

# MICROFILM DIVIDER

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ROLL NUMBER

DESCRIPTION

1172

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*Diana G. Ball*  
Operator's Signature

10/2/03  
Date

2003 HOUSE JUDICIARY

HB 1172

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*Dennis Hall*  
Operator's Signature

*10/2/03*  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1172

House Judiciary Committee

Conference Committee

Hearing Date 1-27-03

Tape Number	Side A	Side B	Meter #
2	xx		10-47

Committee Clerk Signature *D. Penrose*

**Minutes:** 13 members present.

**Chairman DeKrey:** We will open the hearing on HB 1172.

**Rep. Maragos:** Explained the bill. I sponsor this bill every session.

**Rep. Bernstein:** What is different in this bill, from the previous bills submitted.

**Rep. Maragos:** Nothing. People just don't want the gambling expanded.

**Rep. Delmore:** There is talk about things being illegally promoted in the newspapers as you said. Why are these places never punished, if it really is illegal.

**Rep. Maragos:** It is so prevalent to participate in it, it is almost impossible.

**Chairman DeKrey:** Thank you. Anyone else in support? Anyone in opposition?

**Jack McDonald, National Football League:** Opposed. (see attached testimony)

**Rep. Delmore:** Is the NFL aware of the sports' pools - do they condone them.

**Mr. McDonald:** They have no control over it, but they do not condone it.

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*Donna Baller*  
Operator's Signature

1/27/03  
Date

Page 2  
House Judiciary Committee  
Bill/Resolution Number HB 1172  
Hearing Date 1-27-03

**Rep. Delmore:** Are you aware of legislation where we can in certain instances a participant can put money on them, did we not make that legal in the last session.

**Mr. McDonald:** Yes, you do. That is a version of the calcutta. Those are legal under ND, if you register those. You can run a calcutta in ND, you register with the Attorney General and follow the AG rules.

**Rep. Kretschmar:** Are you aware of any Supreme Court cases, that have determined the meaning of this section of the law.

**Mr. McDonald:** I am not aware, there have been prosecutions under that law.

**Rep. Kretschmar:** Looking at the current law, contest of skill, could one argue that the skill I have is picking winners in NFL Football games.

**Mr. McDonald:** What Rep. Maragos is trying to do in his bill, is trying to take that first exemption and make it fit people who actually aren't participating in the game itself.

**Rep. Kretschmar:** Would it be like a bowling or golf tournament.

**Mr. McDonald:** Yes, exactly right.

**Chairman DeKrey:** Thank you. Anyone else in opposition?

**Sherman Sylling, Exec. Secretary of ND High School Activities Association:** Opposed. (see attached testimony)

**Rep. Delmore:** This is already taking place in small towns, etc., wouldn't you agree?

**Mr. Sylling:** Yes, but to legalize it, I don't know what kind of impact this will have on high school activities.

**Rep. Maragos:** Why do you suppose newspapers and people don't bother to try to promote these kinds of forecasting contests with high schools now?

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10/2/03  
Date

Page 3  
House Judiciary Committee  
Bill/Resolution Number HB 1172  
Hearing Date 1-27-03

**Mr. Sylling:** No, I don't.

**Rep. Maragos:** You'd think we would be very interested in it, but they don't bother, and you have no idea, could it be that nobody is really interested.

**Mr. Sylling:** Possibly. We're not totally sure that this would involve high school contests, but we don't believe that the language is there to prevent it. So we're approaching this cautiously and we'd like to see it not extended into the high school sports.

**Rep. Maragos:** I would like to assure you that this bill has nothing to do with high school contests.

**Chairman DeKrey:** Thank you.

**Andrew Varvel:** Opposed to how it is written, might corrupt politics, might open the door to bet on politicians.

**Rep. Maragos:** Why haven't they bet on politicians.

**Mr. Varvel:** No that far a stretch - we are a culture of change, change is always occurring.

**Rep. Maragos:** Is it legal in London to bet on war and has it had ramifications that you are aware of?

**Mr. Varvel:** I don't know the ramifications, in any piece of legislation you look at what possibilities exists and what might be wrong or go wrong in the future.

