

Fifty-seventh
Legislative Assembly
of North Dakota

SENATE BILL NO. 2131

Introduced by

Judiciary Committee

(At the request of the Attorney General)

1 A BILL for an Act to amend and reenact subsection 1 of section 53-06.2-02 and section
2 53-06.2-13 of the North Dakota Century Code, relating to the racing commission.

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

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

6 1. A North Dakota racing commission is established ~~in the office of the attorney~~
7 ~~general~~. The commission consists of the chairman and four other members
8 appointed by the governor. Of the members appointed by the governor, one must
9 be appointed from a list of four nominees, one of whom is nominated by the state
10 chapter or affiliate of the American quarter horse racing association, one of whom
11 is nominated by the state chapter or affiliate of the United States trotting
12 association, one of whom is nominated by the state chapter or affiliate of the
13 international Arabian horse association, and one of whom is nominated by the
14 state chapter or affiliate of the North Dakota thoroughbred association. The
15 members serve five-year terms and until a successor is appointed and qualified. A
16 member appointed to fill a vacancy arising from other than the natural expiration of
17 a term serves only for the unexpired portion of the term. The terms of the
18 commissioners must be staggered so that one term expires each July first. At the
19 expiration of the five-year term of each incumbent member of the commission, the
20 governor shall appoint a new member to the commission.

21 **SECTION 2. AMENDMENT.** Section 53-06.2-13 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **53-06.2-13. Duty of attorney general to participate in certain hearings -**
24 **Employment of private counsel by commission.** The attorney general shall represent the

- 1 state in all hearings before the commission and ~~shall~~ may prosecute all criminal proceedings
- 2 arising from violations of this chapter. The commission may ~~employ private counsel for request~~
- 3 the attorney general to appoint a special assistant attorney general as provided in section
- 4 54-12-08 to represent the commission and assist in the adoption of rules and to ensure that its
- 5 hearings are conducted fairly.