

LEGISLATIVE COMMITTEE MINUTES

SB63

Bill as Introduced

SB 63-FN - AS INTRODUCED

2013 SESSION

13-0915

08/10

SENATE BILL **63-FN**

AN ACT allowing historical racing.

SPONSORS: Sen. Hosmer, Dist 7; Sen. Soucy, Dist 18

COMMITTEE: Ways and Means

ANALYSIS

This bill allows historical races approved by the racing and charitable gaming commission on which the licensee sells pari-mutuel pools.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT allowing historical racing.

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

1 1 Pari-Mutuel Pools on Simulcast Racing; Historical Races Added. Amend RSA 284:22-a to read
2 as follows:

3 284:22-a Pari-Mutuel Pools on Simulcast Racing ***and Historical Races***.

4 I. In this section:

5 (a) "State" means each state of the United States, the District of Columbia, the
6 Commonwealth of Puerto Rico and any territory or possession of the United States.

7 (b) "Simulcast" means a licensee's receipt of the transmission of races conducted at a
8 racetrack other than the licensee's racetrack and which races are exhibited simultaneously at the
9 licensee's racetrack by television or other means of electronic reproduction with the conduct of such
10 races at the point of origin and on which races the licensee sells pari-mutuel pools.

11 (c) "Licensee" means

12 (1) Any individual, association, partnership, joint venture, corporation, or other
13 organization or other entity which holds a license under RSA 284 to conduct a live running or
14 harness horse race meet, or if the election is made pursuant to RSA 284:22-a, II(c), licensee means
15 the individual, association, partnership, joint venture, corporation, or other organization or entity
16 which applies for a license under RSA 284 to conduct simulcasting at a facility at which live running
17 or harness horse racing was conducted in 2008, or

18 (2) The individual, association, partnership, joint venture, corporation, or other
19 organization or other entity which applies for a license pursuant to RSA 284:15-a to conduct
20 simulcasting at a facility at which live dog racing was conducted in 2008 and at which facility a license
21 was issued to an applicant for 2010 to simulcast running and harness horse racing and dog racing.

22 (d) ***"Historical races" means those races displayed by electronic means on which***
23 ***the licensee sells pari-mutuel pools and which are approved by the commission.***

24 II.(a) During the calendar years 1941-2029, a licensee may sell pari-mutuel pools on races
25 held at racetracks other than at the facility of the licensee, if any, provided:

26 (1) Such sales are within the enclosure of the facility at which the licensee holds a
27 license;

28 (2) Wagers are made on races which are exhibited by television or other electronic
29 reproduction at licensee's facility ***either as historical races or*** simultaneously with the conduct of
30 each such race at its point of origin with the agreement or approval of the racetrack which provides the
31 transmission of the races to be simulcast and the racetrack which conducts the races to be simulcast;

1 (3) Unless the licensee makes the election pursuant to RSA 284:22-a, II(c), the
2 licensee which holds a license to conduct live harness or running horse racing has scheduled at least
3 50 calendar days of live harness and/or running horse racing in the calendar year such licensee
4 simulcasts *or displays historical races*; and

5 (4) The licensee obtains the consents and approvals set forth in RSA 284:22-a, III.

6 (b) [Repealed.]

7 (c) Notwithstanding subparagraph II(a), an individual, association, partnership, joint
8 venture, corporation, or other organization or entity may be issued a license to conduct simulcasting
9 without conducting live racing provided such person or entity makes such election with the approval
10 of the commission and such person or entity either held a license on January 1, 2009 under this
11 chapter to conduct a race meet or seeks to conduct simulcasting without conducting live racing at a
12 facility at which live racing was authorized to be conducted in 2009.

13 (d) Notwithstanding subparagraph II(a), an individual, association, partnership, joint
14 venture, corporation, or other organization or entity may be issued a license to conduct simulcasting
15 *or historical races*, without conducting live horse racing at a location in Cheshire county, provided
16 such person or entity applies for, and is issued, a license to conduct live horse racing at such location
17 in Cheshire county, complies with other provisions of this chapter with regard to application and
18 issuance of such license, makes such election with the approval of the commission, and such person
19 or entity has submitted an economic development plan to the commission to conduct a live horse
20 racing meet in Cheshire county within 36 months of the granting of a license. If no live horse racing
21 is conducted within the 36-month period the license to receive simulcast wagers shall be revoked.
22 The commission shall adopt regulations regarding the criteria of the proposed economic development
23 plan prior to issuance of any approval.

