

**HOUSE BILL NO. 1461**

Introduced by

Representatives Weiler, Iverson, Kasper, S. Kelsh, Thoreson

Senator Kringstad

1 A BILL for an Act to amend and reenact sections 53-06.1-07.2 and 53-06.1-11 of the North  
2 Dakota Century Code, relating to poker and rent limits.

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

4 **SECTION 1. AMENDMENT.** Section 53-06.1-07.2 of the North Dakota Century Code  
5 is amended and reenacted as follows:

6 **53-06.1-07.2. Poker.** ~~Poker may be conducted on not more than two occasions per~~  
7 ~~year.~~ An organization ~~may~~ must supply the dealer. ~~The maximum single bet is one dollar.~~ Not  
8 more than three raises, ~~of not more than one dollar each,~~ may be made among all the players  
9 in each round of bets. For nontournament activity, an organization shall charge each player a  
10 fee not to exceed two dollars per one-half hour of playing time, collected in advance, or collect  
11 a rake of up to ten percent not to exceed five dollars per pot. For a tournament, an organization  
12 shall charge each player an entry fee and the ~~amount of prizes may not exceed ninety percent~~  
13 organization must retain adjusted gross proceeds of at least ten percent of the gross proceeds.  
14 Games played against the house must base the player's return on a predetermined pay  
15 schedule. The organization shall provide playing chips of various denominations. The  
16 maximum limit per wager may be set by the organization at no more than twenty-five dollars  
17 and original wagers in increments of one dollar must be accepted up to the maximum limit.  
18 However, if there is more than one table that is active at a site, the organization may set a  
19 minimum wager on no more than one-half of the active tables. An organization may not  
20 conduct poker at a site unless the organization has first installed video surveillance equipment  
21 as required by rules and the equipment is approved by the attorney general.

22 **SECTION 2. AMENDMENT.** Section 53-06.1-11 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24 **53-06.1-11. Gross proceeds - Allowable expenses - Rent limits.**

- 1           1. All money received from games must be accounted for according to the gaming  
2           rules. Gaming activity for a quarter must be reported on a tax return form  
3           prescribed by the attorney general. Unless otherwise authorized by the attorney  
4           general, the purchase price of a merchandise prize must be paid from a gaming  
5           bank account by check. No check drawn from a gaming or trust bank account may  
6           be payable to "cash" or a fictitious payee. A cash prize that exceeds an amount  
7           set by rule must be accounted for by a receipt prescribed by the gaming rules.
- 8           2. Allowable expenses may be deducted from adjusted gross proceeds. The  
9           allowable expense limit is fifty-one percent of the first two hundred thousand dollars  
10          of adjusted gross proceeds per quarter and forty-five percent of the adjusted gross  
11          proceeds in excess of two hundred thousand dollars per quarter. In addition, an  
12          organization may deduct as an allowable expense:
  - 13          a. Two and one-half percent of the gross proceeds of pull tabs.
  - 14          b. Capital expenditures for security or video surveillance equipment used for  
15          controlling games if the equipment is required by section 53-06.1-10 or  
16          authorized by rule, and it is approved by the attorney general.
  - 17          c. If an organization's total actual expenses exceed the allowable expenses  
18          provided by this subsection, the organization may also deduct the expenses  
19          up to two additional percent of the first two hundred thousand dollars of  
20          adjusted gross proceeds per quarter.
- 21          3. Cash shorts incurred in games and interest and penalty are classified as expenses.
- 22          4. For a site where bingo is conducted:
  - 23          a. Except under subdivision c, if bingo is the primary game, the monthly rent  
24          must be reasonable.
  - 25          b. If bingo is not the primary game, but is conducted with twenty-one, poker,  
26          paddlewheels, or pull tabs, no additional rent is allowed.
  - 27          c. If bingo is conducted through a dispensing device and no other game is  
28          conducted, the monthly rent may not exceed two hundred seventy-five dollars.
- 29          5. For a site where bingo is not the primary game:
  - 30          a. If twenty-one, poker, or paddlewheels is conducted, the monthly rent may not  
31          exceed two hundred dollars multiplied by the necessary number of tables

- 1 based on criteria prescribed by gaming rule. For each twenty-one or poker  
2 table with a wager greater than five dollars, an additional amount up to one  
3 hundred dollars may be added to the monthly rent. If pull tabs is also  
4 conducted involving a jar bar or dispensing device, but not both, the monthly  
5 rent for pull tabs may not exceed an additional one hundred seventy-five  
6 dollars. If pull tabs is conducted involving both a jar bar and dispensing  
7 device, the monthly rent for pull tabs may not exceed an additional two  
8 hundred dollars.
- 9 b. If twenty-one, poker, and paddlewheels are not conducted but pull tabs is  
10 conducted involving a jar bar or dispensing device, but not both, the monthly  
11 rent may not exceed two hundred seventy-five dollars. If pull tabs is  
12 conducted involving both a jar bar and dispensing device, the monthly rent for  
13 pull tabs may not exceed three hundred dollars.