

Charitable Gambling in Minnesota

Charitable gambling has been legal in Minnesota since 1945. This information brief describes the legislative history, rules and regulations, and the outlook for charitable gambling. This information brief is only a summary of the law and rules governing charitable gambling.

Charitable Gambling Licensing and Control..... 3

State Agencies Governing Gambling	3
Types of Gambling Allowed.....	3
License and Permits	4
Use of Proceeds	4
Gambling Locations.....	6
Organization Responsibility	7
Gambling Managers.....	7
Gambling Records and Accounts	7
Prizes.....	8
Gambling Taxes.....	9
Exempt or Excluded Gambling.....	9
Local Authority.....	9

Rules on Conduct of Gambling..... 10

General.....	10
Pull-tabs	10
Bingo.....	11
Paddlewheels	11
Raffles.....	12
Tipboards	12

Legislative History 13

The Early Law: 1945 Bingo Law 13
The 1976 Bingo Law 13
New Forms of Gambling: The 1978 and 1981 Amendments 14
1984 Charitable Gambling Law 14
1989 Reorganization Law 15
1990: Criticism and Reform 15
1990-1995: Reversing the Trend 16
1996-2001: Achieving the Industry Agenda 17
2003: Fee Increases to Balance the Budget 18
2003-2006: Making More Money Available for Charities 18
2006-2010: Industry under Stress 19
2010-2015: Signs of a Revival 20

Charitable Gambling Licensing and Control

State Agencies Governing Gambling

Charitable gambling regulation, licensing, taxation, auditing, and enforcement is divided among three state agencies—the Gambling Control Board, the Alcohol and Gambling Enforcement Division of the Department of Public Safety, and the Department of Revenue. The agencies and their functions are as follows:

The Gambling Control Board regulates the conduct of charitable gambling, approves all gambling equipment for use, issues licenses, provides training and education to organizations, conducts compliance reviews and site inspections, and imposes penalties for violations. The board has delegated to its director the power to issue or deny licenses and permits under board guidelines.

The board receives the financial reports of licensed organizations and verifies gross receipts, prize payouts, expenses, and expenditures of net profits for lawful purposes. The board may investigate alleged violations of law or rule, issue consent orders, and impose civil penalties. Suspected criminal violations are referred to the Alcohol and Gambling Enforcement Division.

The Alcohol and Gambling Enforcement Division in the Department of Public Safety, created as the Gambling Enforcement Division in 1989 and merged with the Liquor Control Division in 1996, has the responsibility of enforcing laws and rules that relate to charitable gambling and other forms of legal and illegal gambling. By law this division, rather than any other state agency, is the “primary investigation entity where enforcement rests” regarding suspected criminal violations relating to gambling.

Some of the division’s employees are peace officers with power of arrest. The division is empowered to inspect all premises where gambling is conducted and to audit the books and records of any licensed organization. The division undertakes inspections and audits in situations where criminal activity is suspected.

The Special Taxes Division of the Department of Revenue collects all taxes on charitable gambling and audits tax returns.

Types of Gambling Allowed

The only types of gambling that may be conducted by nonprofit organizations are **pull-tabs**, **bingo**, **paddlewheels**, **tipboards**, and **raffles**. Nonprofits have also held card tournaments, including Texas Hold’em contests, under a state law limiting prizes and preventing direct benefit to the organization.

License and Permits

Charitable gambling may only be conducted by a licensed nonprofit organization. A fraternal, veterans, religious, or other nonprofit organization may apply for licensing if it has been in existence for at least three years and has at least 15 active members.

Gambling licenses are issued by the director of the Gambling Control Board under criteria set by the board. Licenses are perpetual. The annual fee for an organization license is \$350, except that the fee may be waived for organizations that expect to receive less than \$100,000 per year in gross receipts.

In addition to the licensing requirements, organizations are required to obtain a separate **premises permit** from the director of the board for each location where gambling will be conducted. Like licenses, premises permits are perpetual. The fee for each premises permit is \$150 per year plus 0.125 percent of monthly gross receipts at the premises. The fee revenue, along with revenue from other license fees the board charges, goes into a lawful gambling regulation account, which is available for appropriation by the legislature to pay the board's operating costs. Organizations may conduct gambling away from the permitted premises only for a few days each year in connection with special events, when approved by the board.

The board also licenses distributors (wholesalers), distributor salespersons, manufacturers of gambling equipment, and linked bingo game providers. Annual license fees range from \$5,000 for linked bingo game providers to \$10,000 for manufacturers. The board also charges a modest fee for each item of gambling equipment submitted for its approval and for each item it tests.

