MICROFILM DIVIDER

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ROLL NUMBER

DESCRIPTION

2363

2005 SENATE JUDICIARY

SB 2363

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2363

Senate Judiciary Committee

☐ Conference Committee

Hearing Date February 1, 2005

Tape Number	Side A	Side B	Meter #
2	X		850 - 3660

Committee Clerk Signature Moira L Sallberg

Minutes: Relating to definition of gambling.

Senator John (Jack) T. Traynor, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following testimony:

Testimony In Support of the Bill:

Senator Nick Hacker, Dist #42 Introduced the bill (meter 850) Gave Testimony - Att. #1

Jeffrey N. Weatherly, PH.D. Associate Professor & Chairperson Dept. of Psychology UND (meter 1000) Gave his testimony - Att. #2.

Sen. Trenbeath questioned where Mr. Weatherly got his statistical information 1-3% of population has a gambling problem what % gambles and he replied that it is a North American Survey that included Canada. How many people gamble? We do not have a handle on that. We would asked people "do you gamble" and have to believe there answer.

Senator Syverson asked what type of "machines" the professor would be using. He was not certain but they would use a computer program. How would the simulate the sounds, lights and

other atmospherical effects? I would love to look into those effects but the best I could do is a computer simulated study that has not been set up yet. It was necessary to get this first approval before being able to go ahead and set a protocol. Who would be your "subjects"? The participants would vary by research individuals. At this point the would only use non-pathological individual. If they were ever to use pathologic gamblers that would have to have a "treatment" structure available. We have a very stringent Institutional Review Board. **Senator Syverson** stated that gambling entitles "risk-reward" how would you set this up, would you have the subjects use their own money. The professor responded that they are not aloud to use there own funds. I would like to set up a situation where they were given a small amount of money $5-$10. If they win they can keep the money if they loose its over. What ever I propose would have to go through the review board. **Senator Syverson** asked if that sampling would justify a study? He responded that the study would have to be backed-up by a seeing rather the results of the study are consistent with the results in natural setting. Discussed experimental manipulation is a key component, this is not the only one, but in a controlled environment you need to make sure it matches up. I am excited to do this because controlled studies are not possible and as a research community we are missing the bottom link.

Senator Triplett can you give me a brief overview on what other states are doing in this area? Their is very little research of this type due to the laws in other states are very similar to ours, he responded. Most information comes from Canada/Toronto. They are looking at what type of experiences their participants have coming into the situation that might influence their gambling behavior. For example; if someone comes from a statistical background do they behave differently than some one who didn't. The answer is no. Senator Triplett asked about the "gap"

in research being done. It is enormous. If you went into the largest search engine in physiological literature and typed in "search of gambling and experiment" you would get about nine studies that have ever been published. If you type in "gambling" you would get nearly 6,000. **Senator Triplett** asked how this would be funded? The National Institute for Mental Health would be the first one; this contains many agencies within it.

Sen. Traynor asked if they were going to study the effects of smoking and gambling? Not at this time I could not do this. How about Alcohol? That would be an even greater obstacle. The board would have to have a tremendous amount of hurdles to cross if you involve any pharmaceutical components; even though this would be of great value to research. Discussed different theories talked about.

Mr. Kurt Lugar - ND Indian Gaming Association (meter 2247) Gave his support of bill. Senator Hacker I commend you on your approach to the tribes on the impact of this issue. With a few phone calls he got the tribes in support also. We appreciate your consideration. In 2000 the state and the tribes cofounder a compulsive gambling study. It is used in presentations in CA and Europe. There is a huge gap in the research, we had to go to Massachusetts to start are study. There is so little being done. The tribes and the state were both concerned. This research has helped us to deal with issues of compulsive gamblers. We are not afraid of what research will find. The Tribal Gaming Industry, unlike the Los Vegas style gaming industry has had a sensitivity towards compulsive gambling-unlike any other area. When I grew up in Forte Yates 95% of the people were involve with alcohol. We no compulsive behavior and how destructive it can be to the family unit. We are entertainment centers we are not portholes for people to entertain themselves in addictive behavior. You will note that we have training through out the

year for our board people to watch for compulsive behavior and it is one of the best things we have done. They are hurtfully to our industry and we do not want to bring that image to our industry. What we can, in a scientific approach will only benefit us. We have a long term relationship with UND. We have an interest in filling that gap in the research. It will only benefit us.