24 III. A licensee may sell pari-mutuel pools on *historical races or on races* held at other
25 appropriately licensed racetracks, whether such racetracks are in the state of New Hampshire or
26 outside the state of New Hampshire with the agreement or approval of the racetrack which provides
27 the transmission of the races to be simulcast and the racetrack which conducts the races to be
28 simulcast. A licensee may sell pari-mutuel pools under RSA 284:22-a on the same types of races that
29 it conducts live at its racetrack with the approval of the commission. A licensee may sell pari-mutuel
30 pools under RSA 284:22-a on types of races different from the types of races conducted live at the
31 licensee's racetrack, or if such licensee holds a license pursuant to RSA 284:15-a and RSA 284:16-a,
32 or the licensee makes the election pursuant to RSA 284:22-a, II(c) with respect to live running or
33 harness horse racing, provided such licensee obtains the approval from the commission and the
34 municipality in which the licensee operates its facility had approved the issuance of a license to
35 conduct harness or running horse racing and/or dog racing, whether live or simulcast, in such
36 municipality either prior to enactment of RSA 284:22-a or subsequent to enactment of RSA 284:22-a.

1 IV. A licensee which has scheduled less than 50 calendar days of live racing in a calendar
2 year may simulcast *or display historical races* on a day on which live racing is scheduled at the
3 licensee's race track, without conducting live racing, provided that the live racing program is
4 cancelled due to weather or other conditions which produce unsafe conditions at the racetrack of the
5 licensee. The determination to cancel a live program based upon weather or the condition of the
6 racetrack shall be made by the licensee, and notice shall be provided to the commission.
7 Notwithstanding the foregoing, a licensee which has scheduled less than 50 calendar days of live
8 racing shall be limited to no more than 10 such cancellations in a calendar year.

9 V.(a) A licensee may sell pari-mutuel pools for *historical races or* simulcast races for races
10 held at racetracks within or outside the state of New Hampshire in accordance with RSA 284:22-a,
11 II, within the enclosure of said licensee's racetrack or a licensee, with the written agreement with
12 the licensee which conducts or transmits the race which is to be simulcast *or displayed*, may sell a
13 common pari-mutuel pool in conjunction with the licensee which conducts or transmits the race
14 which is to be simulcast *or displayed*. In the event of common pools, the licensee which conducts or
15 transmits the race shall pay the tax required under RSA 284:23 for the portion of the common pool
16 actually contributed at said licensee's racetrack and the licensee which simulcasts *or displays*
17 *historical races* shall pay the tax due under RSA 284:23 for the portion of the common pool
18 actually contributed at said licensee's racetrack.

19 (b) A licensee may sell pari-mutuel pools for *historical races or* simulcast races for
20 races held at racetracks outside the state of New Hampshire in accordance with RSA 284:22-a, II,
21 within the enclosure of said licensee's racetrack or said licensee, with the written agreement with
22 the entity which conducts the race which is to be simulcast *or displayed*, may sell a common pari-
23 mutuel pool in conjunction with the entity which conducts the race which is to be simulcast *or*
24 *displayed*. In the event of such common pools, the commission shall be in the amount established
25 by the law of the state in which the race to be simulcast *or displayed* is actually conducted,
26 provided, however, the licensee shall pay the tax as provided under RSA 284:23.

27 VI. Racing officials, as defined in the rules adopted by the commission, any employee or
28 owner of the entity which provides the totalizator system to the licensee, and any person responsible
29 for the operation of the electronic reproduction equipment which receives the simulcast *or display*
30 *of a historical race* shall be prohibited from participating in wagering, directly or indirectly, on
31 simulcast races *or historical races* shown at the licensee's racetrack.

32 VII. The provisions of RSA 284:15-c, RSA 284:16-a, RSA 284:16-c, RSA 284:17, RSA 284:17-
33 a, and RSA 284:17-c shall not apply to simulcast, *historical races*, and pari-mutuel pools under
34 RSA 284:22-a, except as specifically provided in RSA 284:22-a.