Use of Proceeds

An organization's gross profits from gambling (gross receipts minus prizes) can be used only for "allowable expenses" (defined as expenses directly related to the conduct of gambling) and expenditures for "lawful purposes" (including gambling taxes). There are no specific limits on how much a licensed organization can spend on allowable expenses, however, most licensed organizations must spend at least 30 percent of gross profits annually on lawful purposes, or face sanctions from the board. Bingo halls need only spend 20 percent.

"**Lawful purposes**" include the following:

- Any expenditure by or contribution to a **501(c)(3) tax-exempt organization**, or to a 501(c)(4) organization that conducts a community festival, if the organization meets board operating and expenditure standards
- Contributions to, or expenditures to benefit, individuals or families to **relieve poverty, homelessness, or disability**
- Contributions for treatment of **problem gambling**
- Contributions to an accredited **educational institution**

- Contributions to an individual, a school, or the **scholarship fund** of a nonprofit organization whose primary mission is to award scholarships, where funds are awarded through an open and fair selection process
- Activities that **recognize military service**
- Contributions or expenditures to honor **humanitarian service** demonstrated by philanthropy or volunteerism
- **Recreational, community, and athletic facilities** primarily for persons under 21, provided they do not discriminate on the basis of gender
- State, local, and federal **taxes on gambling**, state unrelated business income tax on gambling, and state **license and premises permit fees**
- **Property taxes on gambling premises** an organization owns or, in the case of a veterans organization, leases
- **Contributions to government** and government agencies (except a direct contribution to a law enforcement or prosecuting agency)
- Contributions to or expenditures by a **religious organization**
- Contributions for citizen monitoring of **surface water quality**
- Department of Natural Resources-approved expenditures on public **snowmobile and ATV trails**
- Expenditures for **outdoor natural resources**, including wildlife management projects, maintenance and grooming of public trails, and DNR-coordinated safety training and education, when approved by the DNR
- **Nutritional programs, food shelves, and congregate dining programs** primarily for disabled persons or persons age 62 and older
- Contributions to community **arts** organizations or expenditures to sponsor arts programs in a community
- For veterans organizations, payment of certain **utilities** on the building used as the organization's primary headquarters, and spending up to \$5,000 in a year for meals and other membership events for members and spouses that recognize military service

With limited exceptions, "lawful purposes" do not include the building, repair, maintenance, or improvement of a building that an organization owns or leases, unless (1) the building will be used exclusively for a lawful purpose; (2) the building will be used extensively as a meeting place by other nonprofit organizations or service groups with no rental fee; or (3) the building replaces another building owned by the organization that is destroyed or made uninhabitable by fire or catastrophe, or is taken by eminent domain.

Also excluded from "lawful purposes" are (1) expenditures to influence governments or elections; (2) contributions to a parent organization if the parent organization gives any money to the contributing organization; and (3) contributions from one organization to another unless the contribution is approved by the board.

[Minnesota Statutes, section 349.15](#), defines the amount that must be spent on lawful purpose expenditures.

Gambling Locations

Organizations may conduct gambling only on premises they own or lease.

Leases. Leases may be for an entire building or part of a building and can be for as small a space as a booth for selling pull-tabs in a bar or restaurant.

Rent limits are based on a percentage of gambling gross profit. Apart from bingo, most leased premises are in bars and restaurants and are used for selling pull-tabs or tipboards. There are different limits for establishments selling pull-tabs through booth operations, or *booth-ops* (where sales and redemptions are made by an organization employee within an enclosure that is separate from the area where food and beverages are sold), and bar operations, or *bar-ops* (where sales and redemptions are made by an employee of the bar or restaurant from the area where food and beverages are also sold).

Rent Limits		
Booth Operations	Bar Operations (including bar-ops that also have pull-tab dispensing machines)	Booth and Bar-Ops
<ul style="list-style-type: none">• 10% of monthly gross profits• Total for all booth operations at a single location, up to \$1,750 per month	<ul style="list-style-type: none">• 15% of monthly gross profits from e-pulltabs and linked bingo and 20% of monthly gross profits from all other lawful gambling	<ul style="list-style-type: none">• Linked bingo and e-pulltabs: limit is 15% of gross profits when operated by lessor and 10% of gross profits when operated by the organization

Rent for bingo premises is either up to 10 percent of monthly gross profit or up to 110 percent of cost per square foot for comparable leased space. The parties to the lease decide which option to use. No rent may be paid for bar bingo.

Rent limits are intended to include all services provided and expenses paid by the lessor, including in the case of bar operations compensation paid to the organization by the lessor for cash shortages.

Leases cannot begin before the effective date of the premises permit for the leased premises and must expire on the same day the premises permit expires.

