

**REGULAR CALENDAR**

**April 14, 2022**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Majority of the Committee on Ways and Means to  
which was referred SB 318-FN,**

**AN ACT extending the hours in which games of chance  
may be conducted. Having considered the same, report  
the same with the recommendation that the bill OUGHT  
TO PASS.**

**Rep. Fred Doucette**

**FOR THE MAJORITY OF THE COMMITTEE**

**MAJORITY  
COMMITTEE REPORT**

Committee:	<b>Ways and Means</b>
Bill Number:	<b>SB 318-FN</b>
Title:	<b>extending the hours in which games of chance may be conducted.</b>
Date:	<b>April 14, 2022</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>OUGHT TO PASS</b>

**STATEMENT OF INTENT**

This bill extends the hours that games of chance can be offered by six hours daily (three hours in the morning and three hours at night). The Lottery Commission assumes, based on the gaming demand and cost of labor, only a select number of locations will choose to operate for the full amount of the extended hours. The Lottery Commission states inspection and audit of these facilities will not be substantially impacted by this change as the monitoring of the extended hours can be accomplished by flexing the time of the existing audit staff as necessary, therefore, the Commission does not expect that this bill will have an impact on state expenditures. The state of New Hampshire's successful charitable gaming model generates more than \$16 million per year for over 500 NH charities. In addition, approximately another \$5 million annually is raised for education. The majority of the committee believe this change will help New Hampshire facilities better compete with the 24 hour per day facilities in our neighboring states.

Vote 14-8.

Rep. Fred Doucette  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Ways and Means

**SB 318-FN**, extending the hours in which games of chance may be conducted. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Fred Doucette for the **Majority** of Ways and Means. This bill extends the hours that games of chance can be offered by six hours daily (three hours in the morning and three hours at night). The Lottery Commission assumes, based on the gaming demand and cost of labor, only a select number of locations will choose to operate for the full amount of the extended hours. The Lottery Commission states inspection and audit of these facilities will not be substantially impacted by this change as the monitoring of the extended hours can be accomplished by flexing the time of the existing audit staff as necessary, therefore, the Commission does not expect that this bill will have an impact on state expenditures. The state of New Hampshire's successful charitable gaming model generates more than \$16 million per year for over 500 NH charities. In addition, approximately another \$5 million annually is raised for education. The majority of the committee believe this change will help New Hampshire facilities better compete with the 24 hour per day facilities in our neighboring states. **Vote 14-8.**

Original: House Clerk

Cc: Committee Bill File

**REGULAR CALENDAR**

**April 14, 2022**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on Ways and Means to  
which was referred SB 318-FN,**

**AN ACT extending the hours in which games of chance  
may be conducted. Having considered the same, and  
being unable to agree with the Majority, report with the  
following amendment, and the recommendation that  
the bill OUGHT TO PASS WITH AMENDMENT.**

**Rep. Susan Almy**

**FOR THE MINORITY OF THE COMMITTEE**

**MINORITY  
COMMITTEE REPORT**

Committee:	<b>Ways and Means</b>
Bill Number:	<b>SB 318-FN</b>
Title:	<b>extending the hours in which games of chance may be conducted.</b>
Date:	<b>April 14, 2022</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT 2022-1627h</b>

**STATEMENT OF INTENT**

This bill intrudes on existing local control rights on behalf of a single type of establishment. It enables new expanded hours of operation for games of chance, allowing facilities to open three hours earlier at 8:00 a.m., and to operate three hours later, until 4:00 a.m. the next day. Local control over hours of operation for situational reasons has long been allowed. But the bill includes no provision authorizing local communities to set any limits on this new expanded period of operation. Some of the current facilities are located next to residential neighborhoods and/or in municipalities that do not revise site plans upon change of use. If the bill passes as is, some host communities will likely be unable to address the concerns of nearby residents, and winter snow removal from municipal parking may be almost impossible. The minority amendment simply continues the right of local communities to regulate expanded hours of operation to fit local circumstances.

Rep. Susan Almy  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Ways and Means

**SB 318-FN**, extending the hours in which games of chance may be conducted. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan Almy for the **Minority** of Ways and Means. This bill intrudes on existing local control rights on behalf of a single type of establishment. It enables new expanded hours of operation for games of chance, allowing facilities to open three hours earlier at 8:00 a.m., and to operate three hours later, until 4:00 a.m. the next day. Local control over hours of operation for situational reasons has long been allowed. But the bill includes no provision authorizing local communities to set any limits on this new expanded period of operation. Some of the current facilities are located next to residential neighborhoods and/or in municipalities that do not revise site plans upon change of use. If the bill passes as is, some host communities will likely be unable to address the concerns of nearby residents, and winter snow removal from municipal parking may be almost impossible. The minority amendment simply continues the right of local communities to regulate expanded hours of operation to fit local circumstances.

