

CHAPTER 264
SB 75 – FINAL VERSION

03/14/13 0793s
5June2013... 1952h
06/26/13 2150CofC
06/26/13 2198EBA

2013 SESSION

13-0987
08/09

SENATE BILL **75**

AN ACT relative to games of chance.

SPONSORS: Sen. Hosmer, Dist 7

COMMITTEE: Ways and Means

ANALYSIS

This bill makes various changes to the statutes governing games of chance.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Thirteen

AN ACT relative to games of chance.

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

1 264:1 Compensation Paid to Game Operators. Amend RSA 287-D:2-b, II to read as follows:

2 II. No compensation shall be paid to ~~[operators]~~ **an operator** of a game of chance ***under***
3 ***RSA 287-D:2-b, I(b)***, unless agreed to in advance in writing by the charity. Compensation shall
4 include, but is not necessarily limited to, money or any other thing of value. If the paid game
5 operator's compensation is contingent upon the amount of revenue received from a game of chance,
6 the compensation shall be a fixed percentage of the gross revenue from the game of chance excluding
7 the paid game operator's expenses. ~~[If the compensation of a paid game operator is not contingent~~
8 ~~upon the amount of revenue received, the compensation shall be a reasonable estimate, expressed as~~
9 ~~a percentage of the gross revenue. The contract shall clearly disclose the assumptions upon which~~
10 ~~the estimate is based. The stated assumptions shall be based upon all of the relevant facts known to~~
11 ~~the paid game operator regarding the services to be provided and the past performance of games of~~
12 ~~chance operated by the paid game operator.]~~

13 264:2 New Subparagraph; Application; Game of Chance Facility. Amend RSA 287-D:2-c, II by
14 inserting after subparagraph (g) the following new subparagraph:

15 (h) The application shall include a description of the licensed premises.

16 264:3 Pari-Mutuel Commission; Reference Changed. Amend RSA 287-D:3, II to read as follows:

17 II. All devices and equipment used to conduct said games of chance shall be subject to
18 inspection by duly authorized law enforcement or ~~[pari-mutuel]~~ **racing and charitable gaming**
19 officials.

20 264:4 Financial Report and Audit. Amend RSA 287-D:5, VI to read as follows:

21 VI. All financial records pertaining to the games of chance shall be maintained by the
22 treasurer of the charitable organization or other duly authorized director, officer, or official of the
23 charitable organization and shall be made available to the racing and charitable gaming commission,
24 the attorney general or the chief of police of any city or town where games of chance are held upon
25 request. The racing and charitable gaming commission may audit ~~[such financial records]~~ **review or**
26 **inspect any and all financial records, books, documentation, and bank accounts in the**
27 **name of the charitable organization that pertain to games of chance.**

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264:5 Transfer to Special Fund. Amend RSA 287-D:3, IX-X to read as follows:

IX. In games where chips have no monetary value, 3 percent of all funds collected from players, less moneys used by the racing and charitable gaming commission to fund authorized personnel expenses and related costs, shall be paid to the state treasurer to be deposited into the ~~[general]~~ **special fund established in RSA 284:21-j**. Such payments shall be made ~~[within 5 business days of the game date on which the funds were collected.]~~ **once per month not later than the 5th day of the month for the funds collected in the previous month.**

X. In games where chips have monetary value, 10 percent of the rake or house winnings and other moneys collected by the game operator that are not paid out as prizes to players, less moneys used by the racing and charitable gaming commission to fund authorized personnel expenses and related costs, shall be paid to the state treasurer for deposit into the ~~[general fund]~~ **special fund established in RSA 284:21-j**. Such payments shall be made ~~[within 5 business days of the game date on which the funds were collected]~~ **once per month not later than the 5th day of the month for the funds collected in the previous month.**

264:6 Transfer to Special Fund. Amend RSA 284:12-a, II to read as follows:

II. Investigation fees shall be collected by the commission and shall be continually appropriated to the commission and used by the commission to offset the costs of conducting background checks and monitoring of license applicants and licensees as required under this section, RSA 284:16, RSA 284:16-a, ~~[RSA 284:18-a,]~~ RSA 284:19, RSA 284:20, ~~[RSA 284:20-b,]~~ RSA 284:22, and RSA 284:22-a. Funds received hereunder and not expended for such investigations shall lapse to the ~~[general]~~ **special fund established in RSA 284:21-j** 2 years after receipt of such funds.

264:7 Transfer to Special Fund. 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, 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, shall be forwarded to the commission. Such moneys shall become a part of the ~~[general funds of the state]~~ **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 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.

264:8 Transfer to Special Fund. Amend RSA 284:32-b, I to read as follows:

I. Every person, association or corporation required to submit an annual statement pursuant to RSA 284:15-b or an annual financial report pursuant to RSA 284:32-a who fails to submit such

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statement or report within the required time period shall be subject to a civil forfeiture of up to \$500 for each day of a continuing violation. Civil forfeitures shall be levied under this section by the state racing and charitable gaming commission, shall be collected by the attorney general, and shall be deposited in the ~~[general fund as unrestricted revenue]~~ ***special fund established in RSA 284:21-j***. Such civil penalty shall be in addition to and not a substitute for any other civil or criminal penalty provided by law, including RSA 284:21.

264:9 New Paragraph; Criminal Records Check. Amend RSA 287-D:8 by inserting after paragraph VI the following new paragraph:

VII. For purposes of a games of chance facility license, under RSA 287-D:2-d, each owner, partner, trustee or otherwise of the underlying property, or in the case of a corporation, each officer, director, or shareholder, or in the case of a limited liability company, each manager or member, shall comply with all of the requirements of RSA 287-D:8. This section shall not apply to publicly traded companies.

264:10 Repeal. RSA 287-D:2-b, II-a, relative to reimbursement of game operator's out-of-pocket expenses, is repealed.

264:11 Effective Date. This act shall take effect 120 days after its passage.

Approved: July 24, 2013

Effective Date: November 21, 2013