

FULL NOTICE OF INTENT TO ADOPT and AMEND ADMINISTRATIVE RULES

TAKE NOTICE that the North Dakota State Gaming Commission will hold a public hearing to address proposed new rules and amendments to rules in N.D. Admin. Code Article 99-01.3 at 1:00 pm on Wednesday, February 18th, at The North Dakota State Capitol, Brynhild Haugland Room. The purpose of the proposed rules and amendments is to bring the rules in compliance with revisions to North Dakota Century Code changes from the 69th Legislative Assembly and to provide clarity in rules for the regulated industry. The proposed rules and amendments address:

Section 99-01.3-01-01. Definitions is added:

- To provide definitions of “license” and “permit” as they apply to gaming.
- The remaining sections in 99-01.3-01 were renumbered accordingly.

Section 99-01.3-01-03. Site authorization is amended as follows:

- Section 3 is amended to clarify that electronic pull-tabs may not be conducted in temporary sites such as fairgrounds, special event sites, or any site that is not open for twenty consecutive calendar days of one quarter.

Section 99-01.3-01-04. License is amended as follows:

- Subsection 1 is amended to clarify the Attorney General’s ability related to license action. Subsection 3 is amended to clarify that any subsequent gaming manager or independent audit person must demonstrate to the attorney general that they are capable of properly managing and controlling the games they conduct. Possible possible actions if organizations or individuals are not capable of conducting gaming are included.

Section 99-01.3-01-06. Permits is amended as follows:

- Subsection 2 is amended to change the primary prize amount under a permit from eight to fifteen thousand dollars, and the total prizes of all games may not exceed fifty thousand dollars per year. This change was to align with changes to 53-06.1-03 in HB 1192. Subsection 8 is amended to clarify that an alcoholic beverage establishment may not advertise gaming.
- Subsection 8 is amended to clarify an alcoholic beverage establishment may not advertise gaming.

Section 99-01.3-02-01. Definitions is amended as follows:

- Subsection 3 is amended to change the definition of “bar” to “alcoholic beverage establishment” and to align with revisions to 53-06.1-01 of North Dakota Century Code from SB 2334. The term “bar” has been amended throughout rules to the term “alcoholic beverage establishment.”
- Subsection 4 is amended to change “bar employee” to “alcoholic beverage establishment employee.”
- Subdivision e of subsection 9 is revised to change “bar” to “alcoholic beverage establishment” and to incorporate language to the definition of electronic pull tab cash profit relating to credit ticket voucher redemption kiosk.
- Subsection 13 is amended to add “Credit ticket voucher redemption kiosk” to definitions. Credit ticket voucher redemption kiosk language is being added throughout rules to formalize a pilot project initiated by the State Gaming Commission. Rules regarding credit ticket voucher kiosks are also amended in the following sections; subsection 16 of section 99-01.3-02-01, subsection 3 of section 99-01.3-03-02, subsection 1 of section 99-01.3-03-06, section 99-01.3-06.1-01, subsections 5,6,9,11,12,15, and 16 of section 99-01.3-06.1-02, subsections 1,3, and 4 of section 99-01.3-06.1-04, subsections 2,5,7, and 10 of section 99-01.3-06.1-05, subsection 22 of 99-01.3-16-09.6, and subsections 1 through 34 of section 99-01.3-16-09.7.
- Subsection 18 is amended to clarify the definition of “organization” as a group that meets that meets the requirements to hold a gaming license.

Section 99-01.3-02-02. Record check is amended as follows:

- Subdivision c of subsection 4 of section 99-01.3-02-02 is amended to add an employee who adds currency and removes credit ticket vouchers from a kiosk must have a records check.

Section 99-01.3-02-03. Restrictions and requirements is amended as follows:

- Subsection 2 is amended to add the manufacturers chapter must be available where organizations conduct electronic pull tabs.

