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ROLL NUMBER

DESCRIPTION

2028

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Lacosta Rickford
Operator's Signature

10/15/03
Date

2003 SENATE JUDICIARY

SB 2028

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In Costa Rickford 10/15/03
Operator Signature Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2028

Senate Judiciary Committee

Conference Committee

Hearing Date 01/20/03

Tape Number	Side A	Side B	Meter #
2	X		6.8 - 18.1
4	X		23.9-25.4
Committee Clerk Signature <i>Maria L Solberg</i>			

Minutes: Senator John T. Traynor, Chairman, called the meeting to order. Roll call was taken and all committee members present. Sen. Traynor requested meeting starts with testimony on the bill.

Testimony in support of SB 2028

Tim Mathern (meter 7.4) - Chairman of Budget Committee on Government Administration. We conclude the racing commission could handle marketing and regulation and have the resources in its budget and should have the resources to do it.

Paul Bolinger (meter 13.1) Commissioner of Racing. Described the history of the racing Committee. Last session changed funds split general fund and special fund. We would like to start operating towards self supporting. We do not charge license fees of any amount due to the lack of using the fees. We would like to raise these and then utilize them towards our own programs. Discussion on Promotion Fund, Breeders Fund and Purse.

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La Costa Rickford
Operator's Signature Date 10/15/03

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Senate Judiciary Committee
Bill/Resolution Number 2071
Hearing Date 01/20/03

Testimony in opposition of SB 2028:

There was no testimony in opposition of bill.

Neutral Testimony to SB 2028

Al Knudson (meter 7.6) Legislative Council Staff. went through bill.

Yes if the appropriation committee still would have the power to put funds elsewhere if they so choose. Discussion of how the money channels, how much they make Racing Committee (meter 10.8) Commission receives an estimated \$28,000 for the Biannual. Cost to operate is \$300,000.

Senator John T. Traynor, Chairman Closed Hearing

Senator John T. Traynor, Chairman, called the meeting to order. Roll call was taken and all committee members present. Sen. Traynor requested meeting with committee work on the bill.

Motion made to do pass SB 2028 . Senator Dennis Bercier. Seconded by Senator Thomas L.

Trenbeath

Roll Call Vote: 6 Yes. .0 No. Absent

Motion Carried

Floor Assignment: Senator Dennis Bercier

FISCAL NOTE
 Requested by Legislative Council
 12/16/2002

Bill/Resolution No.: SB 2028

1A. **State fiscal effect:** Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues			(\$28,000)	\$25,000	(\$25,000)	\$25,000
Expenditures				\$25,000		\$25,000
Appropriations				\$25,000		\$25,000

1B. **County, city, and school district fiscal effect:** Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

The bill deposits the horse racing licensing fees into the Racing Commission operating fund rather than the General Fund to provide additional resources for the Commission's operating costs.

3. **State fiscal effect detail:** For information shown under state fiscal effect in 1A, please:

A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

Other funds revenues are increased by \$25,000, with a \$28,000 decrease in General Fund revenues. The \$3,000 difference is due to a revised revenue estimate.

B. **Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

The bill provides additional resources for Commission operating expenses.

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

The bill provides additional resources for Commission operating expenses.

Name:	Kathy Roll	Agency:	Office of Attorney General
Phone Number:	328-3622	Date Prepared:	01/15/2003

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Lacosta Rickford 10/15/03
 Operator's Signature Date

Date: January 20, 2003
Roll Call Vote #: 1

**2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2028**

Senate JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass - Refer to Appropriation

Motion Made By Senator Stanley W. Lyson, Vice Chairman Seconded By Senator Thomas L. Trenbeath

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	X	
Sen. Stanley Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) Six (6) No Zero (0)

Absent Zero (0)

Floor Assignment Sen. Bercier

If the vote is on an amendment, briefly indicate intent:

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La Costa Rickford 10/15/03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
January 23, 2003 11:49 a.m.

Module No: SR-13-0953
Carrier: Bercler
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2028: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2028 was rereferred to the Appropriations Committee.

