

Fifty-eighth  
Legislative Assembly  
of North Dakota

## 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; and to amend and  
3 reenact subsection 1 of section 53-06.2-02 and subsection 6 of section 53-06.2-11 of the North  
4 Dakota Century Code, relating to the appointment of racing commission members and the  
5 spending authority of the racing commission.

### 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 must be appointed  
17 from a list of four nominees, one of whom is nominated by the state chapter or  
18 affiliate of the American quarter horse racing association, one of whom is  
19 nominated by the state chapter or affiliate of the United States trotting association,  
20 one of whom is nominated by the state chapter or affiliate of the international  
21 Arabian horse association, and one of whom is nominated by the state chapter or  
22 affiliate of the North Dakota thoroughbred association. The members serve  
23 five-year terms and until a successor is appointed and qualified. A member  
24 appointed to fill a vacancy arising from other than the natural expiration of a term

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