Sheets

HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on Bill # SB 22

BILL TITLE: increasing the minimum gross business income required for filing a business profits tax return.

DATE: May 18, 2021

LOB ROOM: remote via Zoom

MOTION: (Please check one box)

- Options: OTP, ITL, Retain (1st year), Interim Study (2nd year), Adoption of Amendment 2021-1491h

Moved by Rep. Abrami Seconded by Rep. Bershtein Vote 21 - 0

MOTION: (Please check one box)

- Options: OTP, OTP/A, ITL, Retain (1st year), Interim Study (2nd year), Adoption of Amendment # (if offered)

Moved by Rep. Abrami Seconded by Rep. Bershtein Vote 20 - 1

MOTION: (Please check one box)

- Options: OTP, OTP/A, ITL, Retain (1st year), Interim Study (2nd year), Adoption of Amendment # (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO n/a

Minority Report? Yes No If yes, author, _____ Motion: _____

Alan Bershtein

Respectfully submitted: _____ Rep Alan Bershtein, Clerk



**STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK
2021 Session - Ways and Means**

Roll Call Committee Registers Report

relative to the sale of Lucky 7 tickets.

Bill #	SB 22-FN
Motion	OTP/A
Amendment #	2021-1491h
Exec Session Date	5/18/21
Consent Calendar?	Yes

Member	Motion / Seconded	Yea	Nay	NV
Patrick Abrami	Motion	X		
David Love (for Mary Griffin)		X		
Jordan Ulery		X		
Russell Ober(R)		X		
Fred Doucette(R)		X		
Alan Bershtein(R)	Second	X		
Robert Elliott(R)				X
John Janigian		X		
Hershel Nunez(R)		X		
Tim Baxter		X		
Walter Spilsbury(R)		X		
Paul Tudor(R)		X		
Almy, Susan			X	
Richard Ames(D)		X		
Thomas Southworth(D)				X
Dennis Malloy(D)		X		
Thomas Schamberg(D)		X		
Edith Tucker(D)		X		
Jennie Gomarlo(D)		X		
Tom Loughman				X
Amanda Gourgue		X		
Mary Hakken-Phillips(D)		X		
James Murphy(D)		X		
Norman Major		X		
Total Vote		20	1	3



**STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK
2021 Session - Ways and Means**

Roll Call Committee Registers Report

Bill #	SB22
Motion	OTP
Amendment #	2021-1491h
Exec Session Date	5/11/21
Consent Calendar?	

Amendment

Member	Motion / Seconded	Yea	Nay	NV
Patrick Abrami	Motion	X		
David Love (for Mary Griffin)		X		
Jordan Ulery		X		
Russell Ober(R)		X		
Fred Doucette(R)		X		
Alan Bershtein(R)	Second	X		
Robert Elliott(R)				X
John Janigian		X		
Hershel Nunez(R)		X		
Tim Baxter		X		
Walter Spilsbury(R)		X		
Paul Tudor(R)		X		
Almy, Susan		X		
Richard Ames(D)		X		
Thomas Southworth(D)				X
Dennis Malloy(D)		X		
Thomas Schamberg(D)		X		
Edith Tucker(D)		X		
Jennie Gomarlo(D)		X		
Tom Loughman				X
Amanda Gourgue		X		
Mary Hakken-Phillips(D)		X		
James Murphy(D)		X		
Norman Major		X		
Total Vote		21		3

Public Hearing

House Committee on Ways and Means
Public Hearing on: SB 22-FN and SB 27

SB 22-FN Bill Title: relative to the sale of Lucky 7 tickets.
SB 27 Bill Title: relative to the sale of Lucky 7 tickets.