(2) DESK, (3) COMM

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SR-13-0953

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10/15/03
Date

2003 SENATE APPROPRIATIONS

SB 2028

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10/15/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2028

Senate Appropriations Committee

Conference Committee

Hearing Date 1-31-03

Tape Number	Side A	Side B	Meter #
1	X		0-1990
Committee Clerk Signature <i>Sandra Dawson</i>			

Minutes: Chairman Holmberg opened the hearing to SB 2028. Attendance was called, all members present, a quorum was established. Chairman Holmberg discussed the committee's responsibilities to move bills out of committee and assigned some bills to subcommittee work and/or to individuals to research a particular bill. Secretary of State's budget to Senator Andrist; State Auditors and Insurance commission to Chairman Holmberg; Labor commissioner, SB 2005 and State treasurer's budget, SB 2007 to Senator Mathern; SB 2011 for Senator Tallackson; SB 2024, PERS and RIO to Senator Grindberg; SB 2023 Worker's Comp assigned to Senator Robinson. Senate Bill 2028 is relating to the use of racing commission fee collections. (Meter 443) Senator Mathern: Chaired the interim committee that looked at this. The bill before you would put back into place the procedure we had before last legislative session in terms of how we funded that commission. But we have the racing commissioner here, Mr. Bollinger, which will be helpful to us to ask some comments, in terms of this bill and what we need from this committee. Also introduced Allen Knudson who served as legislative council to that interim

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Lacosta Rickford 10/15/03
Operator's Signature Date

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Senate Appropriations Committee
Bill/Resolution Number SB 2028
Hearing Date 1-31-03

committee who is here also. (Meter 510) Paul Bollinger, Director of the State Racing commission: Gave an history of this bill with his full support. His budget is ½ general funds and ½ special funds. (Meter 880) Chairman Holmberg: Give us a just briefly the big picture. This reduces the general funds by twenty eight thousand dollars (\$28,000) so what other bills out there are going to impact the bottom line to the general fund? (Meter 947) Paul Bollinger: There are about 3-4 bills out there. SB 2285 is one bill is to reduce the take out from 2 ½ down to 1% to the general fund. If that bill happens to pass, from OMB perspective is there will be a 1.9 decrease to the general fund. Gave the racing history of this racing system. Another bill HB 1282, which mandates that the racing commission adequately licenses anyone who applies to it and adequately fund it. I do not support this bill. (Meter 1183) Chairman Holmberg: what number of people are causing the increase. (Meter 1235) Paul Bollinger: ND does 40% as much as Las Vegas. The beneficiaries of that money has been the state of ND and the horsemen. (Meter 1319) Senator Christmann: Clarify money going to the special funds. (Meter 1350) Chairman Holmberg replied to Senator Christmann's question explaining what was done to this agency two years ago. We took some money out of the special funds rather than funding through the special fund, then there was an uproar from the industry, and then the interim sturdy went out and that study concluded we should go back to the way we did it before last session because times are good this session. (Meter 1406) Paul Bollinger: If the horsemen would be here, they would say, don't take anymore out of the special funds, they are already getting the lion share of the money. What I would not like to see, is this bill become merely a set off. That we get ourselves thirty thousand dollars (\$30,000) out of what we collect but then decrease it out of the general fund. So therefore, I get no impact in my office. I've got no more ability to track down the regulatory

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LaCosta Rickford 10/15/03
Operator's Signature Date

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Senate Appropriations Committee
Bill/Resolution Number SB 2028
Hearing Date 1-31-03

problems. (Meter 1489) Senator Bowman: Where does your salary come from - what fund?

(Meter 1500) Paul Bollinger: Come out of the special funds. (Meter 1519) Senator Bowman: The

special funds are what you collect in fees? (Meter 1522) Paul Bollinger: No, there are two

revenue sources from simulcasting. Only in horse racing do you tax out the gross handle, no

other business gets taxed off the gross handle, others get tax⁴ off of the net. If you were to go a

large volume bet, to bet a dollar (\$1.00), 2 ½ cents (\$.025) the general fund gets immediately, 1

½ cents (\$.015), comes to one of my three funds, the promotion, purse, and breeder's fund. Those

are the two revenue sources. (Meter 1622) Senator Bowman: What the bill allows you to do

charge a fee for licensing and that fee goes into your fund instead of the general fund, is that

correct? (Meter 1634) Paul Bollinger: That is correct, it would go into a special operating budget.

