CHAPTER 99-01.3-02
GENERAL RULES

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99-01.3-02-01. Definitions.

As used in this article:

1. "Alcoholic beverage establishment" means an establishment licensed under North Dakota Century Code 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.

2. "Alcoholic beverage establishment employee" is a person, employed by an alcoholic beverage establishment that is not operated by an organization, who redeems winning pull tabs or prize boards or both involving a dispensing device, redeems credit ticket vouchers involving an electronic pull-tab device, or sells raffle tickets or sports pool chances on a board for an organization.

3. "Application software" means those computer programs that direct an electronic game system to perform those specific information-processing activities that permit the operation of the electronic game, permit the collection and recording of game information, and permit the reporting of that information to the attorney general. The application software overlays the operating system software and is unable to function without the operating system software.

4. "Attorney general" includes an agent of the attorney general.

5. "Bingo session" means a program of predetermined number of bingo games that are successively played. Intermissions may be included in the program. A session may not extend beyond a business day. However, any session in progress which continues past midnight must be considered played on the day the session began.

6. "Business day" relates to the typical hours in a day when normal business operations take place. For games of chance, this includes a site's start of business until the close of business for a day, which may continue past midnight.

7. "Cash on hand" means coin, currency, and checks, plus an IOU due from another source of cash or nongaming funds, less an IOU owed to another source of cash or nongaming funds.

8. "Cash prize" means coin, currency, marketable security, and a similar item that can be readily redeemed or converted into legal tender. Cash prize does not include precious metal bullion, a

coin of precious metal or antique coin that has a market value greater than its face value, or a merchandise gift certificate. The value of a marketable security is its cost.

9. "Cash profit" means:

   a. For bingo and electronic quick shot bingo, total ending cash on hand, less starting cash on hand and prizes paid by check, for a bingo session.

   b. For a raffle, total receipts less prizes paid by cash and check.

   c. For a commingled game of pull tabs, total ending cash on hand, less starting cash on hand and cash prizes paid by check, for a day's activity.

   d. For a commingled game of pull tabs involving a dispensing device, total currency withdrawn from a dispensing device, less credit paid on a credit redemption register, cash long or short from an employee bank, and prizes paid, for an interim period.

   e. For each manufacturer's system of commingled electronic pull-tab games at a site, total currency and total dollar value of credit ticket vouchers in the devices, less total dollar value of credit ticket vouchers in devices and paid by an alcoholic beverage establishment or organization employee, actual credit ticket vouchers redeemed by a kiosk less reissued credit ticket vouchers, credits paid on a credit redemption register, and cash long or short from an employee bank or kiosk, for an interim period.

   f. For a club special, tip board, seal board, and punchboard, the total daily difference between ending cash on hand and starting cash on hand and less prizes paid by check, for the game.

   g. For a prize board, the total daily difference between ending cash on hand and starting cash on hand, less prizes paid by check and cost of coins, for the game.

   h. For a prize board involving a dispensing device, total currency withdrawn from a dispensing device, less total cash prizes paid, prizes paid by check, cost of coins, credit paid on a credit redemption register, and cash long or short from an employee bank, for the game.

   i. For a sports pool, the total daily difference between ending cash on hand and starting cash on hand, less prizes paid by check.

   j. For twenty-one, and paddlewheels described by subsection 2 of section 99-01.3-11-01, total ending cash on hand, plus drop box cash, less total starting cash on hand, for a day's activity.

   k. For poker, total ending cash on hand, less starting cash on hand, less prizes paid by check, for a day's activity.

   l. For calcuttas, total ending cash on hand, less starting cash on hand, prizes paid by check, and refunds to players, for the event.

   m. For paddlewheels described by subsection 1 of section 99-01.3-11-01, total ending cash on hand, less starting cash on hand and prizes paid by check, for a paddlewheel ticket card.

10. "Conduct of games" means the direct operation of a game on a site, including placing pull tabs in, withdrawing currency from, and buying back redeemed winning pull tabs dispensed from a dispensing device; and withdrawing currency from and buying back redeemed credit ticket vouchers dispensed from an electronic pull-tab device.

