

HOUSE BILL NO. 1448

Introduced by

Representatives J. Nelson, Boe

Senator Marcellais

1 A BILL for an Act to create and enact section 54-58-04 of the North Dakota Century Code,
2 relating to tribal-state gaming compacts and authorization of online gaming and online sports
3 betting ~~exclusively~~ by tribes; and to provide a contingent effective date.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** Section 54-58-04 of the North Dakota Century Code is created and enacted as
6 follows:

7 **Tribal-state gaming compact involving online gaming or online sports betting.**

8 1. The governor may negotiate and execute a tribal-state gaming compact, subject to
9 section 54-58-03, for the conduct of online gaming and online sports betting by a
10 federally recognized Indian tribe.

11 ~~2. For purposes of section 25 of article XI of the Constitution of North Dakota regarding~~
12 ~~gaming activity authorized by this section:~~

13 ~~a. Federally recognized Indian tribes are public spirited organizations.~~

14 ~~b. Federally recognized Indian tribes are not subject to chapter 53-06.1 or rules~~
15 ~~applicable to eligible organizations conducting gaming, except as agreed to in a~~
16 ~~tribal-state gaming compact.~~

17 3.2. Online gaming and online sports betting may be conducted and operated within the
18 state ~~exclusively~~ by federally recognized Indian tribes, utilizing servers located on a
19 tribal reservation within the state, and pursuant to a compact duly entered by the state
20 and the tribe.

21 4.3. Persons of age may participate in online gaming and online sports betting gaming
22 activities from any location within the state, provided the gaming activities are
23 conducted by a federally recognized Indian tribe, utilize servers located on a tribal
24 reservation within the state, and are operated pursuant to a compact entered by the

1 state and the tribe. A person may not be required to register for online gaming or
2 online sports betting accounts in person.

3 5.4. Any tribal-state gaming compact for online gaming, and any compact for online sports
4 betting, must address the following:

5 a. The scope of permitted gaming activities;

6 b. Geolocation;

7 c. Account encryption;

8 d. Age verification; and

9 e. Measures to prevent and mitigate online gaming addiction.

10 **SECTION 2. CONTINGENT EFFECTIVE DATE.** This Act becomes effective with regard to
11 online gaming on the date the secretary of state certifies to the legislative council that House
12 Concurrent Resolution No. 3012, as adopted by the sixty-seventh legislative assembly, has
13 been approved by the voters. This Act becomes effective with regard to online sports betting on
14 the date the secretary of state certifies to the legislative council that House Concurrent
15 Resolution No. 3032, as adopted by the sixty-seventh legislative assembly, has been approved
16 by the voters.