Date: March 16, 2021
LOB Room: remote via Zoom
Time Public Hearing Called to Order: 9:08 AM
Time Public Hearing Adjourned: 10:47 AM

Committee Members: Reps. Major, Abrami, Bershtein, M. Griffin, Ulery, R. Ober, Doucette, Elliott, Janigian, Nunez, Baxter, Spilsbury, Tudor, Almy, Ames, Southworth, Malloy, Schamberg, Tucker, Gomarlo, Loughman, Gourgue, Hakken-Phillips and Murphy

SB 22: SPONSORS: Sen. French, Dist 7; Sen. Reagan, Dist 17; Sen. Hennessey, Dist 1;
Sen. Gannon, Dist 23

SB 27: SPONSOR: Sen. Giuda, Dist 2

TESTIMONY

SB 27 Giuda, Bob, An Elected Official, NH SD 2 (Prime Sponsor) (Support)

- Introduced SB 27
- Primarily, this is a housekeeping bill
- This bill changes the license period for charitable gaming from ending in 12 months to ending each December 31.
- Standardization of language
- Corrects incorrects references to the lottery commission.
- Changes the definition of “the deal” of Lucky 7
 - Almy: Q: The definition of “the deal” contradicts the language in SB 22. Why not just do one bill
 - Guida: A: I have no control over SB 27
- Almy:
 - Q: Does this reduce bingo to a back room in facilities
 - A: I’m not sure how this will play out
- Ames:
 - Q: SB 27 changes registration from two year requirement to one year. Why?
 - A: (Valerie King) This change was proposed by someone outside of lottery. We simply want consistency across licensing requirements
 - Q: Licensure eligibility of maintaining a list of members. Many charities are not membership organizations. How can they fulfill this requirement?

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- A: (Valerie King) We are just trying to match and standardize the language. The list is simply looking for people authorized to participate. We can review the language.
- Q: What is a “single game”?
- A: “A deal” is a single game with a set number of tickets
- Abrami:
 - Q: Please confirm we have not changed the IRS classification of entities eligible?
 - A: (Ames) The statutory language should be reviewed with regard to the use of “member lists”.
- Almy
 - We retained another bill because we are not clear about IRS classifications. We need to look at this language carefully in sections one to four. 501(c)4 is for political PACS.
 - Guida: Listed the definitions of the IRS classifications.
 - Registration with the SoS is a low bar. Anyone can register anything with the SoS.
- Hakken-Phillips
 - Q: Many organizations do not have memberships. Therefore this bill would preclude non-membership organizations from participating.
 - A: (Guida) We can make changes to make this more inclusive.
- Abrami:
 - The registration with the SoS is current law. Does the lottery confirm with SoS?
 - (McIntyre) Yes, we confirm the registration with SoS.
- Almy:
 - Q: Could we talk with SoS to see how they are handling this?
 - A: (Major) A: Yes, we could have someone from SoS at the work session.

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SB27 Newman, Rick, Lobbyist, NH Charitable Gaming (Support)

- Section 1 of the bill is a change to go back the way it used to be, relative to the December 31 expiration of licensing. This is a good housekeeping measure that will save a lot of headaches for people.
- The list of IRS classifications is across several RSAs. These should be consistent across all statutes.
- Regarding Rep. Ames issues with memberships, there are plenty of organizations without members (i.e. little league baseball). This exact language already exists and is not new.
- Ulery:
 - Q: Lists of members are not always available. Also, what about 501(c)(10) organizations like Masons or Knights of Columbus? They do not maintain public lists of members.
- Abrami:
 - Q: Any provision for exceptions to the membership rule?
 - A: Orgs like little league baseball currently participate in charitable gaming.
- Ames:
 - Q: Why the change in registration requirement from two years to one year?
 - A: Not sure
 - Ames comment: Let's review the "membership" language closely so we don't exclude charities that ought to be included.
- McIntyre: We can review the language and redraft for more clarity.
- Ulery: maybe have a list of authorized persons instead of members. Valerie King: That's correct.

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SB22

Abrami:

- Introduced bill

Schamberg:

- Q: For McIntyre: Can players still get paper tickets?
- A: Yes.

SB22 Newman, Rick, Lobbyist, Grover Gaming (Support)

- This bill deals with a different universe of charities. These charities sell Lucky 7 tickets.
- Current law requires all tickets to be printed. This bill allows the option for tickets not to be printed because the results are displayed on the screen. This saves money for the charities.
- The Senate added the requirement of the option for 25 cents tickets if you want to sell \$1.00 tickets.
- Grover Gaming produces the machines.

SB22 Clark, Tyler, Lobbyist, Diamond Distributors (Oppose)

- Sent testimony via email
- Diamond Distributors is a provider of paper Lucky 7 tickets
- The paper ticket is what differentiates Lucky 7 machines from slot machines. Without the machines dispensing paper, they are indistinguishable from slot machines.