11. "Credit ticket voucher redemption kiosk" or "kiosk" means a device that only accepts a credit ticket voucher from a manufacturer's own electronic pull-tab device and only dispenses United States currency, coin, or a reissued credit ticket voucher for a credit balance remaining from a redeemed credit ticket voucher, and accepts a charity donation for any remaining balance not dispensed as currency, coin, or a reissued credit ticket voucher.

12. "Deal" in pull tabs, including electronic deals means each individual game or series of pull-tab packages which makes up a game with a specific form number and a unique serial number.

13. "Electronic pull-tab game" means a game family with a common game name, theme, symbols, and ticket count which allows for a variety of price per play denominations and prize payouts under different form numbers.

14. "Employee" includes a person employed by an organization, an employee of a temporary employment agency who provides gaming-related services to an organization, and a volunteer of an organization.

15. "Flare" refers to a flare or master flare as follows:

    a. A flare is a display with the state gaming stamp affixed which describes a punchboard, sports-pool board, calcutta board, deal of pull tabs, club special, tip board, prize board, seal board, and raffle board. The flare for a punchboard is its face sheet. A flare for a sports-pool board, calcutta board, prize board, club special, tip board, seal board, and raffle board is the game board.

    b. A master flare for a game of pull tabs is the same as a "flare" but it does not have a state gaming stamp affixed. A master flare for paddlewheels is described by subsection 1 of section 99-01.3-11-02.

16. "Gaming equipment" means a game piece or device specifically designed for use in conducting games, including integral components of a dispensing device such as a currency validator, processing board, EPROM microchip or other data storage device, attached bar code credit devices, and card shuffling devices. This includes all electronic pull-tab operating systems and devices, credit ticket voucher redemption kiosks, electronic quick shot bingo operating systems and devices, electronic fifty-fifty raffle systems and devices, and their related hardware and software. The term excludes fill and credit slips, promotional paper bingo cards, bingo daubers, video surveillance equipment, jar bars, jar containers, poker tables, raffle drums, double admission tickets, table covers, dealing shoes, discard holders, plungers, shoe and card covers, chip spacers, and weight scales.

17. "Inside information" is any information about the status of a game when that game is conducted that may give a person an advantage over another person who does not have that information, regardless if the person uses or does not use the information, when providing that information is prohibited by the gaming law or rules. It includes information provided through written, verbal, or nonverbal communications that implies or expresses the number of unsold chances; relationship of a game's cash on hand to its ideal adjusted gross proceeds; number of unredeemed top tier or minor winning game pieces that is not posted, value of a hole card in twenty-one, number under the tape of a sports-pool board, or number under a seal.

18. "License" or "gaming license" or "state gaming license" means an official authorization issued by the attorney general allowing an organization, distributor, or manufacturer to conduct activities specific to the license type.

19. "Organization" means a group that meets the requirements to hold a license to conduct charitable gaming or in reference to a local permit includes a "group of people" working together for a public-spirited cause.

20. "Player" is an individual who purchases a game piece or places a wager in a game of chance. An organization may not be a player in any games of chance the organization is conducting. A business that is not an organization with a gaming license or permit for the event, may purchase raffle tickets; however, an individual's name representing the business that bought the tickets must be recorded on the raffle ticket.

21. "Political party" means any association, committee, or organization which nominates a candidate for election to any office which may be filled by a vote of the electors of this state or any of its political subdivisions and whose name appears on the election ballot as the candidate of such association, committee, or organization.

22. "Primary game" is the principal game conducted on a site. Determining factors include frequency of conduct, square footage used, duration of time conducted, and volume of activity.

23. "Retail price" means the purchase price paid by an organization, excluding sales tax.

24. "Volunteer" means a person who conducts games for no compensation. A volunteer may receive a gift not exceeding a total retail price of thirty dollars for a consecutive twenty-four-hour period which may not be cash or convertible into cash; cash tips; and reimbursement for documented business expenses. See definition of employee.

History: Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; July 1, 2012; April 1, 2016; July 1, 2018; January 1, 2023; July 1, 2026.
General Authority: NDCC 53-06.1-01.1
Law Implemented: NDCC 53-06.1-01.1, 53-06.1-06

99-01.3-02-02. Record check.

