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Diana M. Ball
Operator's Signature

10/2/03
Date

2003 HOUSE JUDICIARY

HB 1239

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Dorena Holbrook
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10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1239

House Judiciary Committee

Conference Committee

Hearing Date 2-3-03

Tape Number	Side A	Side B	Meter #
1	xx		6.2-15
1		x	18-37
Committee Clerk Signature <i>A. Penrose</i>			

Minutes: 11 members, 2 members absent (Rep. Bernstein and Rep. Galvin)

Chairman DeKrey: We will open the hearing on HB 1239.

Rep. Wrangham: Introduced the bill. I would like to offer amendments, but they are down on my desk. (Later retrieved the amendments and talked about it later in the same session).

Chairman DeKrey: Is this an expansion of some kind, has this been legal in North Dakota before.

Rep. Wrangham: Prize boards have legal in ND for some time. However, under present law, the only way a prize board could be used is if an active member of the charity was on the premises selling the tickets and giving out the prizes.

Chairman DeKrey: An active member of the charitable organization?

Rep. Wrangham: Yes.

Chairman DeKrey: This changes it to a bartender assist?

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Rep. Wrangham: Yes, which I feel may be used in some of the smaller towns and smaller charities. I do not see this as an expansion of gaming, and I do not see this being done in the busier bars, only in the small towns.

Chairman DeKrey: What would be the payback to the bartender and what would be the payback to the charity?

Rep. Wrangham: The AG office will do the rules, but I would presume there would be no increase to the bar.

Rep. Klemin: Here are amendments from Sen. Kilzer.

Chairman DeKrey: Thank you. Any testimony in support of HB 1239. Any testimony in opposition to HB 1239. We will close the hearing.

(Reopened later in the same session)

Pete Ressler, American Foundation for Wildlife: We are a charity in ND and have 25 sites, and they are small town sites. Several small bars want to run a sports pool, and the charity would have to sit there to sell. What I wanted to do is have bartender sell the sports pools. They can sell the spots, and then we would pay out.

Chairman DeKrey: Thank you.

Rep. Onstad: How would the payback work, the same as pull tabs.

Mr. Ressler: Generally we have 25 squares at \$5 a square, so we generate \$125, \$25 goes to the charity and \$100 goes to the winner. Usually a one time winner at the end of the game.

Chairman DeKrey: Thank you. Keith, so this is all legal already.

Keith Lauer, Director, Gaming Division of AG: We consider the conduct of the sports pool for being able to sell chances and also the awarding of prizes. One of the problems with the

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Hearing Date 2-3-03

initial bill, was that if bartenders are selling and redeeming these prize boards, where does the limited assistance come through, where the AG has provided limited assistance. Either they need to sell or award the money, but not both.

Chairman DeKrey: The bartender can assist to make these games more popular?

Mr. Lauer: Correct.

Rep. Boehning: You want to have the bartender either sell or redeem the prizes?

Mr. Lauer: The law currently says you can only provide one or the other. The constitution says you have to have the charity organization conducting the game.

Rep. Delmore: If we make the language to either sell or redeem, is there some language you can give us so that we can make this bill viable for the people who are asking for this.

Mr. Lauer: I think the language that has been proposed by the sports pool will work. I think one or the other can be done through Administrative Rules.

Rep. Wrangham: I think there may be some confusion and I guess part of it is because we have two amendments before us at the same time. The amendment .0202, they would be in on page 3, line 30 after pull tabs, would be inserted prize boards and then we would go on with bingo, and through a dispensing device. Under that amendment, the prize board tickets would have to be sold through a dispensing device.

Mr. Lauer: Correct.

Rep. Wrangham: So we know there what is going to happen. The charity is going to sell the tickets, and so the only assistance the bar owner could provide would be the paying of the prizes.

Mr. Lauer: Yes.

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Hearing Date 2-3-03

Rep. Wrangham: I understand that you will be busy with Administrative Rules over the next few months, but you could regulate this through Admin. Rules and if you couldn't, then as I read the bill, the AG may allow an employee of a bar to provide limited assistance. If, in fact, after working with Administrative Rules, you would not have to allow the assistance.

Mr. Lauer: Yes.

Rep. Boehning: In the area of small bars, is there a provision to have the bartender be a member of the charity, the bar owner reimbursed for doing some of these things, to sell the tabs and award the prizes.

Mr. Lauer: The bar owner is already reimbursed for the games played. That is set in statute a monetary amount set by law of what the maximum amount that can be paid to the bartender. The problem is that in playing these particular prize board games, if you are allowing both the bartender to sell the tickets and redeem your prizes, there really is a constitutional issue, where is the charity. The charity isn't doing anything.

Rep. Onstad: How about homemade boards. Is it legal for sports pools?

Mr. Lauer: It is legal for charities to do sports pool boards. They are not homemade boards. Usually the prize boards are purchased from a distributor and have a ND stamp on them. They are not legal, but there is no penalty, as long as the person does not wager more than \$25 per event, and done on private premises. If we did it in our home, and didn't charge more than \$25, there is no penalty, not legal.

Chairman DeKrey: Thank you. Any further testimony in support or opposition? We will close the hearing.

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1239

House Judiciary Committee

Conference Committee

Hearing Date 2-5-03

Tape Number	Side A	Side B	Meter #
3	xx		3.5-8
Committee Clerk Signature <i>Al Penrose</i>			

Minutes: 12 members present, 1 member absent (Rep. Eckre).

Chairman DeKrey: What are the committee's wishes in regard to HB 1239.

Rep. Wrangham: I move the Wrangham amendment.

Rep. Delmore: Seconded.

Voice vote: Carried.

Rep. Maragos: I move the Kilzer amendment.

Rep. Kretschmar: Seconded.

Voice vote: Carried.

Rep. Wrangham: I move a Do Pass as amended.

Rep. Maragos: Seconded.

7 YES 5 NO 1 ABSENT DO PASS AS AMENDED CARRIER: Rep. Wrangham

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