

2011 HOUSE JUDICIARY

HB 1179

2011 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1179
January 17, 2011
12958

Conference Committee

Committee Clerk Signature

R. Penrose

Minutes:

Chairman DeKrey: We will take a look at HB 1179.

Darold Payne: He demonstrated the racing game for the committee.

Rep. Nancy Johnson: Sponsor, support (see attached 1).

Chairman DeKrey: Thank you. Further testimony in support.

Darold Payne: I am the creator of this game, I would like your support (see attached 2). Explained the game and how the betting is handled. A race can be run in about 20-30 minutes from beginning to end (taking the bets, running the game and the \$ tally for the bet winners). No one can bet more than \$20. I designed the game to play in a nursing home where my wife is living.

Rep. Klemin: Do you have a patent, copyright or trademark for this Horse-N-Around Racing Game.

Darold Payne: Everybody always asks me about this. I am giving this to the State and I'll tell you why. My wife is at St. Luke's. I can't afford to have her, the State is paying through Medicaid and is paying for her to be there. I thought I'll give this to the State, and by making money on this it will pay for her being there. That was the object of why I designed the game.

Rep. Klemin: Have you done any research to see if anyone else has a patent, trademark or copyright on this particular game that you might be violating.

Darold Payne: I never tried, but I came up with this idea on my own. I've never even heard of anything like it. I know what you're saying, that horse racing is common. But the way this is set up, I don't think that I would even have to worry. This is not an ordinary horse race. Trinity High School has a different horse racing game.

Chairman DeKrey: Thank you. Further testimony in support.

Keith Lauer, Director of the Gaming Division for the AG's office: We found an inconsistency in lines 13 and 14 of the bill. After visiting with Mr. Payne, some language was suggested, with the previous language the maximum bet per horse was \$2.00. Well with 6 horses, that would mean a maximum of \$12 could be bet. We have the player may not bet more than \$20 on a race. We just wanted to clear up that language; that a bet is \$2.00 and keep it simple.

Chairman DeKrey: Does the AG have an opinion on the bill.

Keith Lauer: We are neutral on the bill. I would like to make one clarification of Mr. Payne's statement about gambling in a private premises being legal. Technically it's not legal, it's just that there isn't a penalty, as long as you are not wagering more than \$25. Just a clarification. The state's constitution does not allow you to authorize private gaming in homes.

Rep. Delmore: Is there any problem with the question that Rep. Klemin asked, with what other games that might be called horse racing and somebody else coming in to the state and now they'd be authorized to conduct this game, even though we have no idea what it's about.

Keith Lauer: I know that there is an electronic game out there that Bingo King has; it's an electronic bingo game that you play on special cards that has a horse race theme and I think that is probably copyrighted. The thing is with this language, it really doesn't tie it to this particular way of selecting. He mentioned dice could be used as an alternate method. I'm not sure of any patents out there on manual horse race games that I'm personally aware of, but there may be. But the way this law is written, it doesn't say it has to be run the way he's suggesting, it's just a way that he has come up with running it and it doesn't mean that dice couldn't be used too, or something else. The law is pretty generic as far as allowing the game. If there were problems with the way it was being run, I think changes could be made to make it legal too.

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition.

Warren DeKrey, ND Council on Gambling Problems: Opposed, we already have 8 different authorized games approved. I would suggest that we already have more games approved than we need. I would request that the committee vote no on this bill.

Chairman DeKrey: Thank you. Further testimony in opposition to bill 1179. We will close the hearing. Let's take a look at HB 1179, what are the committee's wishes.

Rep. Onstad: I think the discussion was talking about that horse racing game; manual or electronic, should part of that amendment say manually operated horse racing game.

Chairman DeKrey: It already says that in the bill on page 2, line 12.

Rep. Kretschmar: I move the Amendments.

Rep. Boehning: Seconded.

Chairman DeKrey: Voice vote, motion carried. We now have HB 1179 before as amended. What are the committee's wishes.

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

Rep. Steiner: Seconded.

13 YES 1 NO 0 ABSENT DO PASS AS AMENDED
CARRIER: Rep. Kingsbury

FISCAL NOTE
 Requested by Legislative Council
 01/08/2011

Bill/Resolution No.: HB 1179

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This is a new manual horse racing game with miniature horses pulled by strings with a second employee using bingo numbers to advance the corresponding horses.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The fiscal impact of this bill is unknown.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The fiscal impact of this bill is unknown.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

N/A

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

N/A

Name:	Kathy Roll	Agency:	Office of Attorney General
Phone Number:	328-3622	Date Prepared:	01/14/2011

January 17, 2011

VR
1/17/11

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1179

Page 2, line 13, replace "The" with "A"

Page 2, line 14, remove "maximum"

Page 2, line 14, remove "per horse"

Renumber accordingly

Date: 7/17/11
Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1179

House JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number 11.0076.01001 02000

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Beadle Seconded By Rep. Steiner

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin		✓	Rep. Guggisberg	✓	
Rep. Beadle	✓		Rep. Hogan	✓	
Rep. Boehning	✓		Rep. Onstad	✓	
Rep. Brabandt	✓				
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos	✓				
Rep. Steiner	✓				

Total (Yes) 13 No 1

Absent 0

Floor Assignment Rep. Kingsbury

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

REPORT OF STANDING COMMITTEE

HB 1179: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1179 was placed on the Sixth order on the calendar.