1. An organization or distributor may not employ a person as a temporary or permanent employee until the organization or distributor has initiated a record check on the person, the person has independently requested a record check from the bureau of criminal investigation within one year before employment, or a person is not required to have a record check according to subsection 5. An organization or distributor temporarily may employ a person pending the results of a record check.

2. An organization or distributor shall initiate a record check of a person by submitting a "request for record check" form to the attorney general within twenty-one calendar days of the first day of employment. If special circumstances exist, including an applicant residing out of state, the organization shall follow procedures prescribed by the attorney general. An organization or distributor may only request a record check of a person who has a written promise of employment or who is temporarily employed pending the result of the record check. A person shall attest to the accuracy of the information on the form and authorize the attorney general to release information on any criminal record found, including a copy of the bureau of criminal investigation's criminal history record information, to an organization or distributor which requested the record check.

3. An organization shall initiate a record check on employees including volunteers at least every six years, commencing with the date of employment.

4. The following employees, including volunteers, of an organization require a record check:

   a. A person who directly operates games on a site;

   b. A person who is a shift or gaming manager;

   c. A person who places a deal of pull tabs in a dispensing device, removes currency from a device, adds currency and removes redeemed credit ticket vouchers from a kiosk, or

reimburses an alcoholic beverage establishment for redeemed pull tabs or credit ticket vouchers;

d. A person who is a member of a drop box cash count team; or

e. A person who directly sells or distributes gaming equipment for a distributor.

5. The following employees, including volunteers, of an organization are not required to have a record check:

   a. A person who is sixteen or seventeen years of age;

   b. A person who has had a record check done and, within one year of the record check, has become re-employed by or starts to volunteer for the same organization or employed by or volunteers for a different organization, distributor, or alcoholic beverage establishment than the person was employed by or volunteered for when the record check was done, and who provides the results of the record check and, if applicable, a copy of the bureau of criminal investigation's criminal history record information, to the new organization, distributor, or alcoholic beverage establishment; or

   c. A person, other than a gaming manager, who only conducts a calcutta, raffle, poker, or sports pool or is employed by or volunteers for an organization that conducts games on no more than fourteen days during a calendar year.

6. The attorney general may require fingerprints of a person. A local law enforcement agency may charge a fee for taking fingerprint impressions.

7. The fee for a record check is fifteen dollars and is not refundable. However, if a federal agency or local law enforcement agency has done a record check, the attorney general may waive the fee. The fee must be remitted by an organization, distributor, or person with the request form to the attorney general.

8. The attorney general shall conduct the record check and provide the results to an organization or distributor which requested the record check unless a federal or local law enforcement agency conducts a record check. This notice must indicate whether a criminal record was found or not found. If a criminal record is found, the attorney general shall also provide an organization or distributor with a copy of the bureau of criminal investigation's criminal history record information. An organization or distributor shall review this report to determine whether a person is eligible for employment as an employee according to subdivision a or b of subsection 5 of North Dakota Century Code section 53-06.1-06.

9. If a person is not eligible for employment but has been temporarily employed pending the results of a record check, an organization or distributor, within five days of receiving the copy of the record check, shall terminate the person's employment. This period may not be extended without consent of the office of attorney general.

10. An organization or distributor shall retain the results and criminal history record information from the federal or local law enforcement licensing document for the time period prescribed by federal law.

11. If a person, while employed by an organization or distributor, pleads guilty to or has been found guilty of a felony or misdemeanor offense referenced by subdivisions a and b of subsection 5 of North Dakota Century Code section 53-06.1-06, the person shall immediately notify the organization or distributor. Upon notification, an organization or distributor, within five days, shall terminate the person's employment unless the person received a deferred imposition of sentence and has fully complied with the terms of the deferral.

History: Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; April 1, 2016; July 1, 2018; January 1, 2023; July 1, 2026.
General Authority: NDCC 53-06.1-01.1
Law Implemented: NDCC 53-06.1-01.1, 53-06.1-06

99-01.3-02-03. Restrictions and requirements.

