

SENATE BILL NO. 2340

Introduced by

Senators Bowman, Holmberg, Lyson

Representatives Carlson, Devlin, R. Kelsch

1 A BILL for an Act to amend and reenact subsection 1 of section 53-06.2-02, subsection 3 of
2 section 53-06.2-11, and section 53-06.2-13 of the North Dakota Century Code, relating to the
3 North Dakota racing commission.

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

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

7 1. A North Dakota racing commission is established ~~in the office of the attorney~~
8 ~~general. The commission is subject to the supervision and direction of the attorney~~
9 ~~general, except with regard to the commission's authority to spend the funds~~
10 ~~described in subsection 6 of section 53-06.2-11. The attorney general may require~~
11 ~~payment for any services rendered to the racing commission. Payment for such~~
12 ~~services must be deposited into the attorney general's operating fund. The~~
13 ~~commission consists~~ consisting of the chairman and four other members appointed
14 by the governor. ~~Of the members appointed by the governor, one~~ One of the
15 members must be appointed from a list of four nominees, one of whom is
16 nominated by the state chapter or affiliate of the American quarter horse racing
17 association, one of whom is nominated by the state chapter or affiliate of the
18 United States trotting association, one of whom is nominated by the state chapter
19 or affiliate of the international Arabian horse association, and one of whom is
20 nominated by the state chapter or affiliate of the North Dakota thoroughbred
21 association. The members serve five-year terms and until a successor is
22 appointed and qualified. A member appointed to fill a vacancy arising from other
23 than the natural expiration of a term serves only for the unexpired portion of the
24 term. The terms of the commissioners must be staggered so that one term expires

1 each July first. At the expiration of the five-year term of each incumbent member
2 of the commission, the governor shall appoint a new member to the commission.

3 **SECTION 2. AMENDMENT.** Subsection 3 of section 53-06.2-11 of the North Dakota
4 Century Code is amended and reenacted as follows:

5 3. Unclaimed tickets and breakage from each live race meet and simulcast program
6 as defined by the commission and the percentage of the wagering pool to be paid
7 to the racing promotion fund under subsections 1 and 2 must be retained by the
8 commission in a special fund to assist in improving and upgrading racetracks in the
9 state, for the promotion of horse racing within the state, and in developing new
10 racetracks in the state as necessary and approved by the commission.

11 Notwithstanding this section, the commission may, ~~upon approval of the attorney~~
12 ~~general~~, receive no more than twenty-five percent of this fund for the purpose of
13 payment of operating expenses of the commission.

14 **SECTION 3. AMENDMENT.** Section 53-06.2-13 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **53-06.2-13. Duty of attorney general to participate in certain hearings and to**
17 **conduct investigations - Employment of private counsel by commission.**

18 1. The attorney general shall represent the state in all hearings before the
19 commission and shall prosecute all criminal proceedings arising from violations of
20 this chapter. The attorney general may require payment for any services rendered
21 to the racing commission. Payment for the services must be deposited in the
22 attorney general's operating fund. The commission may employ private counsel
23 for adoption of rules and to ensure that its hearings are conducted fairly.

24 2. The attorney general may investigate licensed service providers and affiliated
25 companies authorized by the commission to operate the simulcast parimutuel
26 wagering system. The commission shall reimburse the attorney general for all
27 services rendered to the racing commission. Payment for the services must be
28 deposited in the attorney general's operating fund.