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ROLL NUMBER

DESCRIPTION

1054

2001 HOUSE JUDICIARY

HB 1054

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HIB 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 HIB 1054, Relating to the definition of gambling.

Rep Maragos: Sponsor of HIB 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.

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 Klemin: 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 Klemin: 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).

Page 3
House Judiciary Committee
Bill/Resolution Number HB 1054
Hearing Date 01-15-01

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 0

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)

ITION PROCEDURE Part 6

ORY NOTES

ie Dates

Acts. Section to take effect 180
er Nov. 29, 1990, except as other-
vided, see section 3631 of Pub.L.
7, set out as a note under section
this title.

NCES

al Civil Procedure 72.1.

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

RESEARCH

umber).
xplanation 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),

(4) the term "person" has the meaning given such term in section 1 of title 1, and

(5) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Palau, or any territory or possession of the United States.

(Added Pub.L. 102-559, § 2(a), Oct. 28, 1992, 106 Stat. 4227.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports **Effective Dates**
1992 Act, Senate Report No. 102-248, Section 3 of Pub.L. 102-559
see 1992 U.S. Code Cong. and Adm. provided that: "This Act [enacting this chapter and enacting provisions set out as a note under section 1 of this title] shall take effect on January 1, 1993."
News, p. 3553.

LIBRARY REFERENCES

American Digest System

Elements of criminal gaming, see Gaming §64.1 to 67.

Nature of offense of gaming, see Gaming §67.

Regulation of athletic contests and activities in general, see Theaters and Shows §3.60.

Encyclopedias

Definitions, distinctions, and general considerations; sports, athletic contests, and activities, see C.J.S. Entertainment and Amusement; Sports § 5.

Gaming; definitions, descriptions, and distinctions, see C.J.S. Gaming § 1.

Gaming; offenses and responsibility therefor, see C.J.S. Gaming § 80 et seq.

WESTLAW ELECTRONIC RESEARCH

Gaming cases: 188k[add key number].

Theaters and shows cases: 376k[add key number].

See, also, WESTLAW guide following the Explanation pages of this volume.

§ 3702. Unlawful sports gambling

It shall be unlawful for—

(1) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law or compact, or

(2) a person to sponsor, operate, advertise, or promote, pursuant to the law or compact of a governmental entity,

a lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly (through the use of geographical references or otherwise), on one or more competitive games in which amateur or professional athletes participate, or are intended to participate, or on one or more performances of such athletes in such game.

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports **Effective Dates**
1992 Act, Senate Report No. 102-248, Section 3 of Pub.L. 102-559, set out as a note under section 3701 of this title.
see 1992 U.S. Code Cong. and Adm. News, p. 3553.

LIBRARY REFERENCES

American Digest System

Gaming offenses: playing or betting in general, see Gaming §71.

Regulation of athletic contests and activities in general, see Theaters and Shows §3.60.

Encyclopedias

Gaming offenses and responsibility therefor, bet or wager, see C.J.S. Gaming § 88.

Offenses incident to conduct of sports, see C.J.S. Entertainment and Amusement; Sports § 3.62.

WESTLAW ELECTRONIC RESEARCH

Gaming cases: 188k[add key number].

Theaters and shows cases: 376k[add key number].

See, also, WESTLAW guide following the Explanation pages of this volume.

§ 3703. Infractions

A civil action to enjoin a violation of section 3702 may be commenced in an appropriate district court of the United States by the Attorney General of the United States, or by a professional sports organization or amateur sports organization whose competitive game is alleged to be the basis of such violation.

(Added Pub.L. 102-559, § 2(a), Oct. 28, 1992, 106 Stat. 4228.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports **Effective Dates**
1992 Act, Senate Report No. 102-248, Section 3 of Pub.L. 102-559, set out as a note under section 3701 of this title.
see 1992 U.S. Code Cong. and Adm. News, p. 3553.

LIBRARY REFERENCES

American Digest System

Actions for injunction; venue, see Injunctions §111.

Illegal gambling; preliminary proceedings in prosecution, see Gaming §83.

Encyclopedias

Definitions and titles for infractions; venue, see C.J.S. Infractions § 179.