**Chairman DeKrey:** Thank you.

**Steve Wisthoff, ND Council on Gambling Problems:** Opposed, we need to slow down the expansion down considerably, so we can get a handle on the issues that could potentially surround that problem. We are opposed to what the bill says and what it does not say.

**Chairman DeKrey:** Thank you.

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*Donna M. Ballentine*  
Operator's Signature

10/2/03  
Date

Page 4  
House Judiciary Committee  
Bill/Resolution Number HB 1172  
Hearing Date 1-27-03

**Warren DeKrey:** Opposed - might encourage fixing games.

**Rep. Delmore:** Are there sports' pools going on now? Maybe the kids aren't aware, but certainly you can find places where you can place a bet.

**Mr. DeKrey:** I am not familiar with that, but I hear that it does go on.

**Rep. Delmore:** How this bill is related to the lottery.

**Mr. Wisthoff:** I feel like we have taken a huge jump ahead on the expansion of gaming because of the fall election. It will probably be at least a year before the first ticket is going to be sold, and yet we're already looking at expanding in another direction. That's my concern, that we take one thing at a time. We look at it, iron out all the wrinkles, before we head in another direction.

**Chairman DeKrey:** Thank you.

**Christina Kindel, ND Family Alliance:** (see attached testimony) Opposed.

**Rep. Maragos:** Does the Family Alliance have a position on HB 1208.

**Ms. Kindel:** No we do not.

**Rep. Maragos:** Is it the intention of the Family Alliance to wade in on this issue, I'd be curious to know what the Family Alliance would do to address the issue of angry, and irritated parents.

**Ms. Kindel:** That is a good question, it is a difficult issue.

**Chairman DeKrey:** Thank you. Anyone else in opposition? We will close the hearing.

(Reopened in the same session later that afternoon)

**Chairman DeKrey:** What are the committee's wishes in regard to HB 1172.

**Rep. Maragos:** I move to amend the bill by replace "others" with "professional sports teams and professional athletes" in page 1, line 14.

**Rep. Boehning:** Second.

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10/2/03  
Date

Page 5  
House Judiciary Committee  
Bill/Resolution Number HB 1172  
Hearing Date 1-27-03

Voice vote: 12 Aye 1 No (Rep. Grande)

Rep. Delmore: Make a motion for Do Pass as Amended.

Rep. Boehning: Second.

5 YES 8 NO DO PASS W/AMEND. MOTION FAILED

DO NOT PASS

9 YES 4 NO DO NOT PASS CARRIER: Rep. Klemin

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Deanna Bell  
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1/2/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1172

House Judiciary Committee

Conference Committee

Hearing Date 2-3-03

Tape Number	Side A	Side B	Meter #
2		x	1-4

Committee Clerk Signature

*Alpenrose*

**Minutes:** 10 members present, 3 member absent (Rep. Bernstein, Rep. Eckre, Rep. Kretschmar).

**Chairman DeKrey:** What are the committee's wishes in regard to HB 1172.

**Rep. Maragos:** I move the amendments.

**Rep. Onstad:** Seconded.

Voice vote: 6 /4/3

Rep. Eckre and Rep. Kretschmar arrived.

**Rep. Grande:** I move a Do Not Pass as amended.

**Rep. Wrangham:** Seconded.

**7 YES 5 NO 1 ABSENT DO NOT PASS AS AMENDED CARRIER: Rep. Klein**

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10/2/03  
Date



30325.0101  
Title.0200

Adopted by the Judiciary Committee  
January 27, 2003

YR  
1/28/03

HOUSE

AMENDMENTS TO HOUSE BILL NO. 1172 JUD 1-28-03

Page 1, line 14, replace "others" with "professional sports teams and professional athletes"  
Renumber accordingly

Page No. 1

30325.0101

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Deanna G. [Signature]  
Operator's Signature

