

Rep. Rochefort, Graf. 1
Rep. Simon, Graf. 1
Rep. Stringham, Graf. 3
Rep. D. Paige, Carr. 1
Rep. Massimilla, Graf. 1
Rep. B. Boyd, Hills. 12
March 19, 2024
2024-1218h
11/08

Amendment to HB 1223

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

2

3 AN ACT creating local options for games of chance.

4

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

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7 1 New Section; Local Option; Games of Chance. Amend RSA 287-D by inserting after section
8 287-D:31 the following new section:

9 287-D:32 Local Option; Games of Chance.

10 I. Any applicant applying to the lottery commission after July 1, 2024, for a game operator
11 employer license under RSA 287-D to operate games of chance in a municipality who has not
12 previously made an application for a game operator employer license in that municipality shall first
13 obtain the approval of the municipality where the applicant seeks to operate games of chance. Said
14 approval shall be obtained from the town or city to allow the operation of games of chance according
15 to the provisions of this subdivision, in the following manner:

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

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

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

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1 II. If a majority of those voting on the question vote "Yes," games of chance may be operated
2 within the town or city.

3 III. If the question is not approved, the question may later be voted upon according to the
4 provisions of paragraph I as early as the next annual town meeting or regular municipal election.
5 Notwithstanding any other provision of law, including RSA 287-D:32, I and II, the requirement for
6 obtaining local approval to apply for a license as a game operator employer shall not apply to:

7 (a) Any game operator employer licensed by the lottery as of May 1, 2021 and still
8 licensed as of the effective date of this act; or

9 (b) Any applicant for a game operator license who applied to the lottery between
10 January 1, 2023 and October 15, 2023.

11 IV.(a) A city or town may rescind its approval for operation of games of chance under RSA
12 287-D or disallow such operation by following procedures in paragraph I in this section where one of
13 the following exists:

14 (1) A facility allowed to operate games of chance pursuant to this section that has
15 not begun operation within 7 years of the grant of permission;

16 (2) A facility that applied to the lottery for a game operator employer license prior to
17 July 1, 2024 and has not begun operation within 7 years of the date of application approval or by
18 July 1, 2024, whichever is later; or

19 (3) A gaming operation where the operator has ceased its operation and does not
20 reopen the operation in the same municipality for 7 years after such cessation; or where a facility
21 exists that has been inoperative for the most recent 7 continuous years beginning any time after July
22 1, 2024.

23 (b) The wording of the question shall be substantially as follows: "Shall we prohibit the
24 operation of games of chance within the town or city?" If 60 percent of those voting on the question
25 vote "Yes," the town or city shall not permit the operation of games of chance.

26 V. An unincorporated place may allow the operation of games of chance by majority vote of
27 the county delegation, after a public hearing is held.

28 VI. In an unincorporated place, if no facility exists that was allowed to operate games of
29 chance pursuant to this section, or which, having been licensed prior to July 1, 2024, has begun
30 operation within 7 years of the grant of permission or the period starting July 1, 2024, whichever is
31 later, or if there exists no facility in operation for the most recent 7 continuous years beginning any
32 time after July 1, 2024, the delegation may consider rescinding its action or disallowing the
33 operation in the same manner as paragraph V. with the requirement that a 60 percent "yes" vote
34 would be required to rescind the action or disallow the operation.

35 VII. The lottery commission shall maintain a list of municipalities where games of chance
36 are available.

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

6 2 Effective Date. This act shall take effect July 1, 2024.

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AMENDED ANALYSIS

This bill gives municipalities a local option for games of chance.