

SENATE BILL NO. 2162

Introduced by

Senators Vedaa, O. Larsen, Osland, J. Roers

Representatives M. Ruby, Vetter

1 A BILL for an Act to amend and reenact ~~subdivision a~~subsection 16 of section 53-06.1-01,
2 subdivisions a and d of subsection 1 of section 53-06.1-03, subsection 2 of section
3 53-06.1-11.1, and subsection 3 of section 53-06.1-14 of the North Dakota Century Code,
4 relating to the local ~~permit~~permits and prize limits.

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

6 **SECTION 1. AMENDMENT.** Subsection 16 of section 53-06.1-01 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 16. "Permit" means a local permit or ~~charity-local~~restricted event permit issued by a
9 governing body of a city or county to a nonprofit organization or group of people
10 domiciled in North Dakota.

11 **SECTION 2. AMENDMENT.** Subdivision a of subsection 1 of section 53-06.1-03 of the
12 North Dakota Century Code is amended and reenacted as follows:

- 13 a. An organization recognized as a public-spirited organization by the governing
14 body of a city or county may apply for ~~a local permit~~permits. A local permit may
15 allow the organization to conduct only raffles, bingo, or sports pools, ~~or a charity-~~
16 ~~local. A restricted event~~ permit may allow the organization to conduct only raffles,
17 bingo, sports pools, paddlewheels, twenty-one, and poker. The organization or
18 closely related organizations as a whole may only award a primary prize that
19 does not exceed ~~six~~eight thousand dollars and total prizes of all games do not
20 exceed ~~twelve~~forty thousand dollars per year. These maximum prize amounts do
21 not apply to raffles conducted under chapter 20.1-08. The determination of what
22 is a "public-spirited organization" is within the sole discretion of the governing
23 body. An organization shall disclose on the application its intended use of the net

1 income from the gaming activity. A governing body may issue a permit for games
2 to be held at designated times and places.

3 **SECTION 3. AMENDMENT.** Subdivision d of subsection 1 of section 53-06.1-03 of the
4 North Dakota Century Code is amended and reenacted as follows:

5 d. An organization that has a ~~charity local~~restricted event permit is restricted to one
6 event per year and:

- 7 (1) May not pay remuneration to employees for personal services;
8 (2) Shall use chips as wagers;
9 (3) Shall redeem a player's chips for merchandise prizes or cash;
10 (4) Shall disburse net income to eligible uses referenced by subsection 2 of
11 section 53-06.1-11.1; and
12 (5) Shall file a report prescribed by the attorney general with the governing
13 body and attorney general.

14 **SECTION 4. AMENDMENT.** Subsection 2 of section 53-06.1-11.1 of the North Dakota
15 Century Code is amended and reenacted as follows:

- 16 2. A licensed organization or an organization that has a ~~charity local~~restricted event
17 permit shall disburse net proceeds within the period prescribed by rule and for only
18 these educational, charitable, patriotic, fraternal, religious, or public-spirited uses:
- 19 a. Uses for stimulating and promoting state and community-based economic
20 development programs within the state which improve the quality of life of
21 community residents.
- 22 b. Uses for developing, promoting, and supporting tourism within a city, county, or
23 the state.
- 24 c. Uses benefiting an indefinite number of persons by bringing them under the
25 influence of education, cultural programs, or religion which include disbursements
26 to provide:
- 27 (1) Scholarships for students, if the disbursement is deposited in a scholarship
28 fund for defraying the cost of education to students and the scholarships are
29 awarded through an open and fair selection process.
- 30 (2) Supplementary assistance to a public or private nonprofit educational
31 institution registered with or accredited by any state.

