

HB 737-LOCAL - AS AMENDED BY THE SENATE

20Mar2025... 0850h
05/01/2025 1638s

2025 SESSION

25-0742
02/11

HOUSE BILL

737-LOCAL

AN ACT creating local options for games of chance, authorizing keno throughout the state, and changing charitable gaming license fees and reporting requirements.

SPONSORS: Rep. B. Boyd, Hills. 12; Rep. Barton, Graf. 1; Rep. D. Paige, Carr. 1; Rep. Schamberg, Merr. 6; Rep. Spilsbury, Sull. 3; Rep. Stringham, Graf. 3; Rep. Turcotte, Straf. 4; Sen. Rochefort, Dist 1

COMMITTEE: Ways and Means

AMENDED ANALYSIS

This bill:

I. Gives municipalities a local option to vote to prohibit the operation of games of chance within their boundaries.

II. Automatically permits Keno unless a municipality votes to prohibit it, giving local governments the option to ban games of chance within their boundaries.

III. Makes changes to charitable gaming licensing fees and reporting requirements.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT creating local options for games of chance, authorizing keno throughout the state, and changing charitable gaming license fees and reporting requirements.

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

1 1 New Section; Local Option; Games of Chance. Amend RSA 287-D by inserting after section
2 287-D:31 the following new section:

3 287-D:32 Local Option; Games of Chance.

4 I. The lottery commission shall not grant a game operator employer license to operate games
5 of chance in a municipality if that municipality has voted to prohibit games of chance to be held
6 within its boundaries, or if there is a pending question on the municipality's warrant or official ballot
7 for the next regular municipal election. Such vote shall be held in the following manner:

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

13 (b) The selectmen, aldermen, or city council shall hold a public hearing on the question
14 at least 15 days, but not more than 30 days before the question is to be voted on. Notice of the
15 hearing shall be posted in at least 2 public places in the municipality, on the website of the
16 municipality, and by publication in a newspaper of general circulation at least 14 days before the
17 hearing.

18 (c) In municipalities where games of chance are not currently in operation, the wording
19 of the question shall be substantially as follows: "Shall we prohibit the operation of games of chance
20 within the town or city?"

21 (d) In municipalities where games of chance are currently operating, the wording of the
22 question shall be substantially as follows: "Shall we prohibit additional games of chance operations
23 with a physical facility within the town or city?"

24 II. If a majority of those voting on the question vote "Yes," new games of chance may not be
25 operated within the town or city.

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

28 IV. A city or town may rescind its disapproval for operation of games of chance under RSA
29 287-D by following procedures in paragraph I in this section.

1 V. An unincorporated place may disallow the operation of games of chance by majority vote
2 of the county delegation, after a public hearing is held, and may be rescinded in a similar fashion.

3 VI. The lottery commission shall maintain a list of municipalities where games of chance
4 have been prohibited pursuant to this section.

5 VII. If the town, city, or unincorporated place has voted within this section to prohibit games
6 of chance, that municipality may pass an ordinance allowing only a specified number of charitable
7 gaming events per year, or certain number of dates per year to be determined by the town, hosted by
8 local charitable organizations pursuant to RSA 287-D:4, and specifying how the municipality shall
9 determine how charitable organizations register for a gaming event.

10 VIII. Notwithstanding any other provision of law, including paragraphs I and II, any vote by
11 a municipality to prohibit games of chance within its boundaries shall not apply to any games of
12 chance operator licensed by the lottery commission, or any applicant who has applied for a games of
13 chance operator license prior to the date of the petition in subparagraph I(a) or the notice date in
14 subparagraph I(b), except that any operator who ceases operation for a period exceeding 4 years, or
15 an applicant who fails to commence operation within 6 years of application approval, shall be subject
16 to any intervening vote by the municipality.

17 2 Keno; Administration and Enforcement. Amend RSA 284:42 to read as follows:

18 284:42 Administration and Enforcement. The lottery commission shall administer and enforce
19 this subdivision [~~in any town or city that has voted to allow such gaming~~].

20 3 Keno; License Applications. Amend RSA 284:45, VI(a)(10) and (b) to read as follows:

21 (10) A lottery retailer licensed pursuant to RSA 284:21-h, if the city, town or
22 unincorporated place where the retailer is located has **not** voted pursuant to RSA 284:51, to [~~allow~~]
23 **prohibit** the sale of keno. Lottery retailers licensed to sell keno under this subparagraph shall not
24 display keno on an active screen at the retailer.

