

JANUARY 2014 CROW TRIBAL LEGISLATURE

CLB No. 14-01

**INTRODUCED BY DARRIN OLD COYOTE, CHAIRMAN
CROW TRIBE EXECUTIVE BRANCH**

**A BILL FOR AN ACT ENTITLED:
“CROW BOARD OF HORSE RACING ACT”**

WHEREAS, horse racing is an important traditional activity of the Crow people; and

WHEREAS, simulcast and pari-mutuel wagering are Class III gaming activities under the Indian Gaming Regulatory Act; and

WHEREAS, the Crow Nation desires to provide a regulatory framework within tribal jurisdiction for horse racing activities on the Crow Reservation; and

WHEREAS, such regulation is also necessary for sanctioning by the American Quarter Horse Association; and

WHEREAS, an amendment to the Crow/Montana Gaming Compact allowing Class III Simulcast and Pari-mutuel wagering throughout the Reservation under the regulatory authority of the Crow Board of Horse Racing has been approved by the State of Montana and by the United States Department of the Interior; and

WHEREAS, sanctioned horse racing under tribal jurisdiction does not exist anywhere in the United States, giving the Crow Nation an historic opportunity for exercising sovereignty and self- government in this arena; and

WHEREAS, a strong and well-respected regulatory program for sanctioned racing and wagering will strengthen Crow horse breeding and add to the possibilities for economic development on the Reservation; and

WHEREAS, the Chairman of the Executive Branch has authority and responsibility pursuant to the enumerated powers in Articles IV, Section 5(b) of the Constitution and bylaws of the Crow Tribe of Indians to “appoint committee members to Executive Branch committees; and further, the Enumerated Powers of the Executive Branch include in Section 3(b) the power to administer and oversee all function of the Executive Branch;” and

WHEREAS, the Legislative Branch of the Crow Nation has authority and responsibility pursuant to its powers and duties set forth in Article V, Section 2(c) of the Constitution and bylaws of the Crow Tribe of Indians to “adopt legislation, not inconsistent with this constitution, which is necessary in exercising the duties conferred upon the three branches of government; and

WHEREAS, the combined actions of both the Executive and Legislative Branches of the Crow Nation will create statutory support and a regulatory framework for sanctioned simulcast and pari-mutuel racing on the Crow Reservation,

NOW, THEREFORE, BE IT ENACTED BY THE CROW TRIBAL LEGISLATURE:

Section 1. *ADOPTION.* That the “Crow Board of Horse Racing Act,” attached hereto and incorporated by reference, is approved and shall codified in a separate section of the Crow Law and Order Code.

Section 2. *EFFECTIVE DATE.* That this Act shall be effective immediately upon its enactment and approval by the Chairman of the Executive Branch.

CROW BOARD OF HORSE RACING ACT

Section 1. *PURPOSES OF THE BOARD.*

The Crow Board of Horse Racing shall:

- A. exercise licensing, policymaking, and regulatory functions;
- B. submit its budget requests to the Tribal Chairman;
- C. submit reports required of it by law or by the Tribal Chairman; and
- D. promulgate rules for the operation of sanctioned horse racing on the Crow Reservation.

Section 2. *DUTIES OF THE DIRECTOR.*

The Crow Board of Horse Racing operates under the purview of the Director, who shall:

- A. direct and supervise the budgeting, record keeping, reporting, and related administrative and clerical functions of the Board, subject to Board approval;
- B. draft the Board’s budgetary requests;
- C. collect all revenues for the Board and deposit them in the proper fund or account;
- D. provide staff for the Board;
- E. cause to be printed and distributed for the board any required notices, rules, or orders adopted, amended, or repealed by the Board;
- F. supervise race meets and activities of racing officials;
- G. hire all racing officials;
- H. inspect race facilities;
- I. prescribe the duties and salary of stewards; and
- J. perform other duties as directed by the Board.

Section 3. *BOARD MEMBERSHIP.*

The Crow Board of Horse Racing shall:

- A. be composed of six regular district members (in addition to the Director), appointed by the Tribal Chairman and confirmed by the Legislature, who must be registered voters of their districts.
- B. Members shall serve for terms of four years with initial terms of two years for the representatives from Mighty Few, Center Lodge, and Pryor districts in order to stagger the terms. A member may be removed from office by the Tribal Chairman for cause.
- C. An incumbent Board member may be reappointed by the Chairman. A vacancy on the Board must be filled for the unexpired term by appointment by the Chairman.
- D. The Presiding Officer is the Director appoint by the Tribal Chairman.
- E. Two members of the Board if all members have been notified at least twenty-four hours before a meeting constitute a quorum for the transaction of business by the Board. The Director is counted for purposes of establishing a quorum.
- F. As provided in the Tribal budget, the board may incur costs, charges, and expenses, including travel, reasonably necessary to carry out their duties.
- G. Board members who are not tribal employees may be paid \$50 for each day in which the member is actually working for the Board. Board members who are tribal employees may be paid if it is necessary for them to work after business hours and on weekends.