Discussed (meter 3000) doing live studies at the actual casino

Testimony in Opposition of the Bill:

none

Senator John (Jack) T. Traynor, Chairman closed the Hearing

Sen. Trenbeath made the motion to Do Pass and **Senator Triplett** seconded the motion. All were in favor, motion passes

Carrier: **Senator Hacker**

Senator John (Jack) T. Traynor, Chairman closed the Hearing

FISCAL NOTE

Requested by Legislative Council
01/25/2005

Bill/Resolution No.: SB 2363

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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	$0	$0	$0	$0	$0	$0
Expenditures	$0	$0	$0	$0	$0	$0
Appropriations	$0	$0	$0	$0	$0	$0

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
$0	$0	$0	$0	$0	$0	$0	$0	$0

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill states that gaming equipment and devices that may not otherwise be lawful in the state could be used by an institution under the control of the state board of higher education for purposes of conducting scientific research in a controlled environment on its campus.

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.*

N/A

   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, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

N/A

Name:	Keith Lauer/Kathy Roll	**Agency:**	Office of Attorney General
Phone Number:	328-3234 328-3622	**Date Prepared:**	01/26/2005

Date: 1/11/05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2363

Senate Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen. Trenbeath Seconded By Sen. Nelson

Senators	Yes	No	SenatorsSen. Nelson	Yes	No
Sen. Traynor	✓		Sen. Nelson	✓	
Senator Syverson	✓		Senator Triplett	✓	
Senator Hacker	✓				
Sen. Trenbeath	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Hacker

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

REPORT OF STANDING COMMITTEE

SB 2363: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2363 was placed on the Eleventh order on the calendar.

2005 HOUSE JUDICIARY

SB 2363

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2363

House Judiciary Committee

☐ Conference Committee

Hearing Date 3/9/05

Tape Number	Side A	Side B	Meter #
2		x	49-end
3	xx		0-3.9
Committee Clerk Signature Dawn Rimose			

Minutes: 14 members present.

Chairman DeKrey: We will open the hearing on SB 2363.

Sen. Nick Hacker: Sponsor, support (see written testimony) and (see written testimony of Jeff Wetherly). Currently if you were to go on Google search engine, and type in gambling studies, you'll get thousands of hits, but what those studies are, are for instance whether a statistician vs. a car salesman and what is the differences in how they gamble. They are not actually studies that address the cognizant effects on your mind, body and what happens in the environment that cause people to become addicted to gambling. In fact, there's only been one study that has addressed this cognizant type of effects. It's been done in Toronto, it was minimal. This is just a step beyond and really going to open the doors for our university's to try things under this controlled environment. We really collaborated with everyone who would be involved here. A study might be, the UND Psychology Department with departmental funds, not state funds, might provide for a study of 20 people to come and give each one of the individuals $10 to play with, you might get

it in two increments, $5 and $5 voucher. They would put $5 into the machine and get say a 1,000 credits. They would play, and in that environment they would monitor how they're playing, right down to pulse rate. If they got done and they lost, then they'd have the opportunity to make another decision. Do I cash in my $5 voucher and go home or do I put it back into the machine and get 1,000 more credits. Then they might put it back in there and if they lose it all, then they walk away and don't lose any money, because that $10 was provided just for the study. But if they walk in and want $10, and if they come in and they provide for 20 people, come in and play, they don't have to play. They can actually walk in and get $10 free dollars and walk out the door. These are some of the type of study that they are going to do. It's really cool with what they would like to be able to do, but they cannot because of our current state laws.

Representative Klemin: I'm not sure if everything is as simple as it appears. Are we saying here that we are going to be authorizing the use of slot machines, for example, at the UND, even though you can't use slot machines anywhere except at the tribal casinos.