Original: House Clerk

Cc: Committee Bill File

Rep. Almy, Graf. 13  
April 18, 2022  
2022-1627h  
12/05

Amendment to SB 318-FN

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

2

3 1 Games of Chance; Operation of Games of Chance. Amend RSA 287-D:14, VII to read as  
4 follows:

5 VII. Games of chance may be conducted between the hours of [~~11:00~~] **8:00** a.m. and [~~1:00~~]  
6 **4:00** a.m. the following day, *provided that the hours in which a game of chance may be*  
7 *conducted may be further limited by a duly adopted municipal code, ordinance, bylaw, or*  
8 *regulation to a specified starting time between 8:00 a.m. and 11:00 a.m. and a specified*  
9 *ending time between 1:00 a.m. and 4:00 a.m. the following day.*

**Amendment to SB 318-FN**  
**- Page 2 -**

2022-1627h

AMENDED ANALYSIS

This bill authorizes games of chance to be conducted between the hours of 8:00 a.m. and 4:00 a.m. the following day, and authorizes towns and cities to specify certain times of operation.







**STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK  
2022 Session - Ways and Means**

Roll Call Committee Registers Report

Title: extending the hours in which games of chance may be conducted.

Bill #	SB 318
Motion	OTP
Amendment #	
Exec Session Date	4/14/22
Consent Calendar?	Regular

Member	Motion / Second	Yea	Nay	NV
Patrick Abrami [Vice Chair]	Second	x		
Doug Thomas [for Mary Griffen]		x		
Andy Renzullo [for Jordan Ulery]		x		
Fred Doucette	Motion	x		
Tim Lang		x		
Alan Bershtein [Clerk]		x		
John Janigian		x		
Hershel Nunez		x		
Walter Spilsbury		x		
Paul Tudor		x		
Judy Aron		x		
Almy, Susan	Minority Report (OTP/A)		x	
Richard Ames(D)			x	
Thomas Southworth			x	
Dennis Malloy(D)			x	
Thomas Schamberg(D)		x		
Edith Tucker(D)			x	
Jennie Gomarlo(D)		x		
Tom Loughman				x
Bill Hatch [for Amanda Gourgue]			x	
Mary Beth Walz [for Mary Hakken-Phillips]			x	
James Murphy(D)			x	
Norman Major [Chair]		x		
<b>Total Vote</b>		<b>14</b>	<b>8</b>	<b>1</b>



**STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK  
2022 Session - Ways and Means**

Roll Call Committee Registers Report

Title: extending the hours in which games of chance may be conducted.

*Ames Amendment (failed)*

Bill #	SB 318
Motion	OTP
Amendment #	2022-1513h
Exec Session Date	4/14/22
Consent Calendar?	

Member	Motion / Seconded	Yea	Nay	NV
Patrick Abrami [Vice Chair]			x	
Doug Thomas [for Mary Griffen]			x	
Andy Renzullo [for Jordan Ulery]			x	
Fred Doucette			x	
Tim Lang			x	
Alan Bershtein [Clerk]			x	
John Janigian			x	
Hershel Nunez			x	
Walter Spilsbury			x	
Paul Tudor			x	
Judy Aron			x	
Almy, Susan	Motion	x		
Richard Ames(D)		x		
Thomas Southworth		x		
Dennis Malloy(D)		x		
Thomas Schamberg(D)		x		
Edith Tucker(D)		x		
Jennie Gomarlo(D)		x		
Tom Loughman				x
Bill Hatch [for Amanda Gourgue]		x		
Mary Beth Walz [for Mary Hakken-Phillips]	Second	x		
James Murphy(D)		x		
Norman Major [Chair]			x	
<b>Total Vote</b>		<b>10</b>	<b>12</b>	<b>1</b>

NH House Committee on Ways and Means  
Public Hearing on: SB 318



Date: April 5, 2022  
LOB Room: 202-204  
Time Public Hearing Called to Order: 10:30 AM  
Time Public Hearing Adjourned: 11:00 AM

Title: extending the hours in which games of chance may be conducted.

Sponsors: (Prime) French (R), Jeb Bradley (R), Gannon (R), Ricciardi (R), Avard (R), Donna Soucy (D), Reagan (R), Doucette (R), Yakubovich (R)

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

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TESTIMONY

Introduced by Senator Harold French (supports the bill)

- This bill changes the hours of operation for Charitable gaming from 11am - 1am to 8am - 4am.
- Lang: Local ordinances would override the changes made in this bill?
  - French: I'm not sure
- Almy: Can we verify that local ordinances would overrule this change if so desired?
  - French: If it would make you more comfortable, please do so.
- Murphy: Why not just have these gaming facilities go to 24/7?
  - French: I would support such an amendment.