1. An employee shall wear an identification tag while working in the gaming area of a site. The tag must display a person's name, which may be the employee's middle name or a shortened form of a proper name, and first initial of the last name or the person's identification number, and organization's name. The tag must be worn on the upper one-third of a person's body. An organization shall provide an identification tag to a gaming employee and is responsible for ensuring the tag is properly displayed.

2. An organization shall have North Dakota Century Code chapter 53-06.1; chapter 99-01.3-02, general rules; chapter 99-01.3-03, accounting rules; the rules chapter of each game type conducted at a site; and, for sites with electronic pull tabs, chapter 99-01.3-16, manufacturers, available in the gaming area for review by any person. The required laws and rules may be presented in physical form or by providing a quick response code with an active website link as prescribed by the attorney general.

3. An organization shall have a policy manual on its conduct and play of games in the gaming area at a site available for review by any person. The manual must include policies for resolving a question, dispute, or violation of the gaming law or rules. The manual may not include internal controls. The policy manual may be presented in physical form or by providing a quick response code with an active website link.

4. An organization's top official shall provide to the governing board and membership in writing or by electronic publication method each quarter information on an organization's adjusted gross proceeds; cash profit; cash long or short; net proceeds; excess expenses; reimbursement of excess expenses; and, for a fraternal, veterans, or civic and service organization, a list of eligible uses. If an administrative complaint is issued to an organization, the top official shall disclose the allegation in writing to the board within seven days from the date the complaint was received. If an allegation is substantiated, the top official shall disclose to the board in writing the allegation and sanction imposed within ninety days of the final disposition of the complaint. The organization shall disclose to the membership how they may obtain information on the quarterly gaming activity and any information regarding the final disposition of a complaint. This information and how it was provided to the governing board and membership must be included in an organization's records.

5. A person may not modify a state gaming stamp or flare, including a last sale prize. An organization may not add or delete independent of a distributor a last sale prize.

6. A person under the age of twenty-one may not conduct games and may not be a member of a drop box cash count team at an alcoholic beverage establishment. An employee under the age of eighteen may not count drop box cash. A person under the age of sixteen may not conduct bingo.

7. An organization may not pay any compensation, expense, or fee to an entity or person based on the number of participants for an event, or on a participatory or graduated rate of gross proceeds or adjusted gross proceeds for any game type conducted.

8. An employee or an alcoholic beverage establishment employee may not use inside information or provide inside information to any person.

9. The attorney general may waive a rule when it is for the best interest of the gaming industry and public.

10. If an organization does not plan to reapply for a license for the next licensing period or relinquishes a license, it shall return its unplayed games, with state gaming stamps, to the attorney general or distributor. An organization may not destroy an unplayed or unreported game without permission of the attorney general.

11. When an organization disposes played deals of pull tabs, club specials, prize boards, tip boards, seal boards, punchboards, and casino chips, the disposal method must assure complete destruction. When disposing of a dispensing device, the organization shall ensure that the device is rendered completely inoperable, which includes removing all electronics from the device.

12. If an organization is forced to dispose of accounting records or game pieces damaged in a natural or extraordinary disaster, it shall document each item disposed and provide a copy of the documentation to the attorney general within fourteen days before the disposal.

13. Any incident interrupting the operation or affecting the security or integrity of an electronic fifty-fifty raffle system, site system with bingo card marking devices, electronic quick shot bingo site operating system with card marking devices, or electronic pull-tab operating system must be reported to the attorney general by the next business day from the date of occurrence.

History: Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; April 1, 2016; January 1, 2023; July 1, 2026.
General Authority: NDCC 53-06.1-01.1
Law Implemented: NDCC 53-06.1-01.1

99-01.3-02-04. Equipment acquisitions and use.

