

Floor Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 295 with the following:

2
3 295 New Sections; Pari-Mutuel Pools on Historic Horse Races; Local Option. Amend RSA 284
4 by inserting after section 22-a the following new sections:

5 284:22-b Pari-Mutuel Pools on Historic Horse Races.

6 I. In this section:

7 (a) "Historic horse race" means:

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

10 (2) Concluded with official results; and

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

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

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

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

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

22 II. In order to be eligible for a license to sell pari-mutuel pools on historic races, an applicant
23 shall have been game operator employer licensed under RSA 287-D as of May 1, 2020 and still
24 licensed as of the effective date of this section, provided such sales are within the enclosure of a
25 facility at which the licensee holds its licensed activities under RSA 287-D, that such facility is
26 located within the city or town in which the licensee held its license on May 1, 2020, and the city or
27 town has voted to allow wagering on historic races according to RSA 284:22-c. An application that is
28 approved by the lottery commission, and a license that is granted shall not be permitted to be
29 transferred or sold.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 284:22-c Local Option.

35 I. Any town or city may allow charitable game operators licensed for facilities located within
36 its borders to install and operate electronic historic racing devices, in the following manner:

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

6 (b) The selectmen, aldermen, or city council shall hold a public hearing on the question
7 at least 15 days but not more than 30 days before the question is to be voted on. Notice of the
8 hearing shall be posted in at least 2 public places in the municipality and published in a newspaper
9 of general circulation at least 7 days before the hearing.

10 (c) The wording of the question shall be substantially as follows: "Shall we allow the
11 operation of historic horse racing devices within the town or city?"

12 II. If a majority of those voting on the question vote "Yes," historic horse racing devices may
13 be operated within the town or city.

14 III. If the question is not approved, the question may later be voted upon according to the
15 provisions of paragraph I at the next annual town meeting or regular municipal election.

16 IV. A municipality that has voted to allow the operation of historic horse racing devices may
17 consider rescinding its action in the manner described in paragraph I of this section.

18 IV-a. An unincorporated place may allow the operation of historic horse racing devices by
19 majority vote of the county delegation, after a public hearing is held.

20 V. The lottery commission shall maintain a list of municipalities where historic horse racing
21 devices are available.