

Testimony in Opposition to
SENATE BILL NO. 2314
Senate Finance & Taxation Committee
February 2, 2021

Madam Chair Jessica Bell, Senate Finance and Taxation Committee members, for the record my name is Rick Stenseth. I am a Gaming Manager for two local organizations in Fargo that both conduct charitable gaming (Northern Prairie Performing Arts (NPPA) aka Fargo-Moorhead Community Theatre & Team Makers Club). I am submitting this testimony through our NPPA lobbyist, Todd D. Kranda, an attorney with the Kelsch Ruff Kranda Nagle & Ludwig Law Firm in Mandan.

NPPA is a North Dakota non-profit entity that has a stated mission to provide live theatrical and education opportunities which enrich and engage the greater community. Programs supported by NPPA include theatre performances and children's instruction courses in live theatre, main stage productions, children's productions, senior adult theatre, and workshops. NPPA has been involved in charitable gaming activities since its inception and relies heavily on charitable gaming as a funding source for the various services provided.

NPPA is opposed to SB 2314 and would like to provide the following observations and comments on the specific provisions for consideration by the committee which would support a **Do Not Pass** recommendation:

1. The Governor can already negotiate and execute a gaming compact with the tribe as stated in Chapter 54-58, namely Section 54-58-03 NDCC, but it has to be for games that are allowed in statute.
2. SB 2314 appears to be an attempt to get the Legislature to approve online gaming and online sports betting to force the Governor to have no choice but to allow such game types when the Governor negotiates the compact in good faith as prescribed under the Indian Gaming Regulatory Act.

3. SB 2314 also attempts to define the tribes as public-spirited organizations, thereby allowing the tribes to operate the same as charitable organizations currently are allowed in the North Dakota Constitution. This has not been necessary for the tribes so far, so why is there an effort to do so now? The change would also allow the tribes to operate outside of any of the rules that govern other charitable organizations that are classified as public-spirited.

4. SB 2314 allows on-line wagering for all casino games along with sports betting. The tribe has already testified on bills in other hearings this session that they are in favor of expansion of gaming as long as it benefits only the tribal interest.

5. SB 2314 would allow the tribes to operate on-line wagering of any kind, from any place or any location in North Dakota. The casino gaming activity is not required to take place on tribal land and can be done without any face-to-face contact with those who wish to wager. All this will be allowed without any requirement to follow the ND Administrative Rules governing charitable gaming and the AG's Office, unless they are written into the next compact.

In summary, SB 2314 is a major expansion of tribal gaming activity in North Dakota, opening gaming up with no limits unless addressed in the compact which would occur outside the control and approval of the Legislature. All the games currently operated in tribal casinos would be available on-line, across North Dakota, 24 hours a day & 7 days a week. All this activity would have a significant impact and detriment to charitable gaming organizations and the charities that rely so heavily on the funding that is provided to these local communities and groups that otherwise may not exist.

SB 2314 is simply a bad bill with no benefit to anyone but those who conduct tribal gaming. SB 2314 is one of several attempts to derail the charitable gaming industry and increase the revenue directed to the tribe.

In conclusion, NPPA urges your opposition to **SB 2314** and respectfully requests a **Do Not Pass** recommendation.