1. An organization shall procure gaming equipment only from a licensed distributor. However, an organization may:

   a. Buy raffle tickets with a detachable stub from a printer, buy double roll tickets from any vendor, or construct a raffle board;

   b. Buy, lease, or sell a used pull-tab dispensing device, including electronic pull-tab devices, from or to a distributor or another organization provided that a distributor records the transaction on a sales invoice;

   c. Buy, sell, rent, lend, exchange, or give its own used playing cards, jar bar, jar container, twenty-one or poker table, video surveillance equipment, raffle drum, bingo hard cards, bingo daubers, bingo machine, flashboard, table cover, dealing shoe, discard holder, plunger, shoe and card cover, poker chips, chip tray, chip spacers, paddlewheel, paddlewheel table, or weight scales from or to any organization. An organization may not sell or otherwise provide any of these particular items or any other item of gaming equipment, except playing cards, to any other person unless approval is obtained from the attorney general; or

   d. Buy a twenty-one, paddlewheel, or poker table, and jar bar which has been designed and constructed by any individual provided that the table playing surface for twenty-one and paddlewheel tables, drop box, and any related gaming equipment is purchased from a distributor.

2. An organization may not use or knowingly permit its gaming equipment to be used for an illegal purpose.

3. An organization or an employee may not conduct or possess a deal of pull tabs, club special, tip board, seal board, raffle board, prize board, punchboard, sports-pool board, calcutta board, or series of paddlewheel ticket cards unless its flare has a gaming stamp.

4. If an organization or distributor suspects a deal of pull tabs, club special, tip board, prize board, or punchboard may be defective, the organization or distributor shall comply with guidelines prescribed by the attorney general.

History: Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; October 1, 2006; July 1, 2010; April 1, 2016; January 1, 2023; July 1, 2026.
General Authority: NDCC 53-06.1-01.1
Law Implemented: NDCC 53-06.1-01.1, 53-06.1-06, 53-06.1-14

99-01.3-02-05. Lessor and organization - Restrictions.

1. A lessor's employee who is not the lessor's spouse, lessor's common household member, management, management's spouse, or lessor's employee or agent who approved the lease, may conduct games at a site, including accessing a pull-tab dispensing device or electronic pull-tab device, as an organization employee:

   a. On a day when the employee is not working for the alcoholic beverage establishment; or

   b. On a day when the employee is working for the alcoholic beverage establishment but is working in an area where alcoholic beverages are not dispensed or consumed.

2. A game may not be operated directly as part of a lessor's business. However, a lessor may donate a gift certificate or cash or merchandise prize to an organization.

3. A lessor, lessor's spouse, lessor's common household member, management, management's spouse, officer, board of directors member, or lessor's employee or agent who approved the lease, may not:

   a. Loan money or provide gaming equipment to an organization;

   b. Interfere with or attempt to influence an organization's selection of games, determination of prizes, including a bingo jackpot prize, disbursement of net proceeds, or influence the selection of a distributor to purchase gaming equipment from;

   c. Conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play any game at the lessor's site;

   d. Require an organization's employee to assist, for or without compensation, in a lessor's business at the site. However, an organization's employee voluntarily may order drinks for customers; or

   e. Count drop box cash.

4. A lessor who is an officer or board member of an organization may not participate in the organization's decisionmaking that is a conflict of interest with gaming, including topics such as gaming sites and distribution of net proceeds.

5. Only an organization or its employee that has received approval from the attorney general or follows guidelines prescribed by the attorney general may buy a gift certificate or merchandise as a gaming prize from a lessor, or buy merchandise, food, or alcoholic or nonalcoholic drinks from the lessor for the lessor's employees or patrons. An organization's employee may patronize a lessor in the normal course of a lessor's business.

6. An organization, employee, or alcoholic beverage establishment may not give a free or discounted game piece, chip, or play of a game except for discounts allowed for bingo and raffle activity, or free or discounted alcoholic drink to a person to play a game. A lessor may at its own expense advertise gaming on promotional drink tickets.

7. Any advertising by the lessor, organization, or both, of lawful charitable gaming conducted by a licensed organization must include the gaming organization's name. An abbreviation of the organization's name may be used. The name of the site may be used but must be inconsequential in comparison to the licensed gaming organization.

8. If the lessor violates this rule, the attorney general may suspend any or all games at the site for up to six months.

History: Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; July 1, 2010; April 1, 2016; July 1, 2018; July 1, 2026.
General Authority: NDCC 53-06.1-01.1
Law Implemented: NDCC 53-06.1-01.1, 53-06.1-06

99-01.3-02-06. Rental agreement.

