

NORTH DAKOTA RACING COMMISSION

Live Meeting

Friday, August 1, 2008

11:00 a.m. (central time)

Vogel Law Firm, 218 NP Ave., Fargo, ND

Call to Order:

Chairman, Patrick Weir, called the meeting to order at 11:00 a.m.

Present:

Commissioners: Chairman Patrick Weir, Medora; Clarence Frederick, Belcourt; DeAnn Pladson, Fargo; Tom Secrest, Hettinger; and Winston Satran, Bismarck. Also present was Director of Racing, Randy Blaseg. Legal Counsel Bill Peterson and Administrative Staff Officer Helen Tessmann were absent.

Others Present: John Ford, Jim Tilton, Kevin Hall, Ken Lien, Samuel Lato and Mike Andrews.

AGENDA

1. **Approval of Minutes** – July 18, 2008 Meeting
2. **Approval of the ND Racing Commission's Budget**
3. **State Auditor's Approval of Simulcast Auditor's Accounting Practices**
4. **Horse Race ND's presentation of Equine Program Proposal**
5. **ND Horsemen's Council**
6. **Any other business which may PROPERLY come before the commission**
7. **Adjournment**

Before proceeding with the agenda, Chairman Weir introduced Mike Andrews of Fargo who gave an update of the current North Dakota law regarding open meetings and open records. It was noted that the Bismarck Tribune was the official newspaper for the Commission.

1. **Approval of Minutes** – July 18, 2008 Meeting

Prior to the meeting all commissioners had received a copy of the minutes for the July 18th meeting.

Commissioner Pladson made the motion to approve the minutes of the July 18th meeting. Commissioner Frederick seconded the motion. All commissioners voted aye and hearing no negative vote the motion carried.

2. Approval of the ND Racing Commission's Budget

Commissioner Satran gave a report of the proposed ND Racing Commission's budget for the 2009-11 Biennium.

A thorough review was given to the present expenditure of funds awarded to Horse Race North Dakota at Fargo and Outdoor Recreation Development Association at Belcourt.

Commissioner Secrest made the motion to develop a budget request for the Racing Commission that leaves the Breeders Fund, the Purse Fund and the Promotion Fund as in tack as they are now. That we ask the (Executive Budget Office) legislature to appropriate to the general fund of the Racing Commission the necessary monies to fund all salaries, health benefits, rent and other necessary expenses to finance the operations of the Racing Commission office. We request that these monies come from the general fund.

To ask the legislature remove the eleven million threshold at the higher tax and reduce it to a quarter of one percent. In addition ask for the necessary monies to be appropriated as a special item by the legislature (executive budget office) to the Promotion Fund based on the present history (monitory expenses) providing for live racing in North Dakota. The deficit will be the additional monies needed to fund live racing. This special appropriation is requested so the Promotion Fund can stay in tack from the taxation it directly receives and leave the fund in tack to further promote horse racing in North Dakota. Commissioner Pladson seconded the motion.

The motion was amended by Commissioner Secrest and Pladson to replace the words of ND Horse Park and ORDA by the words live racing and to add the Executive Budget Office.

All commissioners voted aye and hearing no negative vote the motion carried.

The Commission took a five minute break.

3. State Auditor's Approval of Simulcast Auditor's Accounting Practices

A statement received from Kevin Scherbenske, State Auditor, was read by the Chairman explaining that the procedure being used by Roger Thompson to obtain AmTote reports is sufficient and is accomplishing the necessary level of assurance.

4. Horse Race ND's presentation of Equine Program Proposal

Jim Tilton reported on the development of an Equine Program Proposal and will keep the commission informed as the program progresses.

5. ND Horsemen's Council

No report at this time.

6. Any other business which may PROPERLY come before the commission

Director Blaseg reported on a two items Legal Council Peterson asked to be considered:

- Payment of Attorney' fees on the Peach/Schwartz's Major Splash Bac Jet matter. Chairman Weir referred to Mr. Peterson's letter on this matter.

Commissioner Satran made the motion to deny payment of any attorney's fees for Peach/Schwartz matter. Commissioner Secrest seconded the motion. All commissioners voted aye and hearing no negative vote the motion carried.

- Regarding the request of the Attorney General's opinion on the use of Breed Fund monies to supplement Purses. Chairman Weir explained we know what the Attorney General's opinion is and in review of the commission's action at the last meeting recommended to request Legal Council stop working on this issue.

Commissioner Satran asked the Director Blaseg if he had all the information needed to submit the budget. Director Blaseg stated he did.

Director Blaseg asked if the comp time could be paid out to the Administrative Staff Officer's accrued comp hours. Chairman Weir asked what options the Office of Management and Budget proposed. Director Blaseg reported the three options were:

- Pay out the comp time except for 40 hours.
- Pay out all the comp time.
- Or have the Administrative Staff Officer work 30 hours a week and have 10 hours off a week.

Director Blaseg reported that there are about 240 hours on the books or about a cost of \$5,000 for a period of time these hours occurred in the absence of a Director. Chairman Weir asked that no future over time hours be granted without the Director's prior approval and to convey the commission's appreciation for the time and effort put in to complete the commission's business in the time when the commission was without a director. Chairman Weir did not feel a motion was necessary and informed the Director that this is an office matter and the Director has the consensus of the commission on this matter.

Commissioner Satran asked if budget dollars permitted to attend the September 8th – 10th Racing Commissioners International Region V Racing Officials and Regulators Conference in Deadwood, South Dakota.

Chairman Weir made the motion to send Commissioner Satran to the September 8th – 10th Racing Commissioners International Region V Racing Officials and Regulators Conference in Deadwood, South Dakota. Commissioner Pladson seconded the motion. All commissioners voted aye and hearing no negative vote the motion carried.

7. Adjournment

A motion was made to adjourn the meeting by Commissioner Pladson. Commissioner Secret seconded the motion. All voted aye. The meeting was adjourned.