Sen. Nick Hacker: The intent of the bill is not to put slot machines in the Memorial Union. Actually the UND Psychology department has a computer program that they were going to use and provide lights and sound and everything as if you were in a casino, or even an on-line study of gambling. There's a program out there that they would like to purchase and use, in this controlled environment. Yes, essentially you could put a slot machine in this controlled environment, I'll remind you that it's not University Ave., it's not in the Memorial Union or the little Times Square of the university.

Representative Klemin: But they are using real money and real slot machines, potentially, and I understand that there are some federal laws on that subject too, that would have to be complied with, wouldn't there. You would have to get a license or something for slot machines.

Sen. Nick Hacker: The bill provides for their capability of using these products, that is essentially what it does.

Representative Klemin: But under federal law, federal law is going to do what it wants to, regardless of what we say in the state. I've heard of other situations in the past, where there have been illegal slot machines in ND, for example, and as I recall some of those situations, they didn't get busted because they were violating state law, they did because they didn't have the license required under federal law.

Sen. Nick Hacker: If I recall correctly, the AG's office went and confiscated the 60 slot machines at the Civic Center.

Representative Klemin: I'm not saying it doesn't happen.

Sen. Nick Hacker: We worked with the AG in how this would work, and specifically related to video poker, not necessarily slot machines. It's the slot machines that were confiscated and he said you cannot transport these machines across state lines. In ND you can't have them unless they're on tribal reservations in the state. So what essentially happens, is the AG mentioned that he doesn't care what program you use, just don't be transferring these types of machines across state lines. The intent of the professor at UND, is not to use video poker machines, but to use a computer program, which you can jump on the Internet and find multiple programs where you don't have to put money in, but the University might give them $5 and give you whatever the number, $100 of chips, in essence, would be the same thing.

Representative Klemin: That being the case, why does the bill have to allow the use of gaming equipment and devices that may not otherwise be lawful, if you're going to be using computers and not video machines, or slot machines.

Sen. Nick Hacker: The University profession actually did contact the State of ND, and they said you cannot. He said that he would like to do research, that's his profession. That's where the bill came from, to provide the opportunity. In talking to LC, they said this is the section of code that needs to be changed to add or exempt University's, to be in a controlled environment.

Representative Koppelman: Given your description of what this research wants to accomplish, I'm wondering if the wording of the bill really does that, because it basically focuses on exempting the equipment, the devices, and not the practice for research. From your description of what would go on, the research, it sounds to me like it would be a prohibited practice of gambling. I'm wondering if the bill covers everything you need.

Sen. Nick Hacker: Once again, in the suggestions by the AG's office, who provided the information to this professor that you cannot, they said this is what you need to do and then it's just fine. That's why we used this section of code.

Representative Zaiser: In Section C in this bill, why have you limited the operation to 4 year institutions, and why would you not put this in the hands of the State Higher Ed board which would give them some latitude, because perhaps this might be more appropriate on a tribal college, or maybe some two year institutions, which would have the appropriate folks, and then I understand that doctorate institutions, that give doctor's degrees, might do more research.

Sen. Nick Hacker: We went through about four different sets of language on how this would work. It was actually tailored to Executive Director, Kurt Luger, and the demands that they

wanted from the tribes. It's not 4 year schools, it's the state institutions of higher education. So it could be 2 year. This doesn't limit this to go on, as long as the institution is under the Board of Higher Ed., it can locate on off-site premises. In the future, that's the intent. Right now they are looking to conduct one or two studies at this point in time. Basically the finances aren't there to conduct large scale research and this doesn't limit them to only doing it exactly on the campus, if say the reservation says, yes we'd like an off campus site, which is still under the Board of Higher Ed, they can locate on to a casino, in ND, in cooperation with the Tribes. They would have to be willing to accept the University to locate on their land to do this research, and they would be able to go there, and that is actually what was said, that in the future let's try to orientate this into something like that. One of the concerns from Exec. Director Kurt Luger, was that the institutions might only use machines and things that are used at the Casinos, thus giving them a bad name for saying these types of machines are very addictive and that sort of thing. Those are just internal controls that they are working on together to make sure that they don't cross paths with each other.