1. A rental agreement must be signed and dated by a lessor and organization.

2. An agreement must contain:

   a. Term of the agreement which must be on a fiscal year basis from July first to June thirtieth or, if a site authorization is for a shorter period, the term is for the shorter period. Except for a site where bingo is the primary game, an agreement may not exceed five years;

   b. Monetary consideration;

   c. The inclusion of this statement with proper selections made:

      "The lessor agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, an alcoholic beverage establishment employee may redeem a winning pull tab, redeem a credit ticket voucher, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization";

   d. If an organization provides a lessor with a temporary loan of funds for redeeming winning pull tabs, credit ticket vouchers, or for paying prize board cash prizes involving a dispensing device, a statement that the lessor agrees to repay the entire loan immediately when the organization discontinues using a device at the site and absorb a loss related to a loss or theft of the temporary loan of funds; and

   e. Statements that:

      (1) Bingo is or is not the primary game conducted;

      (2) Twenty-one or paddlewheels, or both (involving a playing table), is or is not conducted and the number of tables on which the rent is based, including the number of tables on which a wager over five dollars is accepted;

(3) Pull tabs is or is not conducted with or without a dispensing device and number of electronic pull-tab devices for use;

(4) The rental agreement is automatically terminated, at a lessor's option, if an organization's license is suspended for more than fourteen days or revoked;

(5) An on call, temporary or permanent employee, except an alcoholic beverage establishment employee defined by subsection 3 of section 99-01.3-02-01 will not, directly or indirectly, conduct games at the site as an organization employee on the same day the employee is working in the area where alcoholic beverages are dispensed or consumed;

(6) The lessor agrees a game may not be operated directly as part of the lessor's business;

(7) The lessor agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds; and

(8) The lessor agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

3. Rent must be a fixed dollar amount per month.

a. A participatory or graduated rate arrangement based on gross proceeds or adjusted gross proceeds is prohibited.

b. If bingo is the primary game or if a site is leased by an organization that has the alcoholic beverage license for that site, the monthly rent must be reasonable. Factors include time usage, floor space, local prevailing rates, and available sites and services. An organization may pay seasonal expenses, such as snow removal, air-conditioning, and heating, to a vendor.

c. If bingo is not the primary game, the maximum monthly rent must be according to subsection 5 of North Dakota Century Code section 53-06.1-11. Special considerations are:

(1) If two or more organizations conduct twenty-one or paddlewheels, or both, involving a table and pull tabs for less than a month at a temporary site which is a public or private premise, or if two or more organizations are issued site authorizations to conduct games at a site on different days of the week, the maximum monthly rent, in the aggregate, may not exceed the limit set by subsection 5 of North Dakota Century Code section 53-06.1-11; and

(2) If a raffle, calcutta, sports pool, or poker is conducted with twenty-one, paddlewheels, or pull tabs, additional rent is not allowed.

d. Except for applying subsection 3 or 4 of section 99-01.3-03-04, and additional rent paid to a lessor for simulcast racing, an organization or employee may not pay any additional rent or expense, from any source, or for any other purpose, including office or storage space, snow removal, maintenance or cleaning fees, equipment, furnishings, entertainment, or utilities. Except for a leased site at which bingo is the primary game conducted, an organization may not pay for any capital or leasehold improvements or remodeling.

4. If there is a change in the monthly rent or any other material change to a rental agreement, the agreement must be amended and a copy received by the attorney general before its effective date.

History: Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; April 1, 2016; July 1, 2018; January 1, 2023; July 1, 2026.
General Authority: NDCC 53-06.1-01.1
Law Implemented: NDCC 53-06.1-01.1, 53-06.1-06, 53-06.1-07.4

99-01.3-02-07. Gaming manager, shift manager, and reporting violations.

1. An organization shall designate one person as the gaming manager. A gaming manager may not be an employee of a temporary employment agency. A gaming manager is the person who is responsible and held accountable for managing and controlling the overall gaming operation. A person may be a gaming manager for not more than two organizations. When the gaming manager changes, an organization shall notify the attorney general on a prescribed form within fourteen days of the change.