Illegal gambling. Under board rules, an organization may be barred from a location where illegal gambling has taken place. Bans can range from up to 90 days to permanently, depending

on the number of previous violations at the location. By law, the board cannot take action against an organization's premises permit because of illegal gambling unless it determines that the organization participated in the illegal gambling, or knew of it and failed to ask the establishment to stop it. The board cannot take action against an organization's license because of illegal gambling unless the organization's chief executive officer or gambling manager or assistant managers participated in or authorized the illegal gambling.

Organization Responsibility

An organization is responsible for all gambling conducted in its name. If an organization leases premises for gambling, the lessor may not directly or indirectly manage the conduct of gambling. The same prohibition applies to gambling equipment distributors and their employees.

Gambling Managers

Gambling manager required. Each organization must have a single gambling manager who is responsible for overseeing all the organization's gambling activities. The manager must be a member that is bonded for \$10,000 and must be licensed by the board. The gambling manager's license runs concurrently with the organization's license. The annual license fee is \$100.

Training. Each gambling manager must receive training and obtain continuing education from the board or by a person authorized by the board to provide training, in gambling law and management procedures. All newly licensed gambling managers must pass an examination on gambling laws and rules and gambling manager responsibilities.

License actions. Gambling managers can lose their licenses for committing gambling violations or for engaging in conduct the board considers harmful to the integrity of gambling.

Gambling Records and Accounts

Separate accounts required. An organization must keep its gambling accounts separate from all its other accounts. Records of gambling transactions must be kept for at least three and one-half years. Organization records must account for the organization's assets, liabilities, and fund balances.

Reports. Each organization must report monthly to its membership, the board, and to the Department of Revenue on its gross receipts, prizes, all gambling taxes owed or paid to the commissioner, all gambling expenses, and all lawful purpose and board-approved expenditures, and must report annually to its members and the board on gross receipts, expenses, profits, and expenditures of profits. Checks or electronic fund transfer authorizations must be signed by at least two persons authorized to make expenditures for the organization.

Financial reviews and audits. Each organization with more than \$750,000 in annual gross receipts from gambling must have an annual financial audit performed by a licensed accountant.

This requirement is in addition to the general requirement that charitable organizations with over \$750,000 in revenue submit a financial statement audited by a certified public accountant.

Prizes

Bingo. Except for cover-all (where all spaces must be covered to win) or cover-none games (where no spaces must be covered to win) and progressive bingo games (where jackpots not won may carry over to another day), the maximum prize for any single bingo game is \$200. A “cover-all” bingo game prize may exceed that amount if the total value of all cover-all prizes in a bingo occasion is not more than \$1,000. Prizes for a progressive game may begin at up to \$500 and increase by up to \$100 per occasion, and consolation prizes of up to \$200 may be awarded in such a game if the cumulative jackpot is not won. Progressive bingo jackpots of up to \$2,000 for a single game are allowed. Hot-ball bingo prizes may not exceed \$500 per bingo occasion. Not more than \$2,800 can be awarded in total prizes for a bingo occasion (exceptions to the limit apply where a cover-all or cover-none game is played, or when progressive jackpot or hot-ball prizes are awarded).

“Linked bingo,” meaning a bingo game played at two or more locations simultaneously that are linked electronically, is not subject to these limits, but each participating organization may contribute no more than 85 percent of gross receipts per permitted premises to a linked bingo prize pool.

Other gambling. Other prize limits include:

- single pull-tab, \$599 for \$2 and under; \$899 for \$3; \$1,199 for \$4; and \$1,499 for \$5 tickets
- pull-tabs with cumulative or carryover prizes, \$2,500
- raffles, maximum prize \$50,000
- paddlewheels with or without a table, single prize, \$70
- tipboards, \$599 for \$2 and under; \$899 for \$3; \$1,199 for \$4; and \$1,499 for \$5 tickets

Prize payout restrictions. Organizations may not offer any pull-tab or tipboard games that have a prize payout of more than 85 percent of the ideal gross (the gross receipts if all pull-tabs or tipboard tickets in the game are sold), including any “last sale prizes” added by the distributor.

Prize posting. When it has reason to believe that an organization or seller is giving certain players an unfair chance to win at pull-tabs by giving them information on remaining winning tickets in a game, the board may require the organization to post the names of major prize winners in each game. Most sites, however, voluntarily post the major prize amounts remaining in a paper pull-tab game.

Gambling Taxes

There are two separate state taxes on gambling—a flat tax and a graduated tax. The flat tax rate of 8.5 percent is applied to an organization’s net receipts. Net receipts are calculated by subtracting the amount of prizes paid out on paper bingo, raffles, and paddlewheels from the gross receipts on the conduct of those games.

The graduated tax rates start at 9 percent and increase up to 36 percent based on an organization’s combined net receipts from the conduct of paper or electronic pull-tabs, tipboards, and electronic linked bingo.

