

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1054

2001 HOUSE JUDICIARY

HB 1054

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1054

House Judiciary Committee

Conference Committee

Hearing Date 01-15-01

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|--------------|
| TAPE I | x | | 01 to 11937 |
| | | x | 1513 to 1764 |
| Committee Clerk Signature <i>Joan Diers</i> | | | |

Minutes: Chairman DeKrey opened the hearing on HB 1054, Relating to the definition of gambling.

Rep Maragos: Sponsor of HB 1054 District 3 of Minot North Dakota. This bill decriminalizes contests that are not categorized as gambling. These are contests that have come about as a result of everyone's enjoyment and interest in professional sports. You can enter a pool tournament, you can enter a basketball tournament, a golf tournament and you can pay a fee and that is considered legal. To enter a tournament based on your knowledge of sports, that's considered gambling. Every time these sporting events roll around, there are always articles on these taking place and everyone knows that they are illegal, but they happen anyway. Our law enforcement do not prosecute because there is very little value and they are just not interested in doing prosecuting. I think it is unfair to the people that enjoy these kinds of activities without being labeled a criminal.

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Rep Mahoney: You have sub division A that is already in the law, contests of skill, speed, strength or endurance etc, could you give us some examples which distinguish where something is legal under current law and where it is not legal and this would make it legal?

Rep Maragos: The difference is - the entrance is basing his decision on others skills not his own. Fantasy football is an example. Under the literal interpretation of the law that is illegal.

Rep Mahoney: I see what you are getting at. What you are doing is betting on other peoples sporting activities.

Rep Maragos: It isn't betting. If I get into a golfing tournament, just for the pleasure of golfing and not have any expectations. The newspapers around the state will publish the football forecasting every week. They say pick the winner, if you do the best job of picking the winner, you will win a \$100.00. And the way they get around the law, they don't accept any money, there is no consideration. Without consideration it could not be called gambling. But they get money from the advertisers and the promoters who get it from their customers.

Rep Klemm: Would this authorize betting on high school and college sporting events in North Dakota?

Rep Maragos: They might be able to pick a series of games, but I don't see how anyone would be interested in that. IF they want to they do it now.

Rep Klemm: The answer is yes?

Rep Maragos: Sure any thing is possible.

Chr DeKrey: Any other questions for Rep Maragos? Is there anyone else wishing to appear in support of HB 1054? We will take those in opposition.

Jack McDonald: appearing on behalf of the National Football League (see testimony attached).

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House Judiciary Committee

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Former Governor Link: Chairman of the North Dakota Council on Gambling Problems (see attached testimony)

Christopher Dodson: executive director of the North Dakota Catholic Conference (see attached testimony).

Also attached is a written statement of North Dakota Conference of Churches.

Chr DeKrey: Anyone else wishing to testify in opposition?

Rev Warner Wenzel: Minister of United Methodist Church, testified in opposition to HB 1054.

One of the recommendations of the Methodist Church is to prohibit all gambling on college sports.

Chr DeKrey: Anyone else wishing to testify on HB 1054? Are there any questions? We will close the hearing on HB 1054.

Chr DeKrey: What are the wishes of the committee on HB 1054?

Rep Grande: I move a DO NOT PASS

Rep Kingsbury: Second

Chr DeKrey: Is there any discussion? If not the clerk will call the roll on a DO NOT PASS on HB 1054. The motion passes by a vote of 13 YES, 2 No, 0 absent. Floor assignment Rep Grande.
The hearing is now closed.

Date: 01-15-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1054

House JUDICIARY Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Grande Seconded By Kingsbury

| Representatives | Yes | No | Representatives | Yes | No |
|-----------------------------|-----|----|-----------------|-----|----|
| CHR - Duane DeKrey | ✓ | | | | |
| VICE CHR -- Wm E Kretschmar | ✓ | | | | |
| Rep Curtis E Brekke | ✓ | | | | |
| Rep Lois Delmore | | ✓ | | | |
| Rep Rachael Disrud | ✓ | | | | |
| Rep Bruce Eckre | ✓ | | | | |
| Rep April Fairfield | ✓ | | | | |
| Rep Bette Grande | ✓ | | | | |
| Rep G. Jane Gunter | ✓ | | | | |
| Rep Joyce Kingsbury | ✓ | | | | |
| Rep Lawrence R. Klemin | ✓ | | | | |
| Rep John Mahoney | ✓ | | | | |
| Rep Andrew G Maragos | | ✓ | | | |
| Rep Kenton Onstad | ✓ | | | | |
| Rep Dwight Wrangham | ✓ | | | | |

Total (Yes) 13 No 2

Absent Ø

Floor Assignment Rep Grande

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 16, 2001 3:54 p.m.

