

2017 HOUSE JUDICIARY

HB 1179

2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HB 1179
1/16/2017
26927

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to gambling offenses.

Minutes:

1

Chairman K. Koppelman: Opened the hearing on HB 1179.

Rep. Rick Becker: Introduced the bill. (3:05). In section 1 I think clarification is needed. Currently law is in place that wagering cannot exceed \$25 on an individual hand, game or event. Question came up that there are some events that involve multiple hands or games. We can have a weekend long event or tournament so this clarifies if an event consists of more than one game or hand that the limit applies to the game or the hand. Second part refers to the handout I gave you (1) They all want to bet on the super bowl and it is just a small amount. Under current law that is illegal to do. It is my contention that we need to be illegal to conduct these types of polls in our homes and offices.

Representative Klemin: I thought the Attorney General's office had some requirements on that? Isn't it a requirement that you get a permit to sell chances on these types of polls?

Rep. Rick Becker: I don't know.

Representative Klemin: It is a Class C felony if a person is engaged in gambling. Would you need a permit then?

Representative Maragos: Line 8, page 1 it refers to private event.

Rick Becker: My understanding is Section 1 talks about an infraction for private premises, but it states specifically hand game or event and just to be clear because the phrase or term poll it would be difficult to say if it is a poll on the handout; is it also a game? If we are to say it isn't a game if it didn't occur on a private premise I am not sure if the office poll would qualify?

Representative Klemin: Page 1, Line 8 only refers to that situation where it is an infraction and it doesn't refer to line 22 subsection 3 where it is a Class C felony.

Rep. Rick Becker: Section 1, page 1 line 8 where you are referring to it is an infraction; it says specifically the types of gambling listing out if it involves a hand game or event. For the Class C felony, it talks about a pool. Even if it is on your private premises if it falls under poll; the way the law is written it would be a class C felony. If it is considered a game and on your private premises, then it would fall into an infraction.

Representative Roers Jones: If this would be a pool are you suggesting with your edit that a person would still be limited to betting on \$25 per person on this? Maybe we want to make it higher?

Rep. Rick Becker: I chose \$25 because it makes it a standard.

Representative Paur: This pool would have a payout of \$2500 on this handout.

Rep. Rick Becker: That is correct.

Representative Klemin: Back to page 2, line 1 conducts a wage pool or lottery. The way this reads now someone could conduct a lottery? The handout was a sports poll; not a lottery? As this reads now someone could conduct a lottery in which the person's bet doesn't exceed \$25 and that would be not gambling? Wouldn't that be unconstitutional?

Rep. Rick Becker: That is possibly true. I know what the people of ND are already doing and I don't want to see them be criminals.

Representative Hanson: Are there any instances where there has been prosecution?

Rep. Rick Becker: Not that I am aware of.

Chairman K. Koppelman: Your proposal for the pool is straight forward. In the first item on page 1, if you are changing from \$25 per game that is a much more different hand. It is clearly a big jump? Would you agree.

Rep. Rick Becker: I would disagree. If a person is involved in a game in which there are many hands the limit is \$25 a hand. If a person in an activity in which they can bet \$25 per hand; that is fine. If it is billed as an event or tournament now is their sum total bet \$25 for the even or is it still the \$25 per hand? This is just a clarification. It is not an expansion. The second part is an expansion.

Chairman K. Koppelman: If you were invited to someone home or private premises and and gamble for an evening and you played black jack for an hour and you had 10 hands; at that point then you would bet \$250 at that point. Now you are going to play something else; you are saying all of that if it went on all evening is one event. Now it can be interrupted now it is not?

Rep. Rick Becker: Yes that would be correct. If you have 10 hands of blackjack in an event and how ever comes out ahead. You have the same activity it is just how it is proposed so that is why I am calling it a clarification.

Representative Paur: This is meant in tournaments; why is it in private homes section? Maybe it should be in another part of the code.

Rep. Rick Becker: There are certain representatives in this room who participate in this activity.

Representative Klemin: So private premises is not limited to private homes?

Rep. Rick Becker: When a facility is open to the public then it is not private.

Representative Hanson: Why do we have a law that prohibits up to \$25 in a private home?

Rep. Rick Becker: It started as a complete prohibition on gambling and now it has evolved.

Opposition: None

Neutral:

Deb McDaniel, Director for Charitable Gaming in ND: Gambling in the state of ND is illegal except for charitable gaming, tribal gaming and the lottery. This is not legal. It states it is legal to conduct gambling on private premises; however, they are just stating if the betting is at a certain amount of money than it is just an infraction.

Chairman K. Koppelman: it says it is an infraction to engage in gambling on private premises where the total amount wagered by an individual player exceeds \$25 per individual hand, game or event.

Deb McDaniel: This is mostly if you are conducting gambling in your home then that is fine because it is a family thing. This is getting into businesses that are conducting gaming on their private property which is not legal. It is clarifying an event.

Chairman K. Koppelman: Are you aware of any prosecutions?

Deb McDaniel: There have now been several instances in the Williston area where they were having poker games. Usually that doesn't happen.

Chairman K. Koppelman: If this kind of thing goes on in organizations as an organization for charity. Are there permits that are offered for sports pool?

Deb McDaniel: All net proceeds have to go to a charitable organization.

Representative Klemin: When we look on page 1, line 8 of this bill it says on private premises; what does that mean?