(Meter 1644) Senator Bowman: What is to stop you from raising the fees to \$50 within two years

to collect a whole lot of money and lose half of your customers? There is nothing in here to stop

you from doing that is money is driving this bill. (Meter 1672) Paul Bollinger: yes, I think I

would quickly be back here next session. I understand your concern, we have talked about

putting a cap on it. (Meter 1700) Senator Bowman: I think we would need a report. My personal

feeling is that would be satisfactory. Most of our special interest groups have a reporting

mechanism built into their fees scales. We just need to know where you are at every two years.

(Meter 1735) Paul Bollinger: Most of our fees are set by administrative code so the license for an

owner is twenty-five dollars (\$25.00). (Meter 1785) Chairman Holmberg asked about the other

bill - the bill that talks about the tax, when is that being heard? (Meter 1776) Paul Bollinger:

At 9:45 am on February 4th in the House Tax and Finance committee, HB 1282 is being heard at

8:00 am that morning. (Meter 1805) Allen Knudson responded to Senator Bowman's question.

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Senate Appropriations Committee
Bill/Resolution Number SB 2028
Hearing Date 1-31-03

(Meter 1908) Senator Krauter: Has that been in the AG's budget? There's no separate budget for racing commission, is there? (Meter 1931) Allen Knudson: that is correct. It is in the Attorney General's office. (Meter 2015) Chairman Holmberg closed the hearing to SB 2028.

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2028 vote

Senate Appropriations Committee

Conference Committee

Hearing Date 2-19-03

Tape Number	Side A	Side B	Meter #
1	X		119- 332

Committee Clerk Signature *Sandra Dawson*

Minutes:CHAIRMAN HOLMBERG opened the hearing to vote for SB 2028. Attendance was called, a quorum was established. CHAIRMAN HOLMBERG explained the fiscal impact of \$28,000 of general revenue funds that comes from the interim budget committee of Government Administrations. (Meter 207) SENATOR GRINDBERG makes a motion of a DO PASS with SENATOR MATHERN seconded. A roll call vote was taken with 13 yeas, 0 nays and 1 absent and not voting. The floor assignment goes back to the Judiciary committee with SENATOR BERCIER carrying.

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10/15/03
Date

Date: 2/19/03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2024

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken do Pass

Motion Made By S. Gumburg Seconded By Se. Mathern

Senators	Yes	No	Senators	Yes	No
Senator Holmberg, Chairman	✓				
Senator Bowman, Vice Chair	✓				
Senator Grindberg, Vice Chair	✓				
Senator Andrist	✓				
Senator Christmann	✓				
Senator Kilzer	✓				
Senator Krauter	✓				
Senator Kringstad	✓				
Senator Lindaas	✓				
Senator Mathern	✓				
Senator Robinson	✓				
Senator Schobinger					
Senator Tallackson	✓				
Senator Thane	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Judiciary - Bureau

If the vote is on an amendment, briefly indicate intent:

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Operator's Signature Lacosta Rickford Date 10/15/03

REPORT OF STANDING COMMITTEE (410)
February 19, 2003 10:20 a.m.

Module No: SR-32-3249
Carrier: Bercier
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2028: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2028 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-32-3249

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2003 HOUSE JUDICIARY

SB 2028

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10/15/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2028

House Judiciary Committee

Conference Committee

Hearing Date 3-10-03

Tape Number	Side A	Side B	Meter #
1	xx		0-5.5
Committee Clerk Signature <i>A. Penrose</i>			

Minutes: 12 members present, 1 member absent (Rep. Wrangham)

Chairman DeKrey: We will open the hearing on SB 2028.

Paul Bollinger, ND Racing Commission: Introduced the bill, support. One of the concerns from the study conducted by the Interim Committee, was that prior to the 2001-2003 biennium, the ND Racing Commission operating budget was funded in total by the General Fund. Essentially, we are talking about salaries for myself and my one staff member, and the costs of hiring stewards and doing regulating of the industry. All of that money had previously come from the General Fund. However, as a result of the 2001-2003 Legislative session, monies were then split, 1/2 of our budget was taken from the General Fund and 1/2 of the budget was taken from our Special Fund. The horsemen, of course, complained about that saying, you're taking a lot of money out of our special fund that was meant to be going back into the industry, why is that going to the operating costs. The Racing Commission took the position, we understood the budget constraints, we understood in these tough fiscal times, that decision had to be made.

