

January 28, 2021
HB 1444-Historical Horse Racing (HHR)

Good morning, Chairman Johnson and the members of the committee

My name is Douglas Yankton from the Spirit Lake Tribe. I am currently the Chairman of our Tribe. Today I come to this committee in opposition of House Bill 1444 on behalf of my people.

Spirit Lake has been involved in gaming since the 1980's when we had bingo, hand games, horse relays and dice games then in 1988 the United States Congress enacted the Indian Gaming Regulatory Act (IGRA). IGRA has laid out the foundation for the; National Indian Gaming Commission (NIGC), the regulatory structure for tribes, establishment of tribal gaming ordinances, suitability process for gaming licenses, tribal state compact processes, and for tribes to be the "primary regulator" in Indian Gaming.

Our tribe understands the importance of effective and strong regulation, and how it plays a vital role in the protection of the honesty, integrity, and public image of gaming overall in the industry. With that being said; our tribe has serious concerns with the State regulatory structure over the types of games identified in the bill, and concerns regarding the State's ability to effectively regulate these games with their current staffing levels, and resources. Indian Gaming is highly regulated, and in this case the State regulatory authority is not equipped to be an effective regulatory body in this endeavor.

It is important to understand that Indian tribes are sovereign nations, as recognized in the U.S. Constitution, with the retained right to govern themselves gaming wasn't given to Tribes, instead the right to game was our inherent sovereign right because it existed before Congressional action with the enactment of IGRA it acknowledged our right to game. Our tribe has self-governed our people, land, established a manner in which the tribe lived and thrived in harmony. Sovereignty is a way of life to our tribe and is part of our identity and way of life. We stand here as a tribal government to communicate thoughts and concerns with State representatives.

We then entered into a state compact with North Dakota in 1992. "The compacts policy and purpose the Tribe and the State mutually recognize the positive economic benefit that gaming may provide to the Tribe and to the region of the State adjacent to Tribal lands, and the Tribe and, the State recognize the need to insure that the health, safety and welfare of the public and the integrity of the gaming industry of the Tribe and throughout North Dakota be protected. In the spirit of cooperation, the Tribe and the State hereby agree to carry out the terms of the IGRA regarding tribal Class III gaming." That is on page one of our joint compact with the State.

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The policy and purpose of our compact alone has been dishonored by the State pursuing such an endeavor as Historical Horse Racing devices. In addition the special Government to Government relationship (in good faith) that our tribe and the State share are placed in a shadowed state of doubt, uncertainty and jeopardy as the State continues to pursue this path. My Tribe has been vocal on how we have been profoundly impacted financially by these 3212 electronic pull tab devices in the bars, restaurants, and gas stations throughout the state of North Dakota. From August 2018 to March of 2020 we have seen a 65% decrease to our gross gaming revenues, now those are the revenues are what we depend on for our tribal programs and services, we don't have a taxation structure in place like the state does, we only have our casino.

Indian gaming is our success story, where we have established our Gaming and Resort complex to provide gaming and recreation, restaurants, fine dining, fishing and hunting, lodging and an entertainment venue. In short, the Spirit Lake Tribe has established a full Resort experience. The Spirit Lake Casino and Resort is value added to North Dakota, our Tribe, and the surrounding community such as the City of Devils Lake where a lot of tribal membership shop and spend their paychecks.

And, we are good neighbors, with clean, highly-regulated operations. Popular buffets, popular restaurants, popular entertainment, and the best hunting and fishing in America. Spirit Lake is one of the premier gaming, hospitality and tourism destinations in North Dakota. We are an Indian success story, and in fact, we are a true North Dakota success story. ~~In North Dakota, everyone wins with Indian gaming.~~

Lastly the uncertain language in this bill is another way to hoodwink the legislative assembly to enter into another unregulated industry, and my Tribe cannot economically sustain anymore expansion of gaming that does not have a positive benefit to my tribe. This is the wrong approach at the wrong time for universal gambling expansion, with that being said Spirit Lake Tribe is in strong opposition of house bill 1444 and ask for a do not pass.

I want to thank you for your time and consideration in this matter.