WESTLAW ELECTRONIC RESEARCH

Gaming cases: 188[add key number].
 Injunction cases: 212[add key number].
 See, also, WESTLAW guide following the Explanation pages of this volume.

*** § 3704. Applicability**

(a) Section 3702 shall not apply to—

(1) a lottery, sweepstakes, or other betting, gambling, or wagering scheme in operation in a State or other governmental entity, to the extent that the scheme was conducted by that State or other governmental entity at any time during the period beginning January 1, 1976, and ending August 31, 1990;

(2) a lottery, sweepstakes, or other betting, gambling, or wagering scheme in operation in a State or other governmental entity where both—

(A) such scheme was authorized by a statute as in effect on October 2, 1991; and

(B) a scheme described in section 3702 (other than one based on parimutuel animal racing or jai-alai games) actually was conducted in that State or other governmental entity at any time during the period beginning September 1, 1989, and ending October 2, 1991, pursuant to the law of that State or other governmental entity;

(3) a betting, gambling, or wagering scheme, other than a lottery described in paragraph (1), conducted exclusively in casinos located in a municipality, but only to the extent that—

(A) such scheme or a similar scheme was authorized, not later than one year after the effective date of this chapter, to be operated in that municipality; and

(B) any commercial casino gaming scheme was in operation in such municipality throughout the 10-year period ending on such effective date pursuant to a comprehensive system of State regulation authorized by that State's constitution and applicable solely to such municipality; or

(4) parimutuel animal racing or jai-alai games.

(b) Except as provided in subsection (a), section 3702 shall apply on January 1, 1993, to any scheme described in section 4(4) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(4)).

WESTLAW guide following the Explanation pages of this volume.

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports out as an Effective Dates note under section 3701 of this title.
 1992 Acts, Senate Report No. 102-248.
 See 1992 U.S. Code Cong. and Adm. News, p. 3553.

References in Text

The effective date of this chapter, referred to in subsection (3)(A), is Jan. 1, 1993, see section 3 of Pub. L. 102-559, set out as a note under section 3701 of this title.

Effective Dates

1992 Acts, Section effective Jan. 1, 1993, see section 3 of Pub. L. 102-559, set out as a note under section 3701 of this title.

LIBRARY REFERENCES

American Digest System

Gaming offenses: construction of statutory provisions, see Gaming §63(3).

Encyclopedias

Gaming offense: and responsibility therefor; games, etc., within statutes, see C.J.S. game § 86.

WESTLAW ELECTRONIC RESEARCH

Gaming cases: 188[add key number].
 See, also, WESTLAW guide following the Explanation pages of this volume.



Related item.....

[Two former St. Mary's students arrested on bookmaking charges](#)

Published Friday, January 29, 1999

Student gambling has raised awareness on high school, college campuses

Pat Doyle and Susan Hogan/Albach / Star Tribune

When two students were questioned last year about running sports bets out of their house on the campus of St. Mary's University, it drew attention to a vice that school officials long had overlooked.

"We were not aware we had a problem until this investigation," said Bob Conover, spokesman for the Winona, Minn., university.

More seriously, when basketball players were caught fixing games at Northwestern University -- a school known for high academic standards -- it prompted fear of a similar scandal at the University of Minnesota.

"If it can happen at Northwestern, it can happen anywhere," said Mark Dienhart, men's athletic director at the "U."

Those events and recent studies have brought gambling out of the shadows and into the spotlight as a vice that's worth warning students about on college campuses.

Football coach Roger Thomas at the University of North Dakota remembers previous years when colleges admonished players before seasons not to fight or celebrate excessively on the field. Now, at the urging of the NCAA, the lecture has changed.

"There's always been a point of emphasis," he said. "This year, it's gambling."

Young people are twice as likely as adults to develop a gambling problem, according to a study done last year by the Harvard Medical Center Division on Addictions. The study found that 3.88 percent of teens are compulsive gamblers, 4.67 of percent college students and only 1.6 percent of the general population.

And a nationwide survey released this month by the University of Michigan found that 45 percent of male college athletes say they gamble on sports, and more than 5 percent say they shaved points, leaked inside information or bet on their own games.

In reaction, some schools are changing policies.

St. Mary's is developing a strategy for combating gambling modeled after longstanding efforts against drugs and alcohol.