35 VIII. RSA 284:22, I, II, III, and IV shall apply according to the type of race on which the
36 simulcast *and historical race* wagers are made, excepting, however, interstate common pools as
37 provided in RSA 284:22-a, V(b) and that the provisions made for purses made in RSA 284:22, I shall

1 not apply to simulcast races *and historical races*. The commission on simulcast race pools shall be
2 available to the simulcasting licensee to satisfy obligations to the racing association originating or
3 transmitting such simulcast races or to the horsemen's group of such association.

4 2 Pari-Mutuel Pools; Distribution of Tax. Amend RSA 284:23 to read as follows:
5 284:23 Tax.

6 I.(a) Each person, association or corporation licensed to conduct a running horse race or
7 running horse meet under this chapter shall pay to the state treasurer a sum of money equal to one
8 percent of the total contributions to all pari-mutuel pools conducted, made, or sold at any such race
9 or meet licensed under this chapter. The amounts so paid to the state treasurer shall be for the use
10 of the state.

11 (b) Each person, association, or corporation licensed to *display historical races or to*
12 simulcast a running horse race or running horse meet under this chapter shall pay to the state
13 treasurer a sum of money equal to 1 1/4 percent of the total contributions to all such pari-mutuel
14 pools conducted, made, or sold at such *historical race*, simulcast race, or simulcast race meet by
15 such person, association, or corporation licensed to simulcast such races *or display historical*
16 *races*. The amount so paid to the state treasurer shall be for the use of the state.

17 (c) Any amounts so paid to the state treasurer by any person, association, or corporation
18 licensed to *display a historical race, or to* simulcast a running horse race or running horse meet
19 under this chapter collected in Cheshire county shall be held in escrow for a period of not more than
20 36 months by the state treasurer. If any person, association, or corporation licensed under this
21 chapter has commenced to hold a live race meet within the 36-month period the escrowed amounts
22 shall be paid to the racing and charitable gaming commission to offset any expenses incurred for the
23 services required to hold such meet. If there is no live race meet within the 36-month period all
24 sums so escrowed shall be for the use of the state.

25 II.(a) Each person, association, or corporation licensed to conduct a harness horse race or
26 harness horse race meet under this chapter shall pay to the state treasurer a sum of money equal to
27 one percent of all total contributions to all pari-mutuel pools in a calendar day. The amount so paid
28 to the state treasurer shall be for the use of the state.

29 (b) Each person, association, or corporation licensed to *display historical races or to*
30 simulcast a harness horse race or simulcast a harness horse race meet under this chapter shall pay
31 to the state treasurer a sum of money equal to 1 1/4 percent of the total contributions to all such
32 pari-mutuel pools conducted, made, or sold at such *historical race*, simulcast race, or race meet by
33 such person, association, or corporation licensed to simulcast such races. The amount so paid to the
34 state treasurer shall be for the use of the state.

35 (c) Any amounts so paid to the state treasurer by any person, association, or corporation
36 licensed to *display a historical race*, simulcast a harness horse race or harness horse race meet
37 under this chapter collected in Cheshire county shall be held in escrow for a period of not more than

1 36 months by the state treasurer. If any person, association, or corporation licensed under this
2 chapter has commenced to hold a live race meet within the 36-month period the escrowed amounts
3 shall be paid to the racing and charitable gaming commission to offset any expenses incurred for the
4 services required to hold such meet. If there is no live race meet within the 36-month period all
5 sums so escrowed shall be for the use of the state.

6 III.(a) [Repealed.]

7 (b) Each person, association or corporation licensed to *display historical races or to*
8 simulcast a dog race or simulcast a dog race meet under this chapter shall pay to the state treasurer
9 a sum of money equal to 1 1/2 percent of all pari-mutuel pools conducted, made, or sold at such
10 simulcast race or simulcast race meet by such person, association, or corporation licensed under this
11 chapter. The amount so paid to the state treasurer shall be for the use of the state.

