

LEGISLATIVE COMMITTEE MINUTES

HB364

Bill as Introduced

HB 364 - AS AMENDED BY THE HOUSE

6Jan2022... 2123h

2021 SESSION

21-0310

08/11

HOUSE BILL **364**

AN ACT revising the definition of charitable organizations relative to games of chance.

SPONSORS: Rep. Ulery, Hills. 37; Rep. Stapleton, Sull. 5

COMMITTEE: Ways and Means

AMENDED ANALYSIS

This bill revises the definition of charitable organization relative to games of chance.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 revising the definition of charitable organizations relative to games of chance.

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

1 1 Charitable Organization; Definition RSA 287-A:1, II is repealed and reenacted to read as
2 follows:

3 II. "Charitable organization" means any person or entity that is or holds itself out to be
4 established, in whole or in part, for any benevolent, philanthropic, patriotic, educational, humane,
5 scientific, public health, environmental conservation, civic, social, sporting, recreational, or other
6 charitable purpose which has been in existence for at least 2 years, or political committee or political
7 party which has been in existence for at least 2 years, or any person who in any manner employs a
8 charitable appeal as the basis of any solicitation or an appeal that suggests that there is a charitable
9 purpose to any solicitation. "Charitable organization" is not limited to those organizations to which
10 contributions are tax deductible under section 170 of the Internal Revenue Code.

11 2 Effective Date. This act shall take effect July 1, 2022.

Committee Minutes

SENATE CALENDAR NOTICE
Ways and Means

Sen Bob Giuda, Chair
Sen Lou D'Allesandro, Vice Chair
Sen Gary Daniels, Member
Sen Erin Hennessey, Member
Sen Cindy Rosenwald, Member

Date: February 23, 2022

HEARINGS

Wednesday	03/09/2022	
(Day)	(Date)	
Ways and Means	State House 100	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	HB 102	establishing a commission to study worldwide combined reporting method for unitary businesses under the business profits tax.
9:10 a.m.	HB 355	relative to Keno.
9:20 a.m.	HB 364	revising the definition of charitable organizations relative to games of chance.
9:30 a.m.	HB 527	relative to the charitable gift annuities exemption.
9:40 a.m.	HB 591-FN	relative to certain liquor license fees.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 102

Rep. Schamberg

HB 355

Rep. Lang

Rep. Bordes

HB 364

Rep. Ulery

HB 527

Rep. Infantine

HB 591-FN

Rep. Abrami

Rep. Johnson

Rep. Hough

Rep. Trottier

Rep. Stapleton

Rep. Doucette

Rep. Weyler

Sen. Bradley

Sonja Caldwell 271-2117

Bob J. Giuda
Chairman

Senate Ways and Means Committee

Sonja Caldwell 271-2117

HB 364, revising the definition of charitable organizations relative to games of chance.

Hearing Date: March 9, 2022

Members of the Committee Present: Senators Giuda, Daniels, Hennessey and Rosenwald

Members of the Committee Absent : Senator D'Allesandro

Bill Analysis: This bill revises the definition of charitable organization relative to games of chance.

Sponsors:

Rep. Ulery

Rep. Stapleton

Who supports the bill: Rep. Abrami

Who opposes the bill: Robert Clegg

Who is neutral on the bill: No one

Summary of testimony presented in support:

Rep. Abrami

- This has to do with raffle statues.
- He spoke to the current statute which he thought was redundant. This bill moves that redundant provision of statute pertaining to raffles, which is II(a) under RSA287-A:1.
- This does not change the definition of a charitable organization anywhere else in the statute.

Sen. Rosenwald asked if this means a member of the American Communist party or American Nazi party could hold a raffle.

Rep. Abrami said yes. This is in current statute.

Sen. Rosenwald said she thought he said he was broadening the language for raffles.

Rep. Abrami said no. He said with regard to the current statute, the bill eliminates II(a) and keeps (b).

Summary of testimony presented in opposition:

Robert Clegg

- He is opposed to the bill and said Sen. Rosenwald had a good grip on what the problem is.
- Raffles could be a prize such as a vacation.

- If we are going to expand gambling in NH, instead of creating more venues, we should look at creating one that will draw people.
- The language in the bill says “patriotic.” He questioned if it could be a Russian patriot. The bill leaves it wide open. This makes it so anyone can open a venue and hold a raffle.
- He suggests creating a study committee to determine the affect on communities.

Sen Daniels said what he mentioned seems already to be in statute.

Mr. Clegg said currently you have to be 501(c)(3). This bill would allow 501(c)4, 5, and 6.

Sen. Daniels said the statute mentions 501(c)3 but then says “or” the rest of them. He asked how it changes anything.

Mr. Clegg said it says you no longer have to be a 501(c)3. A political party is not a 501c3, they are a 501(c)4. Planned Parenthood could hold a raffle. The Republican party, the Nazi party etc. could hold a raffle under this bill.

Sen. Giuda said looking at the language in existing law, it says 501(c)3 “or” any of the others.

Mr. Clegg said he was expressing a legal opinion that was given to him. Most of these people wouldn’t be able to be a 501(c)3.

Sen. Giuda said he doesn’t read the law as saying that they have to be.

Sen. Clegg said he reads the language as “or hold themselves out to be established as a 501(c)3.” He added that if you’re raising money to influence legislation, that is not charitable. The Republican and Democratic parties are not charitable.

Sen. Giuda said his reading of the statute is that it says “or” not “and”. It is inclusive.

There are county committees that hold raffles. When he reads (b), he thinks it is inclusive.

