

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE BILL NO. 1551
(Representative Boucher)

AN ACT to amend and reenact section 53-06.2-11 of the North Dakota Century Code, relating to taxes on pari-mutuel wagering; to provide an effective date; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 53-06.2-11 of the North Dakota Century Code is amended and reenacted as follows:

53-06.2-11. Bet payoff formulas - Uses by licensee of funds in excess of expenses - Payment to general fund.

1. For wagering on live horse racing and simulcast wagering:
 - a. In win, place, and show pari-mutuel pools, the licensee may deduct no more than twenty percent of the amount wagered. Of the amount wagered, the licensee shall pay:
 - (1) ~~Two~~ One-half of one percent to the state treasurer to be deposited in the general fund.
 - (2) One-half of one percent to the commission to be deposited in the breeders' fund.
 - (3) One-half of one percent to the commission to be deposited in the purse fund.
 - (4) One-half of one percent to the commission to be deposited in the racing promotion fund.
 - b. In daily double, quinella, exacta, trifecta, or other combination pari-mutuel pools, the licensee may deduct no more than twenty-five percent of the amount wagered. Of the amount wagered, the licensee shall pay:
 - (1) ~~Two and one-half~~ One-half of one percent to the state treasurer to be deposited in the general fund.
 - (2) One-half of one percent to the commission to be deposited in the breeders' fund.
 - (3) One-half of one percent to the commission to be deposited in the purse fund.
 - (4) One-half of one percent to the commission to be deposited in the racing promotion fund.
2. For account wagering:
 - a. In win, place, and show pari-mutuel pools, the licensee may deduct no more than twenty percent of the amount wagered.
 - (1) ~~Before eleven million dollars is wagered in all pari-mutuel wagering in each biennium, of the amount wagered by account wagering in win, place, and show pari-mutuel pools, the licensee shall pay:~~

- ~~(a) Two percent to the state treasurer to be deposited in the general fund.~~
- ~~(b) One half of one percent to the commission to be deposited in the breeders' fund.~~
- ~~(c) One half of one percent to the commission to be deposited in the purse fund.~~
- ~~(d) One half of one percent to the commission to be deposited in the racing promotion fund.~~
- ~~(2) After eleven million dollars is wagered in all pari-mutuel wagering in each biennium, of~~ Of ~~the amount wagered by account wagering in win, place, and show pari-mutuel pools, the licensee shall pay:~~
 - ~~(a) (1) One-sixteenth of one percent to the state treasurer to be deposited in the general fund.~~
 - ~~(b) (2) One-sixteenth of one percent to the commission to be deposited in the breeders' fund.~~
 - ~~(c) (3) One-sixteenth of one percent to the commission to be deposited in the purse fund.~~
 - ~~(d) (4) One-sixteenth of one percent to the commission to be deposited in the racing promotion fund.~~
- b. ~~In daily double, quinella, exacta, trifecta, or other combination pari-mutuel pools, the licensee may deduct no more than twenty-five percent of the amount wagered.~~
 - ~~(1) Before eleven million dollars is wagered in each biennium, of the amount wagered by account wagering in daily double, quinella, exacta, trifecta, or other combination pari-mutuel pools, the licensee shall pay:~~
 - ~~(a) Two and one-half percent to the state treasurer to be deposited in the general fund.~~
 - ~~(b) One half of one percent to the commission to be deposited in the breeders' fund.~~
 - ~~(c) One half of one percent to the commission to be deposited in the purse fund.~~
 - ~~(d) One half of one percent to the commission to be deposited in the racing promotion fund.~~
 - ~~(2) After eleven million dollars is wagered in all pari-mutuel wagering in each biennium, of~~ Of ~~the amount wagered by account wagering in daily double, quinella, exacta, trifecta, or other combination pari-mutuel pools, the licensee shall pay:~~
 - ~~(a) (1) One-sixteenth of one percent to the state treasurer to be deposited in the general fund.~~
 - ~~(b) (2) One-sixteenth of one percent to the commission to be deposited in the breeders' fund.~~
 - ~~(c) (3) One-sixteenth of one percent to the commission to be deposited in the purse fund.~~

- (d) (4) One-sixteenth of one percent to the commission to be deposited in the racing promotion fund.
3. For all pari-mutuel wagering the licensee shall pay to the commission the amount due for all unclaimed tickets and all breakage of which twenty percent is to be deposited in the racing promotion fund, thirty percent is to be deposited in the breeders' fund, and fifty percent is to be deposited in the purse fund.
 4. The licensee conducting wagering on live racing, simulcast wagering, or account wagering shall retain all other money in the pari-mutuel pool and pay it to bettors holding winning tickets as provided by rules adopted by the commission.
 5. A licensee may not use any of the portion deducted for expenses under subsections 1 and 2 for expenses not directly incurred by the licensee in conducting pari-mutuel racing under the certificate system. After paying qualifying expenses, the licensee shall use the remainder of the amount so withheld only for eligible uses allowed to charitable gambling organizations under section 53-06.1-11.1.
 6. The commission shall deposit the moneys received pursuant to subsections 1, 2, and 3 and from the North Dakota horse racing foundation pursuant to subsection 5 of section 53-06.2-05 in the breeders' fund, the purse fund, and the racing promotion fund. Moneys, and any earnings on the moneys, in the breeders' fund, purse fund, and racing promotion fund are appropriated to the commission on a continuing basis to carry out the purposes of those funds under this chapter and must be administered and disbursed in accordance with rules adopted by the commission. The commission may not transfer money among the funds. The commission shall distribute awards and payment supplements from the breeders' fund in the same calendar year the money was earned by the recipient. The commission shall distribute payments awarded to qualified owners and breeders from the breeders' fund without requiring owners and breeders to apply for the payments. The commission, upon approval of the emergency commission, may receive no more than twenty-five percent of the racing promotion fund for the payment of the commission's operating expenses.

SECTION 2. EFFECTIVE DATE - EXPIRATION DATE. This Act is effective for taxable events occurring after June 30, 2009, and before July 1, 2013, and is thereafter ineffective.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1551.

House Vote: Yeas 70 Nays 20 Absent 4

Senate Vote: Yeas 43 Nays 3 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,
at _____ o'clock _____ M.

Secretary of State