Combined Net Receipts Tax	
Net Receipts	Rate
Up to \$87,500	9%
Over \$87,500 - \$122,500	\$7,875 plus 18% of the amount over \$87,500 - \$122,500
Over \$122,500 - \$157,500	\$14,175 plus 27% of the amount over \$122,500 - \$157,500
Over \$157,500	\$23,625 plus 36% of the amount over \$157,500

Exempt or Excluded Gambling

Certain low-volume or infrequent charitable gambling is exempt or excluded from licensing and from most state rules, as long as the operators apply for an exempt permit from the Gambling Control Board in advance of the event, report to the board afterwards on the disposition of receipts, and use the net profits only for lawful purposes. Exempt or excluded gambling generally includes:

- raffles with annual prizes of under \$1,500 in a year (need not register with board);
- bingo conducted for not more than 12 days in a year in conjunction with a county fair, state fair, or civic celebration; and
- gambling conducted on five or fewer occasions in a year and not generating prizes of more than \$50,000 in that year.

Gross receipts and profits from exempt and excluded gambling are not subject to state gambling taxes or to the state sales tax.

Local Authority

Even though the legislature abolished local licensing of gambling activity in 1984, the law still allows for extensive local authority in licensing and regulation.

Approval. Each premises permit must be approved by the city or county having jurisdiction over the location in advance of board consideration. A city or county can require that all or part of lawful purpose expenditures raised from gambling within its jurisdiction be spent on activities within the government's trade area (as it defines the term). A city or county can require an organization within its jurisdiction to contribute up to 10 percent of its net gambling profits for lawful purposes that the city or county specifies.

Local taxes. Cities and counties may levy a tax of up to 3 percent of an organization's gross gambling receipts, as long as the revenues are used for gambling regulation.

Local regulation. Cities and counties may adopt gambling regulations that are more stringent than state law, including the complete prohibition of gambling within their jurisdiction, but except in the case of paddlewheels, any local regulation must apply equally to all forms of gambling.

Rules on Conduct of Gambling

General

The following restrictions cover all forms of gambling.

- **No person under age 18 may play or participate in gambling**, except for bingo that is exempt or excluded from licensing, or bingo conducted by a licensed organization at an annual community event if the underage person is accompanied by a parent or guardian.
- Organizations may not **take checks** or **extend credit** for gambling other than accepting checks for raffle tickets.
- Odds and house rules must be **posted** on the premises.

Pull-tabs

- Prizes may not be given for lost or altered pull-tabs.
- No pull-tab may be sold for more than \$5.
- Pull-tabs may be sold by dispensing machines, which may be placed only in locations where bingo is conducted as the primary business or that have on-sale alcoholic beverage licenses.
- Separate cash banks must be kept for each pull-tab game except for (1) games where the organization uses a cash register that can keep track of each game separately, or (2) games sold with a pull-tab dispensing device.
- Seller must deface all winning pull-tabs.

- When ordered to do so by the board, an organization must post major pull-tab prizes (prizes 50 times or more greater than the face value of the pull-tab) and the names of major prizewinners. The board may order this when it has reason to believe that an organization has been providing “inside information” on prizes won.
- Each game must have a poster, called a “flare,” that displays prize amounts and the price of each pull-tab.
- Pull-tab games include games with multiple seals, games with cumulative or carryover prizes, and event games where winners are determined by a random selection of bingo numbers.

Bingo

- All hard card and bingo paper sales must be made at the bingo location.
- All bingo paper must be numbered and may not be used for more than one bingo occasion. (Organizations that grossed less than \$150,000 a year from bingo in the most recent fiscal year may use bingo hard cards that are reusable.)
- Drawn numbers must be immediately announced and displayed.
- Gross receipts must be compared to the records for each occasion and discrepancies of \$50 or more must be reported to the board.
- Bingo occasions may last for up to eight hours.
- Bingo may be played with electronic bingo devices (not coin machines) that can be remotely monitored by the board.
- Electronic linked bingo may only be played at a premises that has an on-sale license to sell intoxicating or 3.2 percent malt liquor, or a bingo hall.
- The number of electronic linked bingo devices in play is limited by the total number of available seats.

Paddlewheels

- Paddlewheels may be played only using tickets, ticketcards, and a paddlewheel, or with chips when a paddlewheel table is used.
- All tickets on a card must be sold before a wheel is spun.
- No ticket may be sold for more than \$2. For paddlewheel tables, the maximum wagers are \$50 aggregate, \$10 on a single number, and \$25 for a line (multiple numbers) or odd/even.
- Records of winners must be kept as for pull-tabs and tipboards.
- No more than two paddlewheel tables may be operated at a single location.
- Paddlewheels must be covered or disabled when not in use.

