



CITY OF CONCORD

New Hampshire's Main Street™

City Solicitor's Office

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DATE: August 2, 2019
FROM: City Solicitor's Office
SUBJECT: House Bill (HB) 480-FN, Sports Betting

Honorable Mayor and Members of the City Council,

House Bill (HB) 480-FN, which was signed into law on July 12, 2019, legalizes sports wagering in New Hampshire. The law authorizes the Lottery Commission to choose vendors through a competitive bidding process to operate ten physical sports book retail locations within the state for the purpose of accepting tier I and tier III sports wagers from authorized bettors and paying prizes relating to the wagers. The profits from the New Hampshire lottery are earmarked for state education funding.

A "sports books" is defined as the "business of accepting wagers on any sports event by any system or method of wagering." RSA 287-I:1, XIII. A "Tier I sports wager" is defined as "a sports wager that is placed before the start of the sports event and is determined solely by the final score or final outcome of that single sports event." RSA 287-I:1, XVI. A "Tier II sports wager" means an in-play sports wager. RSA 287-I:1, XVIII. A "Tier III sports wager" means "a sports wager that is neither a tier I or tier II wager." RSA 287-I:1, XVIII. By way of example, a Tier III sports wager would include a parlay wager such as a football card involving multiple football games during a week.

HB 480-FN authorizes New Hampshire towns and cities to allow the operation of a sports book retail operation within the municipal boundaries, subject to local approval. In Concord, the City Council may vote to place the question of whether to allow the operation of a sports book retail location in Concord on the municipal election ballot. The question is as follows: "Shall we allow the operation of sports book retail locations within the city?" The City Council may vote to place this question on the municipal election ballot with or without a public hearing. Alternatively, the question shall be placed on the municipal election ballot upon submission to the City Council of a petition signed by 25 of the registered voters.

In the event that the City Council votes to place the sports betting question on the municipal election ballot, it is required to hold a public hearing on the question at least 15 days, but not more than 30 days, before the election. If a majority of those voting at the election vote "Yes," sports book retail locations may be operated within the city.

By way of further information, the Lottery Commission will only allow up to ten sports book retail locations in the New Hampshire. It cannot predict whether the physical sports books retail locations will be stand-alone or co-located with other commercial businesses. The Lottery Commission has stated that, in the event that an establishment is selected by the Lottery Commission, it currently intends to require the retail establishment to comply with municipal permitting and zoning requirements before the Lottery Commission will permit that location to begin operations.

In the event that the City Council votes to place the sports betting question on the November 5, 2019 municipal election ballot, the timeline below offers general guidance as to how to proceed.

Sports Betting Timeline

August 12, 2019 (City Council Meeting)

- The City Council may vote to place or not place the sports betting question on the November 5, 2019 municipal election ballot, or alternatively, Notice a Public Hearing to assist in determining whether the City Council should place the sports betting question on the ballot.

September 9, 2019 (City Council Meeting)

- If applicable, the City Council holds a Public Hearing to determine whether the City Council should place the sports betting question on the ballot.
- If applicable, the City Council votes to place, or not place, sports betting question on the November 5, 2019 municipal election ballot.

September 16, 2019

- City Clerk creates November 5, 2019 municipal election ballots with or without the sports betting question depending on Council vote.

October 7, 2019 – October 21

- Sports Betting (HB 480-FN) Public Hearing must be held on the sports betting question at least 15 days but not more than 30 days before the November 5, 2019 municipal election. Holding the Public Hearing during the scheduled City Council meeting on October 15, 2019 would meet this requirement.
- If the sports betting question is on ballot, the sports betting (HB 480-FN) Public Hearing Notice shall be posted in at least 2 public places in the City and published in a newspaper of general circulation at least 7 days before the Public Hearing.

November 5, 2019

- Election Day