House Committee on Ways and Means
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-
- Machines cause charities to only get 10% of revenue where paper tickets allow for 25% for charities.
 - Abrami:
 - Q: Do you favor adding 25 cent tickets?
 - A: We are neutral on that aspect of the bill.

Almy: Q for McIntyre:

- The law requires the machines to dispense paper tickets. Is that currently the case? Answer: Yes, all machines dispense paper tickets.

SB 22 Fran Wendelboe, Lobbyist, Powerhouse Gaming (Support)

- COVID put many charities behind with regard to fundraising. This legislation will help those charities.
- Electronic machines save charities a lot of money because they have to pay for the paper.
- Ames:
 - Q: regarding the loss of revenue for charities due to COVID, please quantify?
 - A: Wendelboe: I defer to Valerie King.
 - A: King:
 - Games of Chance is doing fine
 - Bingo has taken a dip
 - Lucky 7 has also taken a hit.
 - She'll email W&Ms numbers

Respectfully submitted,
Rep. Alan Bershtein, Clerk

House Remote Testify

Ways and Means Committee Testify List for Bill SB22 on 2021-03-16

Support: 4 Oppose: 1 Neutral: 0 Total to Testify: 2

[Export to Excel](#)

<u>Name</u>	<u>City, State Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Clark, Tyler	Derry, NH tclark@Preti.com	A Lobbyist	Diamond Distributors	Oppose	Yes (5m)	3/15/2021 1:32 PM
Newman, Rick	Nottingham, NH rick@ricknewman.com	A Lobbyist	Grover Gaming	Support	Yes (0m)	3/14/2021 8:01 PM
French, Senator Harold	Canterbury, NH kathryn.cummings@leg.state.nh.us	An Elected Official	Senate District 7	Support	No	3/15/2021 1:15 PM
Reagan, Senator John	Deerfield, NH kathryn.cummings@leg.state.nh.us	An Elected Official	Senate District 17	Support	No	3/15/2021 1:17 PM
Hennessey, Erin	Concord, NH erin.hennessey@leg.state.nh.us	An Elected Official	SD1	Support	No	3/11/2021 1:34 PM

Testimony

Karen Karwocki

From: mattwenfran@myfairpoint.net
Sent: Monday, May 10, 2021 4:23 PM
To: ~House Ways & Means Committee
Subject: Comment on SB22 and SB27
Attachments: Gaming Revenue Graphs.pptx

Dear Committee Member,

You will exec SB22 and 27 Tuesday in committee and I urge you to support both bills. While it seems that charity gaming has been enhanced in many ways recently, not so for those charity entities like the service clubs—The Legions, VFW's, Eagles and so on.

They do not have games of chance so enhancement of those do not help them. These charities lost total income for at least 2 months and have been slow in recovering. I have attached a spreadsheet from Lottery.

The savings from wasted paper making paper in electronic machines optional will increase their profits and reduce paper in landfills. I don't recall anyone testifying against this provision.

Increasing the deal size is revenue neutral but will give the charities the option for a larger deal with more flexibility of prizes. They still must pay out the same total dollar amount as if they were single deals. Again this is an OPTION.

I hear that there may be an amendment to make the 25 cent ticket an option of the charity if they have enough demand. We support an option like this but did not request this change.

We also support SB27.

I will be available by phone if you have any last minute questions. Thank You.

