

HB 1152
Senate Judiciary Committee
Submitted by Janelle Mitzel, CGAND President
March 01, 2023

Chairperson Larson and Committee members, thank you for the opportunity to provide information regarding the charitable gaming industry of North Dakota. I am submitting testimony in **Opposition of House Bill 1152**.

My name is Janelle Mitzel and I have the privilege to serve as President of the Charitable Gaming Association of North Dakota (CGAND), a trade association for charities operating gaming throughout ND. Our membership is composed of small and large organizations across this state who are dedicated to the preservation of gaming as a funding source for charitable purposes. Led by a board of charitable gaming organizations, we are the only organization that has always been, and always will be, solely about keeping gaming truly charitable.

HB 1152 as written will exempt any person who aids, organizes, or participates in a “ride to conduct a poker run” from any **criminal code** or **gambling related offenses** and allows gambling activities without a permit.

This means anyone “claiming” to be aiding, participating, or organizing a “Ride - Poker Run”, can conduct gaming activity without any kind of regulations or requirements. They can offer prizes exceeding the permit level; can have merchandise prizes without a value limit; can conduct more than the two occasions per year for licensed organizations; Since they are exempt from criminal code, they can sell raffle tickets without regulation, advertise without regulation, gamble on private premises without regulation, receive wagers for on behalf of another person (a bookie), can run slot machines, and basically run a private gambling business without any kind of regulation or legal ramifications. With no permit required, there would be no way to track the events or protect citizens from bad actors.

Our current regulations allow the game of poker for any group with a state license or with permit, but with guidelines. A “poker run” does not conform to state regulations and is essentially a different game. At best this bill should create a definition of a “poker run” so that rules can be written. What it currently does is provide a loophole to subvert current procedures and avoid having to follow regulations. What it will **actually do**, is create a new Wild West gambling scene in North Dakota.

If HB 1152 passes in its current form, charitable gaming will cease to exist because anyone could say they were a “poker run” group or person and be exempt from all laws and rules. Privatized gambling will be the new order. There is no language in this bill requiring any of the proceeds be used for a charitable purpose so we have a strong feeling this will create a constitutional issue.

For over 40 years North Dakota has developed a responsible and highly regulated system for charitable gaming to benefit charitable missions that serve your local communities. This bill exempts anyone claiming to be running a “poker run” from all gaming regulations and the entire gambling criminal code. Without serious changes to

this bill enacting enforceable regulations and criminal ramifications CGAND is asking you to consider a **Do Not Pass** recommendation on **HB 1152**.

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,

Janelle Mitzel, president

CGAND