Representative Zaiser: The language, to me, if you read the language, it doesn't seem to say that you can have those off sites, and the other part of my questions is why limit it to 4 year institutions when there might be a 2 year institution that might have the knowledge and the instructor with appropriate background to do these kinds of things. To me, putting it into the hands of the Higher Ed Board and giving them the latitude to make that determination. I think they would know the capability of each of their institutions.

Sen. Nick Hacker: It doesn't state 4 year institutions, but institutions of higher education, unless I am looking at an old copy that we amended.

Representative Zaiser: It says that issue a bachelors degree.

Sen. Nick Hacker: Yes, it is 4 year institutions.

Representative Boehning: If I'm getting into this study and you give me $5 or $10, and I play with the money and if I win, do I get to keep the money.

Sen. Nick Hacker: Yes, you do get to keep the money. Like I mentioned, it is departmental funds that are used for this, not state funds.

Representative Boehning: It's all departmental funds then.

Sen. Nick Hacker: Yes, all departmental funds. This simply provides just the opportunity for them to search out grants and granting opportunities, so they can conduct this research. Currently, they have $2,000 to deal with, which isn't going to conduct a large scale study, but they are looking for results in the first study, to be able to go out and solicit larger grants and granting opportunities. At that point in time, that's when they will really start integrating this with the tribal gaming.

Representative Klemin: I'm puzzled by your remark that you could go to a tribal casino and do this study, when the bill says that it has to be done in a controlled environment on the campus of that institution. How do you reconcile that.

Sen. Nick Hacker: That was basically the conversation between the two gentlemen, that in the future, that's where they would like to go with this. But at the present time, the tribal gaming does not want these studies to be conducted at those casinos, currently. As this rolls into effect, one of their major concerns was that they would be receiving a bad rapport if they came out and said these types of machines were being used in casinos, and really the bill was tailored to the tribes and tribal gaming commission.

Representative Klemin: We have two private universities in ND, Univ. of Mary and Jamestown College, and I don't know what they would do on this at those universities, but the Univ. of Mary does award bachelors and advanced degrees and in the writing here, this may be something that might be in their purview too. Why do we want to eliminate them from being able to use this. Why couldn't they be included. I don't know if they would want to do it.

Sen. Nick Hacker: As I mentioned earlier, the bill basically has been tailored through the Exec Director of Tribal Gaming Commission and when the bill was first drafted, before we started soliciting the support from the tribal gaming, they went through and said we want it limited to this and I'm open to amendments, of course, and that's the reason why these things were really put in there, because they were unsure of exactly where you are going to do this research and what it's going to contain. That's really how the bill got formulated the way it does. I don't actually have the current bill in front of me, but I have the very first draft and it basically, the first draft only stated, used by a state institution of higher education. That would have left all institutions of higher education throughout the entire state open to this research. So really those elements came from the tribal gaming commission.

Representative Onstad: You mentioned in your testimony, funding and funding hasn't been fully in place at this point, and then, give concerns of the tribal gaming casinos, has it been discussed, and I don't know if they fully participated in Gamblers Anonymous, in addiction problems and so on. The research is going for addiction. It is a concern there, but are any of the casinos willing to help fund this, and maybe with charitable gaming too, but help fund the research. It is in their best interest too.

Sen. Nick Hacker: It is definitely in their best interest, I agree. They had mentioned that, in the future, when we start pooling money for this, to conduct research also done. Because they have a certain number of elements that they have to do, they have to take so many proactive steps against gambling, addiction prevention, and helping people who are already addicted. Yes, they were interested, but not at this time because this is fairly new and they wanted to see how things go first. We are basically opening the door so that they can. There's about $200,000 from the lottery funds that is used for gambling addiction and Gamblers Anonymous. This is not the same sort of address towards the problem. They're using a lot of that to help people who are already addicted. We're trying to find the trigger in someone's mind that makes them, basically keep betting more and what triggers it in their mind. This is a more scientific approach, as I mentioned when I first started, there's been thousands of studies done on what type of person gambles more, does the statistician have a better system for gambling versus an auto salesman. This is to address the effects of why an individual, what's in their mind to make them want to gamble more and become addicted, essentially.