12 (c) Any amounts so paid to the state treasurer by any person, association, or corporation
13 licensed to *display a historical race or to* simulcast a dog race or meet under this chapter
14 collected in Cheshire county shall be held in escrow for a period of not more than 36 months by the
15 state treasurer. If any person, association, or corporation licensed under this chapter has
16 commenced to hold a live race meet within the 36-month period the escrowed amounts shall be paid
17 to the racing and charitable gaming commission to offset any expenses incurred for the services
18 required to hold such meet. If there is no live race meet within the 36-month period all sums so
19 escrowed shall be for the use of the state.

20 IV. Each person, association, or corporation licensed to conduct a race or race meet under
21 this chapter shall also pay to the city or town treasurer in which the racing plant is located for each
22 day of racing, whether such day includes live racing only, *historical races and* simulcast racing
23 only, or a combination thereof, the fees assessed in subparagraphs (a) and (b) below, based upon the
24 aggregate pari-mutuel pools conducted, made, or sold by such person, association, or corporation on
25 each such day. This rate is provided if said person, association, or corporation has a license to
26 conduct races or race meets for more than 10 days during the year for which the license is issued. If
27 said person, association, or corporation has a license to conduct races or race meets for 10 days or
28 less, the per diem fee shall be determined by the commission.

29 (a) Each Weekday including Saturday

Pari-mutuel pool	Fee
30 Under \$300,000	\$300 per day
31 \$300,000 or more	\$350 per day

32 (b) Each Sunday

Pari-mutuel pool	Fee
33 Under \$350,000	\$400 per day
34 \$350,000 but under \$500,000	\$800 per day
35 \$500,000 or more	\$1,200 per day

1 V. [Repealed.]

2 VI. [Repealed.]

3 VII. For the purposes of this chapter, "racing program" means live racing with any number
4 of individual races as determined by the racing and charitable gaming commission. A live race or
5 racing program may include a combined live and simulcast race *or historical race* where the
6 combination contains at least one more live race to simulcast *or display* in the same combination.
7 Any such live racing program or combined racing program upon which a separate tax is paid may
8 constitute a live racing performance day.

9 3 Unclaimed Ticket Money. Amend RSA 284:31 to read as follows:

10 284:31 Unclaimed Ticket Money. On or before January 31 of each year every person,
11 association, or corporation conducting a race or race meet, whether live racing, [or] simulcast racing,
12 *or display of historical races*, hereunder shall pay to the state treasurer all moneys collected
13 during the previous year of pari-mutuel pool tickets and vouchers which have not been redeemed.
14 The books or records of said person, association, or corporation, which clearly show the tickets
15 entitled to reimbursement in any given race, live or simulcast, shall be forwarded to the commission.
16 Such moneys shall become a part of the general funds of the state. The state treasurer shall pay the
17 amount due on any ticket or voucher to the holder thereof from funds not otherwise appropriated
18 upon an order from the commission. Pari-mutuel tickets and vouchers which remain unclaimed
19 after 11 months shall not be paid. Vouchers shall be remitted to the state treasurer on January 31 of
20 the calendar year, 24 months after the year of the unclaimed voucher.

21 4 Effective Date. This act shall take effect 60 days after its passage.

LBAO
13-0915
01/24/13

SB 63-FN - FISCAL NOTE

AN ACT allowing historical racing.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, as introduced, at this time. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

Committee Minutes

**SENATE CALENDAR NOTICE
WAYS AND MEANS**

Senator Bob Odell Chairman
 Senator Lou D'Allesandro V Chairman
 Senator Andrew Hosmer
 Senator Chuck Morse
 Senator Jim Rausch

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
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Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: January 24, 2013

HEARINGS

Tuesday

1/29/2013

WAYS AND MEANS

SH 103

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

9:00 AM SB75

relative to games of chance.

9:15 AM SB63-FN

allowing historical racing.

Sponsors:

SB75

Sen. Andrew Hosmer

SB63-FN

Sen. Andrew Hosmer

Sen. Donna Soucy

SENATE WAYS AND MEANS COMMITTEE

Sonja Caldwell, Legislative Aide

SB 63-FN – allowing historical racing.

Hearing Date: January 29, 2013

Members of the Committee Present: Senators Odell, D'Allesandro, Morse, Rausch, Hosmer

Members of the Committee Absent: No one

Bill Analysis: This bill allows historical races approved by the racing and charitable gaming commission on which the licensee sells pari-mutuel pools.