- Current law allows for an electronic paddlewheel selection device, but no such device has yet been approved by the board.

Raffles

- Each ticket must be sold separately.
- Each ticket must have a consecutively numbered detachable stub with space for the buyer's name, address, and telephone number.
- Each ticket must identify the conducting organization, time and place of the drawing, price of the ticket, and the prizes to be awarded.
- A button valued at less than \$5 may be used as a certificate of participation.
- Each raffle must provide that winners need not be present at the drawing.
- Selection of winners must be in a public forum and may not be manipulated or based on some outside event not under the organization's control.
- Each chance must have an equal chance of winning.
- Raffle winners must be drawn on the date shown on the ticket unless the board approves a different date.
- Entry into a raffle may not be conditioned on any other purchase, although some exceptions apply.
- An exempt organization conducting a raffle may not conduct a raffle together with another exempt organization.
- The board must approve alternative methods of selection, such as duck races or cow bingo.

Tipboards

- While sports-themed tipboards are allowed under state law, federal law likely prohibits this activity.
- All games must be played with tipboard tickets.
- Each tipboard flare must list the number and value of prizes.
- Prizes may not be given for lost or altered tipboard tickets.
- No ticket may be sold for more than \$5.
- A seal on the game placard must conceal the winning number or symbol.

Legislative History

The Early Law: 1945 Bingo Law

Before 1945, bingo and all other lotteries, whether for charitable purposes or not, were illegal. The 1945 bingo law:

- allowed bingo to be conducted only by nonprofit organizations and prohibited profits from going to individuals,
- gave local units of government the power to prohibit bingo within their borders,
- exempted bingo from the criminal statutes prohibiting all forms of lotteries, and
- was amended only once until 1975, to limit bingo's workers' compensation to \$8 per worker for each bingo occasion.

However modest the scope of this law, it embodied principles of regulation still in effect today. The law established that bingo was to be played only as a noncommercial fundraising activity because it limited bingo to nonprofit organizations, limited compensation to workers, and prohibited private use of profits. Through the local-veto provision, the legislature gave local governments a strong role in regulating legal gambling.

As the “declaration of policy” in the law stated, bingo was to be a “mild form of social recreation designed to raise funds for the benefit of religious, charitable, fraternal or other associations....”

The 1976 Bingo Law

In 1976, the legislature substantially extended the scope of bingo regulation with a law based largely on a St. Paul city ordinance. Declaring that its intent was to “regulate the conduct of bingo and prevent its commercialization,” the legislature did the following:

- Required organizations conducting bingo to obtain a license from a local unit of government
- Allowed organizations to deduct only certain items (prizes, rent, utilities) from bingo gross receipts and to use the net profits only for specified “lawful purposes”
- Limited organizations to two bingo occasions a week
- Required that organizations conduct bingo only on premises they owned or leased
- Set daily and weekly prize limits for bingo
- Required organizations conducting bingo to have a bingo manager in charge of the operation
- Required organizations to report monthly to its members and to the local licensing authority on bingo receipts and distribution of profits

- Raised bingo compensation from \$8 to \$12 per worker but allowed it to be paid only to members of the organization or their spouses
- Made violation of the law a gross misdemeanor

The 1976 law was a response to concerns about bingo becoming a business to benefit individual operators rather than the “mild form of social recreation” the legislature intended. While its provisions were far more extensive than the 1945 law, the purpose of preventing commercialization remained the same.

New Forms of Gambling: The 1978 and 1981 Amendments

The 1976 bingo law was expanded in 1978 to legalize and regulate certain previously illegal forms of lotteries:

- paddlewheels (wheels of fortune)
- tipboards (variants of punchboards)
- raffles

These gambling forms were to be regulated in the same manner as bingo, except that their prizes were to be limited to the following:

- \$500 per day, per organization on paddlewheels and tipboards
- \$15,000 per year, per organization for all paddlewheel, tipboard, and raffle prizes combined

In 1981, the legislature added pull-tabs (cards on which tabs could be pulled off to reveal winning combinations) to the list of permitted gambling activities.

1984 Charitable Gambling Law

The 1984 Legislature enacted a major change in the regulation of charitable gambling by transferring regulation from local governments to a newly created state Charitable Gambling Control Board. But in many respects, the 1984 law was a continuation of the policy the legislature had first adopted in 1945: a goal of making gambling a charitable fund-raising device rather than a commercial activity.

In adopting state control, the legislature was responding to two concerns. First, it attempted to provide a uniform level of enforcement of gambling laws around the state in the face of fears that enforcement was becoming increasingly spotty. Second, it sought to improve the collection of taxes on gambling following indications that sizable amounts of sales tax on gambling receipts were going uncollected.

