SB 112 - AS INTRODUCED

2021 SESSION

21-0826
08/10

SENATE BILL ***112***

AN ACT relative to historical racing.

SPONSORS: Sen. French, Dist 7; Sen. Daniels, Dist 11; Sen. Cavanaugh, Dist 16; Sen. Hennessey, Dist 1; Sen. Carson, Dist 14; Sen. Soucy, Dist 18; Sen. Giuda, Dist 2; Sen. Bradley, Dist 3; Sen. Sherman, Dist 24; Rep. Abrami, Rock. 19; Rep. Graham, Hills. 7; Rep. Lang, Belk. 4

COMMITTEE: Ways and Means

ANALYSIS

This bill defines and regulates pari-mutuel pools on historic horse racing.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

21-0826
08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to historical racing.

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

1 Limitation; Horse and Dog Racing; Historic Racing Included. Amend RSA 284:1 to read as follows:

284:1 Limitation. This chapter shall be construed to apply only to running or harness horse racing, whether live***,*** [~~or~~] simulcast ***or historic***, or simulcast dog racing.

2 Racing and Charitable Gaming; Lottery Commission; Historic Racing. Amend RSA 284:6-a, VI to read as follows:

VI. The lottery commission shall not authorize the use of any electronic gaming device in connection with the acceptance of wagers on running or harness horse racing, whether live***,*** [~~or~~] simulcast ***or historic***, or simulcast dog racing, the type of which was not in use prior to January 1, 2011, unless specific authorization for such electronic gaming device is enacted by the general court. Electronic gaming devices shall mean and include all electro-mechanical instruments and devices used for the purposes of gaming, other than wagering on live***,*** [~~or~~] simulcast ***or historic*** horse racing or simulcast dog racing, whether in physical presence or through the Internet, and such shall include, but not be limited to, video slot machines and other gambling devices which function or are designed to function to emulate a video slot machine [~~or historic racing machine~~]. This section shall not be interpreted to prohibit licensees under RSA 284 from replacing equipment used in the conduct of wagering on live***,*** simulcast***,*** horse racing or simulcast dog racing, which type of equipment was in service prior to January 1, 2011, with updated or new equipment which are the functional equivalent of the machines which are being replaced, provided the equipment is not an electronic gaming device as described in the previous sentence. This section shall not be interpreted as prohibiting licensees from accepting account wagers in compliance with applicable rules and regulations.

VII. Notwithstanding paragraph VI, the lottery commission shall authorize wagers on historic horse races, whether on an electronic gaming device or otherwise, so long as such wagers meet the requirements of this chapter. Historic horse racing machines shall be programmed and operated for pari-mutuel wagering only.

3 Rulemaking; Historic Racing. Amend RSA 284:12, IV to read as follows:

IV. The sale of pari-mutuel pools as authorized under RSA 284:22***,*** [~~and~~] RSA 284:22-a***, and RSA 284:22-b***.

4 License Required; Investigation Fees. Amend RSA 284:12-a, I to read as follows:

I. No person, association, corporation, or any other type of entity shall hold any live running or harness race or meet, ***shall offer wagers on historic horse races,*** or shall conduct any

simulcast running or harness horse or dog race or meet, at which pari-mutuel pools are sold without a license from the lottery commission.

5 New Section; Pari-Mutuel Pools on Historic Horse Races. Amend RSA 284 by inserting after section 22-a the following new section:

284:22-b Pari-Mutuel Pools on Historic Horse Races.

I. In this section:

(a) "Historic horse race" means:

(1) Any horse race whether running or harness, that was previously conducted at a licensed pari-mutuel facility;

(2) Concluded with official results; and

(3) Concluded without scratches, disqualifications, or dead-heat finishes.

(b) "Licensee" means any individual, association, partnership, joint-venture, corporation, or other organization or other entity which holds a game operator employer license under RSA 287-D.

(c) “Pari-mutuel method of wagering" means:

(1) A method of wagering in which those who wager on horses that finish in the position or positions for which wagers are taken share in the total amounts wagered, plus any amounts provided by a licensee, may include a nonrefundable contribution to serve as a seed or guarantee; and

(2) A totalizator or similar mechanical equipment calculates pari-mutuel pools and payouts associated with each winning wager.

II. In order to be eligible for a license to sell pari-mutuel pools on historic races, an applicant shall have been a game operator employer licensed under RSA 287-D as of May 1, 2020 and still licensed as of the effective date of this section, provided such sales are within the enclosure of a facility at which the licensee holds its licensed activities under RSA 287-D, and that such facility is located within the city or town in which the licensee held its license on May 1, 2020. An application that is approved by the lottery commission, and a license that is granted shall not be permitted to be transferred or sold.

III. In accordance with the provisions of RSA 284:6-a, wagering on historic horse races may take place on electronic gaming devices provided that:

(a) All wagers use the pari-mutuel method of wagering.

(b) A licensee at all times maintains at least 2 terminals offering the same type of wager on the historic horse races.

(c) The terminal makes available true and accurate past performance information on each historic horse race prior to the patron making his or her selection.

(d) The terminal shall display a replay of each race, or a portion thereof, whether digital, animated, or by way of a video recording, and the official results of each race. The identity of each race shall be revealed to the patron after the patron has placed his or her wager.

