

North Dakota



Regulatory Oversight

TRIBAL GAMING

Governing Body: North Dakota has tribal-state gaming compacts with five tribes:

- Sisseton-Wahpeton Sioux Tribe
- Spirit Lake Tribe
- Standing Rock Sioux
- Three Affiliated Tribes (Mandan, Hidatsa and Arikara)
- Turtle Mountain Band of Chippewa Indians

The compacts allow for Class III gaming including: electronic games of chance, blackjack, poker, pari-mutuel wagering, sports and Calcutta pools, pull-tabs or breakopen tickets, raffles, keno, punchboards, paddlewheels, craps and roulette.

There are no limits on the number of machines, tables or other gaming devices tribes may operate. There are some limits on wagers for individual games, described in Section 3.2 of the compacts.

Tribal councils will license, operate and regulate all Class III gaming activities. Tribal gaming commissions are tasked with day-to-day regulation of all tribal gaming activities. The state also serves a limited role in regulation of tribal gaming in North Dakota.

All five of the compacts went into effect in 2013 and are set to run for 10 years. The compacts can be automatically renewed for terms of 10 years after written notice during the final year of compact term.



Licensing

TRIBAL GAMING

Providers of Class III Gaming Equipment or Supplies: No Class III games of chance, gaming equipment or supplies may be purchased, leased or otherwise acquired by tribes unless the manufacturer or distributor is licensed by the tribe and is licensed to do business in one or more of the following states: Nevada, New Jersey, South Dakota, Colorado, and Mississippi. If a manufacturer or distributor is not licensed in one of those states, the tribe can petition the North Dakota Attorney General for review and approval of the manufacturer or distributor.

Management Companies: Tribes may enter into a contract with a management company for the operation and management of Class III gaming operations. A copy of the management contract must be provided to the state. Contracts may not exceed seven years. Management companies may not receive a fee of more than 30 percent of tribal net revenues unless the tribe determines additional fees are required by the management company. If additional fees are required, the management company may receive up to 40 percent of tribal net revenues.



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Taxation & Tribal Revenue Sharing

TRIBAL GAMING

Revenue Share: Tribes in North Dakota do not share revenue generated by Class III gaming with the state.

Tribal Use of Revenue: At least 10 percent of revenue from tribal gaming operations must be used on tribal programs for economic development and social welfare. Tribes must provide annual reports to the state detailing the designated usage of economic development funds. Also, as required under IGRA, tribes must use tribal gaming funds:

1. To fund tribal government operations or programs;
2. To provide for the general welfare of the tribe and its members;
3. To promote tribal economic development;
4. To donate to charitable organizations; or
5. To help fund operations of local government agencies.

Withholding on Winnings: Whenever required by federal law to issue an IRS Form W2G, the tribe has to also provide a copy of the same report to North Dakota.



Responsible Gaming

TRIBAL GAMING

Statutory Funding Requirement: Tribes are not required to make donations to gambling addiction programs, but the compacts note past voluntary donations by tribes. As per the compact, the tribes and the state will “continue their joint efforts to most effectively support gambling addiction treatment, education and prevention programs.”

Self-exclusion: The compacts do not expressly require operators to offer a self-exclusion program for gaming patrons.

Complimentary Alcoholic Drinks: Tribal gaming facilities must comply with state liquor laws. Tribes may not offer free alcohol, and some tribal facilities are dry.

Advertising Restrictions: The compacts do not set advertising restrictions.

On-Premise Display Requirement: The compacts do not set on-premise display requirements.

Prevention of Underage Gambling: A person must be at least 21 years old to gamble in a tribal casino. This does not apply to the purchase of raffle tickets.

Operation on Holidays: Tribes may operate gaming facilities on holidays.

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Other Regulations

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Testing Requirements: Tribes may not operate an electronic game, including a bill acceptor, unless the game has been tested and approved or certified by a gaming test laboratory.

AML requirements: Under federal U.S. law, commercial casino operators, tribal gaming operators and card clubs are required to comply with various statutes to prevent money laundering activities and other financial crimes, including terrorism.

Shipping Requirements: Under federal U.S. law, all gambling devices and all packages containing gambling devices, when shipped or transported, must be plainly and clearly labeled and marked so that the name and address of the shipper and the consignee and the contents of the package may be readily ascertained on an inspection of the package.

Restrictions on Political Contributions: Under federal law, tribes are considered “persons” and are subject to regulation by the Federal Election Commission when making federal contributions.

Credit: Credit may not be extended to patrons at tribal casinos.



Sports Betting

North Dakota does not currently offer legal sports betting.