Page 2, line 13, replace "The" with "A"

Page 2, line 14, remove "maximum"

Page 2, line 14, remove "per horse"

Renumber accordingly

2011 SENATE JUDICIARY

HB 1179

2011 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

HB 1179
3/23/11
Job # 16031

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the conduct and play of the horse racing game; relating to the games eligible organizations are authorized to conduct.

Minutes:

There is an attachment

Senator Nething – Chairman

Representative Nancy Johnson – District 37 – Introduces the bill and explains the bill is to include a horse racing game in the list currently allowed for charitable gaming. She explains that her constituent has been taking this game around to the nursing homes and retirement centers with enthusiastic responses.

Darrel Payne – Dickinson ND – Provides a handout on the rules of his horse racing game. He runs a mock race for the committee and explains the rules of the game and the betting.

Senator Sorvaag – States there is nothing in this bill that limits to your game.

Payne – Explains how he set it up for charities and tried to figure out how to make simple. He said it takes between 20 and 30 minutes per race. He runs it a lot like bingo.

Opposition

Warren DeKrey – ND Council on Gambling Problems – He doesn't see a problem with this particular game but does oppose it because he believes other things could possibly be added over time.

Close the hearing o 1179

Committee work

Senator Nelson says this is a good rest home game but doesn't think it is ready for promotions as a gambling device.

Senator Sitte moves a do not pass
Senator Sorvaag seconded

Roll call vote – 6 yes, 0 no

Senator Sorvaag will carry

Date: 3/23/11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1179

Senate Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Sitte Seconded By Senator Sorvaag

Senators	Yes	No	Senators	Yes	No
Dave Nething - Chairman	X		Carolyn Nelson	X	
Curtis Olafson - V. Chairman	X				
Stanley Lyson	X				
Margaret Sitte	X				
Ronald Sorvaag	X				

Total (Yes) 6 No 0

Absent _____

Floor Assignment Senator Sorvaag

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

REPORT OF STANDING COMMITTEE

**HB 1179, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends
DO NOT PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1179 was placed on the Fourteenth order on the calendar.**

2011 TESTIMONY

HB 1179

HB 1179

Chairman DeKrey and members of the House Judiciary Committee, for the record, my name is Nancy Johnson. I am a representative for District #37, Dickinson.

HB 1179 would include a horse racing game in the list of games currently allowed for charitable gaming. This morning the creator of the game is here to explain what the game is, how it operates and how the betting works.

He has been running the horse racing game (without the monetary bets, of course) for senior citizens and others around the Dickinson area to enthusiastic responses. After doing that he felt that perhaps others in the state would enjoy the game too. So on his own he has been perfecting the game and writing the rules and would like this opportunity to share it with you.

As you are aware, to be an acceptable game for charitable gaming it must be specified within the statute. That is why we are here, to request that you give a DO PASS recommendation to HB 1179 so that we can say...the horses are off!

Thank you, Mr. Chairman and committee members, I would stand for any questions and then it would be my pleasure to introduce Mr. Derald Payne.

How the Horse-N-Around Racing Game Works

1. Put six horses on one end of the race track that is divided into six lanes.
2. Run the rope from each horse down the track and through the end board.
3. Use a bingo machine to make the horses move. When you call out a number and name, the horse moves forward one nine inch space, by someone sitting at the end of the track pulling the rope, which is marked every nine inches. Return the ball into the bingo machine before drawing another ball.
4. Numbered bingo balls 1 thru 6 moves each of the 6 horses. Balls 7 thru 9 are Jokers. Balls 10 thru 19 also moves horse number 1. Use just the left number on the ball to figure out which horse moves. Balls 20 thru 29 moves horse number 2. The same works for horses 3 thru 6. Each horse has 11 balls to move them. Balls 70 thru 75 are also Jokers. When a Joker comes up during the race, a horse or horses Leading the race beyond the fifth space, stumbles back one space. If no horses are beyond the fifth space, the Joker does not count. If a horse makes it up to the finish line but not over, that horse cannot move back more than one space in case more Jokers come out.
5. When balls 11, 22, 33, 44, 55, & 66 are drawn the corresponding horse moves two spaces instead of just one.
6. If more than one Joker comes out in a row and the Leading horse or horses have not come up to the finish line, they can move all the way back to the fifth space.
7. The horse has to make it nine spaces beyond the starting position, to win the race. After the horse wins the race, the Joker does not count while the remaining horses try for second and third place.
8. The five bets are Win, Place, Show, Exacta, and Trifecta.
9. Suggest all bets be two dollars.