(e) The outcome of each wager is based solely on the outcome of the historic horse race or races; no random elements may determine the outcome of the patron's wager.

(f) The terminals have been tested by an independent testing laboratory, approved by the commission, to ensure integrity and proper working order.

(g) Each terminal makes available pari-mutuel wagering pool amounts that the patron may receive for a winning wager.

(h) A terminal shall not accept a wager in excess of $25.

(i) Each licensee shall submit a responsible gaming plan to the lottery commission for review and approval prior to activating any historic horse race terminal, and every year thereafter. Such plan shall include identification of postings and materials related to problem gaming to be made available to patrons expressing concerns about problem gaming, house imposed player limits, and self-exclusion plans.

IV. Racing officials or any employee or owner of the entity that provides the totalizator system to the licensee, and any person responsible for the operation of the electronic reproduction equipment which operates the historic horse races and wagering shall be prohibited from participating in wagering, directly or indirectly, on historic horse races offered at the licensee's facility.

V. The licensee commission on all historic horse race pari-mutuel pools shall be at a rate of not greater than 12 percent. In addition to the above commission, 100 percent of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as breakage, shall be paid to the lottery commission and used as payment for problem gaming services.

VI. The lottery commission shall adopt rules under RSA 541-A governing historic horse racing machines.

VII. No historic horse racing machine shall be operated except within the facility of a licensee during the facility's hours of play of charitable games.

6 Authorization; Sale of Tickets; Advertising. Amend RSA 284:21-h, VI to read as follows:

VI. The commission shall not authorize the use of any electronic gaming device in any game, lottery, or other offering which was not in use by the commission on or before January 1, 2011, unless specific authorization for such electronic gaming device is enacted by the general court. Electronic gaming devices shall mean and include all electro-mechanical instruments and device used for the purpose of gaming and shall include video slot machines and other gambling devices which function or are designed to emulate a video slot machines or other gaming machine, [~~historic racing machine~~,] and computer technology to reveal instant ticket winners. This section shall not be

interpreted to prohibit the commission from replacing offerings, games, or equipment which were in service prior to January 1, 2011 with new offerings, games, or equipment which are the functional equivalent of those offerings, games, or equipment which are being replaced.

7 New Paragraph; Authorization; Sale of Tickets; Advertising. Amend RSA 284 by inserting after paragraph VII the following new paragraph:

VIII. Notwithstanding paragraph VI, the lottery commission shall authorize wagers on historic horse races, whether on an electronic gaming device or otherwise, so long as such wagers meet the requirements of this chapter. Historic horse racing machines shall be programmed and operated for pari-mutuel wagering only.

8 New Subparagraph; Tax; Pari-mutuel; Historic Horse Racing. Amend RSA 284:23, I by inserting after subparagraph (c) the following new subparagraph:

(d) Each person, association, or corporation licensed to conduct historic horse race wagering shall collect a sum equal to 25 percent of revenues generated from historic horse race pari-mutuel pools after breakage and payment of winnings to patrons. Each licensee that conducts wagering on historic horse races shall distribute 35 percent of the amount collected under this paragraph to charitable organizations with whom the licensee contracts on each licensed game date. Charitable organizations from within the executive council district where the licensee is located shall be given preference, and no charitable organization shall be eligible for more than 10 dates of revenue under this section, within a 12 month period. Each licensee operating historic horse racing machines must contract with 2 licensed charitable organizations for each game date. The remainder of the total amount collected by the licensee under this paragraph shall be paid to the lottery commission for use according to the special fund established under RSA 284:21-j.

9 Unclaimed Ticket Money. Amend RSA 284:31 to read as follows:

284:31 Unclaimed Ticket Money. On or before January 31 of each year every person, association, or corporation conducting a race or race meet, whether live racing, [~~or~~] simulcast racing, ***or historic horse racing*** hereunder shall pay to the state treasurer all moneys collected during the previous year of pari-mutuel pool tickets and vouchers which have not been redeemed. The books or records of said person, association, or corporation, which clearly show the tickets entitled to reimbursement in any given race, live, [~~or~~] simulcast, ***or historic***, shall be forwarded to the lottery commission. Such moneys shall become a part of the special fund established in RSA 284:21-j. The state treasurer shall pay the amount due on any ticket or voucher to the holder thereof from funds not otherwise appropriated upon an order from the lottery commission. Pari-mutuel tickets and vouchers which remain unclaimed after 11 months shall not be paid. Vouchers shall be remitted to the state treasurer on January 31 of the calendar year, 24 months after the year of the unclaimed voucher.

10 Licensed Facilities; Eligible in 2024. RSA 284:22-b, II is repealed and reenacted to read as follows:

II. A game operator employee licensed under RSA 287-D may sell pari-mutuel pools on historic horse races provided such sales are within the enclosure of the facility at which the licensee holds its licensed activities under RSA 287-D. A licensee seeking to offer wagers on historic horse races shall apply for a license pursuant to RSA 284. An application that is approved by the lottery commission, and a license that is granted shall not be permitted to be transferred or sold.

11 Effective Date.

I. Section 10 of this act shall take effect July 1, 2024.

II. The remainder of this act shall take effect upon its passage.