

Senate Ways and Means Committee

Sonja Caldwell 271-2117

HB 737-LOCAL, creating local options for games of chance.

Hearing Date: April 2, 2025

Members of the Committee Present: Senators Lang, Murphy, Sullivan, Rosenwald and Fenton

Members of the Committee Absent : None

Bill Analysis: This bill gives municipalities a local option to vote to prohibit the operation of games of chance within their boundaries.

Sponsors:

Rep. B. Boyd

Rep. Barton

Rep. D. Paige

Rep. Schamberg

Rep. Spilsbury

Rep. Stringham

Rep. Turcotte

Sen. Rochefort

Who supports the bill: Dr. Deborah Warner, Rep. Bill Ohm, Rep. Tom Schamberg, Rep. Timothy Horrigan, Alicia Preston (NH Charitable Gaming Operators Assoc.), Brodie Deshaies (NHMA), Rep. Jerry Stringham, Sen. Rochefort, Janet Lucas, Daniel Richardson

Who opposes the bill: No one

Who is neutral on the bill: NH Lottery Commission

Summary of testimony presented:

Rep. Jerry Stringham

- HB 737 is not a gambling bill but a local option bill, which seeks to allow local control on the decision whether to allow casinos to operate locally.
- This bill brings similar local rights relating to casinos that are already in place for keno with a local option through the warrant article process.
- The local option design of this bill conserves the investment of casino operators already involved and only brings an exit vote if a casino has been abandoned for a period of four years or never opened six years after being originally permitted.

- In committee the casino lobby agreed to the local option concept and helped develop language that was acceptable to both casinos and local option proponents. The casino interests have been reasonable and helpful in the development of this bill and constituents have been diligent with this work.
- The local option would give municipalities a voice in the process of opening a casino in their town or city.
- A local option should be enacted because it's consistent with keno statutes.
- A casino can be a large presence economically and create risks as well so it's reasonable for residents to have a voice in whether they want it in their area or not.

Sen. Fenton asked Rep. Stringham if currently a municipality cannot enforce a no casino ordinance.

Rep. Stringham said that Senator Fenton is right, gaming facilities came in as card gaming facilities and slot machines were banned in the state. There's been a creep in the kind of activities that occur in charitable gaming establishments. There was never an ability for a regulation to allow a town to opt out of having those charitable gaming facilities. Now there's HHR machines in the facilities that operate like slot machines and there's still no voice for local towns to make decisions on whether or not to have them present. When HHR machines came in, Conway and Littleton objected to those kinds of machines, but gaming laws already protected the investments that were being made at that time. This bill allows towns that don't have gaming facilities to have the option of whether to allow it or not. There is no opt out for a charity gaming establishment currently.

Sen. Fenton stated that line 21 says "shall we prohibit additional brick and mortar games of chance," so if there already is an existing one this bill won't affect them. Senator Fenton then stated that if he were a casino operator and he was the only one in town, he might push to not have any other casinos open so that now he is the only one in town.

Rep. Stringham said he was not sure casino operators would be able to do that since it's a town opt out and added that other people here to testify this morning may be able to speak to that particular provision.

Dr. Deborah Warner

- Dr. Warner stated that the origin of this bill was in Littleton. There was a town meeting and they discussed how a casino was coming to town. During the meeting 95% of comments made were wanting to repel the casino from coming. She stated that they attempted to bring an ordinance to the planning board to stop the casino, but were told that their ordinance didn't "have any teeth" due to the Dillon rule.

- They then started on this bill, which was originally an opt in, but after working with the House and Senate it became an opt out process.
- She added that given the moratorium in place it gives towns around the state the time to pass their own options.
- She said they developed the mechanics of this bill with the casino lobbyists, who pointed out the games of chance employer licenses are the actionable item in order to prohibit or allow a casino and that is why that is the target of the legislation. HHR and any other games of chance all depend upon having a games of chance employer license, it's the underlying license.
- This bill maintains protections for the 14 currently operating casinos as well as the 5 that are in application status at the Lottery Commission.
- This bill does not impact revenue as the casinos that it would or would not prohibit have not created revenue yet.

Sen. Rosenwald asked Director McIntyre of the Lottery Commission to come up to respond to questions and he brought **Valerie King** with him.

Sen. Rosenwald asked if section 287-D of this bill would prohibit bingo.

Ms. King responded that bingo is regulated by 287-E, so it wouldn't be at risk of being prohibited.

Sen. Rosenwald followed up and stated that on line 21 of page1 it seems that the phrasing of "brick and mortar" is awkward and she wondered if the commission could suggest language that is more accessible and meaningful to the public like "physical locations".

Director McIntyre said they call them "facilities" and they think this language is taken directly from the keno legislation. They offered to draft new language for Senator Rosenwald.