Representative Onstad: A lot of times the lottery is more of a gathering thing, and not in the light of gambling, it's two people who go together and use it as a conversation piece. But we fund a lot of research, in the State Ag research, that comes people that are in the industry, and that's where the funding comes from. I think in the best results here, that research directly goes to that, I would think to pass something and not have any indication where the funding is coming from, it would be in our best interests to maybe have those organizations, that funding should directly affect that industry, maybe they should help fund the research and we should indicate that in this particular bill.

Sen. Nick Hacker: I couldn't agree with you more, that I agree that the people who this will affect, should help support this financially. They would like to see some progress made, before they commit dollars, because they already commit amounts of their money to Gamblers Anonymous, etc. Each tribal gaming group has to coincide with so many regulations, yes we are taking steps or progress in this direction. They want to see more progress done in the steps, keep in mind that this is new, this isn't something that we've been doing in the past. Like I said, currently in my understanding, there is $2,000 is what they've raised to begin researching this. As things progress, I agree with you wholeheartedly that this money should come from there. I would imagine that when soliciting a grant to continue this research on a larger scale, that a lot of those granting monies may come from tribal gaming.

Representative Delmore: As a committee, we need to keep in mind that this is a pilot, we're not creating mini-casinos all over university campuses. The AG has looked at the amendments, I'm sure, and I just have one question about money. I think maybe one of the things we want to be careful with who contributed to this, is not to make it seem slanted that those very people want to color what it is that the research would do. It may not be best that it were funded in that way, even though it's in their best interests. Could it possibly slant what people's perceptions of the research might be.

Sen. Nick Hacker: Exactly correct. That's what we've been dealing with the entire time in formulating this bill, that's why the tribal gaming commissioners were so, immediately they said no way. So I asked what we could do to make this a better bill to pull everybody on board, so that in the future, when this maybe has the opportunity of going to a more larger scale, we can pull more people on board.

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

Representative Koppelman: AG, I'm wondering about the wording of the bill and what's Sen. Hacker described as the kind of research that would go on, it seems to me that the wording of the bill strictly exempts the equipment that would be used, the devices, not the practice. The way he described the research, it sounds to me like gambling would be going on, as part of the research. Do we need to exempt the practice, as well as the devices.

Attorney General: No, we looked at this amendment, when he brought it to my attention, and we felt that this really was sufficient for the purposes that they have in mind. Somebody at the University said, hey we want to do some research on gambling addiction, is there anything we need to look at in statute to make that happen. It happens to be at the UND, I think they're the only ones who expressed an interest in conducting it. Nobody else has been in touch saying that their university was interested in doing this kind of research; not that anybody objected to it, but sometimes when you draft legislation, you have to worry. If you do it too precisely, then someone says you should open it wide up, but if you have it wide open, some say you should just narrow it to what you want to do. This bill is simply crafted to be as narrow to accomplish the purpose of the institution, the only institution, that has expressed an interest in doing it. They think they can get some grants. There is, of course, additional money. The lottery puts in $400,000 a biennium for gambling addiction, but that's really for addiction treatment. The Indian Casinos also have stepped up, and I don't know what their contributions are to date, but I remember about a year or so ago, they gave $50,000 towards gambling usage, and I think that's appropriate, I think. But for this bill, the university thinks they can get a research grant to do it,

and wanted to make sure that they were in full compliance with the law. That's why we worked with Sen. Hacker on this wording.

Chairman DeKrey: Thank you, Mr. Attorney General. Any opposition to the bill. We will close the hearing.

(Reopened later in the afternoon session).

Chairman DeKrey: What are the committee's wishes in regard to SB 2363.

Representative Delmore: I move a Do Pass.

Representative Meyer: Seconded.

Representative Galvin: This is just another study, that after listening to all the testimony, I can figure out why they gamble in the first place. They want to get a grant. This is to study something that should be obvious. I'm going to vote no.