2. An organization shall designate an employee at a site as a shift manager for each shift of each day. A shift manager shall be on the site during that shift and may not be an employee of a temporary employment agency. A shift manager is a person who is responsible and held accountable for regularly managing games at a site and ensuring compliance with the gaming law and rules by an employee, lessor, and player.

3. An organization, distributor, or gaming or shift manager shall immediately report any material violation of the gaming law or rules and any gaming-related criminal activity to the gaming division of the office of attorney general and a local law enforcement agency.

History: Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; April 1, 2016.
General Authority: NDCC 53-06.1-01.1
Law Implemented: NDCC 53-06.1-01.1

99-01.3-02-08. Currency of play, credit play, and borrowing from gaming funds.

1. Play of a game must be in United States currency. Play of a game must be on a cash basis. An organization may, by policy, accept checks and allow the use of debit cards. No credit may be extended to a player. Payment by credit card may be accepted only for online raffle ticket sales. The consideration to play a game must be paid before play. An employee may not loan money to a player, accept a postdated check, allow a player to alter a check, permit a player to establish an account by depositing cash for making periodic withdrawals, or any similar practice. An organization may allow a player to buy back a check with cash and may return a player's check to the player as part of a prize payout but may not unnecessarily delay the bank deposit of that check.

2. An employee may not borrow gaming funds as a personal loan or substitute a personal check for gaming funds.

History: Effective May 1, 1998; amended effective July 1, 2000; October 1, 2006; July 1, 2018; January 1, 2023.
General Authority: NDCC 53-06.1-01.1
Law Implemented: NDCC 53-06.1-01.1

99-01.3-02-09. Persons restricted from playing games.

1. An employee who is a shift or gaming manager may not play any game at any of the organization's sites. An employee who services a pull tab or prize board dispensing device or electronic pull-tab device may not play the device at that site.

2. An employee may not play any game while on duty, except a volunteer may participate in a raffle. For the game of bingo, if an organization's total gross proceeds for the previous fiscal year, for which tax returns were filed, was twenty-five thousand dollars or less, a volunteer who is not a bingo caller, shift manager, or gaming manager, may also play bingo while on duty.

3. An employee may not play pull tabs or prize boards, including through a dispensing device, electronic pull-tab device, tip board, club special, or punchboard until after three hours of active play have occurred since the employee went off duty at that site. "Active" play means that a game has been available for play. A player may not provide and an employee may not accept an unopened pull tab as a tip.

4. An employee may play twenty-one while off duty at organization sites only on tables that have the activity recorded by video surveillance.

5. An alcoholic beverage establishment employee may not play pull tabs or prize boards, which involve a dispensing device, or electronic pull tabs while on duty. An alcoholic beverage establishment employee may play pull tabs or prize boards, involving a dispensing device, or electronic pull tabs while off duty after three hours of active play have occurred since the alcoholic beverage establishment employee went off duty at that site, unless otherwise prohibited by subdivision c of subsection 3 of section 99-01.3-02-05.

6. An employee or alcoholic beverage establishment employee taking a temporary break is still considered on duty.

7. If an organization allows a gaming employee or an alcoholic beverage establishment employee to play games at its site, it shall post or make available to players the policy at that site.

8. A shift manager may not permit and an employee may not allow an employee's common household member, spouse, child, parent, brother, or sister, at a site, to:

    a. Play pull tabs, except electronic pull tabs, of a game while the employee is on duty as a jar operator for that game, regardless of whether the employee takes a temporary break or rotates to conduct another game. This rule also applies to an employee who conducts pull tab or prize board dispensing device activity; or

    b. Play twenty-one or paddlewheels at a table when the employee is dealing or is a wheel operator at that table.

9. An organization may prohibit a person from playing games at a site.

History: Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; July 1, 2010; April 1, 2016; July 1, 2018; January 1, 2023; July 1, 2026.
General Authority: NDCC 53-06.1-01.1
Law Implemented: NDCC 53-06.1-01.1

99-01.3-02-10. Training requirements and acknowledgment of the gaming law and rules.