Section 99-01.3-02-04. Equipment acquisitions and use is amended as follows:

- Subdivision d of Section 1 clarifies who can design and construct a twenty-one table, paddlewheel table, poker table, or jar bar.

Section 99-01.3-02-05. Lessor and organization is amended as follows:

- Subsection 1 is amended to clarify who may conduct games at a site.
- Section 3 is amended to clarify a lessor’s interference or attempting to influence an organization.

- Section 4 is amended to add electronic pull tabs can be accessed by an organization employee who also works for the alcoholic beverage establishment under certain circumstances.
- Section 7 is amended to clarify advertising may only be done by a licensed organization.
- Section 8 is added to clarify the attorney general's ability to suspend a site for violation of this rule.

Section 99-01.3-02-06. Rental agreement is amended as follows:

- Subsection 9, related to advertising by a lessor is removed.

Section 99-01.3-02-09. Persons restricted from playing games is amended as follows:

- Subsections 1 and 3 are amended to add electronic pull tab devices to the list of restricted games or devices.

Section 99-01.3-02-10. Training requirements and acknowledgment of the gaming laws and rules is amended as follows:

- "Training requirements" is added to the section title.
- Subsections 2 and 3 were added to clarify training requirements for organizations, gaming managers, and gaming auditors.

Section 99-01.3-02-13. Denial, suspension, or revocation of a license

- Subdivision a of Section 1 replaces the term "applicant" with those who could be **part** of the application process.

Section 99-01.3-03-02. Gaming account is amended as follows:

- Subsection 1 is amended by adding "gaming" to provide clarification.
- Subsection 2 is amended to clarify how interest earned and other income must be reported on a gaming tax return.
- Subsection 3 is amended to address charity donations from a credit ticket voucher redemption kiosk may be deposited into the gaming account.

Section 99-01.3-03-03. Trust account is amended as follows:

- Subsection 1 adds fees for ordering checks as an item that must be reported as an adjustment to the trust account on the state tax return.

Section 99-01.3-03-04. Restrictions and requirements is amended as follows:

- Subsections 3 and 4 were removed to clarify advertising.
- Section 12 was added to clarify alternate record keeping systems other than the system from the Attorney General.

- Section 19 was added to clarify where prize winning transfer in the event the winner player is deceased before distribution.

Section 99-01.3-03-06. Gross proceeds, IOUs, documenting cash and chip banks is amended as follows:

- Section 2 was amended to clarify starting and ending cash on hand documentation for sports pools and a runner cash reserve bank used for electronic pull tabs and kiosks.

Section 99-01.3-03-10. Bank deposit and audit is amended as follows:

- Subsection 2 adds that game type must be referenced on a deposit slip for sports pools, raffle boards, and calcutta boards.
- Subsection 7 adds that the audit person may not have signatory authority or electronic access to the gaming account and what is required when gaming activity is audited.

Section 99-01.3-04-03. Conduct and play is amended as follows:

- Subdivision e of subsection 1 was amended to remove “punishable by a five thousand dollar fine or five years in jail or both.” This statement was also removed from other areas of rules. This was not consistent with other administrative rules and class C felony is already defined in century code.
- Subsection 28 is amended to remove a recording requirement from progressive bingo and the recording requirement is added in subdivision f of subsection 29.

Section 99-01.3-04-05. Tickets is amended as follows:

- Subsection 2 is amended to include voided tickets as an item required in daily records.

Section 99-01.3-04-08. Recordkeeping is amended as follows:

- Subdivision i of subsection 1 was removed as a result in previous changes in Section 99-01.3-04-03 related to documenting a progressive bingo and is now included in the requirement of a written bingo program under subdivision h.
- The new subdivision i of subsection 1 added voided tickets to the six month retention period.

Section 99-01.3-05-01. Raffle is amended as follows:

- Subsections 1 and 5 were amended to move the conduct of a raffle from subsection 5 to subsection 1.
- Subsection 3 was amended to clarify raffle boards.

