CHAPTER 174
SB 27 - FINAL VERSION

02/04/2021 0152s
06/24/2021 1979CofC

2021 SESSION

21-0827
08/11

SENATE BILL ***27***

AN ACT relative to the sale of lucky 7 tickets.

SPONSORS: Sen. Giuda, Dist 2

COMMITTEE: Ways and Means

ANALYSIS

This bill:

I. Changes the term of a charity gaming license from 12 months from issue to annually expiring on December 31.

II. Expands the definition of charitable organization for the purpose of issuing charitable gaming, bingo, and Lucky 7 licenses.

III. Corrects incorrect references to the lottery commission.

IV. Changes the definition of deal in reference to Lucky 7.

- -

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 174
SB 27 - FINAL VERSION

02/04/2021 0152s
06/24/2021 1979CofC

21-0827
08/11

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the sale of lucky 7 tickets.

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

174:1 Charitable Gaming Licenses. Amend RSA 287-D:6, IV and V to read as follows:

IV. Only one license shall be issued to each applicant [~~in any 12 month period~~] ***per year*** to operate games of chance for 10 days, which 10 days need not be consecutive.

V. Licenses shall expire [~~12 months from the date of issue or after the completion of the tenth game date, whichever comes first~~] ***on December 31***.

174:2 Games of Chance; Charitable Organization Definitions. Amend RSA 287-D:1, IV to read as follows:

IV.(a) "Charitable organization" means any bona fide religious, charitable, civic, veterans', or fraternal or church organization, including police and firemen's organizations ***and houses of worship*** which shall have been registered with the secretary of state for at least [~~2 years~~] ***one year, and in existence and organized under the laws of this state for at least one year in a town or city in this state. To be eligible for licensure under this chapter, a charitable organization shall do all of the following:***

(1) Document that the organization has tax exempt status under Internal Revenue Code section 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is covered under a group ruling issued by the Internal Revenue Service under the authority of those sections.

(2) Establish that the religious, civic, fraternal, veterans, or charitable purposes for which it was organized, other than charitable gambling, are furthered through activities conducted in the town or city in which the charitable organization is organized.

(3) Document registration with the secretary of state for at least one year and, if required under RSA 7:19-32-a, with the director of charitable trusts.

(4) Maintain a current list of bona fide members.

(b) A charitable organization shall not include auxiliary units, committees, or other entities organized under the auspices of a charitable organization eligible for licensure under this chapter, when such auxiliary unit, committee, or other entity is organized for the primary purpose of conducting games of chance.

174:3 Charitable Organization; Bingo and Lucky 7. Amend RSA 287-E:1, V to read as follows:

V.***(a)*** "Charitable organization" means any bona fide religious, charitable, civic, [~~veterans~~] ***veterans',*** [~~or~~] fraternal***, or church*** organization***, including police and firemen's organizations and houses of worship*** which shall have been registered with the secretary of state for at least [~~2 years~~] ***one year*** and in existence and organized under the laws of this state for at least [~~2 years~~] ***one year*** in a town or city in this state[~~, and which possesses a tax exempt status under Internal Revenue Code 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is covered under a group ruling issued by the Internal Revenue Service under authority of those sections~~]. To be eligible for licensure under this chapter, a charitable organization shall do all of the following:

[~~(a)~~] ***(1)*** Document that [~~it is exempt from federal income tax~~] ***the organization has tax exempt status under Internal Revenue Code section 501(c)(3) 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is covered under a group ruling issued by the Internal Revenue Service under the authority of those sections***.

[~~(b)~~] ***(2)*** Establish that the religious, civic, fraternal, veterans, or charitable purposes for which it was organized, other than charitable gambling, are furthered through activities conducted in the town or city in which the charitable organization is organized.

[~~(c) Register~~] ***(3) Document registration*** with the secretary of state ***for at least one year*** and, if required under RSA 7:19-32-a, with the director of charitable trusts.

[~~(d)~~] ***(4)*** Maintain a current list of bona fide members.