The state board was given the following authority:

- Issue, suspend, and revoke licenses for organizations to conduct gambling, previously held by local governments
- License distributors of gambling equipment, who previously had not been licensed at the state or local level
- Issue rules governing the operation of charitable gambling, which had never been done by any state agency

The 1984 law also replaced the 6 percent sales tax on gross receipts from gambling, collected by the Department of Revenue, with a 10 percent tax on gambling receipts, minus prizes, collected by the board.

Although these provisions involved several significant policy changes, much of the 1976 and 1978 law was left substantially intact. The policy of keeping charitable gambling noncommercial—by restricting the use of proceeds, limiting prizes, bingo occasions, and gambling locations and by requiring regular reporting to members—was retained in the 1984 enactment.

1989 Reorganization Law

In 1989, the legislature authorized a state lottery and, in the process, extensively reorganized all forms of legal gambling. A state Department of Gaming was created with divisions governing the various forms of legalized gambling. The commissioner of the department was made a member of the Charitable Gambling Control Board and the state Racing Commission as well as of the new lottery advisory board.

The gambling board, an independent agency when it was created in 1984, had been transferred by executive order to the Department of Revenue in 1988, partly in response to concerns about its effectiveness in governing the burgeoning industry. The 1989 law renamed it the Lawful Gambling Control Board and reconstituted it as part of the gambling control division in the new Department of Gaming.

The 1989 reorganization law, and the tax bill passed in the 1989 special legislative session, tightened licensing requirements for distributors of gambling equipment, raised license fees, restricted distributor involvement in the actual conduct of gambling, and imposed new taxes on large-volume organizations.

1990: Criticism and Reform

1989 saw a series of reports and allegations of abuses and ineffective controls in charitable gambling, including an extensive series of newspaper articles and critical reports from the attorney general and the legislative auditor. In response, the 1990 legislative session produced another extensive reworking of gambling law and substantially increased the number of state employees regulating gambling. The 1990 law increased penalties for violations, imposed new

licensing requirements on gambling managers, made much more specific the list of legal uses of net gambling profits, and provided mechanisms for reducing fraud in pull-tab games.

In one of the most potentially far-reaching changes, the 1990 law also required that all pull-tabs sold after July 1, 1992, be manufactured within Minnesota. In late 1990 this provision was overturned by a United States district court on the grounds that it violated the interstate commerce clause of the federal constitution.

1990-1995: Reversing the Trend

Beginning in 1990, the legislature passed several bills relating to charitable gambling and a trend became clear. Through the 1990 session the legislative agenda had been set by the critics of gambling, and the result was legislation that raised the levels of regulation and enforcement. Beginning as early as 1991, the legislature began giving a more sympathetic ear to the gambling industry's own agenda, and the results were reversals of several of the reforms that the industry had considered among the most onerous.

1991. The 1990 law had dealt with the problem of pull-tab "insider trading" (sellers giving information to favored players as to which games still have major prizewinning tickets unsold) by requiring all organizations that sell pull-tabs to post the names of winners of major prizes as they are paid out. In response to claims by organizations that this requirement had severely cut into their sales, the 1991 Legislature repealed it and substituted a provision that allows the gambling board to impose a posting requirement only if it has reason to believe that an organization is giving illegal information to players.

The 1991 law also repealed features of the 1990 act that required recipients of gambling net profit contributions to register with the board. The bond posted by gambling managers, which had been raised from \$10,000 to \$25,000 in 1990, was reduced back to \$10,000 in 1991. It reversed another earlier initiative by abolishing the short-lived Department of Gaming and the office of its commissioner. The gambling board, lottery, and racing commission again went back to being independent agencies.

The 1991 law "deregulated" gambling expenses by eliminating the board's authority to adopt rules defining allowable expenses. Instead, the board would decide on a case-by-case basis whether particular expenses are directly related to the conduct of gambling. Other notable elements of the 1991 law were an extension of the term of gambling licenses and permits from one to two years, an increase from \$600 to \$1,000 in the maximum monthly rent that board rules could provide for gambling premises, and new restrictions on paddlewheels.

1994-95. In 1994 the legislature passed its first major gambling bill since 1991. Although long (over 125 pages) and comprehensive, touching on almost every aspect of legal gambling, the bill contained few major policy changes. It provided more uniform licensing procedures and gave the board new authority to take disciplinary action against licensees. Prize limits for pull-tabs and progressive bingo games were increased, and the board was given authority to permit sales of pull-tabs through dispensing machines. The 1994 law also strengthened enforcement of the requirement that youth athletic and recreational programs not discriminate on the basis of gender.