Fran Wendelboe, representing Power House Gaming
(603) 381-7988



Over \$2 Billion and Counting for our Schools

THE EFFECTS OF COVID-19 ON CHARITABLE GAMING REVENUE

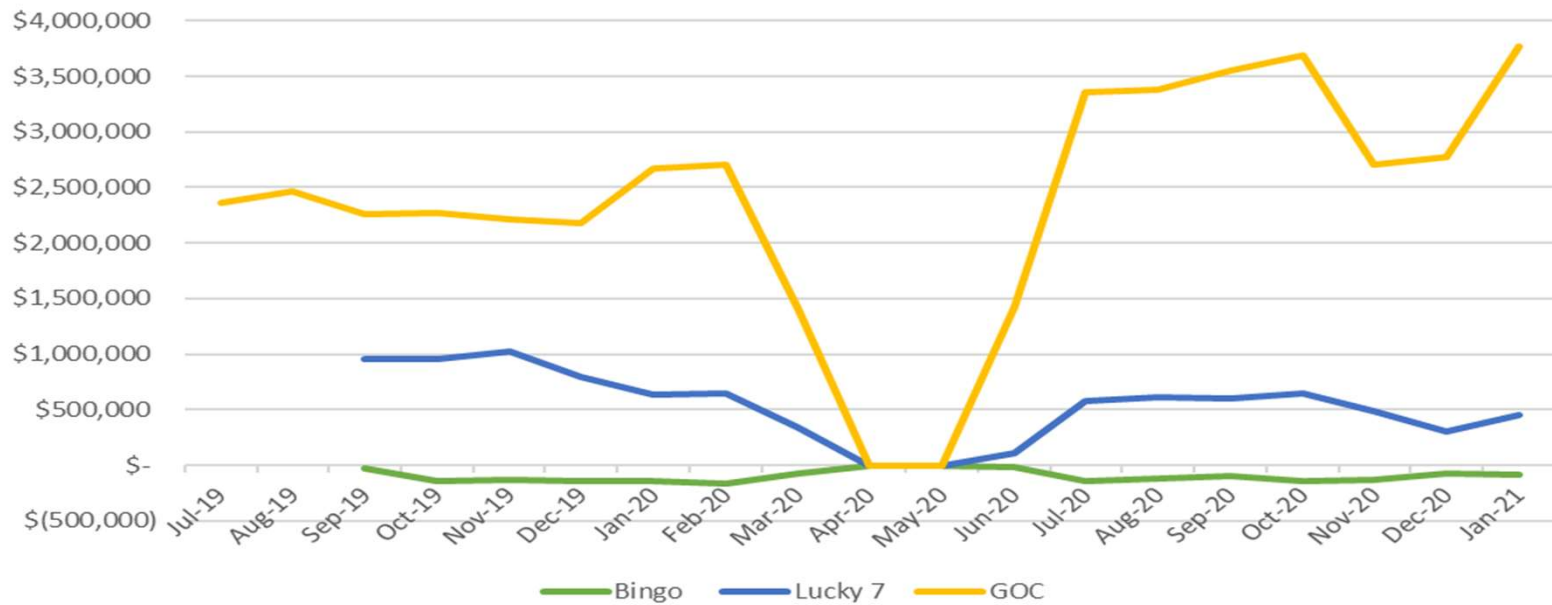
3/19/21



Over \$2 Billion and Counting for our Schools

Total Revenue by Game Type June 2019 - January 2021

(Rooms Closed March 17 - June 15 Due to COVID-19)