[~~(e) Document that the organization has tax exempt status under Internal Revenue Code 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is covered under a group ruling issued by the Internal Revenue service under authority of those sections.~~]

(b) A charitable organization shall not include auxiliary units, committees or other entities organized under the auspices of a charitable organization eligible for licensure under this chapter, when such auxiliary unit, committee, or other entity is organized for the primary purpose of conducting bingo games ***or Lucky 7***.

174:4 Pari-Mutuel Pools; Reference Corrected. Amend RSA 284:22 to read as follows:

284:22 Pari-Mutuel Pools. During the calendar years of 1941-2029, a licensee under this chapter may sell pari-mutuel pools in accordance with this chapter and rules adopted by the lottery commission. Pari-mutuel pools shall be sold within the enclosure of the racetrack where a licensed race or race meet is held or as provided in RSA 284:22-a, and not elsewhere.

I. The [~~lottery~~] commission on all win, place, and show pari-mutuel pools at tracks or race meets at which running horse races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the [~~lottery~~] commission on all other pari-mutuel pools at such tracks or race meets shall be at the rate of not less than 26 percent of each dollar wagered in such pools and not more than 27 percent of each dollar wagered in such pools as determined from time to time by the licensee which conducts live running horse races after written notice to the lottery commission and, in the absence of written notice, at the rate of 26

percent of each dollar wagered in such pools. Except as provided in RSA 284:22-a, the amount of the purse at such tracks or race meets at which running horse races are conducted shall be 81/4 percent of each dollar wagered in all pari-mutuel pools, said 81/4 percent to be paid by the licensee out of the lottery commission on such pools. In addition to the above [~~lottery~~] commission, 1/2 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 retained by the licensee, 1/4 paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2 and 1/4 shall be paid to the lottery commission. The lottery commission shall distribute such breakage to the licensee which paid such breakage to supplement purses of live races conducted by the licensee at the location from which such breakage was paid. Each licensee shall pay the tax provided for in RSA 284:23.

II. The [~~lottery~~] commission on all win, place, and show pari-mutuel pools at tracks or race meets at which harness horse races are conducted for public exhibition, including those conducted by agricultural fairs, shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the[~~-lottery~~] commission on all other pari-mutuel pools at such tracks or race meets shall be at the rate of not less than 25 percent of each dollar wagered in such pools and not more than 26 percent of each dollar wagered in such pools as determined from time to time by the licensee which conducts live harness horse racing after written notice to the lottery commission and, in the absence of such written notice, at the rate of 25 percent of each dollar wagered in such pools. In addition to the above [~~lottery~~] commission, 1/2 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 retained by the licensee, 1/4 paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2 and 1/4 shall be paid to the lottery commission. The lottery commission shall distribute such breakage to the licensee which paid such breakage. Each licensee shall pay the tax provided for in RSA 284:23.

III. For the purposes set forth in this section, an "agricultural fair" means an association which provides for and pays premiums of $5,000 or more, annually, as is determined by the commissioner of agriculture, markets, and food, in accordance with RSA 284:25.

IV. Subject to the provisions of RSA 284:22-a, V, the [~~lottery~~] commission on all win, place, and show pari-mutuel pools at tracks or race meets at which simulcast dog races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools; and the [~~lottery~~] commission on all other pari-mutuel pools at such tracks or race meets shall be at the rate of 27 percent of each dollar wagered in such pools. In addition to the above [~~lottery~~] commission, 1/2 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 retained by the licensee, 1/4 paid to the state treasury for the use of the state and 1/4 shall be paid to the lottery commission. Each licensee shall pay the tax provided for in RSA 284:23.

174:5 Deal; Definition. Amend RSA 287-E:16-a, II to read as follows:

II. "Deal" means[~~ either a box or bag of lucky 7 tickets, containing a certain count of~~] ***a single game of*** uncirculated ***Lucky 7*** tickets bearing a serial number.

174:6 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 30, 2021
Effective Date: September 28, 2021