Next fall, for the first time, the student handbook will include a prohibition on gambling on campus. The ban will be emphasized at next fall's orientation for new students. The university also plans to train its residence hall staff to recognize signs of compulsive gambling.

Last fall the University of Minnesota formed a committee to study gambling problems, survey students about their attitudes toward betting and find ways to identify likely dorm bookies.

But Dienhart thinks the university should consider taking a more drastic step. Student bookies, he said, should "be booted out of the university." He recommended that the gambling committee take up the issue.

"I realize it's an extreme position," he said. "But if we want to keep what happened at Northwestern from happening to us, we should have the institutional will to talk about it. If someone is making book on campus and we're giving them a dorm room to do it in, it's wrong."

However, there's little evidence that student gambling or campus bookmaking is a widespread problem.

"Either it's not a big deal, or those doing it are extremely secretive," said Ralph Rickgarn, coordinator of student behavior for residence halls at the university.

Officials long have assumed that gambling takes place in college dorms. But Rickgarn said records for the past three years show no incident reports of gambling in University of Minnesota residence halls. But that doesn't mean students aren't betting there -- or elsewhere.

"A lot of the kids go out to the casinos; I keep hearing about that," Rickgarn said. "It's probably more alluring than sitting in a residence hall."

Conover said the lottery, pulltabs and the spread of Minnesota casinos -- where 18-year-olds can bet legally -- has resulted in "confusion between legal gambling and illegal bookmaking" for some St. Mary's students. "I think we live in a society that sends mixed messages."

The two students questioned over the alleged bookmaking ring were charged this week with running a sports book on campus that handled more than \$16,000 in bets over at least five months in 1997 and '98. Although authorities won't estimate how many of the university's 1,350 full-time students were betting, "I think probably dozens," Conover said.

Getting started

The exposure to legal gambling can begin early, especially for some people within a short drive of Jackpot Junction Casino in Morton or Firefly Creek Casino near Granite Falls.

"We're pretty much aware that kids who hit 18 will go out and utilize the casino," said Don Yrjo, superintendent of Redwood Valley High

School in Redwood Falls. "That's a novelty."

Marshall High Principal Paul Brost said gambling may be interfering with more traditional school social activities.

"We hear parents say that for the kids who are of age, it's hard to keep them at the prom because they want to go to the casino," he said. But, he added, "we haven't had to put any policies into place because kids have been throwing dice or playing poker."

In Granite Falls, the Rev. Lowell Clark of the Assemblies of God congregation said he's "heard from some teenagers that some of their friends gamble and that they think it's a problem for their friends. I don't know if it's casino gambling so much as it's pulltabs and Lotto."

Despite such concerns and suspicions that underage teens sneak into casinos, some observers believe the dangers of teen gambling are exaggerated.

"With teenagers, it's mostly traffic and curfew problems or alcohol and drug-abuse violations," said Phil Teig, the police chief in Granite Falls.


Chico Anderson, who teaches religion at Marshall School in Duluth, said casinos don't hold the lure that they once did for teenagers in northeastern Minnesota.

"The newness has worn off," Anderson said. "When the casinos first popped up, it was a big deal for the kids to go when they turned 18. But among high school kids, it's not as cool as it was five or six years ago."

— Staff writer Pat Doyle can be reached via e-mail at pdoyle@startribune.com and Susan Hogan/Albach at shogan/albach@startribune.com.

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 [Two former St. Mary's students arrested on bookmaking charges](#)

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September 27, 2000

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Call Off All Bets

By JIM CALHOUN

STORRS, Conn. - Casinos are dotted across America, but there is only one state where customers can bet legally on college sports events. When gambling on amateur sporting events was banned by a 1992 federal law, an exemption was given to Nevada.

A bill now pending in Congress would close the Nevada loophole, stopping all legal betting on college athletics. I stand with my fellow coaches of National Collegiate Athletic Association Division I teams in endorsing this legislation.

As coaches from across the country know, student athletes can encounter a multitude of gambling pressures during a playing season: people may approach them for inside information or try to pay them to miss a few shots or to in some way influence the outcome of a game. Each season I coach my players on how to handle such situations, but they shouldn't have to be put in that position. As the amount of money legally wagered on these kids escalates, so do the pressures on them — and on the integrity of college sports.