Representative Delmore: What this is going to hopefully do, is to look at the reasons for some of the addiction that we have. I think we started being a little more responsible, and some of the things that we've done with gaming to put help for treatment, but we also need to know what some of the things are that cause people to have trouble with gaming. I think that is all this study is intending to do, and from what Sen. Hacker said, there's never really been anybody who's taken this particular approach to find out where it comes from and what's going to happen. I just think it's worthy of merit to, at least, try to examine some of the reasons we do have the addiction to gaming.

Representative Kingsbury: Have they written for the grant yet, I didn't believe they had the grant yet. They have to have this all in place before they..

Representative Delmore: I'm not sure they have, but all this is, is permissive language that if they would get the grant they would be able to legally do the research.

Representative Koppelman: I certainly understand that this is a UND issue as it stands now, and in general I intend to support the bill. I think Representative Klemin raised the question earlier, whether we are excluding private colleges, should they in the future want to do something like this, I don't know if they are set up to or not, but I think we could assuage that concern if we were to on line 16, beginning at the word "under" strike through line 17 the word "or" and that way it would just say, "any institution of higher education which awards degrees" and I think that the definition of being under the Board of Higher Ed, makes it public entities.

Representative Zaiser: I brought that up and I did talk to the Attorney General, as he was sitting close, and he indicated to me that the reason was there, was that UND has shown a specific interest and had staff with the expertise. Basically it was a pilot project so he assured me he thought that was the right thing to do. I concurred with his viewpoint. By and large, the larger university is going to have the staff for that.

Representative Delmore: There might be a reason to limit it for now. I think we can always come back and revisit. If it's wide open, I think there's another perception of what's going on, on college campuses, in that way. We've also got the state board that we've given powers to, and it might be good that they are under the auspices of that, because the board meets very regularly and knows what's going on in the universities. I think we've done some good things, not only with the board, but the roundtable. I think this leaves them in the mix where we want them to be.

Chairman DeKrey: Basically, that is what Representative Charging told me (she couldn't speak due to laryngitis). UND is the only institution that showed any interest in this study at all and they've already worked with the AG's office and that's why language is like it is, federal mandate. Further discussion on the bill.

Representative Klemin: Are we going to amend it to say that gambling does not include Internet poker.

Chairman DeKrey: Clerk will call roll on a Do Pass motion on SB 2363.

12 YES 1 NO 1 ABSENT DO PASS CARRIER: Rep. Charging

(Let the record reflect that Representative Charging had laryngitis, voted yes and was present.)

Date: 3/9/05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2363

HOUSE JUDICIARY COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Delmore Seconded By Rep. Meyer

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Representative Delmore	✓	
Representative Maragos	A		Representative Meyer	✓	
Representative Bernstein	✓		Representative Onstad	✓	
Representative Boehning	✓		Representative Zaiser	✓	
Representative Charging	✓				
Representative Galvin		✓			
Representative Kingsbury	✓				
Representative Klemin	✓				
Representative Koppelman	✓				
Representative Kretschmar	✓				

Total (Yes) 12 No 1

Absent 1

Floor Assignment Rep. Charging

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

REPORT OF STANDING COMMITTEE

SB 2363: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2363 was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

SB 2363

Att #1

Senate Judiciary Committee
February 1st 2005
Senate Bill 2363

Mr. Chairman and fellow members of the Senate Judiciary Committee for the record I am Nick Hacker District 42 State Senator from Grand Forks.

SB 2363 amends section 12.1-28-01 of the NDCC relating to gambling. Under current law scientific research with computerized gaming devices can not be conducted on the habits of habitual gamblers and what drives people to gamble. Subsection C of this bill would change the law to allow four year institutions under the control of the ND Board of Higher Education to conduct scientific research on that campus in a controlled environment.

This legislation is for the common good of North Dakotans. This research will help identify why people gamble and the characteristics that attribute to problem gambling. The bill will enable our universities to identify what can be done to prevent gambling addictions and help those who are addicted.

As you know social gambling easily turns into a problem in the addictive society we live in today. This is an opportunity for ND to come to the fore front in recognizing and helping those who become addicted to gambling. Ultimately, this could lead our NDUS system to be recognized as a leader in gambling research and possibly provide opportunities for non-state funding in this area.