Section 4. *REPORTING REQUIREMENTS.*

- A. The Board shall keep detailed records of Board meetings, of the business transacted at the meetings, and license applied for and issued.
- B. Records of the Board kept by the department are public records subject to public inspection.

Section 5. *RULEMAKING FUNCTION.*

The Board shall adopt rules to govern race meets and the pari-mutuel system. These rules shall include the following:

- A. definitions;
- B. auditing;
- C. supervision of the pari-mutuel system;
- D. prevention of corrupt practices;
- E. supervision, duties, and responsibilities of the Director, the board members, the presiding steward, the racing secretary, and other racing officials and which includes mandatory conflict of interest provisions governing the Director, presiding steward(s), racing secretary, and other racing officials (but not the board members) in order to prohibit such officers or their immediate families from engaging in horse racing subject to the provisions of this chapter;
- F. licensing of all personnel who have anything to do with the substantive operation of racing;
- G. the establishment of dates for race meets and meeting in the best interests of horse breeding and racing on the Crow Reservation;
- H. the veterinary practices and standards which must be observed in connection with race meets;

- I. absolute responsibility of trainers for the condition of horses and mules, regardless of the act of third parties;
- J. licensing or renewal of a license of a person whose license has been suspended by the board or another horse racing jurisdiction;
- K. setting license fees commensurate with the cost of issuing a license;
- L. the time, conduct, and supervision of simulcast races and pari-mutuel betting on simulcast races; and
- M. licensing, approval, and regulation of simulcast facilities.

Section 6. *AUTHORITY OF THE BOARD.*

The Board shall license and regulate racing and review race meets held on the Crow Reservation. All percentages withheld from amounts wagered must be deposited in the Board's agency fund account for the exclusive use by the Board for live race purses or for other such purposes for the good of the horseracing industry. Provided that, all net gaming revenues, as defined in the Tribal Gaming Ordinance shall be subject to Section 6 of such Ordinance. Any new race-related gaming including pari-mutuel and simulcast will be examined and public hearings held to determine the effects of these forms of racing on the existing program, Indian relay, and rodeo on the Crow Reservation. The Board should consider both the economic and safety impacts on the existing racing and breeding industry.

Section 7. *OFFICE AND STAFF.*

The Director of the Crow Board of Horse Racing will be assigned office space within the Executive Branch and one administrative assistant.

Section 8. *RACE MEETS.*

- A. It is unlawful for a person to hold a race meet, including simulcast race meets under the pari-mutuel system, on the Crow Reservation without a valid license issued by the Board. A person applying for a license to hold a race meet under this chapter shall file an application with the Board which shall set forth the time, place, and number of days the license will continue and other information the Board requires.
- B. A person who participates in a race meet shall be licensed and charged an annual fee set by the Board, which shall be paid to the Board and used for administrative expenses. Each person holding a license under this chapter shall comply with this chapter and with the rules adopted and other used by the Board.
- C. A license may not be issued to a person who failed to pay the fees, taxes, or money required under this chapter.
- D. Applications to hold race meets shall be submitted to the Board, and the Board shall act on the applications within 30 days. The Board is the sole judge of whether the race meet may be licensed and the number of days the meet may continue.
- E. The Board shall require that a fair Board and an independent racing association conducting race meets meet the requirements of the rules adopted by the Board before granting a license.

F. A racing association consisting of a local fair board or an association approved by a local fair board may apply for a license to hold a simulcast race meet in a simulcast facility.

G. An unexpired license held by a person who violates this chapter or who fails to pay to the Board the sums required under this chapter is subject to cancellation and revocation by the Board.

Section 9. *PENALTIES AND JUDICIAL REVIEW.*

A. A person holding a race meet or an owner, trainer, jockey, or groom participating in a race meet, without first being licensed under this chapter, or a person violating this will be prosecuted under applicable law. Racing that would qualify as a bush meet or Class I racing under the Indian Gaming Regulatory Act does not fall under this Act.

B. The Board, or upon the Board's authorization, the board of stewards of a race meet at which they officiate may exclude from race courses at Crow, a person whom the Board considers detrimental to the best interest of racing as defined by the rules of the Board.

C. As its own formal act or through an act of a board of stewards of a race meet, the Board may suspend or revoke any license issued by the department to a licensee and assess a fine, not to exceed \$1,000, against a licensee who violates any of the provisions of this chapter or any rule or order of the Board. In addition to the suspension or revocation and fine, the board may forbid application for re-licensure for a 2-year period. Fines collected under this subsection must be deposited in the Board's agency fund account for the exclusive use by the Board for live horse race purses or for other such purposes for the good of the horseracing industry. Provided that, all net gaming revenues, as defined in the Tribal Gaming Ordinance shall be subject to Section 6 of such Ordinance.

