

HB 1615
Senate Judiciary Committee
Submitted by Don Santer for NDAD
03/05/2025

Chairperson Larson and Committee Members,

Thank you for the opportunity to provide information regarding the charitable gaming industry of North Dakota. My name is Don Santer, representing the North Dakota Association for the Disabled (NDAD). For 50 years, NDAD has been dedicated to improving the quality of life for persons with disabilities and health challenges across North Dakota.

NDAD is a non-profit, charitable organization serving individuals with health concerns and disabilities throughout the state from our six locations in Bismarck, Dickinson, Fargo, Grand Forks, Minot, and Williston. In 2024, NDAD assisted thousands of North Dakota residents with more than **\$2.23 million** in services and resources that may have been otherwise unavailable to them. We work diligently to avoid duplicating services provided by other state or local entities, making us a crucial last resort for many individuals. For your convenience I have attached our current annual report.

The services provided by NDAD are not just beneficial but essential for improving the lives of people with disabilities and health challenges. They offer the support needed to overcome barriers, achieve personal goals, and live fulfilling lives. We fund our services through charitable gaming funds and have built long-term relationships with bar owners from whom we lease space.

NDAD supports HB 1615 because it aims to put into code the actual process charities have been required to follow for decades. This bill clarifies existing language and removes the ambiguity for the process of obtaining site authorization for charitable gaming sites. Below is a quick synopsis of the process of obtaining a site authorization.

A licensed organization wishing to conduct in a new jurisdiction:

Through due diligence, a charity should verify eligibility to conduct gaming in a new jurisdiction. This is not a “site authorization” just simply checking the rules to make sure they are allowed to operate in that jurisdiction otherwise the city may deny the site authorization.

Step 1: The organization locates an available site (the bar) and enters into an agreement to provide gaming. At this point the game types, location in the facility, and rent is worked out; this is the **“rental agreement”**.

Step 2: Once the rental agreement is obtained, the charity then submits all the proper documentation to the local governing body for approval. If the city approves, they sign a **“site authorization”**.

Step 3: The site authorization is submitted to the AG’s office for final approval.

An established charity at a previously approved site:

Step 1: The charity submits the proper documentation to the local governing body for annual approval. Rental agreements with the site owner can be from one to five years. New rental agreements may need to be re-obtained if they have expired.

Step 2: The annual site authorization is submitted to the AG's office for final approval.

Currently there is no requirement to have a rental agreement in code or gaming regulation, but most local authorities require them as a part of their process. According to the AG's office, the state only requires a rental agreement if rent is going to be paid. This is to verify the charity is not paying more rent than century code allows.

However, some jurisdictions have recently reinterpreted the lack of rental agreement requirement to position themselves as site selection entities rather than approval entities. This reinterpretation allows cities to install charities of their choosing into any location, even against the wishes of the bar owner and the established charity. Essentially, it forces site owners to accept an organization other than the one with which they had a rental agreement.

There have also been cases where a charity submits site authorization paperwork for a site that is occupied by an existing charity. The city can approve their site authorization even before the site owner and existing charity is even aware. This is also called "site pirating" and can cause legal issues for the bar owner and previous charity if they have a standing rental agreement.

Cities should not have the power to impose or compel a bar to accept a charity they do not want, especially when there are other eligible charities the bar would prefer to work with. NDAD has been operating gaming with some of our bar owners for more than 20 years. We are concerned that if more cities adopt this new interpretation, we could be ousted from sites we have spent years developing. This would include a loss of tens of thousands of dollars invested in required security equipment, furniture, surveillance equipment, and expensive gaming equipment at a site.

This bill only clarifies wording in law to reflect historically accepted practices. NDAD respectfully asks you to consider a **Do Pass** recommendation on **HB 1615**.

Thank you, madam chairperson and members of the committee, for your time and thoughtful consideration. Please feel free to contact me with any additional questions you may have.

Respectfully,

Don Santer, NDAD
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Enhancing Our Impact

2024 Annual Report

Our Purpose

NDAD (the North Dakota Association for the Disabled) is a nonprofit, charitable organization that assists people with health challenges in North Dakota. Our mission is to enhance the quality of lives of individuals facing health challenges.

Who We Help

Here are a few people from each of our regions who have shared their NDAD story with us. See all at ndad.org.



Kristi Dilger

(Bismarck)

Condition: Juvenile
Rheumatoid Arthritis

How NDAD helped:
Medical Equipment



Anne Compton

(Grand Forks)

Condition: Parkinson's
Disease

How NDAD helped:
Community Fundraiser



Roger Wilson

(Dickinson)

Condition: Lymphoma

How NDAD helped:
Prescription Assistance
Medical Travel, Lodging



Lynette Deaver

Condition: Anxiety,
Depression, Arthritis

Larry Hanson
Condition: Anxiety,
Depression, Epilepsy
(Minot)

How NDAD helped:
Paratransit Assistance



Greg Lane

(Fargo)

Condition: Diabetes, Chronic
Kidney Disease, Coronary
Artery Disease

How NDAD helped:
Prescription Assistance,
Equipment, Paratransit
Assistance



Geno Williams

(Williston)

Condition: Autism

How NDAD helped:
Adaptive Recreation
Assistance

Community Impact

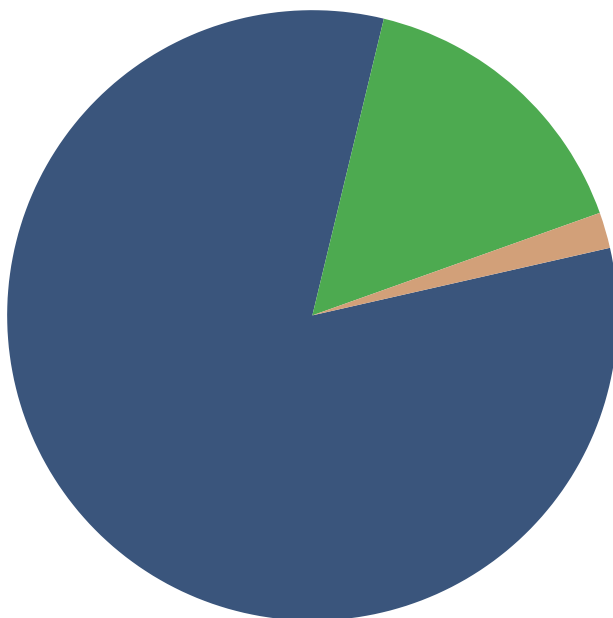
- Direct Financial Assistance
 - Prescription Medication
 - Medical Equipment & Supplies
 - Medical Travel
 - Accessibility & Paratransit
- Healthcare Equipment Loan Program
- Adaptive Recreation Events & Activities
- Community Fundraising Projects
- Organ Transplant Fund
- Information, Referral and Advocacy

To read more about these programs, visit ndad.org

2024 at a Glance

- Loaned **5,424 pieces of medical equipment** to **2,940 individuals** saving North Dakota residents **over \$664,040**
- **6,121 prescriptions** filled
- **2,134 medical trips** funded
- Purchased **328 pieces of medical equipment** and **567 medical supplies**
- **Wheelchair-accessible van** loaned to 126 individuals **for 246 trips.**
- Funds totaling **\$100,050 awarded to 24 organizations** to either assist individuals with disabilities or those otherwise at risk
- **8,049 accessible rides** funded for employment, shopping, and community events
- **4,465 hours** personal attendant care, respite care provided
- **50,665 interactions made**, such as phone calls, emails and other communication

Financial Impact*



82.4%

Program
Services

\$2,235,103

15.8 %

Management &
General

\$428,292

1.9%

Fundraising

\$53,248