25 (b) Document that the keno games will only be operated in towns and cities that have
26 **not** voted to [~~allow~~] **prohibit** the operation of keno games pursuant to RSA 284:51.

27 4 Keno; Local Option. RSA 284:51 is repealed and reenacted to read as follows:

28 I. Any town or city may prohibit the operation of keno games according to the provisions of
29 this subdivision, in the following manner:

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

35 (b) The selectmen, aldermen, or city council shall hold a public hearing on the question
36 at least 15 days but not more than 30 days before the question is to be voted on. Notice of the

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1 hearing shall be posted in at least 2 public places in the municipality and published in a newspaper
2 of general circulation at least 7 days before the hearing.

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

5 II. If a majority of those voting on the question vote "Yes," keno games shall not be operated
6 within the town or city.

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

9 IV. A municipality that has voted to prohibit the operation of keno games may consider
10 rescinding its action in the manner described in paragraph II of this section.

11 V. An unincorporated place may prohibit the operation of keno games by majority vote of the
12 county delegation, after a public hearing is held.

13 VI. The lottery commission shall maintain a list of municipalities where keno is prohibited.

14 5 New Section; Operation Permitted. Amend RSA 284 by inserting after section 51 the following
15 new section:

16 284:51-a Operation Permitted. A licensee shall be permitted to operate keno games at its
17 business pursuant to this subdivision, provided that no license shall be issued to an entity operating
18 within a municipality which has voted to prohibit keno pursuant to RSA 284:51.

19 6 Facilities License Application; Specific Requirements. Amend RSA 287-D:7, III to read as
20 follows:

21 III. Licenses shall expire 3 years after being issued~~[- provided that the licensee shall~~
22 ~~annually file with the commission a statement disclosing any changes to the information required in~~
23 ~~the license application no later than December 31 of each year].~~ The licensee shall immediately
24 notify the commission in the event the licensee is subject to arrest or conviction of any criminal
25 offense.

26 7 Game Operator Employer License Application; Specific Requirements. Amend RSA 287-D:8,
27 VI to read as follows:

28 VI. Licenses shall expire 3 years after being issued~~[- provided that the licensee shall~~
29 ~~annually file with the commission a statement disclosing any changes to the information required in~~
30 ~~the license application no later than December 31 of each year].~~ The licensee shall immediately
31 notify the commission in the event the licensee is subject to arrest or conviction of any criminal
32 offense.

33 8 Primary Game Operator License Application; Specific Requirements. Amend RSA 287-D:9, VI
34 to read as follows:

35 VI. The primary game operator license shall expire ~~[on the last day of the month of the~~
36 ~~licensee's birthday]~~ 3 years after it is issued~~[- provided that the licensee shall annually file with the~~
37 ~~commission a statement disclosing any changes to the information required in paragraph I with the~~

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1 ~~commission no later than the last day of the month of licensee's birthday].~~ The licensee shall
2 immediately notify the commission in the event the licensee is subject to arrest or conviction of any
3 criminal offense.

4 9 Secondary Game Operator License Application; Specific Requirements. Amend RSA 287-D:10,
5 III to read as follows:

6 III. A secondary game operator license shall expire [~~on the last day of the month of the~~
7 ~~licensee's birthday]~~ 3 years after it is issued[~~, provided that the licensee shall annually file with the~~
8 ~~commission a statement disclosing any changes to the information required in paragraph II with the~~
9 ~~commission no later than the last day of the month of the licensee's birthday].~~ The licensee shall
10 immediately notify the commission in the event the licensee is subject to arrest or conviction for any
11 criminal offense.

12 10 License Fees. Amend RSA 287-D:13, II-V to read as follows:

13 II. A facility license shall be [~~\$250 per year~~] ***\$750 per 3-year license period.***

14 III. A game operator employer license shall be [~~\$750 per year~~] ***\$2,250 per 3-year license***
15 ***period.***

16 IV. A primary game operator license shall be [~~\$100 per year, to be paid with the application~~
17 ~~the first year and paid in the subsequent 2 years with the filing of the annual notice of changes form~~
18 ~~required under RSA 287-D:9, VI]~~ ***\$300 per 3-year license period.***

19 V. A secondary game operator license shall be [~~\$30 per year, to be paid with the application~~
20 ~~the first year and paid in the subsequent 2 years with the filing of the annual notice of changes form~~
21 ~~required under RSA 287-D:10, III]~~ ***\$90 per 3-year license period.***

22 11 Effective Date.

23 I. Sections 2, 3, and 5 of this act shall take effect January 1, 2027.

24 II. The remainder of this act shall take effect July 1, 2025.