Sponsors: Sen. Hosmer, Dist 7; Sen. Soucy, Dist 18

Who supports the bill: Sen. Soucy, Rick Newman (Lakes Region Casino), Lou Cella (Race Tech), Jay Ward (SEA)

Who opposes the bill: Henry Veilleux (GSCAEG), Rep. Timothy Horrigan

Summary of testimony presented in support:

Sen. Hosmer

- Allows wagering on races that occurred years ago.
- Can be drawn from a pool of 170,000 previous races. They are run on machines.
- It has been successful in Arkansas and Kentucky, creating jobs.
- Similar legislation was sponsored in 2010 by Sen. Sgambati and Sen. Hassan.
- This bill could increase the number of jobs at the Lakes Region Casino from 55 currently to as many as 80-120 jobs.
- This would really help the small community of Belmont. Belmont would receive \$100,000 annually from the pari-mutuel fee the facility pays a community.
- State tax revenues received from Belmont would reach \$1 million.
- Won't affect potential for expanded gaming in other areas.

Senator D'Allesandro asked when Belmont discontinued simulcasting.

Sen. Hosmer -When the gambling winnings tax was instituted. It was no longer profitable.

Rick Newman - Lakes Region Casino in Belmont.

- Opportunity to get back into pari-mutuel business. In November of 2010 they stopped simulating at the facility as a result of the gambling winnings tax.
- Currently costs \$50,000 to get a license and another \$50,000 to do background checks. They wouldn't seek to restore pari-mutuel wagering unless they could get something to supplement it.
- Historical racing would be very beneficial to them. Seabrook and Rockingham are not interested in it.
- Job estimates that Sen. Hosmer gave are conservative.

Sen. Odell - you don't watch the whole race; it has features of a slot machine; you can skip to the end.

Summary of testimony presented in opposition:

Henry Veilleux

- These are slot machines. Am Tote international, manufacturer of the machines, describes it as similar to electronic slot machines.
- You don't watch whole race; you only watch the end, which amounts to about 4 seconds.

Speakers

SENATE WAYS & MEANS COMMITTEE

Date <u>1/29/13</u>	Time <u>9:15 a.m.</u>	Public Hearing on <u>SB63-FN</u>
(allowing historical racing.)		

Please check box(es) that apply.

	SPEAKING	FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Sen. Donna Soucy	dist. 18
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Rick Newman	Lakes Region Casino
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Gov. Cella	RACE Tech
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Henry Villene	GSCAEC
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Rep. Timothy Horrogin	Stafford 6
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		JAY WARD	SEA
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KAY

Testimony

Granite State Coalition Against Expanded Gambling

PO Box 3931, Concord, NH 03302-3931

info@NoSlots.com

**Before the Senate Ways & Means Committee
Tuesday, January 29, 2013, 9:15 AM, SH 103
Oppose SB63, allowing historical racing**

The Coalition opposes the legalization of "historical" (or "instant") racing machines because they are video slot machines by another name, and SB63 would take the irreversible step of legalizing them.

The Wyoming Supreme Court found that historical racing machines are slot machines under its state law gambling definition functionally identical to New Hampshire's. The court leaves no ambiguity in this ruling: "[W]e are not dealing with a new technology here, we are dealing with a slot machine that attempts to mimic traditional pari-mutuel wagering. ... Although it may be a good try, we are not so easily beguiled."
<http://caselaw.lp.findlaw.com/data2/wyomingstatecases/2006/2006wy55.pdf>

Historical racing machines in New Hampshire would likely be provided by the single US supplier of both machines and data, AmTote International, subsidiary of privately-held Stronach Group of Ontario, Canada.

Here is more evidence that historical racing machines are slot machines, taken verbatim (emphasis added) from AmTote's website in 2009:

What is Instant Racing? Instant Racing is pari-mutuel wagering on racing - same as live or simulcast racing - but in a new and exciting electronic format. While Instant Racing is completely pari-mutuel, it is also completely exciting - featuring many of the sights and sounds typically associated with electronic slot machines.

Why We Invented It Electronic gaming is the fastest growing segment of the nation's gaming industry. Instant Racing was developed so racetracks could offer our own electronic product under existing regulatory approval. Instant Racing offers all of the bells and whistles associated with slot machines (literally and figuratively) - while being completely pari-mutuel, and based on actual racing.

