

Amendment to SB 191-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT establishing keno and relative to funding for kindergarten.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 New Subdivision; Keno. Amend RSA 284 by inserting after section 40 the following new
8 subdivision:

9

Keno

10 284:41 Definition. In this subdivision, “keno” means any game where a player purchases a
11 ticket from a field of 80 numbers and selects a specific amount of numbers. A random number
12 generator employed by the lottery commission chooses 20 numbers at random and the player is paid
13 out against his or her original wager.

14 284:42 Administration and Enforcement. The lottery commission shall administer and enforce
15 this subdivision in any town or city that has voted to allow such gaming.

16 284:43 Rulemaking. The lottery commission shall adopt rules, pursuant to RSA 541-A, relative
17 to:

18 I. The application procedure for keno licenses.

19 II. Information to be required on license applications.

20 III. Procedures for a hearing following the revocation of a license.

21 IV. The operation of keno games, including types and amounts of wagers.

22 V. Information required and forms for submission of financial reports.

23 VI. Guidelines for licensees under this subdivision to set transaction limits for daily,
24 weekly, and monthly play of keno for individual keno players.

25 284:44 License Fees.

26 I. The license fee for a commercial premises keno license issued under RSA 284:46 shall be
27 \$500 per year. Such fee shall be submitted to the lottery commission at the time the application is
28 made and shall be refunded if the application is denied.

29 II. All net proceeds collected by the lottery commission under this section shall be deposited
30 in the education trust fund established in RSA 198:39.

31 284:45 License Applications.

32 I. Applications shall be submitted to the lottery commission by the licensee. Proof of

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1 authority to submit the application on behalf of the licensee may be required.

2 II. Applications shall be made only on the forms supplied to the licensee by the lottery
3 commission.

4 III. The application form shall be fully completed by the licensee.

5 IV. Applicants for commercial premises keno licenses shall be submitted at least 30 days
6 before the first game date.

7 V. The applicant shall certify under oath that:

8 (a) The information provided on the application is accurate.

9 (b) Neither the applicant nor any employee will operate keno games if such person has
10 been convicted of a felony within the previous 10 years which has not been annulled by a court, or a
11 misdemeanor involving falsehood or dishonesty within the previous 5 years which has not been
12 annulled by a court, or has violated the statutes or rules governing charitable gaming in this or any
13 state.

14 (c) The applicant and any employee who will be participating in the operation of the
15 keno games is aware of all statutes and rules applicable to the operation of keno games.

16 VI. To be eligible for licensure under this subdivision an applicant shall:

17 (a) Document that it is one of the following:

18 (1) A restaurant or hotel holding a valid liquor license under RSA 178:20, II,
19 RSA 178:21, II(a) or (b), or RSA 178:22, V(q).

20 (2) A brew pub holding a valid liquor license under RSA 178:13.

21 (3) A ballroom holding a valid liquor license under RSA 178:22, V(c).

22 (4) A veterans' club, private club, or social club holding a valid liquor license under
23 RSA 178:22, V(h).

24 (5) A convention center holding a valid liquor license under RSA 178:22, V(i).

25 (6) A hotel holding a valid liquor license under RSA 178:22, V(k).

26 (7) A racetrack holding a valid liquor license under RSA 178:22, V(n).

27 (8) A sports recreation facility holding a valid liquor license under RSA 178:22, V(v).

28 (b) Document that the keno games will only be operated in towns and cities that have
29 voted to allow the operation of keno games pursuant to RSA 284:51.

30 (c) Maintain a current list of employees.

31 (d) Document that no minor under the age of 18 shall be allowed to purchase or redeem
32 a keno ticket.

33 VII. A suspension or revocation of a liquor license shall result in the immediate suspension
34 of the keno license issued under this chapter.

35 284:46 License; Issuance.

36 I. Upon receipt of an application under RSA 284:45 the lottery commission shall review the
37 application and shall, in writing, grant or deny the application within 45 days of receipt.

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1 II. The lottery commission shall deny a license application for any one of the following
2 reasons:

3 (a) The license of the applicant has been previously revoked by the commission.