This is an opportunity for us to open the doors for our university system. After working diligently with Dr. Jeff Weatherly of the UND Psychology Department and Executive Director Kurt Luger of the Great Plains Indian Gaming Association we have come to this legislation before you today and urge you to give this bill a Do Pass.

I will try and answer any questions you may have but the real experts are behind me. They will also be testifying today and may be more appropriate for your questions.

AH #2

Senate Bill 2363

February 1, 2005

Testimony of: Jeffrey N. Weatherly, Ph.D.
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I would like to thank the committee for their time in considering this bill and also Senator Nicholas Hacker for his time and effort in crafting this piece of legislation.

The presence of gambling in American society is growing. As of 1999, 48 states had some form of legalized gambling. This figure is amazing given that just decades prior 48 states had no form of legalized gambling. This growth is not something that states have taken lightly. On the contrary, states like North Dakota have established laws and state agencies that closely monitor and regulate the gaming industry in the state.

Results from scientific research suggest that the rate of pathological gambling in the general population ranges from 1 - 3%. These results suggest that although the vast majority of the population, some 97 - 99%, do not suffer from severe gambling problems, a significant number of people do. It is my belief, which is shared by many other researchers in the field, that we can discover why these certain individuals suffer from gambling-related problems when other individuals do not. If successful, this research would not only outline beneficial treatments for problem gambling, but also identify preventive measures that society and the state could take to decrease the number of people who suffer from gambling problems.

It is that goal that brings me here today. In the effort to monitor and regulate gambling in the state, the state government has made such research difficult, if not impossible, to conduct. For instance, as a researcher at UND, I would like to investigate whether there are certain cognitive fallacies that people make while playing a game of chance that might influence whether or not they continue to gamble. I am confident that you would all agree that such a piece of information would be important to know. However, at present I am not able to make such investigations because to do so I would need to create a situation in the laboratory that realistically mimics an actual "gambling" situation. Such a situation would violate the current laws regulating gambling. SB 2363 is specifically drafted to change that.

I would like to stress that SB 2363 will not turn our universities into casinos nor will it endanger research participants' psychological or financial well being. Our university system already has in place a mechanism that both monitors the validity of any research that is conducted and ensures that the proposed research is ethical. That mechanism is the Institutional Review Board and the Board would not allow me or any other researcher to conduct research that would render a profit for me or the institution. Furthermore, the Board would demand that the researcher has in place every possible procedure to safeguard the individuals participating in the research.

In closing, I believe that this bill has a tremendous upside to it and has very little, if any, downside. Its passage will not only benefit researchers and universities in the state, but will ultimately improve the lives of the citizens of North Dakota. I would like to thus ask for your support of the bill and would be willing to answer any questions that you might have of me.

House Judiciary Committee
February 1st 2005
Senate Bill 2363

Mr. Chairman and fellow members of the House Judiciary Committee for the record I am Nick Hacker District 42 State Senator from Grand Forks.

SB 2363 amends section 12.1-28-01 of the NDCC relating to gambling. Under current law scientific research with computerized gaming devices can not be conducted on the habits of habitual gamblers and what drives people to gamble. Subsection C of this bill would change the law to allow four year institutions under the control of the ND Board of Higher Education to conduct scientific research on that campus in a controlled environment.

This legislation is for the common good of North Dakotans. This research will help identify why people gamble and the characteristics that attribute to problem gambling. The bill will enable our universities to identify what can be done to prevent gambling addictions and help those who are addicted.

As you know social gambling easily turns into a problem in the addictive society we live in today. This is an opportunity for ND to come to the fore front in recognizing and helping those who become addicted to gambling. Ultimately, this could lead our NDUS system to be recognized as a leader in gambling research and possibly provide opportunities for non-state funding in this area.

This is an opportunity for us to open the doors for our university system. After working diligently with Dr. Jeff Weatherly of the UND Psychology Department and Executive Director Kurt Luger of the Great Plains Indian Gaming Association we have come to this legislation before you today and urge you to give this bill a Do Pass.

Thank you for your consideration.

Nick Hacker