Module No: HR-05-1015
Carrier: Grande
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1054: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO NOT PASS
(13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1054 was placed on the
Eleventh order on the calendar.

2001 TESTIMONY

HB 1054

January 15, 2001

HOUSE JUDICIARY COMMITTEE

HB 1054

CHAIRMAN DEKREY AND COMMITTEE MEMBERS:

My name is Jack McDonald. I'm appearing today on behalf of the National Football League. We **OPPOSE** this bill.

The National Football League opposes any increase in sports gaming. It is our position that Federal law (the Professional and Amateur Sports Protection Act/PASPA) prohibits such expansion (see law attached). Federal law prohibits states from extending legalized sports gambling beyond those schemes "authorized by a statute as in effect on October 2, 1991." **28 USCA 3704(a)(2)(A)**

The Attorney General, in a nonbinding letter and not an opinion, said that while similar 1995 legislation did not "on its face" violate PASPA, the bill could not authorize gambling prohibited by PASPA. This is exactly what this bill does by "decriminalizing" this type of gambling. The type of gaming sought in HB 1054 was clearly not allowed on Oct. 2, 1991, and is not allowed today. Otherwise, you would not have this legislation before you.

The sponsor says this bill will just legalize fantasy football types of pools, or office sports pools, or pick the winner sorts of contests. THIS IS WRONG. This bill does much, much more than that.

Under this legislation, anyone can form a "contest" on any activity they want, be it high school football, college football, the bridge tournament at the Senior Center, or the grade school cross country meet. Then, the entrants in this "contest" make judgments based on their knowledge of the speed, skill, endurance, etc. of the players. For example, how fast is the local high school's guard, or how well a high school swimmer does her turns in the 200 backstroke. Then the entrants make a "decision" by placing their bets, and if they win, they win more than they bet. This isn't gambling?

This brings Vegas odds-type, sports book betting to North Dakota in a big way. And, it brings it right to our local high schools and colleges. And, since this bill says this is not gambling, there will be no control by law enforcement officials, no rules and regulations by the Attorney General's office and no limits of what can be used to make bets on.

I have also attached two articles to my testimony showing the problems associated with high school and collegiate gambling, and the efforts taken to meet these problems.

North Dakotans have voted down expanded gambling in a big way...they have soundly defeated expanded gambling measures in **THREE** statewide elections. They don't want any expansion of gaming, much less the wide open type created by this bill. The 1999 Legislature defeated this bill 26-68. Similar bills were defeated in the 1993, 1995 and 1997 Legislatures. We strongly, but respectfully urge that you keep this streak going by giving this bill a **DO NOT PASS**.

I'll be happy to answer any questions. THANK YOU FOR YOUR TIME AND CONSIDERATION.

(OVER)

PROCEDURE Part 6

NOTES

Effective Dates

Acts. Section to take effect 180 days after Nov. 29, 1990, except as otherwise provided, see section 3631 of Pub.L. 101-7, set out as a note under section 101 of this title.

CITATIONS

Federal Civil Procedure § 72.1.

U.S. Federal Civil Procedure § 38.
U.S. Federal Civil Procedure § 37.

RESEARCH

(number).
Explanation pages of this volume.

CHAPTER 178—PROFESSIONAL AND AMATEUR
SPORTS PROTECTION

Sec.

- 3701. Definitions.
- 3702. Unlawful sports gambling.
- 3703. Injunctions.
- 3704. Applicability.

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§ 3701. Definitions

For purposes of this chapter—

(1) the term "amateur sports organization" means—

(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more amateur athletes participate, or

(B) a league or association of persons or governmental entities described in subparagraph (A),

(2) the term "governmental entity" means a State, a political subdivision of a State, or an entity or organization, including an entity or organization described in section 4(5) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(5)), that has governmental authority within the territorial boundaries of the United States, including on lands described in section 4(4) of such Act (25 U.S.C. 2703(4)),

(3) the term "professional sports organization" means—

(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more professional athletes participate, or

(B) a league or association of persons or governmental entities described in subparagraph (A),