D. The Board shall promulgate rules implementing this chapter, including the right to a hearing for individuals against whom action is taken or proposed under this chapter. The rules may include provisions for the following:

1. Summary imposition of penalty by the stewards of race meets, including a fine and license suspension, subject to review by the Board;
2. Stay of a summary imposition of penalty by either the board or board of stewards;
3. Retention of purses pending final disposition of complaints, protests, or appeals of stewards' rulings;
4. Setting aside of up to 3% of exotic wagering on races, including simulcast races, to be deposited in the Board's agency fund account. The Board shall then distribute all funds collected under this subsection to live race purses or for other purposes that the Board considers appropriate for the good of the existing horseracing industry;
5. Using 2% of exotic wagering on live racing to be immediately and equally distributed to all purses except stake races;
6. Assessment of penalty and interest on the late payment of fines, which must be paid before licenses are reinstated;
7. Definition of exotic form of wagering on races to be allowed;
8. Standards for simulcast facilities; and

9. Conduct and supervision of simulcast races and pari-mutuel betting or wagering on simulcast races.

E. The Crow Tribal Court has exclusive jurisdiction for judicial review of cases arising under this chapter.

F. Conflict of Interest – the Director and Board members will remove themselves from any hearing in which their interest is at stake.

Section 10. *AUTHORITY OF CROW TRIBAL GAMING COMMISSION.*

All Class III gaming operations conducted under this Act shall be subject to the Tribal Gaming Ordinance and licensed by the Tribal Gaming Commission.

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CERTIFICATION

I hereby certify that this Bill for the "Crow Board of Horse Racing Act" was duly enacted by the Crow Tribal Legislature with a vote of 16 for, 0 opposed, and 0 abstained and that a quorum was present on this 13th day of January, 2014.



Senator R. Knute Old Crow, Sr.
Speaker of the House
Crow Tribal Legislature



Senator Gordon Real Bird, Jr.
Secretary
Crow Tribal Legislature



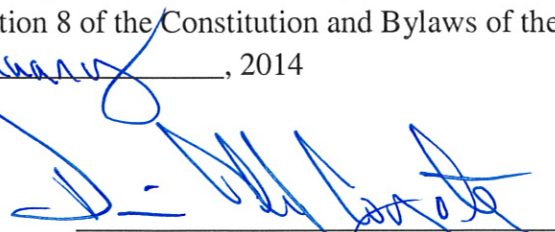
EXECUTIVE ACTION

I hereby:

X approve

_____ veto

This Bill for "Crow Board of Horse Racing Act", pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians, on this 24 day of January, 2014



Darrin Old Coyote, Chairman
Crow Tribal Executive Branch

**INTRODUCED BY DARRIN OLD COYOTE, CHAIRMAN CROW TRIBE EXECUTIVE BRANCH
A BILL FOR AN ACT ENTITLED: "CROW BOARD OF HORSE RACING ACT"**

Bill or Resolution: CLB14-01 **Introduced by:** Chairman Darrin Old Coyote **Date of Vote:** 1/13/2014
Number

<u>Representative:</u>	Yes	No	Abstained
G. Three Irons	<u> X </u>	<u> </u>	<u> </u>
B. Rogers	<u> X </u>	<u> </u>	<u> </u>
C. J. Stewart	<u> X </u>	<u> </u>	<u> </u>
P. Hill	<u> X </u>	<u> </u>	<u> </u>
E. Birdinground	<u> X </u>	<u> </u>	<u> </u>
A.Coyote-Runs, Sr.	<u> </u>	<u> </u>	<u> </u>
(Vacant)	<u> </u>	<u> </u>	<u> </u>
T. Gros Ventre	<u> X </u>	<u> </u>	<u> </u>
P. Alden, Jr.	<u> X </u>	<u> </u>	<u> </u>
V. Crooked Arm	<u> X </u>	<u> </u>	<u> </u>
P. Spotted Horse, Sr.	<u> X </u>	<u> </u>	<u> </u>
L. DeCrane	<u> X </u>	<u> </u>	<u> </u>
C. Goes Ahead	<u> X </u>	<u> </u>	<u> </u>
B. Hugs	<u> X </u>	<u> </u>	<u> </u>
B. Good Luck	<u> X </u>	<u> </u>	<u> </u>
G. Stewart	<u> X </u>	<u> </u>	<u> </u>
G. Real Bird, Jr. <i>Secretary of the House</i>	<u> X </u>	<u> </u>	<u> </u>
R. K. Old Crow, Sr. <i>Speaker of the House</i>	<u> X </u>	<u> </u>	<u> </u>
Totals:	<u> 16 </u>	<u> 0 </u>	<u> 0 </u>

Result of Vote:

Passed


Not Passed

Tabled

Veto-Override



Senator R. Knute Old Crow, Sr. Date
Speaker of the House



Senator G. Real Bird, Jr. Date
Secretary of the House