Nevada officials know this; the state prohibits casino betting on its own teams even as it provides a home for betting on others.

Yet the leadership of the Republican-controlled Congress has stymied efforts to close the Nevada loophole. The Senate bill has 21 cosponsors and was adopted unanimously by the Commerce Committee in April. Leaders from both parties agree that it would be adopted overwhelmingly if it were to be considered on the Senate floor. But numerous attempts by the sponsors, Republican Senators John McCain of Arizona and Sam Brownback of Kansas, to bring it to a vote have failed.

In the House, where the bill has 80 co-sponsors and has been approved by the Judiciary Committee, Republican Lindsey Graham of South Carolina and Democrat Tim Wroener of Indiana, the main sponsors, say they are optimistic that a floor vote can be scheduled over the objections of the leadership.

Why don't the leaders of Congress want this bill on the calendar? Some, like Tom DeLay of Texas, the House majority whip, say it's a states' rights issue. Well, it's true that Nevada doesn't want this legislation. But what about the rights of other states not to have their sports programs tainted by Nevada's exemption? When the N.C.A.A. sent a letter to the Nevada Gaming Control Board asking that the state allow the same protections from gambling for colleges and universities in other states that it provides to those at home, it was rebuffed. N.C.A.A. schools asked to be allowed to petition the board to have a particular university removed from the sports betting boards. The response was no. This issue is clearly about an exception to federal law that hasn't worked, not states' rights.

Some opponents of closing the loophole argue that it won't ease the problem of college sports gambling because curbing legal gambling only fuels illegal betting. But the evidence is to the contrary. Many college coaches have said publicly that recent point-shaving scandals would not have happened if not for the presence of Nevada's betting.

The gambling industry has made generous contributions to both parties, and these may be having an effect. The legislation to close the loophole is being held up even though the National Gambling Impact Study Commission, a bipartisan group selected by Congress and the White House, recommended it. This position has wide support from sports and educational groups. What unites them is a belief that betting endangers the future — and tarnishes the integrity — of college sports.

Jim Calhoun is the University of Connecticut's head basketball coach.

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New focus on compulsive gaming urged

Washington (AP)

Federal and state leaders must confront a compulsive gambling problem that has grown with the spread of casinos, slot machines and lotteries, a federal study panel said Friday.

Members of the National Gambling Impact Study Commission, concluding two years of work, urged Americans to assess the pros and cons of the various forms of legal gambling.

"We've come too far, too fast," said commissioner Richard Leone, a gambling critic who drafted many of the report's strongest recommendations.

Chairwoman Kay James, a gambling opponent who guided the commission's pro- and anti-gambling members to a consensus on the report's overall tone, said legal betting has created thousands of jobs but has brought troubling consequences to millions of gamblers.

"I'm deeply disturbed by the impact of gambling on individuals, on families and on communities," James said as the commission submitted its report to Congress, the White House, state governors and tribal leaders.

Created by Congress in 1996 and given a \$5 million budget, the commission held 250 hours of hearings throughout the country.

Like the overall report, most of the commission's 76 recommendations generated unanimous support, including a nationwide minimum age of 21 to place bets (up from 18 in some states) and less advertising by state lotteries.

Other recommendations passed on divided votes, including a ban on collegiate sports betting and restrictions on campaign donations by the gambling industry.

In its most controversial decision, the commission voted 5-4 to include a sentence urging governments to consider imposing "an explicit moratorium" on further expansion of gambling.

The strongest recommendations are aimed at curbing state lotteries and forms of "convenience gambling" like slot machines and video poker terminals in neighborhood stores.

Contested patent may force a change to what is considered human

Washington (AP)

An application rejected by the U.S. Patent Office and destined to end up in the courts may force the federal government to address a perplexing question: What is a human being?

The patent application sought to claim rights to all laboratory processes involving the combined use of human and animal cells and was rejected by the U.S. Patent office because it "embraces human beings."


Jeremy Rifkin, co-applicant for the patent and a well-known biotechnology activist, said the PTO failed to define how many human cells or genes there must be in a laboratory human-animal experiment for the hybrid to be considered human.