The 1995 legislative session saw still another “omnibus” gambling bill, but this too made relatively few policy changes. The most important was to increase from \$15,000 to \$35,000, the amount of property taxes on gambling premises that an organization could pay from net gambling profits. Extensive consideration was given to proposals to abolish the Gambling Control Board and replace it either with a single director or by a commissioner of gambling with authority over other gambling areas as well. The legislature eventually decided against any reorganization in charitable gambling.

1996-2001: Achieving the Industry Agenda

By 1996 the gambling industry’s agenda was clearly beginning to dominate legislative discussions of gambling. The industry had three major legislative initiatives—tax relief, an increase in permissible expenses, and a change in the penalties for illegal gambling at lawful gambling sites—and by 1998 it had won major victories on all of them.

Taxes. The gambling industry has long had two major objections to Minnesota’s system of taxing gambling: that tax rates were too high and that organizations were taxed on pull-tabs whether they sold them or not.

The unsold pull-tab issue was addressed in 1996. Under previous law, organizations that paid a 2 percent tax on the ideal gross of each package of pull-tabs bought from a distributor received no tax refund for pull-tabs that were not sold to customers, such as in the case of games withdrawn from play after all major prizes had been won. In those instances organizations had no opportunity to recover the tax from pull-tab buyers and were forced to bear the tax burden themselves. The 1996 Legislature allowed organizations to claim a refund of 100 percent of the tax paid on pull-tabs put into play after June 30, 1996, but not sold.

After resolution of the unsold pull-tab problem, the industry made a major effort to reduce gambling tax rates and achieved its first success 1998 with a 5 percent across-the-board reduction in all rates. Although falling considerably short of the 25 percent reduction that the principal industry lobbying group, Allied Charities of Minnesota, had originally sought, the change represented the first reduction in tax rates since special gambling taxes were established in 1984. Further reductions brought gambling taxes to 90 percent of their 1997 level in 1999, then down to 85 percent in 2000.

Allowable expenses. In 1997, the maximum percentage of gross profit that could be spent for expenses was raised from 50 percent to 55 percent for all forms of gambling except bingo, and from 60 percent to 65 percent for bingo. Gambling organizations had been seeking this change for several years. Supporters argued that rising costs and relatively flat revenues had put more and more organizations in danger of exceeding their maximum expense limits.

In 2001, the expense limit for bingo was raised again from 65 percent to 70 percent.

Illegal gambling. The 1997 law also extended some protection to organizations leasing premises where illegal gambling has occurred. Under previous board rules, such an organization could

have its permit to conduct gambling at that location suspended for up to two years, even if it didn't participate in or even know about the illegal gambling. Under the new law, in order for the board to suspend the organization's premises permit, the board would have to determine that the organization either was involved in the illegal gambling or knew about it and took no steps to stop it. The law was further amended in 2001 to limit the board's authority to take action against an organization's gambling license as a result of illegal gambling on the premises.

2003: Fee Increases to Balance the Budget

In 1989, the legislature was faced with a budget shortfall and as part of the solution enacted the combined receipts tax, aimed at pull-tabs and tipboards sold by the state's larger organizations. The tax had the effect of nearly doubling the state general fund's total revenue from charitable gambling.

In 2003 the legislature, faced with a budget shortfall that made the 1989 problem look minor by comparison, again looked to charitable gambling. The combined receipts tax, along with other gambling taxes, had been reduced three times since 1998 and that pattern, combined with the governor's pledge to veto any tax increases, effectively precluded increases in gambling taxes. It did not, however, rule out increases in fees paid by organizations.

Organization license and premises permit fees had always gone into the general fund. They did not balance appropriations from the general fund to the board—in fiscal 2002 the board's appropriation was \$2.4 million while total revenue from fees and fines totaled \$1.2 million. To relieve the general fund of the cost of operating the board, the legislature created a new lawful gambling regulation account, which would receive all fee revenue and from which future board appropriations would be made. To ensure that revenue to the new account would balance appropriations from it, the legislature substantially increased license and premises permit fees charged by the board.

In addition, license fees were raised for manufacturers and distributors of gambling equipment and for bingo halls (bingo hall licenses were eliminated in 2005). All these fees now go into the dedicated fund to pay for board operations. In sharp contrast to tax reductions of the preceding years, the new fees represented a significant cost increase to the industry.

2003-2006: Making More Money Available for Charities

Beginning in 2003, the legislature enacted a variety of charitable gambling reforms intended to maximize the amount of lawful gambling revenue available for donations to charitable organizations. These legislative changes included rent reform, modifications of allowable expense requirements, and new reporting requirements. Also during this time period, the legislature authorized new versions of already legal games, such as linked bingo, electronic bingo, duck race raffles, button raffles, pull-tab games with cumulative or carryover prizes, and pull-tab event games.

