

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
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ROLL NUMBER

DESCRIPTION

1089

2001 HOUSE JUDICIARY

HB 1089

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1089

House Judiciary Committee

Conference Committee

Hearing Date 01-17-01

Tape Number	Side A	Side B	Meter #
Tape 1		x	202 to 5939
Committee Clerk Signature <i>Joan Davis</i>			

Minutes: Chr DeKrey opened the hearing on HB 1089. Relating to business allowed to operate on Sunday and compulsive gambling services to amend and relating to games of chance and relating to compulsive gambling services.

Chuck Keller: Chief Auditor, Gaming Division, Office of Attorney General (see attached testimony) Testifying on behalf of the State gaming Commission.

Chr DeKrey: Would you give us a quick run down on the Sunday Closing law works.

Chuck Keller: The Sunday Closing Law prohibits businesses from operating between 12:00 midnight on Saturday night until 12:00 Noon on Sunday except if the business is listed as an exempt business. This law lists 38 types of businesses that may operate 24 hours a day seven days of week. Bingo Halls are not listed as an exempt business. Bars are determined by city or county ordinance.

Rep Eckre: Bars are open till 1:00 am on Saturday.

Chuck Keller: There is an exemption for bars in the Sunday Closing Law. But a Bingo Hall is not a licensed retail alcohol beverage establishment.

Chr DeKrey: That is the law now, or is that what you are asking us to determine?

Chuck Keller: Yes

Rep Klemin: There are a couple of changes that I don't see in your testimony. The first is on page 6, lines 7 - 10. What's the purpose of taking out the language?

Chuck Keller: The Gaming Commission is deleting this language because it carries no weight in the gaming statute.

Rep Klemin: The governing body doesn't consider this when they make their decision?

Chuck Keller: That is correct.

Rep Klemin: On page 12, line 13 and 14, it looks to me that you are expanding the use of these funds to include meetings and entertainment. What is the reason for including this amendment and what would be included in the terms meetings and entertainment?

Chuck Keller: That provision only pertains to local permits. In response to the last question, on page 12, the insertion of meetings and entertainment, clarifies that organizations may disburse net proceeds for these purposes.

Rep Klemin: I can see there is no qualifier on what kinds of meeting or entertainment might be included in this, they it to the discretion of the organization that is disbursing these funds?

Chuck Keller: In sub division L is a premise to para one, gives specific examples. It is very general though.

Rep Klemin: Community celebrations can effect the whole community, but it is possible it you start using it for meetings and entertainment, it would focus on small groups rather than community wide actions.

Chuck Keller: You could look at it from that perspective, the office of Attorney General does provide guidelines.

Rep Klemin: This could expand what the uses could be.

Chuck Keller: I would not view this as an expansion, but a provision in writing for eligible use..

Rep Mahoney: In sub section 5, page 7; you mention in your testimony that there has been some confusion on it. This really came up in only one case. This was a person who was involved in gaming and charged with an offense , a plea bargain was made to a misdemeanor and given a deferred sentence. He goes on to clarify. It was then discussed that maybe the gaming laws could take this deferred sentence and say that this person could not continue to engage in employment in the gaming industry because be was barred for a certain number of years because of the deferred sentence. Is the deferred sentence going to be included in this? Have you talked to the new Attorney General about this?

Chuck Keller: This provision reflects what the Legislature intended, if a person pleads guilty or is found guilty of a felony or certain misdemeanor , is barred for 5 years. This provision makes it clear.

Rep Mahoney: Just so we are clear. If this was the Legislature intended, can you extract anything in the minutes about deferred imposition of sentence.

Chuck Keller: I have not gone back to initial legislation, although I can recall in helping drafting this provision. To our office the language seems very clear.

Rep Grande: Are you asking now that bingo parlors will be open from 12 am to 12 pm on Sunday?

Chuck Keller: There is a question, yes it will allow them to be open.

Rep Grande: You are talking about paddlewheels amendment, you are now striking the language no money used as a wager. Why are you striking that?

Chuck Keller: We struck line 9 on page 12, the commission believes that the language is unnecessary.

Rep Grande: It is just a clarification;

Chuck Keller: Yes, a clarification.

Rep Grande: On page 12, the bingo card marking device, I do not know what that is? It says that we are going to charge them \$4,000.00 to register them.

Chuck Keller: It is a portable hand held devise, that players may use to play electronic bingo cards.

Rep Grande: Are we deciding how many cards, how many devices?

Chuck Keller: The Administrative Rules limit the player to 72 cards on a devise. There is a bill coming thru that would restrict organizations on the use of these devises for only players with disabilities.

Rep Grande: You can play 72 cards on one devise?

Chuck Keller: Yes.

Rep Grande: How many cards can I legally purchase and play?

Chuck Keller: As many as humanly play.

Rep Grande: Not it not put me at a disadvantage, if she can play 72 and I can only physically play my 12 cards?

Chuck Keller: It would be the same disadvantage as other games.

Rep Grande: She is still taking only 1 spot on the paddle wheel, where I have increased my odds.

Chuck Keller: There are always disadvantages when playing.

Rep Grande: How many devises can I have?

Chuck Keller: Only one at a time.

Rep Grande: You mean they only use one at a time.

Chuck Keller: One player, one devise.

Chr DeKrey Are there any further questions one HB 1089? We will continue taking testimony on HB 1089.