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House Judiciary Committee
Bill/Resolution Number SB 2028
Hearing Date 3-10-03

However, the comment was made specifically to myself and the Commission, well, Mr.

Bollinger, you understand that many times, regulatory agencies have to be somewhat self-funded.

The problem which we encountered was that the ND Racing Commission has no ability to be self-funded because all the fees we charged, we're not talking about the special funds, the taxes on the Simulcast handle, we're talking about granting license to a jockey, register a foal, etc. by statute that money goes to the General Fund and doesn't come into my office. So what we attempted to do was draft some legislation language at the request of the Interim Study Commission to allow at least the amount of money that we generate in our own operation and our regulatory procedures, to allow that to come back to our office to defray the cost of our office. I heard no opposition to it and I stand ready for questions. The fiscal note is about \$25,000 and is based on historic levels of what we believe the income will be.

Rep. Delmore: That's a pretty firm number, with the \$25,000 dollars.

Mr. Bollinger: Yes, the only thing that may change, was that I was told that it might go up slightly, that was based on 6-8 racing days. If we go up to, as our plan was to go in 2 years, might be to 20 racing days. We would be licensing more horses. It might go up to \$30-35,000. It is not a panacea for solving our budget, but it is step in the right direction. I believe it is pretty accurate.

Rep. Kretschmar: Does the Racing Commission then have the authority to increase fees.

Mr. Bollinger: Yes, we would.

Rep. Kretschmar: You could increase or decrease them?

Mr. Bollinger: Yes. One of the questions by Sen. Mathern, why are you only charging \$5 to register a foal when we all know that \$5 doesn't even cover the administrative costs of

Page 3
House Judiciary Committee
Bill/Resolution Number SB 2028
Hearing Date 3-10-03

registering a foal. The answer was, there was no incentive for us to increase it, because we didn't get the money anyway, it went to the General Fund. Now that's an agency view of it, because the horsemen would constantly complain about any fees going up. However, I don't see us changing the fees. I think they are where they are for a small state. I see no willingness on the part of the Racing Commission to increase the fees. Certainly we could.

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing. What are the committee's wishes in regard to SB 2028.

Rep. Grande: I move a Do Pass and rerefer to Appropriations.

Rep. Bernstein: Seconded.

11 YES 0 NO 2 ABSENT DO PASS W/REREFER TO APPROP.

CARRIER: Rep. Bernstein

Date: 3/10/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2028

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass + Refer to Approps.

Motion Made By Rep. Grande Seconded By Rep. Bernstein

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	AB		Rep. Eckre	✓	
Rep. Bernstein	✓		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemin	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	AB				

Total (Yes) 11 No 0

Absent 2

Floor Assignment Rep. Bernstein

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 10, 2003 11:56 a.m.

Module No: HR-42-4321
Carrier: Bernstein
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2028: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2028 was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-42-4321

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2003 HOUSE APPROPRIATIONS

SB 2028

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Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2028

House Appropriations Committee

Conference Committee

Hearing Date 04-01-03

Tape Number	Side A	Side B	Meter #
1	X	X	54.7 - 7.4
Committee Clerk Signature <i>Chris S. Nygaard</i>			

Minutes:

Chairman Svedjan Opened SB 2028 for discussion. A quorum was present.

Rep. Dekrey This bill affects racing fees.

Rep. Monson This takes the fees out of the General Fund and lets them deal with it subject to legislative appropriation?

Rep. Dekrey Yes.

Rep. Aarsvold What is the money trail?

Rep. Dekrey It goes to the General Fund and the Attorney General cuts the check.

Chairman Svedjan This would show up in the Racing Commission's budget?

Rep. Skarphol This basically creates a continuing appropriation.

Cathy Rowe Its subject to legislative approval.

Rep. Delzer It sets up a special fund. I oppose the bill.

Rep. Timm We've been trying to get away from this. We should kill this bill.

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Date

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House Appropriations Committee
Bill/Resolution Number SB 2028
Hearing Date 04-01-03

Rep. Timm I move a Do Not Pass. 2nd by Rep. Delzer. Motion Carries 12-10-1. Rep.

Timm will carry this bill on the floor.

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10/15/03
Date

REPORT OF STANDING COMMITTEE (410)
April 1, 2003 1:33 p.m.

