

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1114

Introduced by

Judiciary Committee

(At the request of the Attorney General)

1 A BILL for an Act to amend and reenact section 53-06.1-11.2 of the North Dakota Century Code,
2 relating to transfers of charitable gaming funds; to provide a continuing appropriation; to provide
3 for retroactive application; to provide an effective date; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 53-06.1-11.2 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **53-06.1-11.2. Charitable gaming operating fund - Attorney general - State treasurer -**
8 **Allocations - Transfer to the general fund - Continuing appropriation. (Effective through**
9 **June 30, 2023)**

- 10 1. There is created in the state treasury the charitable gaming operating fund. The fund
11 consists of all gaming taxes, monetary fines, and interest and penalties collected
12 under this chapter.
- 13 2. Excluding moneys in the charitable gaming operating fund appropriated by the
14 legislative assembly for administrative and operating costs associated with charitable
15 gaming, the attorney general shall allocate remaining moneys in the charitable gaming
16 operating fund on a quarterly basis as follows:
- 17 a. Ten thousand dollars to the gambling disorder prevention and treatment fund.
18 Moneys in the charitable gaming operating fund are appropriated on a continuing
19 basis to the attorney general for the purpose provided in this subdivision.
- 20 b. Subject to legislative appropriations, five percent of the total moneys deposited in
21 the charitable gaming operating fund to cities and counties in proportion to the
22 taxes collected under section 53-06.1-12 from licensed organizations conducting
23 games within each city, for sites within city limits, or within each county, for sites
24 outside city limits. If a city or county allocation is less than two hundred dollars,

1 that city or county is not entitled to receive a payment for the quarter and the
2 undistributed amount must be included in the total amount to be distributed to
3 other cities and counties for the quarter.

4 3. ~~On or before June thirtieth of each odd-numbered year, the attorney general shall~~
5 ~~certify to the state treasurer the amount of accumulated funds in the charitable gaming~~
6 ~~operating fund which exceed the amount appropriated by the legislative assembly for~~
7 ~~administrative and operating costs associated with charitable gaming for the~~
8 ~~subsequent biennium. The state treasurer shall transfer the certified amount from the~~
9 ~~charitable gaming operating fund to the general fund prior to the end of each~~
10 ~~biennium.~~The balance of the net proceeds in the charitable gaming operating fund, less
11 holdback of any amount appropriated by the legislative assembly for administrative
12 and operating costs associated with charitable gaming for the subsequent biennium
13 must be transferred to the general fund on a biennial basis.

14 **SECTION 2. AMENDMENT.** Section 53-06.1-11.2 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **53-06.1-11.2. Charitable gaming operating fund - Attorney general - State treasurer -**
17 **Allocations - Transfer to the general fund.**

- 18 1. There is created in the state treasury the charitable gaming operating fund. The fund
19 consists of all gaming taxes, monetary fines, and interest and penalties collected
20 under this chapter.
- 21 2. Excluding moneys in the charitable gaming operating fund appropriated by the
22 legislative assembly for administrative and operating costs associated with charitable
23 gaming, the attorney general shall allocate remaining moneys in the charitable gaming
24 operating fund on a quarterly basis as follows:
- 25 a. ~~Ten~~Ninety-five thousand dollars to the gambling disorder prevention and
26 treatment fund. Moneys in the charitable gaming operating fund are appropriated
27 on a continuing basis to the attorney general for the purpose provided in this
28 subdivision.
- 29 b. Subject to legislative appropriations, five percent of the total moneys deposited in
30 the charitable gaming operating fund to cities and counties in proportion to the
31 taxes collected under section 53-06.1-12 from licensed organizations conducting

1 games within each city, for sites within city limits, or within each county, for sites
2 outside city limits. If a city or county allocation is less than two hundred dollars,
3 that city or county is not entitled to receive a payment for the quarter and the
4 undistributed amount must be included in the total amount to be distributed to
5 other cities and counties for the quarter.

- 6 3. ~~On or before June thirtieth of each odd-numbered year, the attorney general shall~~
7 ~~certify to the state treasurer the amount of accumulated funds in the charitable gaming~~
8 ~~operating fund which exceed the amount appropriated by the legislative assembly for~~
9 ~~administrative and operating costs associated with charitable gaming for the~~
10 ~~subsequent biennium. The state treasurer shall transfer the certified amount from the~~
11 ~~charitable gaming operating fund to the general fund prior to the end of each~~
12 ~~biennium~~ The balance of the net proceeds in the charitable gaming operating fund, less
13 holdback of any amount appropriated by the legislative assembly for administrative
14 and operating costs associated with charitable gaming for the subsequent biennium
15 must be transferred to the general fund on a biennial basis.

16 **SECTION 3. RETROACTIVE APPLICATION.** ~~This~~ Section 1 of this Act applies retroactively
17 to transfers to the gambling disorder prevention and treatment fund made after June 30, 2021.

18 **SECTION 4. EFFECTIVE DATE.** Section 2 of this Act is effective July 1, 2023.

19 **SECTION 5. EMERGENCY.** ~~This~~ Section 1 of this Act is declared to be an emergency
20 measure.