- 1 (3) Assistance to libraries and museums.
- 2 (4) Assistance for the performing arts and humanities.
- 3 (5) Preservation of cultural heritage.
- 4 (6) Youth community, social welfare, and athletic activities.
- 5 (7) Adult amateur athletic activities within the state, including team uniforms
- 6 and equipment.
- 7 (8) Maintenance of places of public worship or support of a body of
- 8 communicants, gathered in common membership for mutual support and
- 9 edification in piety, worship, or religious observances.
- 10 (9) Scientific research.
- 11 d. Uses benefiting an indefinite number of persons by relieving them of disease,
- 12 suffering, or constraint which include disbursements to provide:
- 13 (1) Assistance to an individual or family suffering from poverty or
- 14 homelessness.
- 15 (2) Encouragement and enhancement of the active participation of the elderly in
- 16 our society.
- 17 (3) Services to the abused.
- 18 (4) Services to persons with an addicted behavior toward alcohol, gambling, or
- 19 drugs.
- 20 (5) Funds to combat juvenile delinquency and rehabilitate ex-offenders.
- 21 (6) Relief for the sick, diseased, and terminally ill and their physical well-being.
- 22 (7) Funds for emergency relief and volunteer services.
- 23 (8) Funds to nonprofit nursing homes, nonprofit day care centers, and nonprofit
- 24 medical facilities.
- 25 (9) Social services and education programs aimed at aiding emotionally and
- 26 physically distressed, handicapped, elderly, and underprivileged persons.
- 27 (10) Funds for crime prevention, fire protection and prevention, and public safety.
- 28 (11) Funds to relieve, improve, and advance the physical and mental conditions,
- 29 care and medical treatment, and health and welfare of injured or disabled
- 30 veterans.
- 31 e. Uses that perpetuate the memory and history of the dead.

- 1 f. Uses increasing comprehension of and devotion to the principles upon which the
2 nation was founded, including disbursements to aid in teaching the principles of
3 liberty, truth, justice, and equality. However, beauty pageants do not qualify.
- 4 g. The erection or maintenance of public buildings, facilities, utilities, or waterworks.
- 5 h. Uses lessening the burden of government which include disbursements to an
6 entity that is normally funded by a city, county, state, or United States government
7 and disbursements directly to a government entity or its agency.
- 8 i. Uses benefiting a definite number of persons who are the victims of loss of home
9 or household possessions through explosion, fire, flood, or storm and the loss is
10 not covered by insurance.
- 11 j. Uses benefiting a definite number of persons suffering from a seriously disabling
12 disease or injury causing severe loss of income or incurring extraordinary
13 medical expense which is not covered by insurance.
- 14 k. Uses, for community service projects, by chambers of commerce exempt from
15 federal income tax under section 501(c)(6) of the Internal Revenue Code. A
16 project qualifies if it develops or promotes public services, including education,
17 housing, transportation, recreation, crime prevention, fire protection and
18 prevention, safety, tourism, and health. Uses that directly benefit a chamber of
19 commerce do not qualify.
- 20 l. Uses for or of benefit to efforts in support of the health, comfort, or well-being of
21 the community which include disbursements to provide:
- 22 (1) Funds for adult bands, including drum and bugle corps.
- 23 (2) Funds for trade shows and conventions conducted in this state.
- 24 (3) Funds for nonprofit organizations that operate a humane society, zoo, or fish
25 or wildlife reproduction and habitat enhancement program.
- 26 (4) Funds for public transportation, community celebration, and recreation.
- 27 (5) Funds for preservation and cleanup of the environment.
- 28 m. To the extent net proceeds are used toward the primary purpose of a charitable,
29 educational, religious, public safety, or public-spirited organization, or are used
30 for a veterans or public cemetery by a veterans organization, that has obtained a
31 final determination from the internal revenue service as qualifying for exemption

1 from federal income tax under section 501(c)(3) or 501(c)(19) of the Internal
2 Revenue Code, the organization may establish a special trust fund or foundation
3 as a contingency for funding or maintaining the organization's future program
4 services should the organization discontinue conducting games or dissolve.

- 5 n. Uses for a fundraising activity unrelated to an organization's primary purpose
6 provided that the gross revenue from the activity is disbursed to uses prescribed
7 by this subsection.

8 **SECTION 5. AMENDMENT.** Subsection 3 of section 53-06.1-14 of the North Dakota
9 Century Code is amended and reenacted as follows:

- 10 3. A licensed distributor shall affix a North Dakota gaming stamp to each deal of pull
11 tabs, raffle board, punchboard, sports pool board, calcutta board, and series of
12 paddlewheel ticket cards sold or otherwise provided to a licensed organization ~~or~~
13 ~~organization that has a permit~~ and shall purchase the stamps from the attorney
14 general for thirty-five cents each. Ten cents of each stamp sold by the attorney
15 general, up to thirty-six thousand dollars per biennium, must be credited to the
16 attorney general's operating fund to defray the costs of issuing and administering the
17 gaming stamps.