

**HOUSE BILL NO. 1212**

Introduced by

Representatives Dockter, Headland, Mitskog

Senators Meyer, Bell

1 A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota  
2 Century Code, relating to the creation of a charitable gaming operating fund; to amend and  
3 reenact section 53-06.1-12 of the North Dakota Century Code, relating to charitable gaming tax;  
4 to provide a continuing appropriation; to provide for a transfer; and to provide an effective date.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 53-06.1 of the North Dakota Century Code is created  
7 and enacted as follows:

8 **Charitable gaming operating fund - Attorney general - State treasurer - Continuing**  
9 **appropriation - Allocations - Transfer to the general fund.**

- 10 1. There is created in the state treasury the charitable gaming operating fund. The fund  
11 consists of all gaming taxes, monetary fines, and interest and penalties collected  
12 under this chapter.
- 13 2. Excluding moneys in the charitable gaming operating fund appropriated by the  
14 legislative assembly for administrative and operating costs associated with charitable  
15 gaming, all other moneys in the charitable gaming operating fund are appropriated to  
16 the attorney general on a continuing basis for quarterly allocations as follows:
- 17 a. Ten thousand dollars to the gambling disorder prevention and treatment fund.
- 18 b. Five percent of the total moneys deposited in the charitable gaming operating  
19 fund to cities and counties in proportion to the taxes collected under section  
20 53-06.1-12 from licensed organizations conducting games within each city, for  
21 sites within city limits, or within each county, for sites outside city limits. If a city or  
22 county allocation is less than two hundred dollars, that city or county is not  
23 entitled to receive a payment for the quarter and the undistributed amount must

1                   be included in the total amount to be distributed to other cities and counties for  
2                   the quarter.

3           3. On or before June thirtieth of each odd-numbered year, the attorney general shall  
4           certify to the state treasurer the amount of accumulated funds in the charitable gaming  
5           operating fund which exceed the amount appropriated by the legislative assembly for  
6           administrative and operating costs associated with charitable gaming for the  
7           subsequent biennium. The state treasurer shall transfer the certified amount from the  
8           charitable gaming operating fund to the general fund prior to the end of each  
9           biennium.

10           **SECTION 2. AMENDMENT.** Section 53-06.1-12 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12           **53-06.1-12. Gaming tax - Deposits and allocations.**

- 13           1. A gaming tax is imposed on the total adjusted gross proceeds received by a licensed  
14 organization in a quarter and it must be computed and paid to the attorney general on  
15 a quarterly basis on the tax return. This tax must be paid from adjusted gross  
16 proceeds and is not part of the allowable expenses. For a licensed organization with  
17 adjusted gross proceeds:
- 18           a. Not exceeding ~~one million five hundred~~fifty thousand dollars the tax is ~~one~~two  
19 percent of adjusted gross proceeds.
  - 20           b. Exceeding ~~one million five hundred~~fifty thousand dollars the tax is ~~fifteen~~one  
21 thousand dollars plus ~~two and twenty-five hundredths~~four percent of adjusted  
22 gross proceeds exceeding ~~one million five hundred~~fifty thousand dollars.
- 23           2. The tax must be paid to the attorney general at the time tax returns are filed.
- 24           3. ~~Except as provided in subsection 4, the~~The attorney general shall deposit gaming  
25 taxes, monetary fines, and interest and penalties collected in the ~~general~~charitable  
26 gaming operating fund in the state treasury.
- 27           4. ~~The attorney general shall deposit seven percent of the total taxes, less refunds,~~  
28 ~~collected under this section into a gaming tax allocation fund. Pursuant to legislative~~  
29 ~~appropriation, moneys in the fund must be distributed quarterly to cities and counties~~  
30 ~~in proportion to the taxes collected under this section from licensed organizations~~  
31 ~~conducting games within each city, for sites within city limits, or within each county, for~~

1            ~~sites outside city limits. If a city or county allocation under this subsection is less than~~  
2            ~~two hundred dollars, that city or county is not entitled to receive a payment for the~~  
3            ~~quarter and the undistributed amount must be included in the total amount to be~~  
4            ~~distributed to other cities and counties for the quarter.~~

5            **SECTION 3. EFFECTIVE DATE.** Section 2 of this Act is effective for taxable events  
6            occurring after June 30, 2021.