1/28/03  
Date

Date: 1/27/03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1172

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number 30325.0101 .0200

Action Taken Do Pass as Amended

Motion Made By Rep. Delmore Seconded By Rep. Boehning

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey		✓	Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre		✓
Rep. Bernstein		✓	Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin		✓			
Rep. Grande		✓			
Rep. Kingsbury		✓			
Rep. Klemin		✓			
Rep. Kretschmar	✓				
Rep. Wrangham		✓			

Total (Yes) 5 No 8

Absent 0

Floor Assignment \_\_\_\_\_

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

*Motion Failed*

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*Dorinda Ball...*  
Operator's Signature

10/2/03  
Date

Date: 4/29/03  
Roll Call Vote #: 2

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1172

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number 30325.0101 .0200

Action Taken Do Not Pass as Amended

Motion Made By \_\_\_\_\_ Seconded By \_\_\_\_\_

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore		✓
Vice Chairman Maragos		✓	Rep. Eckre	✓	
Rep. Bernstein	✓		Rep. Onstad		✓
Rep. Boehning		✓			
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemin	✓				
Rep. Kretschmar	✓				
Rep. Wrantham	✓				

Total (Yes) 9 No 4

Absent 0

Floor Assignment Rep. Klemin

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

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Deanna Hallmark 10/2/03  
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)  
January 28, 2003 3:10 p.m.

Module No: HR-16-1223  
Carrier: Klein  
Insert LC: 30325.0101 Title: .0200

REPORT OF STANDING COMMITTEE  
HB 1172: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS  
FOLLOWS and when so amended, recommends DO NOT PASS (9 YEAS, 4 NAYS,  
0 ABSENT AND NOT VOTING). HB 1172 was placed on the Sixth order on the  
calendar.

Page 1, line 14, replace "others" with "professional sports teams and professional athletes"  
Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

HR-16-1223

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Deanna G. Ball  
Operator's Signature

10/2/03  
Date

30325.0201  
Title.0300

Prepared by the Legislative Council staff for  
Representative Maragos  
February 3, 2003

VR  
2/4/03

**HOUSE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1172 JUD 2-04-03**

Page 1, line 2, after "gambling" insert "; and to provide an expiration date"

Page 1, after line 18, insert:

**"SECTION 2. EXPIRATION DATE. This Act is effective through July 31, 2005,  
and after that date is ineffective."**

Renumber accordingly

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Domena Bellardi  
Operator's Signature

10/2/03  
Date

Date: 2/3/03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1172

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass the Amendment

Motion Made By Voice Vote Seconded By \_\_\_\_\_

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	AB	
Rep. Bernstein	AB		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande		✓			
Rep. Kingsbury		✓			
Rep. Klemin		✓			
Rep. Kretschmar	AB				
Rep. Wrangham		✓			

Total (Yes) 6 No 4

Absent 3

Floor Assignment \_\_\_\_\_

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

Amendment carried.

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Dorena Walden  
Operator's Signature

10/2/03  
Date

Date: 2/3/03  
Roll Call Vote #: 2

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1172

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number 30325.0201 .0300

Action Taken Do Not Pass as Amended

Motion Made By Rep. Grande Seconded By Rep. Wrangham

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore		✓
Vice Chairman Maragos		✓	Rep. Eckre	✓	
Rep. Bernstein	AB		Rep. Onstad		✓
Rep. Boehning		✓			
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemin	✓				
Rep. Kretschmar		✓			
Rep. Wrangham	✓				

Total (Yes) 7 No 5

Absent 1

Floor Assignment Rep. Klemin

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

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10/2/03  
Date

REPORT OF STANDING COMMITTEE (410)  
February 4, 2003 5:10 p.m.

Module No: HR-21-1661  
Carrier: Klein  
Insert LC: 30325.0201 Title: .0300

REPORT OF STANDING COMMITTEE  
HB 1172, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends  
**AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS**  
(7 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1172 was placed  
on the Sixth order on the calendar.

Page 1, line 2, after "gambling" insert "; and to provide an expiration date"

Page 1, after line 18, insert:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2005,  
and after that date is ineffective."