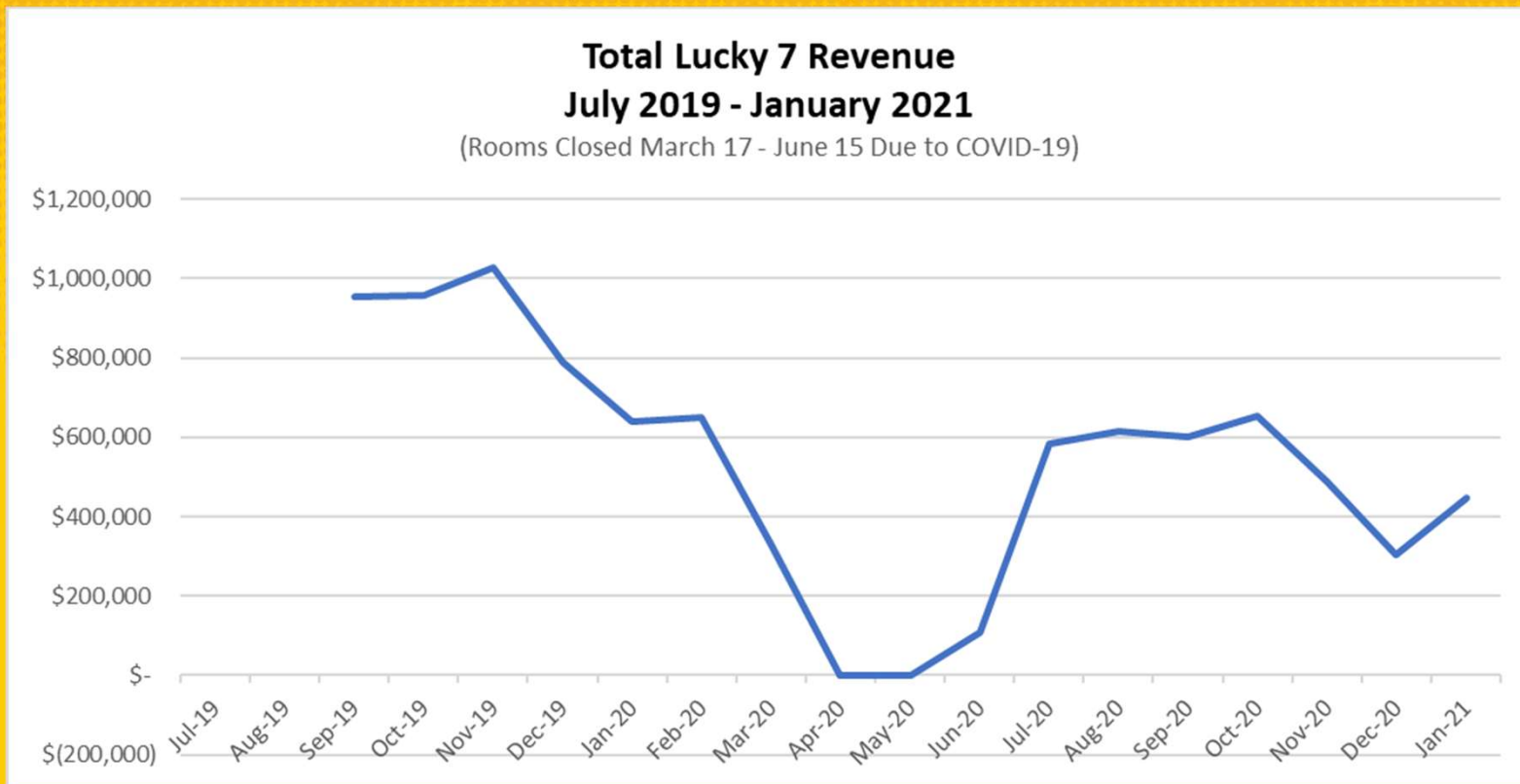
Over \$2 Billion and Counting for our Schools

Total Bingo Revenue
July 2019 - January 2021
(Rooms Closed March 17 - June 15 Due to COVID-19)