Rent reform. In 2003, the legislature repealed existing regulations imposing rent limits on premises leased for charitable gambling operations. In their place, the legislature enacted statutory restrictions on the maximum amount an organization can pay to lease premises for lawful gambling booth and bar operations. The size of a rent limit for a particular organization depends on the organization's monthly gross profits, and the Gambling Control Board has to approve any variations from the statutory requirements. The rent limits are all-inclusive, meaning that an organization cannot make separate payments for sanitation services, janitorial work, utilities, storage, or security. As a result of the new rent limits, charitable gambling organizations saved approximately \$8 million in expenses in 2004, making more money available for donation to charitable causes.

In 2005, the legislature enacted additional rent reforms to impose a limit on the maximum amount that an organization can pay to a lessor to lease premises for bingo operations.

Allowable expenses. In a 2005 report, the legislative auditor concluded that some charitable gambling organizations had excessive expenses, making less money available for charitable donations. At the time of the report, allowable expense limits were measured cumulatively, not annually, meaning that organizations could exceed the statutory expense limits on an annual basis. The legislative auditor, looking at the statutory expense limits for a particular year, concluded that 43 percent of lawful gambling organizations exceeded those limits in fiscal year 2003.

The 2005 Legislature, responding to concerns about making more money available for charities, modified the way that annual expense limits are calculated, from a cumulative to a biennial basis. During the 2006 legislative session, charitable gambling organizations expressed concern about the potential difficulties in complying with the new biennial calculation of expense limits and worked out a compromise with the board that was enacted by the legislature. This compromise authorized an organization to carry forward, on a onetime basis, an amount equal to 15 percent of its positive allowable expense carryover amount when renewing its license for the first time after July 1, 2006. Any balance carried forward by an organization under this provision has to be used to offset negative allowable expense balances at the time of a subsequent license renewal.

Annual reports. In 2005, the legislature also sought to provide for improved tracking of charitable contributions made by charitable gambling organizations by requiring organizations to file a new annual financial summary report. At the end of the fiscal year, organizations report to their members and the Gambling Control Board about all gambling receipts and expenditures, including annual totals for types of charitable contributions. The board compiles the results and delivers a consolidated report to the governor and the legislature. The consolidated report provides a clear picture of where charitable gambling revenues are going, including a breakdown of the types of charitable contributions that organizations made during the previous year.

2006-2010: Industry under Stress

From 2005 through 2010, the lawful gambling industry suffered a decline in handle, or gross revenues. There are a number of reasons often cited for this decline, including the enactment of

a state smoking ban, the aging demographic of lawful gambling players, and increased competition from casinos in Minnesota and neighboring states.

In 2008, the legislature directed the Gambling Control Board to study the issues that were causing stress in the lawful gambling industry. The study reviewed the changes in the industry and found the following:

- Since fiscal year 2004, gross receipts from lawful gambling had declined by over 20 percent
- For fiscal year 2008, the industry reported its biggest drop in state gambling taxes paid—a 12.8 percent decrease from the previous year due to the drop in gross receipts
- Total receipts had gone from \$1.500 billion in 2000 to \$1.032 billion in 2009, a decrease of about 31 percent

During this period of decline, the industry supported proposals to allow electronic bingo, increase and enhance prizes, allow electronic pull-tabs, study and support video machines in licensed liquor establishments, and consider other ways of enhancing gambling revenues to save an industry in decline.

2010-2015: Signs of a Revival

While there was little legislative activity on charitable gambling in 2010 and 2011, 2012 was a huge year. As part of the bill authorizing and funding the Minnesota Vikings football stadium, the 2012 Legislature enacted a significant number of reforms to the regulatory and tax structure of charitable gambling in Minnesota. The legislature increased prize limits, removed regulatory requirements, authorized electronic linked bingo and electronic pull-tabs (although adoption of the electronic games has been slow), lowered tax rates (by imposing taxes on net receipts), and in general, attempted to ease the state burden on charitable gambling.

Legislation passed subsequent to the Vikings stadium bill included increases in the threshold for an organization's annual financial audit (\$750,000) and the expansion of certain anti-fraud provisions to electronic games. In 2015, the legislature enacted a number of charitable gambling provisions, including:

- the first fee increases since 2003;
- the elimination of registration requirements for the use of certain electronic gambling devices; and
- restrictions on exempt organizations combining raffles.

In general, gross revenues from charitable gambling have increased each year since 2010. The estimate for charitable gambling tax revenue in fiscal year 2015 is nearly \$50 million. While the data shows that the trajectory for charitable gambling in Minnesota is positive, the final status of this industry is likely to be an open question for future legislatures.