Section 99-01.3-05-02. Tickets – Limitations and requirements is amended as follows:

- Subsection 2 was amended to clarify that an organization may not require raffle tickets to be sold in exchange for a discount or payment for youth athletic programs.
- Subsection 3 was amended to clarify that only one player's name may be on a raffle ticket stub.

Section 99-01.3-05-04. Information on a ticket is amended as follows:

- Subsections 4 and 13 is amended to increase the prize amount indicated on a ticket to fifteen thousand to align with changes to 53-06.1-03 in HB 1192.

Section 99-01.3-05-05. Double roll tickets is amended as follows:

- Subsection 4 amended to include voided tickets as an item required as part of daily records.

Section 99-01.3-05-07. Recordkeeping is amended as follows:

- Subsection 3 is amended to clarify requirements for raffles using double roll tickets.

Section 99-01.3-06-02. Conduct and play is amended as follows:

- Subsection 9 is amended to include secondary winner verification for redeeming pull tabs.

Section 99-01.3-06-03. Recordkeeping is amended as follows:

- Subsection 5 is amended to update flare requirements.

Section 99-01.3-06.1-02. Use and requirements of an organization is amended as follows:

- Subsection 1 is amended to clarify temporary site locations and designated areas of electronic pull tab devices.
- Subsection 8 removes the requirement to use the attorney general's office record keeping system.
- Subsection 9 is amended to clarify electronic pull-tab device site interim visits and recording of cash loss.
- Subdivision d of subsection 16 is amended to clarify quarter close.
- Subdivision f of subsection 16 is amended to clarify independent audit person duties.

Section 99-01.3-06.1-05. Recordkeeping is amended as follows:

- Subsection 3 is amended to clarify loss and cumulative cash profit reconciling to the amount reported on the gaming tax return.
- Subsection 5 is added to establish requirements for a kiosk cash bank.
- Subsection 7 is amended to clarify credit redemption register recording.
- Subsection 9 is amended to clarify closed game summary reports and their retention.

Section 99-01.3-07-01. Sports pool is amended as follows:

- Establishes that a sports pool must be for a professional sport only.

Section 99-01.3-08-04. Video surveillance system is amended as follows:

- Subdivision c of subsection 1 is amended to clarify the view and image of a video camera.
- Subsection 7 is amended to remove the requirement of needing approval before using an alternate system from the attorney general's record keeping system.

Section 99-01.3-08-12. Dealing mistakes is amended as follows:

- Removes "unless an organization has an alternative written policy." This is not defined and not known to be used in practice.

Section 99-01.3-08-14. Drop box cash count is amended as follows:

- Subsection 2 is amended to clarify count team gaming conduct and activity restrictions if both count team members are also gaming employees/dealers.

Section 99-01.3-08-16. Recordkeeping is amended as follows:

- Subdivision e of subsection 1 is amended to include the address of each player in each day's activity for tournaments.

Section 99-01.3-09-01. Poker is amended as follows:

- The tournament fees or "buy-in" is increased from three hundred to one thousand five hundred dollars.

Section 99-01.3-09-05. Tournaments is amended as follows:

- Subdivision d of subsection 1 is amended to clarify that optional dealer tip fees may not be part of the fees on the schedule.

Section 99-01.3-11-07. Recordkeeping is amended as follows:

- Subdivision f of subsection 1 is amended to clarify that the invoice documenting the cost and description of a merchandise prize identifies the gaming stamp number each prize was awarded with.

Section 99-01.3-12-05. Recordkeeping is amended as follows:

- Subsection 2 is amended to remove the flare requirement that one master flare for a game must be retained.
- Subsection 4 is amended to include organization site name and quarter to a credit redemption register.
- Subsection 8 is amended to clarify short/loss, language/writing changes only.
- Subsection 9 is amended to clarify requirements of an access log.

Section 99-01.3-12.1-02. Use and requirements of an organization is amended as follows:

- Subsection 6 removes the requirement to have approval from the attorney general for use of an alternate recordkeeping system.