How It Works Instant racing is a pari-mutuel wager processed through a standard totalizator. However, instead of live or simulcast races, Instant Racing uses previously run races - tens of thousands are stored in our system. In partnership with The Daily Racing Form (and Rosnet for greyhounds), past performance data is available for each race, but provided in such a way that players cannot identify the exact race. All players have an equal chance of winning. ... Instant Racing is run at the players' will. Rather than many wagers on one race (as in live and simulcast), Instant Racing features one wager on many races (as in a Pick Six). Since Instant

GSCAEG Board

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GSCAEG Organizations

NH Chiefs of Police
Granite State Taxpayers
Coalition of NH Taxpayers
NH Advantage Coalition
NH Citizens for A Sound Economy
NH Council of Churches
United Church of Christ
NH Baptists Association
Unitarian Universalists Group
for Social Responsibility
Episcopal Diocese of NH
Cornerstone Policy Research
Concerned Women for America - NH
NH Citizens' Alliance
League of Women Voters of NH
Stonyfield Farm, Inc

Organizations Opposing Casinos

National Education Assn - NH
NH Republican Party
NH Medical Society
Roman Catholic Diocese of Manchester

Advisory Board

Warren Rudman (1930-2012)
Phil McLaughlin
Brad Cook
Gary Hirshberg
Meg Cadoux Hirshberg
Patty Humphrey

Newspapers Opposing Casinos

Concord Monitor
Eagle Tribune
Fosters Daily Democrat
Keene Sentinel
Laconia Citizen
New Hampshire Union Leader
Portsmouth Herald
Valley News

Legislative Anti-Casino Caucus Leaders

Sen. Jeanie Forrester (R)
Sen. Martha Fuller Clark (D)
Rep. Dave Hess (R)
Rep. Peter Schmidt (D)

Learn More at
NoSlots.com

Granite State Coalition Against Expanded Gambling

PO Box 3931, Concord, NH 03302-3931

info@NoSlots.com

Racing is completely electronic, wagers can be divided into numerous pools (again, like a Pick Six). The first generation of Instant Racing featured eight ways to win on a single wager. Our latest generation features more than 20 ways to win on a single wager.

Finally, gamblers need take no interest in racing, horses, or dogs, pushing a slot machine-like button to launch the historical races and viewing only the final seconds of the race, obtaining the bet result nearly as rapidly as the typical 4-4.5 second slot machine play speed.

More evidence that historical racing machines are slot machines, not a form of parimutuel wagering: Opinion of the Maryland AG, concluding that instant racing is not legal under Maryland law because the races have taken place in the past, March 17, 2009. (emphasis added)
<http://www.oag.state.md.us/Opinions/2009/94OAG32.pdf>

“Each self-service machine is connected to a video server that contains data and recordings of past races, which are randomly sent to the individual machines in use. Before making a selection, the player has the opportunity to examine past performance data, originally published on the day the race was held, showing the records of each of the entries at that time.... However, information identifying the race, the race track, the horses participating in the race, and the owners, trainers and jockeys of those horses is withheld until after a wager has been made.”

After the bettor has made selections and placed a bet, the bettor’s machine then displays a video of the race. The bettor may elect to view the entire race or only the last few seconds of the race.

This is not the case with Instant Racing. There, individual players -- even those using machines in the same location -- are each wagering on different races with different horses and different outcomes. A bettor who successfully chooses a winning horse can therefore never “share the mutuel pool” with another who has done the same, for the simple reason that *no one else is betting on the same race*. In traditional pari-mutuel wagering, only the same type of bets on the same race or series of races are pooled together. By contrast, with Instant Racing, wagers on completely different races are pooled together based only on the various types of “wins” available to the players. Instead of each betting pool being shared by all of those who selected the correct order of finish in a particular race, the Instant Racing winner takes all of the money that has accumulated in the applicable betting pool at the time of that person’s successful bet. This may be pooled betting, but it is not pari-mutuel betting as contemplated in the Maryland Horse Racing Act.”

Granite State Coalition Against Expanded Gambling

PO Box 3931, Concord, NH 03302-3931

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AmTote International "Instant" Racing Machines
From company website, Jan 28, 2013

TESTIMONY AGAINST
SENATE BILL *63-FN*
AN ACT allowing historical racing.