4 (b) The applicant has been convicted of a crime provided for in this chapter or in any
5 other chapter for any gaming offense.

6 (c) The applicant loses his or her liquor license after submitting the application.

7 III. No person who has been convicted of a felony or class A misdemeanor within the
8 previous 10 years which has not been annulled by a court, or a class B misdemeanor within the past
9 5 years which has not been annulled by a court, or who has violated any of the statutes or rules
10 governing charitable gambling in the past in this or in any other state shall be licensed under this
11 subdivision, or rent, lease, sublease, or otherwise provide any hall or keno paraphernalia for the
12 conduct of keno licensed under this subdivision.

13 IV. The lottery commission shall only issue a license for an eligible location where keno
14 tickets shall be sold and the game played within the area apportioned to distribute beverages
15 pursuant to RSA 284:45. The lottery commission shall control the installation of the keno ticket
16 terminals and ensure that the sale of the tickets is limited to the area apportioned to distribute
17 beverages pursuant to RSA 284:45.

18 284:47 Operation of Keno Games.

19 I. A licensee may operate keno games at its business between the hours of 11 a.m. and 11
20 p.m.

21 II. A licensee may retain 8 percent of the proceeds from keno games. Of the remaining 92
22 percent:

23 (a) One percent shall be paid to the department of health and human services to
24 support research, prevention, intervention, and treatment services for problem gamblers.

25 (b) The remainder, less the administrative costs of the lottery commission and prize
26 payouts, shall be deposited in the education trust fund established in RSA 198:39.

27 III. No person who has been convicted of a felony or class A misdemeanor within the
28 previous 10 years which has not been annulled by a court, or a class B misdemeanor within the past
29 5 years which has not been annulled by a court, or who has violated any of the statutes or rules
30 governing charitable gambling in the past in this or any other state shall operate a keno game
31 licensed under this subdivision, or rent, lease, sublease, or otherwise provide any hall or keno
32 paraphernalia for the conduct of keno licensed under this subdivision.

33 IV. No one under the age of 18 years shall be allowed to purchase or redeem a keno ticket.

34 284:48 Financial Reports and Inspection Required.

35 I. Any person which has been licensed to conduct keno games shall submit a complete
36 financial report to the lottery commission for each license issued under RSA 284:46 within 15 days
37 after the expiration of each license, provided, however, a complete monthly financial report shall be

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1 submitted in a timely fashion to the commission for each month covered by a license issued under
2 RSA 284:46 on a form to be approved by the lottery commission.

3 II. All licensees shall maintain a separate checking account for the deposit and
4 disbursement of all income relating to keno, except cash prizes awarded at the games. All expenses
5 shall be paid by check, and all prizes of \$500 or more shall be paid by check. No keno funds shall be
6 commingled with other funds of the licensee. The licensee shall retain all canceled checks for the
7 payment of expenses and prizes for at least 2 years from the date of the check. The licensee shall
8 not cash checks which it issues.

9 III. All financial reports filed by the licensee shall be maintained by the lottery commission
10 for a period of one year from the date of filing and shall be open to public inspection.

11 IV. All financial records pertaining to the operation of keno games shall be maintained by
12 the licensee and shall be made available to representatives of the lottery commission or of the
13 commissioner of the department of safety upon request.

14 V. A licensee which has been licensed to conduct keno games shall maintain complete and
15 accurate documentation of all revenues and expenses contained in the financial reports for at least 2
16 years from the date the financial report is filed.

17 284:49 Suspension; Revocation. The commission may suspend or revoke the license of any
18 licensee who violates any provision of this subdivision. Any licensee whose license is revoked shall
19 not be eligible for licensure for a period of up to one year from the date of revocation.

20 284:50 Rehearing and Appeal. Any person aggrieved by a decision of the commission to deny or
21 revoke a keno license may apply to the commission for a rehearing within 15 business days of the
22 decision. Rehearings and appeals shall be governed by RSA 541.

23 284:51 Local Option.