Sen. Clegg said if that is the case, why is the bill needed.

Sen. Giuda said it is not needed.

sc

Date Hearing Report completed: March 10, 2022

Speakers

Testimony

TITLE XXIV GAMES, AMUSEMENTS, AND ATHLETIC EXHIBITIONS

CHAPTER 287-A RAFFLES

General Provisions

Section 287-A:1

287-A:1 Definitions. --

As used in this chapter:

I. "Raffle" means a lottery in which each participant buys a ticket for an article or articles put up as a prize with the winner being determined by a random drawing.

II. "Charitable organization" means the following: *eliminate*

(a) Any person or entity that is determined by the Internal Revenue Service to be a tax exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code, as that section now exists or may hereafter be amended; or *eliminate*

(b) ~~Any other~~ person or entity that is or holds itself out to be established, in whole or in part, for any benevolent, philanthropic, patriotic, educational, humane, scientific, public health, environmental conservation, civic, social, sporting, recreational, or other charitable purpose which has been in existence for at least 2 years, or political committee or political party which has been in existence for at least 2 years, or any person who in any manner employs a charitable appeal as the basis of any solicitation or an appeal that suggests that there is a charitable purpose to any solicitation. "Charitable organization" is not limited to those organizations to which contributions are tax deductible under section 170 of the Internal Revenue Code.

III. "50/50 raffle" means a raffle conducted by a charitable organization whereby moneys collected by sale of raffle tickets are split evenly between the prize winner or winners and the charitable organization after the raffle drawing.

Source. 1971, 43:1. 1973, 270:1. 1999, 306:1. 2000, 115:1, eff. July 7, 2000.

Voting Sheets

Senate Ways & Means Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # **HB 364**

Hearing date: 3-9-22

Executive Session date: _____

Motion of: ITL Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Giuda, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. D'Allesandro, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Daniels	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Rosenwald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Giuda, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. D'Allesandro VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Daniels	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Rosenwald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Giuda, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. D'Allesandro, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Daniels	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Rosenwald	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Rosenwald

Notes: Appreciate sponsor attempt to simplify RSA
but since causing confusion and doesn't do
anything its not necessary

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, March 16, 2022

THE COMMITTEE ON Ways and Means

to which was referred **HB 364**

AN ACT

revising the definition of charitable organizations
relative to games of chance.

Having considered the same, the committee recommends that the Bill

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 5-0

Senator Cindy Rosenwald
For the Committee

While the committee appreciated the sponsor's attempt to simplify the statute as it relates to charities and raffles, the bill caused confusion and did not appear to accomplish the desired outcome. The Ways and Committee believes this bill is unnecessary and recommends it be found inexpedient to legislate.

Sonja Caldwell 271-2117

FOR THE CONSENT CALENDAR

WAYS AND MEANS

HB 364, revising the definition of charitable organizations relative to games of chance.

Inexpedient to Legislate, Vote 5-0.

Senator Cindy Rosenwald for the committee.

While the committee appreciated the sponsor's attempt to simplify the statute as it relates to charities and raffles, the bill caused confusion and did not appear to accomplish the desired outcome. The Ways and Committee believes this bill is unnecessary and recommends it be found inexpedient to legislate.

Docket of HB364

Docket Abbreviations

Bill Title: (New Title) revising the definition of charitable organizations relative to games of chance.**Official Docket of HB364.:**

Date	Body	Description
1/9/2021	H	Introduced (in recess of) 01/06/2021 and referred to Ways and Means HJ 2 P. 45
1/27/2021	H	Public Hearing: 02/11/2021 09:30 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/99381153388 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
2/18/2021	H	==CANCELLED== Full Committee Work Session: 03/02/2021 09:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/94528213728 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
2/18/2021	H	Full Committee Work Session: 03/03/2021 09:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/92309184005 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
3/9/2021	H	Retained in Committee
8/18/2021	H	Full Committee Work Session: 09/07/2021 09:30 am LOB 202 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
9/8/2021	H	Subcommittee Work Session: 09/14/2021 01:00 pm LOB 104
8/18/2021	H	==CANCELLED== Full Committee Work Session: 09/28/2021 09:30 am LOB 202 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
9/21/2021	H	Subcommittee Work Session: 09/28/2021 09:00 am LOB 104
9/21/2021	H	==RESCHEDULED== Full Committee Work Session: 09/28/2021 11:00 am LOB 202-204 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
11/12/2021	H	Committee Report: Ought to Pass with Amendment #2021-2123h (NT) 09/28/2021 (Vote 21-3; RC) HC 48 P. 45
1/9/2022	H	Amendment #2021-2123h : AA VV 01/06/2022
1/9/2022	H	Ought to Pass with Amendment 2021-2123h: MA VV 01/06/2022 HJ 1
1/18/2022	S	Introduced 01/05/2022 and Referred to Ways and Means; SJ 2
2/23/2022	S	==TIME CHANGE== Hearing : 03/09/2022, Room 100, SH, 10:20 am; SC 10A
3/16/2022	S	Committee Report: Inexpedient to Legislate; Vote 5-0; CC; 03/24/2022; SC 12
3/24/2022	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===; 03/24/2022; SJ 6

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Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB364

Senate Committee: Ways & Means

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # _____
- amendment # _____
- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # _____
- amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- Enrolled Bill Amendment(s)
- Governor's Veto Message

All available versions of the bill: {Clerk's Office}

- as amended by the senate
- as amended by the house
- final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

SC
Committee Aide

6-3-22
Date

Senate Clerk's Office pm