Deb McDaniel: Correct, but you are supposed to get a permit or gaming license or a local permit to conduct charitable gaming.

Representative Klemin: This would open up private gaming on premises Page 2, line 1 now we are talking about the wagering pool or lottery. This would make it sound like a person could conduct a lottery as long as the person's bet doesn't exceed \$25.

Deb McDaniel: No it can only be for constitutional purposes this gambling offence code has been in for a long time. Rep. Becker is trying to make it clearer for law enforcement in case they have situations like they had in Williston where they were having illegal poker activity or illegal sports pools. They are trying to make it so big gambling operations are not conducted in our state.

Representative Klemin: This does not make it illegal.

Representative Maragos: I would like a definition of private premises from the Attorney General.

Chairman K. Koppelman: You are saying this bill is unconstitutional?

Hearing closed.

2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HB 1179
1/18/2017
27087

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to gambling offenses.

Minutes:

Chairman K. Koppelman: Reopened the meeting on HB 1179. This was on gambling and betting and private premise. It would legalize the bet limit to \$25. Dealing with bet limits on this bill and it would still be an infraction.

Representative Klemin: it doesn't make gaming legal. It just says what the level of the penalty would be. If it is less than the amount stated in the new amendment, then there is no penalty. It is still illegal.

Representative Roers Jones: It is an infraction where the total wager exceeds \$25. The gal giving the testimony was very adamant that gambling was illegal but that is not what the sentence says. It is an infraction where the wager exceeds \$25.

Chairman K. Koppelman: If you have a poker game at your house and not allow any body to bet \$25 or more then you can do that and it is not against the law.

Representative Hanson: We did get clarity on private

Do Pass Motion Made by Representative Maragos: Seconded by Rep. Roers Jones

Discussion:

Representative Klemin: Explains the \$25 a hand limit. Don't tell me this isn't an expansion of gaming.

Chairman K. Koppelman: The first second could read on lines 10-12 could be read to simply clarify what an event is versus a game or hand. We are legalizing a wagering pool or lottery if the bet or buy in is less than \$25. We are also legalizing placing bets on behalf of

others if the bet is under \$25. This is receiving individual wages of less than \$25 and taking wages for other people.

Representative Klemin: The Attorney General does have regulation on sports pooling so they are OK as long as they follow those regulations in administrative rules. If you conduct a wagering pool as long as the buy in does not exceed \$25 it is probably not subject to this.

Chairman K. Koppelman: Does they allow them for charities? I thought technically they were illegal otherwise.

Roll Call Vote: 7 Yes 6 No 2 Absent **Carrier:** Representative Vetter:

Date: 1-18-17
Roll Call Vote: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1179

House Judiciary

Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Maragos Seconded By Rep. Roers-Jones

Representatives	Yes	No	Representatives	Yes	No
Chairman K. Koppelman		<input checked="" type="checkbox"/>	Rep. Hanson	<input checked="" type="checkbox"/>	
Vice Chairman Karls		<input checked="" type="checkbox"/>	Rep. Nelson		<input checked="" type="checkbox"/>
Rep. Blum	<input checked="" type="checkbox"/>				
Rep. Johnston	<input checked="" type="checkbox"/>				
Rep. Jones	<input checked="" type="checkbox"/>				
Rep. Klemin		<input checked="" type="checkbox"/>			
Rep. Magrum	<input checked="" type="checkbox"/>				
Rep. Maragos	<input checked="" type="checkbox"/>				
Rep. Paur		<input checked="" type="checkbox"/>			
Rep. Roers-Jones	<input checked="" type="checkbox"/>				
Rep. Satrom		<input checked="" type="checkbox"/>			
Rep. Simons	<input checked="" type="checkbox"/>				
Rep. Vetter	<input checked="" type="checkbox"/>				

Total (Yes) 7 No 6

Absent 2

Floor Assignment : Rep. Vetter

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

REPORT OF STANDING COMMITTEE

HB 1179: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS**
(7 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). HB 1179 was placed on the
Eleventh order on the calendar.

2017 TESTIMONY

HB 1179

SEA HAWKS

Superbowl 2015
1-16-17

	6	5	2	0	4	7	3	8	9	1
0	Noah	R	Abbi	Kaden	Judy	Bill	Cale	Lana	Mary	Rick
3	Kaden	Matthew	Abbi	Wendy	Ron	Gannon	Rick	Matthew	Wyatt	Cale
6	Anne	Kaden	Judy	Don Sch	Gannon	Rick	Noah	Mary	Wendy	R
9	Judy	Bill	Gannon	R	Kari	Abbi	Anne	Wyatt	Noah	Dylan
12	Rick	Abbi	Mary	Ron	Matthew	Abbi	Kaden	Bill	Dylan	Wyatt
15	Mary	Rick	Wendy	Dylan	Abbi	Wyatt	R	Dylan	Abbi	Mary
18	Wyatt	Cale	Noah	Anne	Ron	Wendy	Judy	Anne	Kaden	Judy
21	Lana	Ron	Dylan	Abbi	Wyatt	Abbi	Kari	Wendy	Judy	Cale
24	R	Dylan	Matthew	Wyatt	Bill	Gannon	Matthew	Noah	Gannon	Judy
27	Abbi	Wyatt	Abbi	Cale	Dylan	Mary	Ron	Bill	Abbi	Anne