Module No: HR-58-6338
Carrier: Timm
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2028: Appropriations Committee (Rep. Svedjan, Chairman) recommends DO NOT
PASS (12 YEAS, 10 NAYS, 1 ABSENT AND NOT VOTING). SB 2028 was placed on
the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-58-6338

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LaCosta Rickford

10/15/03

Date

2003 TESTIMONY

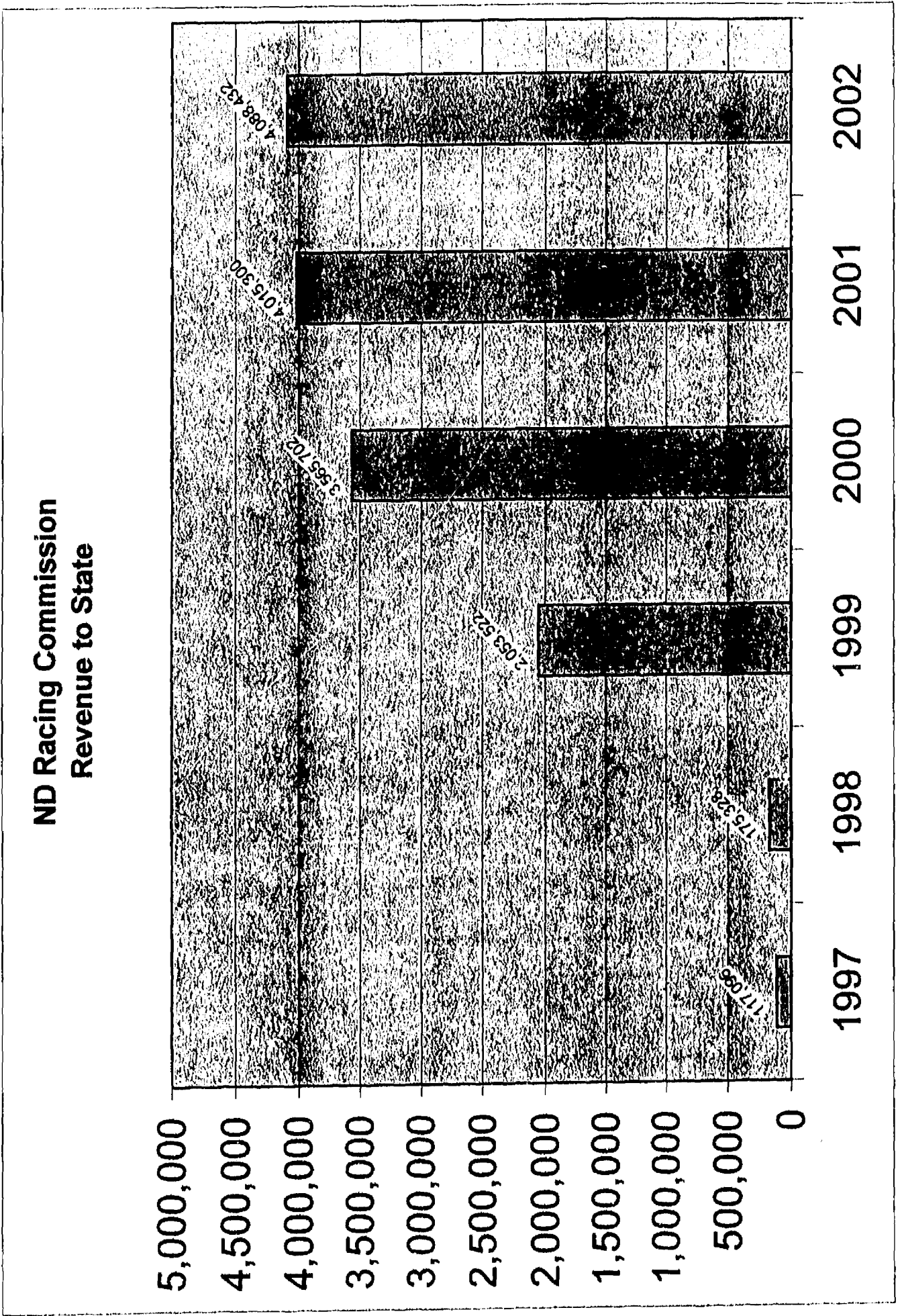
SB 2029

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10/15/03
Date

Exhibit 1



The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Jacosta Rickford
Operator's Signature
10/15/03
Date