1. An employee shall read and acknowledge in writing, within sixty days of employment and the effective date of new gaming laws or rules, the person has read and understands the provisions that relate to the person's job duties. The organization shall designate the provisions to be read. An acknowledgment must be dated, reference the provisions, and be part of the person's personnel file.

2. When an organization first applies for a license to conduct games of chance, the organization shall schedule and attend training with the attorney general for conducting of the applicable games and recordkeeping before a license may be issued.

3. A gaming manager and an individual who is principally responsible for auditing closed games, daily activity, or does bookkeeping shall request training from the attorney general within thirty days of employment if they have no previous gaming-related experience or there is a change of employment in these positions.

History: Effective May 1, 1998; amended effective July 1, 2000; July 1, 2002; July 1, 2004; October 1, 2006; July 1, 2010; April 1, 2016; July 1, 2026.
General Authority: NDCC 53-06.1-01.1
Law Implemented: NDCC 53-06.1-01.1

99-01.3-02-11. Outside service provider restrictions.

Only an organization member, employee, including an employee of a temporary employment agency, or member of an auxiliary to an organization may manage, control, conduct games, or have sole direct access to gaming assets. An organization may have an outside service provider, including another organization, provide specific gaming-related services. All accounting records and played games shall be stored by the organization. The organization shall ensure that the outside service provider complies with the gaming law and rules and may allow assistance with the following:

1. Perform audit services, including auditing closed games and daily activity, do interim audits of games, verify bank deposits, and reconcile inventory of gaming equipment and cash banks;

2. Perform accounting and bookkeeping services, including recording receipts and disbursements, processing payroll and payroll reports, reconcile bank statements, write checks, and prepare budgets, financial statements, and tax returns. However, an outside service provider may not have signatory authority of a bank account;

3. Access and review recorded video;

4. Take a locked bank bag or locked drop box to a financial institution provided the outside service provider has no access key; and

5. An outside service provider that is a security company, security agency, accounting firm, or financial institution may count drop box cash.

History: Effective May 1, 1998; amended effective July 1, 2000; July 1, 2004; October 1, 2006; April 1, 2016; July 1, 2018; January 1, 2023.
General Authority: NDCC 53-06.1-01.1
Law Implemented: NDCC 53-06.1-01.1, 53-06.1-06

99-01.3-02-12. Audit and inspection of facilities and records.

Repealed effective July 1, 2000.

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

1. The attorney general may deny, suspend, or revoke a license or a permit of an organization, distributor, or manufacturer:

   a. When the applicant or licensed organization, distributor, or manufacturer through its employees, officers, board of directors, or outside service providers has:

(1) Violated, failed, or refused to comply with any provision of the gaming law or rules or any other law of North Dakota or has knowingly allowed, caused, aided, abetted, or conspired with another person to cause the person to violate any provision of the gaming law or rules or any other law of North Dakota;

(2) Falsified information on a license application or obtained a license by fraud, misrepresentation, concealment, or mistake;

(3) Denied the attorney general access to a site or manufacturing facility, or failed to timely provide information requested or required by the attorney general, gaming law, or rules;

(4) Misrepresented or failed to disclose a material fact to the attorney general; or

(5) Engaged in any act or practice to defraud or cheat a person, or has used a device or scheme to defraud a person.

b. If the attorney general, for any reason, deems it to be in the public interest. Such reasons include cases in which the applicant or licensee, or any person with a "substantial interest" in the organization:

(1) Has previously conducted illegal gambling or gaming activity in any jurisdiction;

(2) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level in any jurisdiction;

(3) Possesses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by:

(a) Prior activities;

(b) Criminal record;

(c) Reputation;

(d) Habits;

(e) Associations; or

(f) Knowingly provides or has provided goods or services to an entity that illegally operates gambling activities.

2. Upon revocation of a license, an organization, distributor, or manufacturer shall return the license and, if applicable, site authorization to the attorney general.

History: Effective May 1, 1998; amended effective July 1, 2000; July 1, 2018; July 1, 2026.
General Authority: NDCC 53-06.1-01.1
Law Implemented: NDCC 53-06.1-01.1, 53-06.1-03, 53-06.1-14, 53-06.1-16