Race # 1 Date 11-1-09 Horse Racing

First 4 Second 5 Third 1
 Horse Number Win Horse Number

	1	2	3	(4)	5	6
Total	67.50	NI	NI	NI	NI	NI
Winners	4					
Each	\$16.75					

Paid

	1	2	3	(4)	(5)	6
Total	42.00	NI	NI	NI	NI	NI
Winners	3					
Each	\$3.25					

Paid

	(1)	2	3	(4)	(5)	6
Total	25.50	NI	NI	NI	NI	NI
Winners	5					
Each	\$5.00					

Exacta

	1	2	3	(4)	5	6
	1-4	2-6	3-1	4-1	5-3	6-3
	1-6	2-5	3-4	4-6	5-2	6-4
	1-5	2-3	3-2	4-3	5-1	6-5
	1-2	2-4	3-5	4-2	5-4	6-2
Total	105.00	1-3	2-1	3-6	(4-5)	5-6
Winners	1					
Each	\$105.00					
Paid						

Trifecta

	1	2	3	(4)	5	6
	1-3-4	2-6-3	3-6-2	4-2-1	5-1-6	6-1-4
	1-5-6	2-5-6	3-5-4	4-1-2	5-2-4	6-2-3
		2-4-1	3-1-4	4-3-6	5-2-3	6-1-4
					5-3-4	
Total	147.00					
Winners	0					
Each	0					
Paid	0					

HORSE RACING

Below you will find six horses listed. These horses will be racing to the finish on the race track. The first horse to cross the finish line will be the winner. Pick the horse to win.

Wager <u>WIN</u>	RACE#	1	2
		3	4
		5	6
#1-Hotsy Trotsy	_____		
#2-Gitty Up & Go	_____		
#3-Shooting Star	_____		
#4-Wild Thing	_____		
#5-Fair Lady	_____		
#6-Big Stud	_____		

HORSE RACING

Below you will find six horses listed. These horses will be racing to the finish on the race track. The first horse to cross the finish line will be the winner. Pick the horse to finish

Wager <u>PLACE</u>	RACE#	<u>first or second.</u>	
		1	2
		3	4
		5	6
#1-Hotsy Trotsy	_____		
#2-Gitty Up & Go	_____		
#3-Shooting Star	_____		
#4-Wild Thing	_____		
#5-Fair Lady	_____		
#6-Big Stud	_____		

HORSE RACING

Below you will find six horses listed. These horses will be racing to the finish on the race track. The first horse to cross the finish line will be the winner. Pick the horse to finish

Wager <u>SHOW</u>	RACE#	<u>first, second, or third.</u>	
		1	2
		3	4
		5	6
#1-Hotsy Trotsy	_____		
#2-Gitty Up & Go	_____		
#3-Shooting Star	_____		
#4-Wild Thing	_____		
#5-Fair Lady	_____		
#6-Big Stud	_____		

HORSE RACING

Below you will find six horses listed. These horses will be racing to the finish on the race track. The first horse to cross the finish line will be the winner. Pick exact finish first three horses.

Wager <u>TRIFECTA</u>	RACE#	1	2
		3	4
		5	6
		<u>1st</u>	<u>2nd</u>
#1-Hotsy Trotsy		<input type="checkbox"/>	<input type="checkbox"/>
#2-Gitty Up & Go		<input type="checkbox"/>	<input type="checkbox"/>
#3-Shooting Star		<input type="checkbox"/>	<input type="checkbox"/>
#4-Wild Thing		<input type="checkbox"/>	<input type="checkbox"/>
#5-Fair Lady		<input type="checkbox"/>	<input type="checkbox"/>
#6-Big Stud		<input type="checkbox"/>	<input type="checkbox"/>

HORSE RACING

Below you will find six horses listed. These horses will be racing to the finish on the race track. The first horse to cross the finish line will be the winner. Pick exact finish first two horses.

Wager <u>EXACTA</u>	RACE#	1	2
		3	4
		5	6
		<u>1st</u>	<u>2nd</u>
#1-Hotsy Trotsy		<input type="checkbox"/>	<input type="checkbox"/>
#2-Gitty Up & Go		<input type="checkbox"/>	<input type="checkbox"/>
#3-Shooting Star		<input type="checkbox"/>	<input type="checkbox"/>
#4-Wild Thing		<input type="checkbox"/>	<input type="checkbox"/>
#5-Fair Lady		<input type="checkbox"/>	<input type="checkbox"/>
#6-Big Stud		<input type="checkbox"/>	<input type="checkbox"/>

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