"This is territory that has not been chartered and we think it is time for them to look at this and give us a definition," said Rifkin, a well-known opponent of many types of genetic research. "We want to force the government to draw a line in the sand" that would limit human-animal research, he said.

Rifkin and his co-applicant, New York Medical College biology professor Stuart Newman, refiled their application this week and plan to push the issue, if necessary, through the federal courts.

About 80 percent of patent applications are initially rejected. The system requires a second rejection before the issue can be carried to the Board of Patent Appeals, a process that usually takes more than two years. Only then, said Rifkin, would he file in the federal courts.

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North Dakota Council on Gambling Problems

Arthur A. Link
Chairman

January 15, 2001

House Judiciary Committee
Rep. Duane DeKrey. Chairman

Re: H.B. 1054
Relating to Definition of Gambling.

Chairman DeKrey and Members of the House Judiciary Committee,

My name is Arthur A. Link, Chairman of the North Dakota Council on Gambling Problems.

The North Dakota Council on Gambling Problems is opposed to further expansion of gambling in North Dakota. If H.B. 1054 were approved by the Legislature and Governor, it would permit wagering on athletic and sporting events, which would constitute expansion of gambling.

Sporting and athletic events and contests are constructive activities that promote physical fitness, character, honesty and enjoyment. These virtues are emphasized to our youth at all levels of their educational and physical development.

We must ask ourselves what kind of message would we be sending to our young athletes and students if they knew that their achievements on the football field or basketball court were being wagered? It would tell our youth that it is alright to gamble.

Further, if the outcome of an event would mean the monetary gain or loss to a friend, the chances of clean sportsmanship may be compromised.

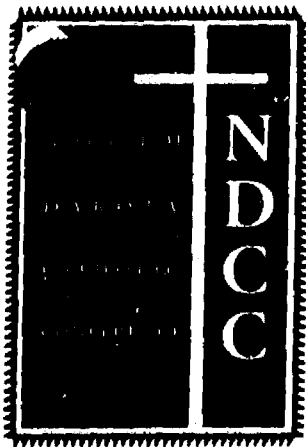
There is evidence that youthful gambling is already a problem. From the December 6th Bismarck Tribune under the headline - United Way survey identifies needs, I quote: "After transportation, community leaders listed the community's top problems to be needs for affordable child care and gambling intervention."

Passage of H.B. 1054 would add to this problem.

We respectfully request that you do not pass H.B. 1054.

Thank you,

Arthur A. Link
Chairman



*Representing the Diocese of Fargo
and the Diocese of Bismarck*

Christopher T. Dodson
Executive Director and
General Counsel

To: Members of the House Judiciary Committee
From: Christopher T. Dodson, Executive Director
Subject: House Bill 1054 (Definition of Gambling)
Date: January 15, 2001

Mr. Chairman, members of the committee, I am Christopher Dodson, the executive director of the North Dakota Catholic Conference. Recognizing that widespread availability of gambling threatens the common good, the North Dakota Catholic Conference has long opposed the expansion of gambling in North Dakota and has long opposed this particular proposal.

House Bill 1054 appears to merely legalize various forms of sports pools. Betting on sporting events, however, is already legal in North Dakota so long as the total amount wagered by an individual does not exceed twenty-five dollars and is conducted on private premises. (N.D.C.C. § 12.1-28-02.) Why then is this bill needed?

This question is particularly relevant when we look at the scope of the bill. By removing wagering on athletic and sporting activities from the definition of gambling, the bill would legalize any such wagering, no matter where it is conducted, no matter what the amount of wager, and no matter who is engaged in the athletic or sporting event. The bill would, therefore, significantly expand -- and remove any restrictions from -- an entire form of gambling.

Some may argue that this type of gambling already occurs with great frequency. That may or may not be true. If it does, most of the activity is probably within the parameters permitted under the current law. In any event, the alleged frequency does not justify its legalization since laws are not meant to be mere reflections of common practice. Moreover, passage of the bill could very well lead to greater activity in this area, amounting to a state sanctioned expansion of gambling. Such an expansion is something the people of North Dakota have repeatedly indicated they do not want.

We urge a Do Not Pass recommendation.

