

**Testimony in Opposition of
SENATE BILL NO. 2304
Senate Judiciary Committee
January 31, 2023**

Madam Chair Diane Larson, Senate Judiciary Committee members, for the record my name is Rick Stenseth. I have been in charitable gaming since 1983. 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 (#58), who is an attorney with the Kelsch Ruff Kranda Nagle & Ludwig Law Firm in Mandan.

While SB 2304 is an attempt to better define what an alcoholic beverage establishment is, page one, lines 13 & 14, states and patrons must be twenty - one years of age or older to enter. Should this language be enacted, all current restaurant/bars in cities large and small will be forced to discontinue any gaming in their establishment. Such a change would be detrimental and cause significant harm to charitable organizations and businesses everywhere.

There already is a definition of a "bar" established within the Administrative Rules on Games of Chance (Article 99-01.3 ND Admin. Code). The language was put in place to allow gaming in establishments that fall within that definition. If the language on twenty-one or older were deleted from SB 2304, the statute would mirror what is in the Administrative Rule, see below.

**ARTICLE 99-01.3 GAMES OF CHANCE
CHAPTER 99-01.3-02 GENERAL RULES
99-01.3-02-01. Definitions.**

3. "Bar" means retail alcoholic beverage establishment where alcoholic beverages are dispensed and consumed. This does not include off-sale liquor stores or gas stations, grocery, or convenience stores. A bar must be licensed under North Dakota Century Code chapter 05-02 and is devoted to the serving of alcoholic beverages for consumption by guests on the premises. The term includes a bar located within a hotel, bowling center, or restaurant.

We cannot support SB 2304 in its current form. Should an amendment removing the specific language on the age restrictions, and the final version codifies what is written in the above chapter of the Administrative Rules, we would not be opposed to 2304.

Accordingly, 2304 in its current form is opposed. We urge a **DO NOT PASS** recommendation on 2304.