

Sixty-ninth
Legislative Assembly
of North Dakota

**HOUSE BILL NO. 1615
with Senate Amendments**

HOUSE BILL NO. 1615

Introduced by

Representatives Grueneich, Hagert, Koppelman, Vetter, O'Brien

Senator Roers

1 A BILL for an Act to amend and reenact subsection 2 of section 53-06.1-03 of the North Dakota
2 Century Code, relating to securing approval for a gaming site authorization.

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

4 **SECTION 1. AMENDMENT.** Subsection 2 of section 53-06.1-03 of the North Dakota
5 Century Code is amended and reenacted as follows:

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

9 a. First securing approval for a site authorization from the governing body of the city
10 or county in which the proposed site is located. ~~Approval, which may be granted~~
11 ~~at the discretion of the governing body.~~ The approved authorization must be
12 recorded on a site authorization form that is to accompany the license application
13 to the attorney general for final approval. An eligible organization may request a
14 specific site location on the site authorization form.

15 (1) A governing body may deny a site authorization only in accordance with an
16 ordinance or written policy adopted or amended following public comment.

17 Under the ordinance or policy, the governing body:

18 (a) May not require an eligible organization to donate net proceeds to the
19 city, county, or related political subdivision or for community programs
20 or services within the city or county as a condition for receiving a site
21 authorization from the city or county;

- 1 (b) May not deny a site authorization solely because the eligible
2 organization has not conducted gaming at the site;
- 3 (c) May not require that an eligible organization be located at a specific
4 site or require a site to enter a lease with a specific organization as a
5 condition of site authorization;
- 6 (d) May require a signed agreement between an eligible organization and
7 a site owner before approving a site authorization. The agreement
8 must be contingent on securing approval for the site authorization
9 from the governing body of the city or county;
- 10 (e) May limit the type of games and, the number of electronic pull tab
11 devices or tables for the game of twenty-one per site, the number of
12 sites the governing body may approve per licensed organization, and
13 the number of sites upon which a licensed organization may conduct
14 games within the city or county; and
- 15 ~~(e)~~(f) May establish qualifications for an eligible organization to receive a
16 site authorization; and
- 17 (g) May charge a one hundred dollar fee for a site authorization.
- 18 (2) This subsection may not be construed to prohibit a governing body from:
- 19 (a) Creating and enforcing rules that are more stringent than state law
20 regarding charitable gaming as otherwise permitted in code; or
- 21 (b) Denying a site authorization for just cause, including, after
22 consultation with the attorney general, a violation of state law or local
23 rules.
- 24 b. Annually applying for a license from the attorney general before July first on a
25 form prescribed by the attorney general and remitting a one hundred seventy-five
26 dollar license fee for each city or county that approves a site authorization. The
27 attorney general shall deposit twenty-five dollars of this fee into the charitable
28 gaming technology fund under section 53-06.1-12.4. However, the attorney
29 general may allow an organization that only conducts a raffle or calcutta in two or
30 more cities or counties to annually apply for a consolidated license and remit a
31 one hundred seventy-five dollar license fee for each city or county in which a site

1 is located. The attorney general shall deposit twenty-five dollars of this fee into
2 the charitable gaming technology fund under section 53-06.1-12.4. An
3 organization shall document that it qualifies as an eligible organization. If an
4 organization amends its primary purpose as stated in its articles of incorporation
5 or materially changes its basic character, the organization shall reapply for
6 licensure. The attorney general may deny issuance of a license or deny renewal
7 of a license to an eligible organization that has obtained approval of site
8 authorization under subdivision a, if the organization or site is not in compliance
9 with applicable laws and rules.