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NORTH DAKOTA CONFERENCE OF CHURCHES

411 - N. 4th St. - Suite 8 • Bismarck, North Dakota 58501-4078 • (701) 255-0604

To: Members of the House Judiciary Committee
From: The North Dakota Conference of Churches
Subject: HB 1054 (Definition of Gambling)
Date: January 15, 2000

Attached is the North Dakota Conference of Churches' Statement on Gambling. The following denominations of the North Dakota Conference of Churches continue to oppose gambling and the further legalization of gambling in the state for the reasons listed in attached the document.

- American Baptist Churches of the Dakotas
- Church of Brethren, Mon-Dak Area
- Church of God (Anderson)
- Episcopal Diocese of ND
- Evangelical Lutheran Church in America, Eastern ND Synod
- Evangelical Lutheran Church in America, Western ND Synod
- Moravian Church in America, Northern Province
- Presbyterian Church, U.S.A. Presbytery of the Northern Plains
- Roman Catholic Church, Bismarck Diocese
- Roman Catholic Church, Fargo Diocese
- United Church of Christ, Northern Plains Conference
- United Methodist Church, Dakotas Conference

MEMBER DENOMINATIONS: American Baptist Churches of the Dakotas • Church of Brethren, Mon-Dak Area • Church of God (Anderson) • Episcopal Diocese of N.D. • Evangelical Lutheran Church in America, Eastern ND Synod, Western ND Synod • Moravian Church in America, Northern Province • Presbyterian Church, U.S.A., Presbytery of the Northern Plains • Religious Society of Friends (Quaker) • Roman Catholic Church, Bismarck Diocese, Fargo Diocese • United Church of Christ, Northern Plains Conference • United Methodist Church, Dakotas Conference.

ASSOCIATE MEMBERS: Catholic Family Service • CHARIS • Church Women United • Home on the Range • Jamestown College • Lutheran Social Services of North Dakota • University of Mary • North Dakota Chaplains Association • Unitarian/Universalist Fellowship • The Village Family Service Center

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STATEMENT ON GAMBLING

The North Dakota Conference of Churches opposes gambling and further legalization of gambling in the state for the following reasons:

- Gambling undermines the work ethic on which our state is founded. The work ethic suggests that all should contribute to the welfare of society to the degree they are able, and be rewarded in accordance with their gifts or needs.
- Gambling has no long term economic benefit and creates no new wealth for our state and communities. Money spent on gambling is money that could be spent in other ways (and therefore taxed through normal channels,) or invested in other segments of the economy to create more value.
- Gambling promotes the untruth that an individual can "get something for nothing," and do so at the expense of neighbor. Therefore, gambling has a corrupting effect on personal character and community spirit as it raises false hopes in the face of real needs.
- State sponsored gambling for the purpose of raising revenue for governmental operations is a regressive tax. It has been proven to be a larger tax on the poor than on those most able to pay the tax. It is a tax based on the weakness of the people. The state itself becomes a victim. The state becomes dependent on gambling and must begin promoting gambling among its citizens.
- Family problems, broken lives, financial crises and other human tragedies are a by-product of the abuse of gambling.
- Having considered all of the evidence listed above, it is our considered judgement that the gambling industry is not in the best interest of the State of North Dakota.

Approved by the North Dakota Conference of Churches member denominations: American Baptist Churches of the Dakotas; Church of Brethren, Mon-Dak Area; Church of God (Anderson); Episcopal Diocese of ND; Evangelical Lutheran Church in America, Eastern ND Synod and Western ND Synod; Moravian Church in America, Northern Province; Presbyterian Church, U.S.A. Presbytery of the Northern Plains; Roman Catholic Church, Bismarck Diocese and Fargo Diocese; United Church of Christ, Northern Plains Conference; United Methodist Church, Dakotas Conference.

MEMBER DENOMINATIONS: American Baptist Churches of the Dakotas • Church of Brethren, Mon-Dak Area • Church of God (Anderson) • Episcopal Diocese of ND • Evangelical Lutheran Church in America, Eastern ND Synod, Western ND Synod • Moravian Church in America, Northern Province • Presbyterian Church, U.S.A. Presbytery of the Northern Plains • Religious Society of Friends (Quaker) • Roman Catholic Church, Bismarck Diocese, Fargo Diocese • United Church of Christ, Northern Plains Conference • United Methodist Church, Dakotas Conference

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