Ben Clapp: Plains Art Museum, Fargo, ND charitable gaming organization. I support bingo halls being open. We have one hall after midnight on Saturday night at a cost of \$5.00 to \$10.00 to play. It is a form of entertainment for those people. I serve on the Compulsive Gaming Council. I don't believe this is an expansion of gaming, the numbers in Fargo of 1992 was in the 4 million range. Since then bingo has dropped in half. Gaming in general is going down. Revenue for bingo sales tax is about \$2,700,00.00. We do have gaming devises.

Rep Kingsbury: What is the reason the decrease?

Ben Clapp: The novelty is gone, the native American gaming sites.

Rep Klemin: Just to clarify, you talk bingo halls after midnight on Saturday, is that when you are open.

Ben Clapp: We are open after midnight until 3:00 am in the morning.

Rep Klemm: In the current section, retail stores close at midnight and open again at noon on Sunday, this amendment will allow bingo halls to be open during this period.

Ben Clapp: We have been open, because we thought that we were allowed locally. There is no business after 3:00 am in the morning. We don't open again until noon on Sunday.

Rep Klemm: This amendment would allow bingo halls to be open at 8:00 am on Sunday.

Ben Clapp: Yes.

Rep Klemm: Is it true that you are not supposed to be open from midnight till 3:00 am?

Ben Clapp: As I understand it, the Attorney General would allow it.

Rep Klemm: Whether we adopt this amendment or not, it won't affect how you do business?

Ben Clapp: We would rather clarify the law.

Rep Grande: If you are allowed by city ordinance why would you want us to supersede the city.

Ben Clapp: I didn't even know it was an issue.

Warren DeKrey: I am a private citizen, on page 12 section 10 line, my comment on entertain, I have an objection, the objection to having bingo halls on Sunday. I am opposed to HB 1089.

Rep Maragos: Did you oppose Sunday opening 10 years ago.

Warren DeKrey: Yes.

Rep Maragos: Do you feel and give us examples that it has been extremely harmful for the state for businesses to be open on Sunday?

Warren DeKrey: I cannot sight specific examples.

Rep Maragos: Would you have them leave work and go to the mall on Monday?

Warren DeKrey: That is a decision they have to make on their own.

Rep Maragos: You have no example of Sunday openings being harmful?

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Warren DeKrey: I am sure there must be.

Rep Wrangham: On page 12, line 14, Mr Keller, where it refers to meetings and entertainment, could a kegger be included?

Chuck Keller: No, a kegger is just to drink beer.

Christopher Dodson: executive Director of North Dakota Catholic Council, our only concern with the bill is section, bingo halls being open on Sunday. He stated his objections.

Rep Mahoney: Sunday opening issue - small towns are suffering with economic issues, this would help small towns.

Christopher Dodson: Economic issue is always a factor, but not the sole factor. The question is what is in the best interest of the community.

Rep Klemin: Can bingo halls now open at noon on Sunday?

Mr Dodson: Yes.

Rep Klemin: Then we are really talking about the period of time between midnight and noon on Sunday?

Mr Dodson: Yes.

Rep Mahoney: Would you object to an amendment having them open at noon?

Mr Dodson: That is the existing law.

Bob Bennett: Attorney General's Office, I would like to correct or inform the community, the Sunday Closing Law, he goes on to state the law and the exceptions There is a penalty of criminal charges with the law.

Chr DeKrey: Do we have any other testimony on HB 1089, is not we will close the hearing on HB 1089.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1089 - *a*

House Judiciary Committee

Conference Committee

Hearing Date 01-24-01

Tape Number	Side A	Side B	Meter #
Tape II		X	2814 to 4544
Committee Clerk Signature <i>Joan Diers</i>			

Minutes: Chairman DeKrey asked the committee to look at HB 1089. This bill was to set the hours on a bingo palace. I have heard from some of the committee members that the hours for bingo should be the same as bars.

Discussion then was held. One concern was if this bill would change anything. Chairman DeKrey wanted the hours defined. Rep Wrangham stated that the hours after midnight, staying open until 2:00 or 3:00 am. He would like to see an amendment that the halls could stay open until 3:00 am. That would protect everything that we wanted protected.

The a bill came our of the gaming commission, mostly for clarification. We have a situation that could possibly change the Sunday Closing Law and allow them to stay open 24 hours. Another issue that was brought up about persons who worked in the business and then were charged or convicted of a crime, what about deferred imposition of sentence. This bill needs some amendments.

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A subcommittee of Rep Mahoney, Rep Klemin and Rep Kretschmar was appointed to make amendments to this bill. The sub-committee will report back to the Judiciary Committee.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1089b

House Judiciary Committee

Conference Committee

Hearing Date 02-06-01

Tape Number	Side A	Side B	Meter #
TAPE I	x		3030 to 4140
Committee Clerk Signature <i>J. Van Dier</i>			

Minutes: Chairman DeKrey called the committee to order and brought up HB 1089. There is a sub committee of Rep Mahoney, Rep Klemin, Vice Chr Kretschmar. Rep Mahoney explains the amendments.

COMMITTEE ACTION

Rep Mahnoey moved the amendments 18109.0103, seconded by Vice Chr Kretschmar. Voice vote on the amendments. The amendments pass.

Rep Klemin moved to further amend the bill by deleting language on page 12 lines 13 and 14 of the new language, seconded by Rep Grande. Voice vote on this amendment. The motion passes.

We now before us HB 1089 as amended, what are your wishes?

Rep Delmore moved a DO PASS as amend, seconded by Rep Maragos.

The clerk will call the roll on a DO PASS as amend. The motion passes with 13 YES, 1 NO and 1 ABSENT. Carrier will be Vice Chr Kretschmar.