Renumber accordingly

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10/2/03  
Date



2003 TESTIMONY

HB 1172

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*Dorinda G. Baller*  
Operator's Signature

10/2/03  
Date

Monday, January 27, 2003

HOUSE JUDICIARY COMMITTEE  
HB 1172

**CHAIRMAN DEKREY AND COMMITTEE MEMBERS:**

My name is Jack McDonald. I'm appearing today on behalf of the National Football League. We **OPPOSE** this bill.

The National Football League opposes any increase in sports gaming. As you may have heard, the NFL refused to allow the Las Vegas Convention and Visitors Authority to air commercials during yesterday's Super Bowl because Las Vegas was too closely associated with sports betting. The NFL shares in the revenue from these ads, which cost approximately \$2 million for 30-seconds, so it's serious in its objections to sports betting.

It is our position that Federal law (the Professional and Amateur Sports Protection Act/PASPA) prohibits such expansion (see law attached). This law prohibits states from extending legalized sports gambling beyond those schemes "authorized by a statute as in effect on October 2, 1991." 28 USCA 3704(a)(2)(A).

The Attorney General, in a nonbinding letter and not an opinion, said that while similar 1995 legislation did not "on its face" violate PASPA, the bill could not authorize gambling prohibited by PASPA. This is exactly what this bill does by "decriminalizing" this type of gambling. The type of gaming sought in HB 1172 was clearly not allowed on Oct. 2, 1991, and is not allowed today. Otherwise, this bill wouldn't be here.

The sponsor says this bill just legalizes fantasy football leagues, office sports pools or similar "pick the winner" games. THIS IS WRONG. This bill does much more than that.

Under this bill, anyone can form a "contest" on any activity, such as high school or college basketball, a bridge tournament at the Senior Center, or junior high cross country. Then, the entrants in this "contest" make judgments based on their knowledge of the speed, skill, endurance, etc. of the players. For example, how good a shot is Minot High School's point guard, or how well does Bismarck High School's champion swimmer do her turns in the 200 backstroke. Then the entrants make a "decision" by placing their bets, and if they win, they win more than they bet. This isn't gambling?

This brings Vegas odds-type, sports book betting to North Dakota in a big way. And, it brings it right to our local schools and colleges. Since this bill says this is not gambling, there will be no control by law enforcement officials, no rules and regulations by the Attorney General's office and no limits of what can be used to make bets on.

The 2001 Legislature defeated this bill 24-73. Similar bills have been defeated every session since 1993. We strongly, but respectfully urge that you keep this streak going by giving this bill a **DO NOT PASS**. We don't think North Dakotans want the wide open expansion of gambling this bill allows.

I'll be happy to answer any questions. **THANK YOU FOR YOUR TIME AND CONSIDERATION.**

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Deanna McDonald  
Operator's Signature

1/21/03  
Date

CTION PROCEDURE Part 6

TORY NOTES

ive Dates  
0 Acts. Section to take effect 180  
after Nov. 29, 1990, except as other-  
provided, see section 3631 of Pub.L.  
147, set out as a note under section  
of this title.

ENCES

eral Civil Procedure ¶72.1.

J.S. Federal Civil Procedure § 38.  
J.S. Federal Civil Procedure § 37.

RESEARCH

number].  
Explanation pages of this volume.

CHAPTER 178—PROFESSIONAL AND AMATEUR  
SPORTS PROTECTION

Sec.

- 3701. Definitions.
- 3702. Unlawful sports gambling.
- 3703. Injunctions.
- 3704. Applicability.

WESTLAW COMPUTER ASSISTED LEGAL RESEARCH

WESTLAW supplements your legal research in many ways. WESTLAW allows you to

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§ 3701. Definitions

For purposes of this chapter—

(1) the term "amateur sports organization" means—

(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more amateur athletes participate, or

(B) a league or association of persons or governmental entities described in subparagraph (A).

(2) the term "governmental entity" means a State, a political subdivision of a State, or an entity or organization, including an entity or organization described in section 4(5) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(5)), that has governmental authority within the territorial boundaries of the United States, including on lands described in section 4(4) of such Act (25 U.S.C. 2703(4)).

(3) the term "professional sports organization" means—

(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more professional athletes participate, or

(B) a league or association of persons or governmental entities described in subparagraph (A).