Over \$2 Billion and Counting for our Schools

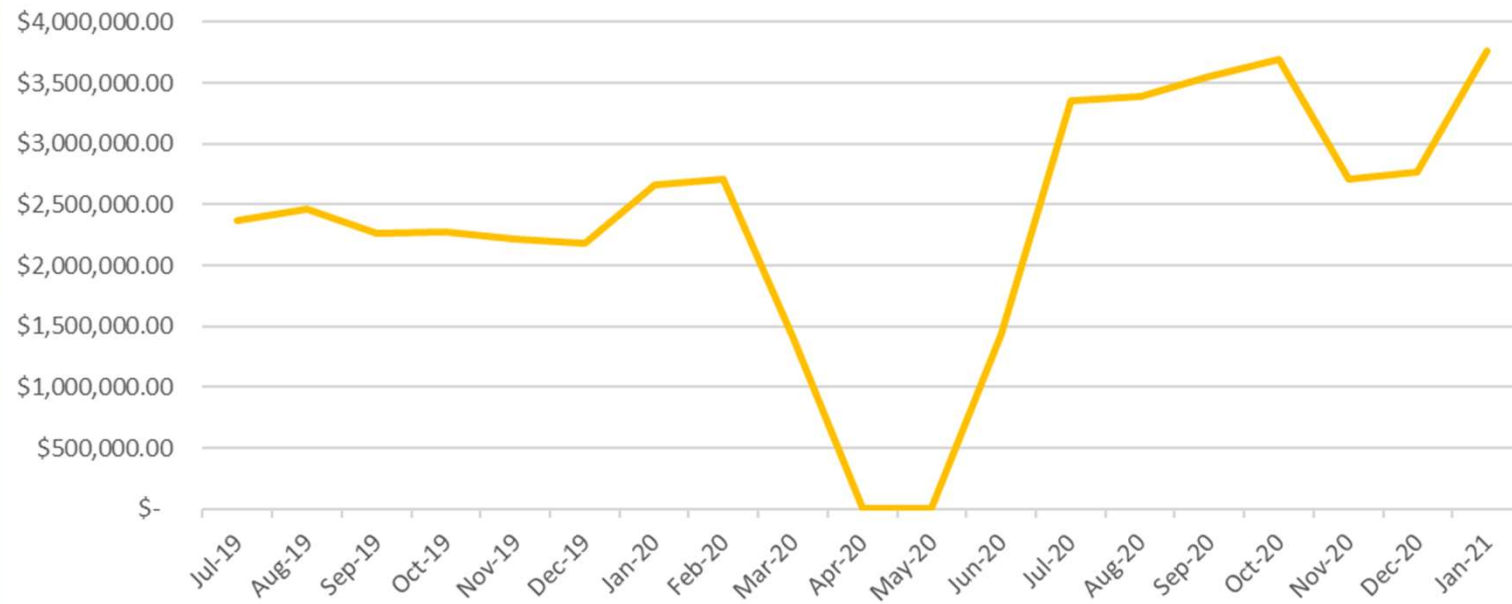




Over \$2 Billion and Counting for our Schools

Total Games of Chance Revenue July 2019 - January 2021

(Game Rooms Closed March 17-June 15 Due to COVID-19)



THE EFFECT OF COVID-19 ON CHARITABLE GAMING REVENUE

NOTES:

- Revenue data was obtained from Monthly Financial Reports submitted to the agency by the game operators
- Bingo/Lucky 7 data represents net revenue for the charitable organization (after prizes, taxes and expenses were paid)
- Games of Chance (GOC) data represents total net revenue (including charity, state and game operator allocation)
- Per the governor's order, charitable game rooms were closed from March 17 until June 15, 2020 due to pandemic

Archived: Thursday, May 6, 2021 3:36:45 PM
From: Clark, Tyler NE
Sent: Tuesday, March 16, 2021 12:46:04 PM
To: ~House Ways & Means Committee
Subject: SB 22 - Testimony on Opposition from Diamond Distributors
Importance: Normal
Attachments:

[Clark_DiamondDistributors_HouseTestimony_SB22.pdf](#) [HB348H- House history.pdf](#) [HB348S-Senate History .pdf](#) [Final Order.pdf](#) [Superior_Court- 2012-0566 NOA.pdf](#)

Good afternoon Chairman Major and members of the committee,

Thank you for the opportunity to testify this morning. I look forward to any upcoming work sessions.

Attached to this email are the following:

1. A copy of my testimony from this morning.
2. A copy of the House and Senate histories for 2011-HB 348 which is the genesis of the “not in the nature of a slot machine” language. The bill’s legislative intent is clear and it is very interesting to see the version of HB 348 which passed the entire House included the pre-emptive banning of lucky 7 machines. This language was then removed by the Senate and was not included in the final version of the bill.
 - a. HB 348 was passed to prevent Executive Agencies from allowing electronic gaming machines without legislative approval. At this same time there was a manufacturer of a new style of lucky 7 dispensing device which could dispense a ticket AND display the results on a screen who was interested in doing business here. Prior to this, fraternal organizations were using dispensing devices for decades but they did just that- they dispensed lucky 7 tickets similar to the scratch ticket machines we have in our state today.
3. A copy of the Superior Court and NH Supreme Court’s rulings regarding the creation of rules for Lucky 7 Dispensing Devices by the Racing and Charitable Gaming Commission. These rulings were referenced in today’s hearing.

I hope these documents will provide you with the background information needed as the committee debates the merits of SB 22.

To reiterate, Diamond Distributors is opposed to SB 22.

Thank you and please reach out with any questions, comments, or concerns.

You can reach my on my cell phone at 603-247-4558

My best,

Tyler

Tyler NE Clark
Public and Government Affairs Advisor
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Archived: Thursday, May 6, 2021 3:36:46 PM
From: Clark, Tyler NE
Sent: Monday, March 15, 2021 10:39:42 PM
To: ~House Ways & Means Committee
Subject: Informational materials regarding Lucky 7 tickets
Importance: Normal

Good evening Chairman Major and members of the committee,

Prior to tomorrow's hearings regarding Lucky 7 Tickets, I have provided some informational videos for your viewing pleasure.