Section 99-01.3-12.1-05. Recordkeeping is amended as follows:

- Subsection 5 is amended to clarify requirements of a credit redemption voucher.
- Subsection 10 is amended to clarify requirements of an access log.

Section 99-01.3-14-02. Eligible uses is amended as follows:

- Subsection 1 is amended to provide clarification of 53-06.1-11.1, which allows net proceeds to be used for real property if the real property is used exclusively for an eligible use or by fraternal and veterans organizations.
- Subsection 3 clarifies the use of net proceeds by convention and visitors bureaus.
- Subdivision f of subsection 4 is amended to clarify the disbursement of net proceeds to youth organizations, schools, or booster clubs versus to individuals.
- Subdivision g of subsection 4 is amended to clarify the disbursement of net proceeds to adult amateur athletics.
- Subdivision a of subsection 5 is amended to clarify payments to providers of services versus directly to individuals and the requirement for documentation of payments for past items.
- Subdivision d of subsection 5 is added to include services for addiction.
- Subdivisions f and g of subsection 5 were amended for formatting and grammar.
- Subdivisions i of subsection 5 was added to include crime prevention, fire protection and prevention, and public safety.
- Subdivision j of subsection 5 was added to include relief, improvement, and advancement of the physical and mental conditions, care and medical treatment, and health and welfare of injured or disabled veterans.
- Subdivision k of subsection 5 was added to include the use of net proceeds to support the Veterans' post war trust fund as a veteran's organization defined

under 53-06.1-01. Funds will be used for homeless veterans' services to prevent and eliminate veteran homelessness. This addition is a result of changes to 37-14-14 through HB 1504.

- Subsection 9 was amended to clarify payment of these items similar to subdivision a of section 5.
- Subsection 12 was added to clarify the use of net proceeds for statewide veterans' organization program expenses.
- Subsection 13 was added to clarify the use of net proceeds as defined in chapter 47-01 for real property that is used exclusively for and eligible use by an organization.
- Subsection 14 was added to clarify the use of net proceeds as defined in chapter 47-01 for real property used by licensed veterans or fraternal organizations.
- Subsection 15 was added to clarify the use of up to twenty percent of the veteran's organization's net proceeds for the cost of food and beverage as created in 53-06.1-11.1 through SB 2288.

Section 99-01.3-15-02. Restrictions and requirements is amended as follows:

- Subsection 14 is amended to clarify a distributor's reporting of stamped games, bingo paper, and voided gaming stamps.

Section 99-01.3-15-09. State gaming stamp and return of gaming equipment is amended as follows:

- Subsection 3 is amended to clarify distributor recording requirements of gaming stamps due to updated sales invoice and voided gaming stamp filing process.

Section 99-01.3-15-10. Recordkeeping is amended as follows:

- Subdivision e of subsection 2 is amended to clarify that a distributor's sales invoice must include the date the deal was downloaded for active play for an electronic deal of pull tabs.
- Subsection 3 is amended to keep sales invoice requirements due to updated filing process.

Section 99-01.3-16-09.6. Manufacturing specifications - Electronic pull-tab-device with operating system is amended as follows:

- Subdivision f of subsection 12 is amended to remove the requirement of the state gaming stamp number assigned by the distributor for each deal needing to be made available prior to the opening of a deal for distribution by the manufacturer.
- Subdivision b of subsection 22 is amended to add "ideal prizes per deal" back into the required items on a deals in play report for electronic pull tabs.
- Subdivision c of subsection 22 is amended to remove the requirement of "An independent audit person of the organization is required to reconcile the totals for all games and cost per play information from the monthly interim audit report to the game summary report for all games conducted at the site at the end of the first

and second months of a quarter.” This is not needed in the manufacturer’s chapter as it is an organization requirement and included in the electronic pull tab chapter.

