



North Dakota Legislative Council

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GOVERNOR'S AUTHORITY REGARDING TRIBAL-STATE GAMING COMPACTS

Gaming on Indian reservations is controlled by the federal Indian Gaming Regulatory Act (IGRA) passed by Congress in 1988. The Indian Gaming Regulatory Act creates a framework for regulating gaming activity on Indian lands. One provision of IGRA requires the state to negotiate "in good faith" with any Indian tribe wishing to enter a tribal-state gaming compact. The five tribal casinos in the state operate under tribal-state gaming compacts last negotiated in 2013, and the compacts are effective for a term of 10 years.

Under North Dakota Century Code Section 54-58-03, the Governor, or the Governor's designee, may represent the state in any gaming negotiation in which the state is required to participate under IGRA. Additionally, the statute gives the Governor the authority to execute, on behalf of the state, a gaming compact between the state and an Indian tribe. The Governor also is required to conduct one public hearing on the proposed compact or amendment before execution of a proposed tribal-state gaming compact or amendment to a compact.

Section 54-58-03 specifically outlines the legislative branch's role during gaming negotiations and when negotiations have concluded. If the Legislative Assembly is not in session while negotiations are being conducted, the Chairman and Vice Chairman of the Legislative Management, or their designees, may attend the negotiations and brief the Legislative Management on the status of the negotiations. If the Legislative Assembly is in session while negotiations are being conducted, the Majority and Minority Leaders of both houses, or their designees, may attend all negotiations and brief their respective houses on the status of the negotiations.

If the Legislative Assembly is not in session when the negotiations have concluded, the Governor must forward a copy of the negotiated compact to each member of the Legislative Management at least 21 days before the compact is signed. If the Legislative Assembly is in session when the negotiations have concluded, the Governor must forward a copy of the compact to each member of the Legislative Assembly at least 21 days before the compact is signed. The statute is silent regarding any action the Legislative Assembly or the Legislative Management may take to approve or disapprove of a negotiated compact.