Lucky 7 and bingo, in my opinion, has become an overlooked aspect of charitable gaming and can be a foreign concept to those who haven't played either game before. My apologies in advance if you are familiar with the industry and I am hopeful you will check out the below links.

For the record, I represent Diamond Distributors based in Moultonborough, NH. We are one of NH's lucky 7 distributors.

I do not represent Arrow International who is the creator of some of the informational YouTube videos below.

Diamond Distributors is opposed to SB 22.

Video of a Lucky 7 Dispensing Device in NH: <https://youtu.be/aCaxzh4CK0Y>

How to play bingo - <https://youtu.be/iON1DqHgp-8>

What is a bingo event Lucky 7 Paper ticket? - <https://www.youtube.com/watch?v=ajFZmdJyDul>

What is an Instant Win Lucky 7 Paper Ticket? <https://www.youtube.com/watch?v=tWoow0ltUQ8>

What is a Seal Card Lucky 7 Paper Ticket?- <https://www.youtube.com/watch?v=jCKngxSJRaE>

Explanatory video of Pot O'Gold Bingo Event Ticket (approved product in NH)
- <https://www.youtube.com/watch?v=FOYx6pXBEVw>

NH Approved Lucky 7 tickets - <https://www.racing.nh.gov/licensing/bingo-lucky/tickets.htm>

I would like to note the video of the lucky 7 machine was created in 2017 prior to the passage of the \$1 Lucky 7 ticket as well as the new, faster rate of play. The new rate of play is 3 seconds compared to the 5 seconds in the video -this change was made via rulemaking and was not proposed in legislation. The video was filmed at a registered NH facility.

Thank you all and I look forward to testifying tomorrow before the committee.

My best,

Tyler

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Bill as
Introduced

SB 22-FN - AS INTRODUCED

2021 SESSION

21-0843

08/04

SENATE BILL **22-FN**

AN ACT relative to the sale of Lucky 7 tickets.

SPONSORS: Sen. French, Dist 7; Sen. Reagan, Dist 17; Sen. Hennessey, Dist 1; Sen. Gannon,
Dist 23

COMMITTEE: Ways and Means

ANALYSIS

This bill allows the play of electric Lucky 7 games and sets a limit for the Lucky 7 deal size the commission may authorize.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the sale of Lucky 7 tickets.

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

1 1 Sale of Lucky 7 Tickets. Amend RSA 287-E:21, III-a to read as follows:

2 III-a. Lucky 7 tickets may be sold by dispenser devices approved by the commission and
3 located at the regular meeting place of, or at a facility owned, leased, or utilized by, the licensee for
4 its activities, [~~provided that the commission shall not authorize the use of any lucky 7 dispenser~~
5 ~~device which was not in use on or before January 1, 2011, unless such device dispenses a paper or~~
6 ~~cardboard ticket which has a manual break-open feature]~~ and specifications for such dispenser
7 device are contained in the rules of the commission. Any permitted lucky 7 device shall not be in the
8 nature of a slot machine and the outcome of any wager involving a permitted lucky 7 device shall be
9 determined ***and displayed*** solely [~~by and on the cardboard or paper ticket~~] ***on the screen of the***
10 ***device.***

11 2 Lucky 7 Fees. Amend RSA 287-E:22, I to read as follows:

12 I. A licensed distributor shall pay a fee of \$15 per ***3,500 tickets or any portion thereof***
13 ***contained in each*** deal of pull tab tickets. ***The commission shall not authorize deal sizes over***
14 ***14,000 tickets.***

15 3 Effective Date. This act shall become effective upon passage.

SB 22-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the sale of Lucky 7 tickets.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	Minimal	Minimal	Minimal	Minimal
Expenditures	\$0	\$0	\$0	\$0
Funding Source:	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Lottery Fund			

METHODOLOGY:

This bill makes various changes relative to the sale of Lucky 7 tickets. The Lottery Commission states it is impossible to predict how these changes will affect player purchases, however, does anticipate any impact to state revenue to be minimal.

AGENCIES CONTACTED:

Lottery Commission