24 I. Any town or city may allow the operation of keno games according to the provisions of
25 this subdivision, in the following manner:

26 (a) In a town, the question shall be placed on the warrant of an annual town meeting
27 under the procedures set out in RSA 39:3, and shall be voted on a ballot. In a city, the legislative
28 body may vote to place the question on the official ballot for any regular municipal election, or, in
29 the alternative, shall place the question on the official ballot for any regular municipal election
30 upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

31 (b) The selectmen, aldermen, or city council shall hold a public hearing on the question
32 at least 15 days but not more than 30 days before the question is to be voted on. Notice of the
33 hearing shall be posted in at least 2 public places in the municipality and published in a newspaper
34 of general circulation at least 7 days before the hearing.

35 (c) The wording of the question shall be substantially as follows: "Shall we allow the
36 operation of keno games within the town or city?"

37 II. If a majority of those voting on the question vote "Yes," keno games may be operated

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1 within the town or city.

2 III. If the question is not approved, the question may later be voted upon according to the
3 provisions of paragraph I at the next annual town meeting or regular municipal election.

4 IV. A municipality that has voted to allow the operation of keno games may consider
5 rescinding its action in the manner described in paragraph I of this section.

6 V. The lottery commission shall maintain a list of municipalities where keno is available.

7 2 Application of Receipts; Education Trust Fund. Amend RSA 6:12, I(b)(65) to read as follows:

8 (65) Money received under RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B,
9 RSA 83-F, ***RSA 284:44 and RSA 284:47***, and from the sweepstakes fund, which shall be credited to
10 the education trust fund under RSA 198:39.

11 3 Education Trust Fund; Keno Profits Added. Amend RSA 198:39, I(k) to read as follows:

12 ***(k) Funds collected and paid over to the state treasurer by the lottery***
13 ***commission pursuant to RSA 284:44 and RSA 284:47.***

14 ***(l)*** Any other moneys appropriated from the general fund.

15 4 New Section; School Money; Kindergarten Grants. Amend RSA 198 by inserting after section
16 48-b the following new section:

17 198:48-c Kindergarten Grants.

18 I.(a) In addition to any funds received pursuant to RSA 198:40-a, in the first year that a
19 school district or chartered public school that operates an approved full-day kindergarten program,
20 the commissioner of the department of education shall calculate and distribute a grant of \$1,100
21 per kindergarten pupil based on the enrollment number of eligible full-day kindergarten pupils on
22 the first day of the school year. The superintendent, or designee, shall certify the enrollment
23 number of kindergarten pupils to the commissioner.

24 (b) Once pupils enrolled in an approved full-day kindergarten program have been
25 counted in the school district's average daily membership in attendance as defined in RSA 198:38, I,
26 a school district, or a chartered public school based on its kindergarten enrollment number, shall
27 receive, in addition to any funds received pursuant to RSA 198:40-a, an additional grant of \$1,100
28 per kindergarten pupil attending a full-day kindergarten program. The commissioner shall certify
29 the amount of the grant to the state treasurer and direct the payment thereof from the education
30 trust fund established in RSA 198:39 to the school district or chartered public school.

31 (c) Grants shall be disbursed to a school district pursuant to the distribution schedule in
32 RSA 198:42 and to a chartered public school pursuant to the distribution schedule in RSA 194-B:11,
33 I(c).

34 (d) The amount necessary to fund the grants under this section is hereby appropriated
35 to the department from the education trust fund. The governor is authorized to draw a warrant
36 from the education trust fund to satisfy the state's obligation under this section.

37 II. A school district or chartered public school that operates an approved full-day

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1 kindergarten program for which it receives funding under this section shall permit a pupil to attend
2 kindergarten for a half-day.

3 5 Applicability. Kindergarten grants pursuant to RSA 198:48-c as inserted by section 4 of this
4 act shall not be disbursed before July 1, 2018.

5 6 Effective Date. This act shall take effect July 1, 2017.

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2017-2022h

AMENDED ANALYSIS

This bill establishes keno in New Hampshire and directs keno revenue to be used to provide grants to kindergarten students.