

HOUSE BILL NO. 1180

Introduced by

Representatives DeKrey, Gulleson, R. Kelsch, Solberg

Senators Lyson, Marcellais

1 A BILL for an Act to amend and reenact section 53-06.2-02 of the North Dakota Century Code,
2 relating to the membership of the racing commission.

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

4 **SECTION 1. AMENDMENT.** Section 53-06.2-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **53-06.2-02. Racing commission - Members - Appointment - Term - Qualifications -**
7 **Compensation.**

8 1. A North Dakota racing commission is established consisting of ~~the chairman and~~
9 ~~four other~~ five members, four of whom are appointed by the governor. ~~One and~~
10 one of whom is a member of the legislative assembly appointed by the chairman of
11 the legislative council. Of the four members appointed by the governor, one of the
12 members must be appointed from a list of four nominees, one of whom is
13 nominated submitted to the governor by the state chapter or affiliate of the
14 American quarter horse racing association, one of whom is nominated by the state
15 chapter or affiliate of the United States trotting association, one of whom is
16 nominated by the state chapter or affiliate of the international Arabian horse
17 association, and; one of whom is nominated the members must be appointed from
18 a list of nominees submitted to the governor by the state chapter or affiliate of the
19 North Dakota thoroughbred association. The; and two members must be
20 appointed from two lists, one from each list, of nominees submitted to the governor
21 by the board of directors of each of the two horsetracks licensed in the state as of
22 the effective date of this Act. The commission shall elect a chairman from among
23 its members. Except for the legislative member, who services a two-year term, the
24 members serve five-year four-year terms and until a successor is appointed and

1 qualified. A member appointed to fill a vacancy arising from other than the natural
2 expiration of a term serves for the unexpired portion of the term and may be
3 reappointed. The terms of the commissioners must be staggered so that one term
4 expires each July first. At the expiration of the ~~five-year~~ term of each incumbent
5 member of the commission, the governor or the chairman of the legislative council
6 for the legislative member shall appoint a new member to the commission.

7 2. A person is ineligible for appointment to the commission if that person has not
8 been a resident of this state for at least two years before the date of appointment.
9 A person is also ineligible if that person is not of such character and reputation as
10 to promote public confidence in the administration of racing in this state. A person
11 who has a financial interest in racing cannot be ~~a member of the commission and~~
12 ~~cannot be~~ employed by the commission. Failure to maintain compliance with this
13 subsection is grounds for removal from the commission or from employment with
14 the commission. For purposes of this section, a person has a financial interest in
15 racing if that person has an ownership interest in horses running at live or
16 simulcast meets conducted or shown in this state subject to this chapter or rules of
17 the commission, is required to be licensed under this chapter or the rules of the
18 commission, or who derives any direct financial benefit from racing, individually or
19 by or through an entity or other person, as regulated by this chapter or the rules of
20 the commission.

21 3. Commission members are entitled to seventy-five dollars per day for
22 compensation, and mileage and expense reimbursement as allowed to other state
23 employees.

24 **SECTION 2. TRANSITION.** Notwithstanding section 53-06.2-02, all members of the
25 racing commission are deemed to have resigned from the racing commission as of August 1,
26 2007. The governor may reappoint any qualified racing commission member. On August 1,
27 2007, the governor shall appoint four members to the racing commission to fill the unexpired
28 terms that expire in 2008, 2009, 2010, and 2011.