Rep. Timothy Horrigan; Strafford #6

I will open with a folksy saying. This will be the only folksy saying in my testimony: "If it walks like a duck and quacks like a duck, it probably is a duck." Historical racing machines walk like slots and quack like slots. For all practical purposes, they are slots.

In 2012, the General Court turned down several offers to put in slots for 40% of the "net machine income." The rationale for this decision was that the revenues from the casinos weren't worth the costs, both monetary and non-monetary.

Slots— and historical racing terminals— typically take out about 8% to 9% of the handle. 40% of the net machine income would have multiplied out to about 3.2% to 3.6% of the total coin-in.

SB 63 basically offers the state just 1.25% of the handle, although a track which has dog racing without any live or simulcast horse racing would have to pay 1.5%. If 3.6% of the slot handle was a bad deal, and I agree that it was- then 1.5% is a really bad deal and 1.25% is a really, really bad deal.

Please kill this bill— or at alternatively demand a much higher percentage of the coin in.

Timothy Horrigan: January 29, 2013

1.25% = 13.9% of net machine income with 9% winnings
1.5% = 16.7% of net machine income with 9% winnings
1.25% = 15.6% of net machine income with 8% winnings
1.5% = 18.8% of net machine income with 8% winnings

Voting Sheets

Senate Ways & Means Committee

EXECUTIVE SESSION

Bill # SB63

Hearing date: 1-29-13
 Executive session date: 1-29-13
 Motion of: ITL

Room: State House - Room 100

VOTE: 4-1

<u>Made by</u>	Odell	<input type="checkbox"/>	<u>Seconded</u>	Odell	<input type="checkbox"/>
<u>Senator:</u>	D'Allesandro	<input type="checkbox"/>	<u>by Senator:</u>	D'Allesandro	<input checked="" type="checkbox"/>
	Morse	<input checked="" type="checkbox"/>		Morse	<input type="checkbox"/>
	Rausch	<input type="checkbox"/>		Rausch	<input type="checkbox"/>
	Hosmer	<input type="checkbox"/>		Hosmer	<input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>YES</u>	<u>NO</u>	<u>Reported out by</u>
Senator Odell	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Senator D'Allesandro	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Senator Morse	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MORSE
Senator Rausch	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Senator Hosmer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

*Amendments:

NOTES: ~~Rausch~~
 MORSE - can table it on the floor

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: January 29, 2013

THE COMMITTEE ON Ways and Means
to which was referred Senate Bill 63-FN

AN ACT allowing historical racing.

Having considered the same, the committee recommends that the Bill:

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 4-1

Senator Chuck Morse
For the Committee

Sonja Caldwell 271-2117

New Hampshire General Court - Bill Status System

Docket of SB63

Docket Abbreviations

Bill Title: allowing historical racing.*Official Docket of SB63:*

Date	Body	Description
1/3/2013	S	Introduced and Referred to Ways & Means; SJ 4
1/24/2013	S	Hearing: 1/29/13, Room 103, SH, 9:15 a.m.; SC6
2/7/2013	S	Committee Report: Inexpedient to Legislate, 2/14/13; SC8
2/14/2013	S	Sen. Woodburn Moved Laid on Table, Div. 12Y-12N, MF
2/14/2013	S	Inexpedient to Legislate, Div. 16Y-8N, MA
2/14/2013	S	Sen. Watters served notice of Reconsideration
3/7/2013	S	Sen. Watters Moved Reconsideration of SB 63, MA, VV
3/7/2013	S	Inexpedient to Legislate Not Voted On
3/7/2013	S	Sen. Watters Moved Laid on Table, MA, VV; SJ 5

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB63 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- HANDOUTS FROM THE PUBLIC HEARING
- PREPARED TESTIMONY AND OTHER SUBMISSIONS
- SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

____ - AMENDMENT # _____ ____ - AMENDMENT # _____
____ - AMENDMENT # _____ ____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED ____ AS AMENDED BY THE HOUSE
____ FINAL VERSION ____ AS AMENDED BY THE SENATE

- OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): _____

DATE DELIVERED TO SENATE CLERK _____

SLC

BY COMMITTEE AIDE