

HOUSE BILL NO. 1187

Introduced by

Representatives Kreidt, Heller, J. Nelson, Boe

Senator Christmann

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; to provide for transition; and to declare an
3 emergency.

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

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

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

9 1. A North Dakota racing commission is established ~~consisting~~which consists of the ~~a~~
10 ~~chairman four other members and, who is~~ appointed by the governor. ~~One from a list~~
11 ~~of three candidates nominated by each of the active North Dakota horse race tracks,~~
12 ~~and of four other members, who are appointed as follows:~~

13 a. One of the members must be appointed from a list of four nominees, one of
14 whom is nominated by the state chapter or affiliate of the American quarter horse
15 racing association, one of whom is nominated;

16 b. One of the members must be appointed by the state chapter or affiliate of the
17 United States trotting association, one of whom is nominated;

18 c. One of the members must be appointed by the state chapter or affiliate of the
19 international Arabian horse association; and one of whom is nominated

20 d. One of the members must be appointed by the state chapter or affiliate of the
21 North Dakota thoroughbred owners and breeders association.

22 2. The chairman and members serve five-year terms and until a successor is appointed
23 and qualified. A chairman or member appointed to fill a vacancy arising from other
24 than the natural expiration of a term serves for the unexpired portion of the term and

1 may be reappointed. The terms of the chairman and the commissioners must be
2 staggered so that one term expires each July first. Initially, the chairman shall serve a
3 five-year term. The initial terms of the other members, as determined by lot, are as
4 follows: one member shall serve a one-year term; one member shall serve a two-year
5 term; one member shall serve a three-year term; and one member shall serve a
6 four-year term. At the expiration of the five-year initial term of each incumbent member
7 of the commission, each association shall appoint a successor to a full five-year term
8 to the commission from that member's association with the governor shall appoint a
9 new member to the commission appointing the chairman's successor to a five-year
10 term.

11 2-3. A person is ineligible for appointment to the commission if that person has not been a
12 resident of this state for at least two years before the date of appointment. A person is
13 also ineligible if that person is not of such character and reputation as to promote
14 public confidence in the administration of racing in this state. A person who has a
15 financial interest in racing cannot be a member of the commission and cannot be
16 employed by the commission. Failure to maintain compliance with this subsection is
17 grounds for removal from the commission or from employment with the commission.
18 For purposes of this section, a person has a financial interest in racing if that person
19 has an ownership interest in horses running at live or simulcast meets conducted or
20 shown in this state subject to this chapter or rules of the commission, is required to be
21 licensed under this chapter or the rules of the commission, or who derives any direct
22 financial benefit from racing, individually or by or through an entity or other person, as
23 regulated by this chapter or the rules of the commission.

24 3-4. Commission members are entitled to seventy-five dollars per day for compensation,
25 and mileage and expense reimbursement as allowed to other state employees.

26 **SECTION 2. TRANSITION.** All unexpired terms of members of the North Dakota racing
27 commission are deemed expired as of June 30, 2011. An individual who is a member of the
28 commission as of June 29, 2011, who is otherwise qualified, may be reappointed to the North
29 Dakota racing commission.

30 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.