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Operator's Signature

*Deanna H. [Signature]*

10/2/03  
Date

(4) the term "person" has the meaning given such term in section 1 of title 1, and

(5) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Palau, or any territory or possession of the United States.

(Added Pub.L. 102-559, § 2(a), Oct. 28, 1992, 106 Stat. 4227.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports Effective Dates
1992 Acts. Senate Report No. 102-248, 1992 Acts. Section 3 of Pub.L. 102-559
see 1992 U.S. Code Cong. and Adm. News, p. 3553. provided that: "This Act [enacting this chapter and enacting provisions set out as a note under section 1 of this title] shall take effect on January 1, 1993."

LIBRARY REFERENCES

American Digest System
Elements of criminal gaming, see Gaming §64.1 to 67.
Nature of offense of gaming, see Gaming §62.
Regulation of athletic contests and activities in general, see Theaters and Shows §3.60.

Encyclopedias
Definitions, distinctions, and general considerations: sports, athletic contests, and activities, see C.J.S. Entertainment and Amusements; Sports § 5.
Gaming: definitions, descriptions, and distinctions, see C.J.S. Gaming § 1.
Gaming: offenses and responsibility therefor, see C.J.S. Gaming § 80 et seq.

WESTLAW ELECTRONIC RESEARCH

Gaming cases: 188k[add key number].
Theaters and shows cases: 376k[add key number].
See, also, WESTLAW guide following the Explanation pages of this volume.

§ 3702. Unlawful sports gambling

It shall be unlawful for—

- (1) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law or compact, or
(2) a person to sponsor, operate, advertise, or promote, pursuant to the law or compact of a governmental entity,

a lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly (through the use of geographical references or otherwise), on one or more competitive games in which amateur or professional athletes participate, or are intended to participate, or on one or more performances of such athletes in such game.

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports Effective Dates
1992 Acts. Senate Report No. 102-248, 1992 Acts. Section effective Jan. 1,
see 1992 U.S. Code Cong. and Adm. News, p. 3553. 1993, see section 3 of Pub.L. 102-559, set out as a note under section 3701 of this title.

LIBRARY REFERENCES

American Digest System
Gaming offenses: playing or betting in general, see Gaming §71.
Regulation of athletic contests and activities in general, see Theaters and Shows §3.60.

Encyclopedias
Gaming offenses and responsibility therefor; bet or wager, see C.J.S. Gaming § 88.
Offenses incident to conduct of sports, see C.J.S. Entertainment and Amusement; Sports § 102.

WESTLAW ELECTRONIC RESEARCH

Gaming cases: 188k[add key number].
Theaters and shows cases: 376k[add key number].
See, also, WESTLAW guide following the Explanation pages of this volume.

§ 3703. Injunctions

A civil action to enjoin a violation of section 3702 may be commenced in an appropriate district court of the United States by the Attorney General of the United States, or by a professional sports organization or amateur sports organization whose competitive game is alleged to be the basis of such violation.

(Added Pub.L. 102-559, § 2(a), Oct. 28, 1992, 106 Stat. 4228.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports Effective Dates
1992 Acts. Senate Report No. 102-248, 1992 Acts. Section effective Jan. 1,
see 1992 U.S. Code Cong. and Adm. News, p. 3553. 1993, see section 3 of Pub.L. 102-559, set out as a note under section 3701 of this title.

LIBRARY REFERENCES

American Digest System
Actions for injunction; venue, see Injunctions §111.
Illegal gaming: preliminary proceedings in prosecution, see Gaming §83.

Encyclopedias
Actions for injunction; venue, see C.J.S. Injunctions § 179.

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12/20/93 Date

WESTLAW ELECTRONIC RESEARCH

WESTLAW ELECTRONIC RESEARCH

Gaming cases: 188k[add key number].  
Injunction cases: 212k[add key number].  
See, also, WESTLAW guide following the Explanation pages of this volume.

