

**HOUSE BILL NO. 1234**

Introduced by

Representatives Kasper, Becker, Boschee, Dockter, Louser, Mock, Schmidt

1 A BILL for an Act to create and enact section 53-06.1-10.3 of the North Dakota Century Code,  
2 relating to the authorization of sports betting as a game of chance; and to amend and reenact  
3 section 53-06.1-03 of the North Dakota Century Code, relating to authorization of sports betting  
4 as a game of chance.

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

6 **SECTION 1. AMENDMENT.** Section 53-06.1-03 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **53-06.1-03. Permits, site authorization, and licenses.**

- 9 1. Except as authorized by the attorney general, an organization that has its license  
10 suspended or revoked, or has relinquished or not renewed its license and not  
11 disbursed its net proceeds, is ineligible for a license or permit. Only one of two or more  
12 closely related organizations may have a license or permit at one time. A college or  
13 university fraternity, sorority, or club is not closely related to an educational  
14 organization. An organization shall apply for a permit as follows:
- 15 a. An organization recognized as a public-spirited organization by the governing  
16 body of a city or county may apply for permits. A local permit may allow the  
17 organization to conduct only raffles, bingo, or sports pools. A restricted event  
18 permit may allow the organization to conduct only raffles, bingo, sports pools,  
19 paddlewheels, twenty-one, and poker. The organization or closely related  
20 organizations as a whole may only award a primary prize that does not exceed  
21 eight thousand dollars and total prizes of all games do not exceed forty thousand  
22 dollars per year. These maximum prize amounts do not apply to raffles conducted  
23 under chapter 20.1-08. The determination of what is a "public-spirited  
24 organization" is within the sole discretion of the governing body. An organization

1 shall disclose on the application its intended use of the net income from the  
2 gaming activity. A governing body may issue a permit for games to be held at  
3 designated times and places.

4 b. An organization shall apply to the governing body of the city or county in which  
5 the proposed site is located. Application must be made on a form prescribed by  
6 the attorney general. Approval may be granted at the discretion of the governing  
7 body. A governing body may establish a fee not to exceed twenty-five dollars for  
8 each permit. A permit must be on a fiscal year basis from July first to June  
9 thirtieth or on a calendar-year basis.

10 c. Except for the restriction of subsection 1 of section 53-06.1-11.1, an organization  
11 that has a local permit may use the net income from the gaming activity for any  
12 purpose that does not violate this chapter or gaming rules.

13 d. An organization that has a restricted event permit is restricted to one event per  
14 year and:

15 (1) May not pay remuneration to employees for personal services;

16 (2) Shall use chips as wagers;

17 (3) Shall redeem a player's chips for merchandise prizes or cash;

18 (4) Shall disburse net income to eligible uses referenced by subsection 2 of  
19 section 53-06.1-11.1; and

20 (5) Shall file a report prescribed by the attorney general with the governing  
21 body and attorney general.

22 2. An eligible organization shall apply for a license to conduct only bingo, electronic quick  
23 shot bingo, raffles, calcuttas, pull tabs, punchboards, twenty-one, paddlewheels,  
24 poker, ~~or sports pools,~~ or sports betting by:

25 a. First securing approval for a site authorization from the governing body of the city  
26 or county in which the proposed site is located. Approval, which may be granted  
27 at the discretion of the governing body, must be recorded on a site authorization  
28 form that is to accompany the license application to the attorney general for final  
29 approval. A governing body may not require an eligible organization to donate net  
30 proceeds to the city, county, or related political subdivision or for community  
31 programs or services within the city or county as a condition for receiving a site

- 1 authorization from the city or county. A governing body may limit the number of  
2 tables for the game of twenty-one per site and the number of sites upon which a  
3 licensed organization may conduct games within the city or county. A governing  
4 body may charge a one hundred dollar fee for a site authorization; and
- 5 b. Annually applying for a license from the attorney general before July first on a  
6 form prescribed by the attorney general and remitting a one hundred fifty dollar  
7 license fee for each city or county that approves a site authorization. However,  
8 the attorney general may allow an organization that only conducts a raffle or  
9 calcutta in two or more cities or counties to annually apply for a consolidated  
10 license and remit a one hundred fifty dollar license fee for each city or county in  
11 which a site is located. An organization shall document that it qualifies as an  
12 eligible organization. If an organization amends its primary purpose as stated in  
13 its articles of incorporation or materially changes its basic character, the  
14 organization shall reapply for licensure.
- 15 3. A licensed organization or organization that has a permit shall conduct games as  
16 follows:
- 17 a. Only one licensed organization or organization that has a permit may conduct  
18 games at an authorized site on a day, except that a raffle may be conducted for a  
19 special occasion by another licensed organization or organization that has a  
20 permit when one of these conditions is met:
- 21 (1) When the area for the raffle is physically separated from the area where  
22 games are conducted by the regular organization.
- 23 (2) Upon request of the regular organization and with the approval of the  
24 alcoholic beverage establishment, the regular organization's license or  
25 permit is suspended for that specific time of day by the attorney general.
- 26 b. Except for a temporary site authorized for fourteen or fewer consecutive days for  
27 not more than two events per quarter, a licensed organization may not have more  
28 than twenty-five sites unless granted a waiver by the attorney general. If the  
29 attorney general finds that there is no other licensed organization interested in  
30 conducting gaming at a site for which a waiver is being sought, the attorney  
31 general may approve the waiver for no more than five sites.

- 1           c. Games of electronic quick shot bingo, pull tabs, punchboards, twenty-one,  
2           paddlewheels, poker, and sports pools, and sports betting may be conducted  
3           only during the hours when alcoholic beverages may be dispensed according to  
4           applicable regulations of the state, county, or city.
- 5           d. An organization may not permit a person under twenty-one years of age to  
6           directly or indirectly play pull tabs, punchboards, twenty-one, calcuttas, sports  
7           pools, sports betting, paddlewheels, or poker. An organization may not permit an  
8           individual under eighteen years of age to directly or indirectly play electronic  
9           quick shot bingo. An organization may not permit an individual under eighteen  
10          years of age to directly or indirectly play bingo unless the individual is  
11          accompanied by an adult, bingo is conducted by an organization that has a  
12          permit, or the game's prize structure does not exceed that allowed for a permit.
- 13          4. A permit, or site authorization and license, must be displayed at a site.
- 14          5. The attorney general may issue a conditional license to an eligible organization whose  
15          regularly issued license has expired or been suspended, revoked, or relinquished. The  
16          attorney general shall designate the time period for which the conditional license is  
17          valid and may impose any conditions.
- 18          6. A governing body or local law enforcement official may inspect a site's gaming  
19          equipment and examine or cause to be examined any gaming-related books and  
20          records of a licensed organization or organization that has a permit.

21          **SECTION 2.** Section 53-06.1-10.3 of the North Dakota Century Code is created and  
22          enacted as follows:

23          **53-06.1-10.3. Sports betting.**

- 24          1. A licensed organization may conduct sports betting on certain professional sports or  
25          athletic events. Sports betting is the activity of predicting professional sport or athletic  
26          event results by making a wager on the outcome of a particular professional sport or  
27          athletic event.
- 28          2. "Professional sport or athletic event" means an event at which two or more individuals  
29          participate in a sport or athletic competition and receive compensation in excess of  
30          actual expenses for the individual's participation in the event.