- Subdivision d of subsection 22 is amended to clarify what is required on the summary section of an electronic pull-tab closed game summary report.
- Subsection 24 is amended to add “The report viewing must have the capability to search by the organization's state gaming license number and the site names where the manufacturer's electronic pull-tab activity is conducted must be listed as a drop-down option which can be selected to obtain the reports according to subsection 22 of section 99-01.3-16-09.6.” This is to standardize each electronic pull tab manufacturer’s portal to make finding etab reports easier.
- Subsection 39 is amended to add subdivisions g and h which add requirements of what information must be recorded and transmitted from a printed credit ticket voucher.

The proposed rules and amendments are expected to have an impact on the regulated community in excess of \$50,000.

The proposed rulemaking implements bill numbers HB 1192, SB 2334, HB 1504, and SB 2288 enacted during the most recent legislative session, concerning:

House Bill 1192:

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

- a. An organization recognized as a public-spirited organization by the governing body of a city or county may apply for permits. A local permit may allow the organization to conduct only raffles, bingo, or sports pools. A restricted event permit may allow the organization to conduct only raffles, bingo, sports pools, paddlewheels, twenty-one, and poker. The organization or closely related organizations as a whole may only award a primary prize that does not exceed ~~eighty~~^{fifteen} thousand dollars and total prizes of all games do not exceed ~~forty~~^{fifty} thousand dollars per year. These maximum prize amounts do not apply to raffles conducted under chapter 20.1-08. The determination of what is a "public-spirited organization" is within the sole discretion of the governing body. An organization shall disclose on the application its intended use of the net income from the gaming activity. A governing body may issue a permit for games to be held at designated times and places.

Senate Bill 2334:

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 53-06.1-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Alcoholic beverage establishment" means an establishment licensed under section 5-01-21 or chapter 5-02 where alcoholic beverages are sold, dispensed, and consumed by guests on the premises. The term does not include a liquor store, gas station, grocery store, or convenience store.

House Bill 1504:

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-14-14 of the North Dakota Century Code is amended and reenacted as follows:

37-14-14. Veterans' postwar trust fund.

1. The veterans' postwar trust fund is a permanent trust fund of the state of North Dakota and consists of moneys transferred or credited to the fund under this chapter and other laws. Investment of the fund is the responsibility of the state treasurer who shall have full authority to invest the fund only in accordance with chapter 21-10. All income received from investments is to be utilized only for programs of benefit and service to veterans or their dependents, and all income earned in a biennium is appropriated to the administrative committee on veterans' affairs on a continuing basis in the following biennium and not in the biennium the income is earned for expenditure on these programs as authorized by law. Investment of all income received from investments is the responsibility of the state treasurer who has full authority to invest the income received only in accordance with chapter 21-10.
2. A veterans organization as defined under section 53-06.1-01 may donate funds to the veterans' postwar trust fund for homeless veterans' services to prevent and eliminate veteran homelessness.

Senate Bill 2288:

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 53-06.1-11.1 of the North Dakota Century Code is created and enacted as follows:

A veterans organization may use up to twenty percent of net proceeds per quarter for the costs of food and beverages, including alcoholic beverages, incurred operating the veterans organization's club. A veterans organization may operate one club in one location.

The proposed rules may be reviewed at the office of Attorney General, Gaming Division located at the ND State Capitol, 17th Floor. Due to construction on the 17th floor and displacement of staff, it is recommended to please call the gaming division before viewing. A copy of the proposed rules and/or a regulatory analysis may be requested by writing the Office of Attorney General, Gaming Division – 600 E. Blvd Ave, Dept 125 – Bismarck, ND 58505-0040, by emailing agogaming@nd.gov or calling 701-328-4848.

Written or oral comments on the proposed rules sent to the above address or telephone number and received by March 7th will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Office of Attorney General, Gaming Division at the above telephone number or address at least one week prior to the public hearing.

Dated this 20th day of January, 2026.

Aaron Hummel
Director, Gaming Division
North Dakota Office of Attorney General