Fran Wendleboe, Powerhouse Gaming

- Supports the bill.
- SB 318 is enabling legislation.
- Local ordinances would have final say in hours of operation.
- Many towns would not have the demand for expanded hours of operation.
- Almy: Is anyone asking for this legislation?
  - Wendleboe: This is enabling legislation. I doubt many would take us up on this change.
- Abrami: I don't like the appearance of us keeping these facilities open until 4 am. It's so un-New Hampshire.
  - Wendleboe: Some folks work odd hours. This would allow them to play.
- Ulery: Would local ordinances (that limit hours of operation) take precedence over this legislation?
  - Wendleboe: Yes

NH House Committee on Ways and Means  
Public Hearing on: SB 318



Date: April 5, 2022  
LOB Room: 202-204  
Time Public Hearing Called to Order: 10:30 AM  
Time Public Hearing Adjourned: 11:00 AM

Title: extending the hours in which games of chance may be conducted.

Sponsors: (Prime) French (R), Jeb Bradley (R), Gannon (R), Ricciardi (R), Avard (R), Donna Soucy (D), Reagan (R), Doucette (R), Yakubovich (R)

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

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Rick Newman, NH Charitable Gaming Operators Assn.

- Supports the bill
- Regarding Almy's question about if people are asking for this legislation, yes, this is being asked for. Not everyone works eight to five. This bill provides NH gaming operators the opportunity to retain customers instead of losing them to competitors operating in other states. This is particularly true for facilities in towns near the state border.
- Local ordinances (that limit hours of operation) would indeed take precedent over this legislation.
- Maine and Mass facilities are allowed to operate 24 hours.
- Ames: Please consider adding in the legislation that local ordinances would take precedence.

Bob Clegg, Boston Billiards in Nashua

- Nothing in this bill forces a town to agree to the change in hours. All local ordinances will continue to be in effect.
- This bill allows people to unwind after work. This is particularly applicable to those who work second and third shifts.
- Ames: So a community without an ordinance could not prevent such an establishment from operating during the expanded hours? Clegg: If a town opts to not regulate the hours, that is their choice.
- Ulery: Would an amendment to the bill stating local ordinances can be passed to regulate the hours? Clegg: Perhaps. It would depend on the language.



The New Hampshire

# House of Representatives

## HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

House Ways and Means ▼

SB318 ▼

Support: 3 | Oppose: 0 | Neutral: 0

Name	Town	State	Position	Attachment	Typed
Jeb Bradley	SD3	NH	Support		
Senator Denise Ricciardi	Bedford	NH	Support		
Senator John Reagan	Deerfield	NH	Support		

SB 318-FN - AS INTRODUCED

2022 SESSION

22-3037

12/05

SENATE BILL        ***318-FN***

AN ACT            extending the hours in which games of chance may be conducted.

SPONSORS:        Sen. French, Dist 7; Sen. Bradley, Dist 3; Sen. Gannon, Dist 23; Sen. Ricciardi,  
Dist 9; Sen. Avard, Dist 12; Sen. Soucy, Dist 18; Sen. Reagan, Dist 17; Rep.  
Doucette, Rock. 8; Rep. Yakubovich, Merr. 24

COMMITTEE:      Ways and Means

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ANALYSIS

This bill authorizes games of chance to be conducted between the hours of 8:00 a.m. and 4:00 a.m. the following day.

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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 Two*

AN ACT extending the hours in which games of chance may be conducted.

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

1           1 Games of Chance; Operation of Games of Chance. Amend RSA 287-D:14, VII to read as  
2 follows:

3           VII. Games of chance may be conducted between the hours of [~~11:00~~] **8:00** a.m. and [~~1:00~~]  
4 **4:00** a.m. the following day.

5           2 Effective Date. This act shall take effect upon its passage.

**SB 318-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT extending the hours in which games of chance may be conducted.

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Expenditures</b>	\$0	\$0	\$0	\$0
<b>Funding Source:</b>	<input type="checkbox"/> General Fund	<input checked="" type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other - Lottery

**METHODOLOGY:**

This bill extends the hours that games of chance can be offered by six hours daily (three hours in the morning and three hours at night). The Lottery Commission assumes, based on the gaming demand and cost of labor, only a select number of locations will choose to operate for the full amount of the extended hours. The Commission expects there will be some additional gaming revenue from facilities remaining open during traditional off-hours, however, it is difficult to determine the level of play that will take place during those time periods (revenue to the state is credited to the lottery fund, with net revenues after expenditures being credited to the state education trust fund).

The Lottery Commission states inspection and audit of these facilities will not be substantially impacted by this change as the monitoring of the extended hours can be accomplished by flexing the time of the existing inspection and audit staff as necessary, therefore, the Commission does not expect that this bill would have an impact on state expenditures.

**AGENCIES CONTACTED:**

Lottery Commission