

Fifty-eighth
Legislative Assembly
of North Dakota

REENGROSSED HOUSE BILL NO. 1282

Introduced by

Representatives Kretschmar, Froelich, R. Kelsch

Senators Bercier, Cook, Traynor

1 A BILL for an Act to create and enact two new subsections to section 53-06.2-04 of the North
2 Dakota Century Code, relating to the duties of the racing commission; to amend and reenact
3 subsection 1 of section 53-06.2-02 and subsection 6 of section 53-06.2-11 of the North Dakota
4 Century Code, relating to the appointment of racing commission members and the spending
5 authority of the racing commission; and to provide an expiration date.

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

7 **SECTION 1. AMENDMENT.** Subsection 1 of section 53-06.2-02 of the North Dakota
8 Century Code is amended and reenacted as follows:

9 1. A North Dakota racing commission is established in the office of the attorney
10 general. The commission is subject to the supervision and direction of the attorney
11 general, except with regard to the commission's authority to spend the funds
12 described in subsection 6 of section 53-06.2-11. The attorney general may require
13 payment for any services rendered to the racing commission. Payment for such
14 services must be deposited into the attorney general's operating fund. The
15 commission consists of the chairman and four other members appointed by the
16 governor. Of the members appointed by the governor, ~~one~~ three must be
17 appointed from a list of four nominees, one of whom is nominated by the state
18 chapter or affiliate of the American quarter horse racing association, one of whom
19 is nominated by the state chapter or affiliate of the United States trotting
20 association, one of whom is nominated by the state chapter or affiliate of the
21 international Arabian horse association, and one of whom is nominated by the
22 state chapter or affiliate of the North Dakota thoroughbred association. The
23 members serve five-year terms and until a successor is appointed and qualified. A
24 member appointed to fill a vacancy arising from other than the natural expiration of

1 a term serves only for the unexpired portion of the term. The terms of the
2 commissioners must be staggered so that one term expires each July first. At the
3 expiration of the five-year term of each incumbent member of the commission, the
4 governor shall appoint a new member to the commission. Upon the expiration of a
5 member's term, the member may not be reappointed to the commission unless at
6 least two years have elapsed since the member last served on the commission.

7 **SECTION 2.** Two new subsections to section 53-06.2-04 of the North Dakota Century
8 Code are created and enacted as follows:

9 Provide for a biennial comprehensive audit of the breeder's fund, the purse fund,
10 and the racing promotion fund.

11 Adequately fund and issue a license under the certificate system, for a minimum of
12 two race dates per year, to any racetrack in the state which was operational after
13 December 31, 2000.

14 **SECTION 3. AMENDMENT.** Subsection 6 of section 53-06.2-11 of the North Dakota
15 Century Code is amended and reenacted as follows:

- 16 6. The racing commission shall deposit the moneys received pursuant to
17 subsections 1, 2, and 3 and from the North Dakota horse racing foundation
18 pursuant to subsection 5 of section 53-06.2-05 in three special funds in the state
19 treasury. These funds must be known as the breeders' fund, the purse fund, and
20 the racing promotion fund. Moneys, and any earnings on the moneys, in the
21 breeders' fund, purse fund, and racing promotion fund are appropriated to the
22 commission on a continuing basis to carry out the purposes of those funds under
23 this chapter and must be administered and disbursed in accordance with rules
24 adopted by the commission. However, any single expenditure made by the
25 commission exceeding one hundred thousand dollars must be approved by the
26 budget section of the legislative council.

27 **SECTION 4. EXPIRATION DATE.** Section 2 of this Act is effective through July 31,
28 2005, and after that date is ineffective.