§ 3704. Applicability

(a) Section 3702 shall not apply to—

(1) a lottery, sweepstakes, or other betting, gambling, or wagering scheme in operation in a State or other governmental entity, to the extent that the scheme was conducted by that State or other governmental entity at any time during the period beginning January 1, 1976, and ending August 31, 1990;

(2) a lottery, sweepstakes, or other betting, gambling, or wagering scheme in operation in a State or other governmental entity where both—

(A) such scheme was authorized by a statute as in effect on October 2, 1991; and

(B) a scheme described in section 3702 (other than one based on parimutuel animal racing or jai-alai games) actually was conducted in that State or other governmental entity at any time during the period beginning September 1, 1989, and ending October 2, 1991, pursuant to the law of that State or other governmental entity;

(3) a betting, gambling, or wagering scheme, other than a lottery described in paragraph (1), conducted exclusively in casinos located in a municipality, but only to the extent that—

(A) such scheme or a similar scheme was authorized, not later than one year after the effective date of this chapter, to be operated in that municipality; and

(B) any commercial casino gaming scheme was in operation in such municipality throughout the 10-year period ending on such effective date pursuant to a comprehensive system of State regulation authorized by that State's constitution and applicable solely to such municipality; or

(4) parimutuel animal racing or jai-alai games.

(E) Except as provided in subsection (a), section 3702 shall apply on lands described in section 4(4) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(4)).

(S.L. 1992-559 § 2(a), Oct. 28, 1992; 106 Stat. 4728)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports  
1992 Act. Senate Report No. 102-248,  
see 1992 U.S. Code Cong. and Adm.  
News, p. 3533.

References in Text  
The effective date of this chapter, referred to in subsec. (a)(3)(A), is Jan. 1, 1993, see section 3 of Pub.L. 102-559, set

out as an Effective Dates note under section 3701 of this title.

Effective Dates  
1992 Act. Section effective Jan. 1, 1993, see section 3 of Pub.L. 102-559, set out as a note under section 3701 of this title.

LIBRARY REFERENCES

American Digest System  
Gaming offenses; construction of statutory provisions, see Gaming ¶63(3).

Encyclopedias  
Gaming offenses and responsibility therefor; games, etc., within statutes, see C.J.S. gaming § 86.

WESTLAW ELECTRONIC RESEARCH

Gaming cases: 188k[add key number].  
See, also, WESTLAW guide following the Explanation pages of this volume.

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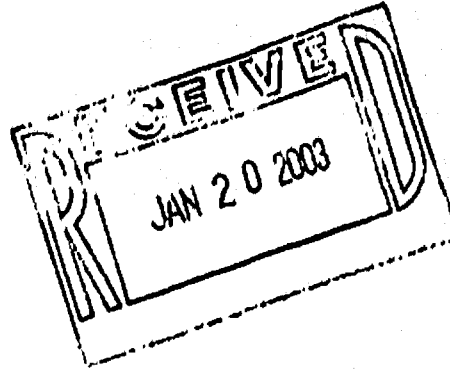
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## NATIONAL FEDERATION OF STATE HIGH SCHOOL ASSOCIATIONS

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January 13, 2003

To Whom It May Concern:

On behalf of the National Federation of State High School Associations and our member association, the North Dakota High School Athletic Association, we write in opposition to the passage of North Dakota House Bill 1172. We believe that the passage of this bill is specifically prohibited by the Professional and Amateur Sports Protection Act, 28 U.S.C. 178. We further believe that the passage of such a bill, even if allowed by federal law, would be an inappropriate change in the law of North Dakota, notwithstanding the dubious benefits that might be claimed if it becomes law.

This bill and its impact on our children and young adults is not appropriate public policy. Any bill that permits gambling on or by high school students is deleterious to the young people we are attempting to educate. We urge all legislators to oppose North Dakota House Bill 1172.

