

Senate Study Bill 1171

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON CONNOLLY)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to conducting county gambling elections and
2 including an effective date and applicability provision.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2109XC 82
5 ec/es/88

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1 1 Section 1. Section 99F.7, subsection 11, Code 2007, is
1 2 amended to read as follows:
1 3 11. a. A license to conduct gambling games on an
1 4 excursion gambling boat or at a racetrack enclosure in a
1 5 county shall be issued only if the county electorate approves
1 6 the conduct of the gambling games as provided in this
1 7 subsection. The board of supervisors, upon receipt of a valid
1 8 petition meeting the requirements of section 331.306, shall
1 9 direct the commissioner of elections to submit to the
1 10 registered voters of the county a proposition to approve or
1 11 disapprove the conduct of gambling games on an excursion
1 12 gambling boat or at a racetrack enclosure in the county. The
1 13 proposition shall be submitted at a general election or at a
1 14 special election called for that purpose. To be submitted at
1 15 a general election, the petition must be received by the board
1 16 of supervisors at least five working days before the last day
1 17 for candidates for county offices to file nomination papers
1 18 for the general election pursuant to section 44.4. If a
1 19 majority of the county voters voting on the proposition favor
1 20 the conduct of gambling games, the commission may issue one or
1 21 more licenses as provided in this chapter. If a majority of
1 22 the county voters voting on the proposition do not favor the
1 23 conduct of gambling games, a license to conduct gambling games
1 24 in the county shall not be issued.

1 25 b. ~~If licenses a license~~ to conduct gambling games ~~and to~~
~~operate on an excursion gambling boat are or at a racetrack~~
1 26 ~~enclosure is~~ in effect pursuant to a referendum as set forth
1 27 ~~in this section and are is~~ subsequently disapproved by a
1 28 referendum of the county electorate, the ~~licenses license~~
1 29 issued by the commission after a referendum approving gambling
1 30 games on an excursion gambling boats boat or at a racetrack
1 31 enclosure shall remain valid and ~~are is~~ subject to renewal for
1 32 ~~a total of nine years one year~~ from the date of ~~original issue~~
1 33 ~~the referendum disapproving the conduct of gambling games in~~
1 34 ~~the county~~ unless the commission revokes a license at an
1 35 earlier date as provided in this chapter.

2 1 c. If a licensee of a pari-mutuel racetrack who held a
2 2 valid license issued under chapter 99D as of January 1, 1994,
2 3 requests a license to operate gambling games as provided in
2 4 this chapter, the board of supervisors of a county in which
2 5 the licensee of a pari-mutuel racetrack requests a license to
2 6 operate gambling games shall submit to the county electorate a
2 7 proposition to approve or disapprove the operation of gambling
2 8 games at pari-mutuel racetracks at a special election at the
2 9 earliest practicable time. If the operation of gambling games
2 10 at the pari-mutuel racetrack is not approved by a majority of
2 11 the county electorate voting on the proposition at the
2 12 election, the commission shall not issue a license to operate
2 13 gambling games at the racetrack.

2 14 d. If the proposition to operate gambling games on an
2 15 excursion gambling boat or at a racetrack enclosure is
2 16 approved by a majority of the county electorate voting on the
2 17 proposition, the board of supervisors shall submit the same
2 18

2 19 proposition to the county electorate at the general election
2 20 held in 2002 and, unless the operation of gambling games is
2 21 terminated earlier as provided in this chapter or chapter 99D,
2 22 at the next general election held at each subsequent
2 23 eight-year interval no sooner than the eighth calendar year
2 24 following the election approving gambling games, unless the
2 25 operation of gambling games is terminated earlier as provided
2 26 in this chapter or chapter 99D. However, if a proposition to
2 27 operate gambling games on an excursion gambling boat or at a
2 28 racetrack enclosure is approved by a majority of the county
2 29 electorate voting on the proposition in two successive
2 30 elections, the proposition shall not thereafter be required to
2 31 be submitted to the county electorate pursuant to this
2 32 paragraph.

2 33 e. After a referendum has been held which approved or
2 34 defeated a proposal to conduct gambling games on excursion
2 35 gambling boats or which approved or defeated a proposal to
3 1 conduct gambling games at a licensed pari-mutuel racetrack
3 2 enclosure as provided in this section, another referendum on a
3 3 proposal to conduct gambling games on an excursion gambling
3 4 boat or at a licensed pari-mutuel racetrack shall not be held
3 5 for at least eight years sooner than the eighth calendar year
3 6 following the election in which the proposal was approved or
3 7 defeated.

3 8 Sec. 2. EFFECTIVE DATE == RETROACTIVE APPLICABILITY. This
3 9 Act, being deemed of immediate importance, takes effect upon
3 10 enactment and is retroactively applicable to elections
3 11 occurring on and after January 1, 1994.

3 12 EXPLANATION
3 13 This bill provides for the requirements relative to
3 14 conducting a referendum to approve or disapprove gambling
3 15 games on an excursion gambling boat or racetrack enclosure in
3 16 a county.

3 17 The bill provides that if a proposition to operate gambling
3 18 games on an excursion boat or racetrack has been approved in
3 19 two successive elections in a county, the proposition to
3 20 authorize gambling games is not thereafter required to be
3 21 submitted to the county electorate. Current law provides that
3 22 the proposition to conduct gambling games shall be resubmitted
3 23 to the county electorate every eight years.

3 24 The bill also provides that if a proposal to operate
3 25 gambling games on an excursion boat or racetrack has been
3 26 approved, another election shall not be held until the eighth
3 27 calendar year following the approval. Current law provides
3 28 that no election shall be held for eight years after a
3 29 proposal has been defeated but is silent as to when an
3 30 election can be held if the proposal to conduct gambling games
3 31 has been approved.

3 32 The bill also provides that if gambling games are
3 33 authorized in a county but a subsequent referendum to conduct
3 34 gambling games has been defeated, any license to conduct
3 35 gambling games in that county shall remain valid for one year
4 1 following the defeat of the referendum. Current law provides
4 2 that the license remains valid for nine years following the
4 3 date of the original issue of a license to conduct gambling
4 4 games in that county.

4 5 The bill takes effect upon enactment and is retroactively
4 6 applicable to elections occurring on and after January 1,
4 7 1994.

4 8 LSB 2109XC 82
4 9 ec:nh/es/88