Sincerely,

  
Robert F. Kanaby  
Executive Director

RFK:cr

*High School Activity Programs: An Integral Part of Education*

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1/2/03  
Date

**Legislative Testimony Regarding H.B. 1172  
Presented by Christina Kindel  
(for the North Dakota Family Alliance)  
January 27, 2003**

**Mr. Chairman and Members of the House Judiciary Committee,**

**My name is Christina Kindel, and I am the director of the North Dakota Family Alliance. I do not stand before you today as an expert on all gambling issues. However, I do speak for hundreds of families across North Dakota who will most certainly be affected by H.B. 1172 if it passes, and I am here today to urge you to oppose this bill.**

**Although I am not an expert on gambling issues, I can tell you that the research I have done points very clearly to one simple message; gambling hurts and even destroys individuals lives, and the lives of families. It is for this reason that I appear before you today and urge you to oppose H.B. 1172.**

**Currently, North Dakota law recognizes the dangers of placing bets on sporting contests, and prohibits such activity. Although some will argue tha. sports betting occurs all the time in private homes, the North Dakota Family Alliance sees this as no reason to completely remove the ban on all such sports betting. H.B. 1172 attempts to lift any and all restrictions on sports betting, and by removing current restrictions, would allow anyone of any age, at any type of sporting event, to place a bet of any size, without any guidelines or restrictions whatever. Again, I speak for hundreds of families when I say that this bill will change the landscape of sporting events and family activity surrounding such events in North Dakota by allowing completely unrestricted betting on sporting events here in our state.**

**Currently, our state is already addressing the challenges being faced by families who participate in sports in North Dakota. An example of this would be the introduction of H.B. 1208, which has been introduced specifically addressing the need to provide a penalty for people attempting to assault a sports official. I think anyone in this room who attends sporting events will recognize the growing problem of angry or irritated parents and players at school sporting events. H.B. 1208 is a direct attempt to address and provide some law and regulations concerning the increasing expressions of hostility at these games. Add to the energies of these games the tensions brought on by placing bets on teams and players would clearly possess the potential of creating even more agitated spectators. Passing H.B. 1172 would be like adding gasoline to a fire, by clearly permitting unrestricted betting at any type of sporting event here in North Dakota.**

**We strongly urge the members of this committee to oppose H.B. 1172. Thank you.**

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*Deanna Baller*  
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**SPORTS WAGERING.** Sports wagering is illegal in all but two states, Nevada and Oregon, but is nonetheless popular in homes and offices. Oregon only allows lottery players to include a wager on pro football games. Nevada, on the other hand, has 142 legal sports books for wagering on just about any prediction for professional or amateur sports events. These books took in \$77.4 million in 1997. However, Americans wager an estimated \$80 billion each year on illegal sports betting, usually without realizing its illegality.

One reason that sports wagering is so widespread is the easy availability of the Las Vegas "line," or point spread, published in newspapers across the country. Although some claim that the line increases sports interest, it more likely simply increases sports wagering.

Perhaps the worst effect of sports wagering is its impact on youth and college students. The National College Athletics Association points out that sports wagering seriously threatens the integrity of college sports and puts student-athletes at considerable risk. There are student bookies on most campuses, organized crime is often involved, and consequences can be tragic — including suicide over an unpaid gambling debt. A recent study found that more than 5 percent of male student-athletes had provided inside information for gambling purposes, bet on a game in which they participated, or accepted money for performing poorly in a game.<sup>28</sup> Furthermore, sports wagering can function as a gateway to other forms of gambling and to pathological gambling.

<http://www.frc.org/get/is00c1.cfm>

1/27/2003

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Donna G. Galt  
Operator's Signature

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Sheryl Solberg, Asst. to Exec. Sec.  
Robert Hottel, Asst. to Exec. Sec.  
David Carlrud, Asst. to Exec. Sec.

January 27, 2003

To Members of the House Judiciary Committee

Chairman DeKrey and Members of the House Judiciary Committee:

On behalf of the North Dakota High School Activities Association and its 187 member schools, I would like to voice opposition to HB1172.

We believe passage of this bill would not serve the students of North Dakota in a positive manner. High School athletes are experiencing enough pressure to win without adults being able to legally place wagers on their contests.

Thank you for your time and consideration given to the request.

Sincerely,

*Sherman Sylling*  
 Sherman Sylling  
 Executive Secretary

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*Deanna Ball...*  
 Operator's Signature

1/2/03  
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