

CHAPTER 64

GAMBLING DEVICES—LICENSES REVOKED

S. F. 3

AN ACT providing for revocation of licenses for carrying on, or used in carrying on of any business, trade, vocation, commercial enterprise or undertaking, by reason of the possession of gambling devices, and prohibiting the issuance of licenses in certain instances.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 SECTION 1. For the purpose of this act, the words, terms, and
 2 phrases defined in this section shall have the meanings given them.
- 3 1. "Gambling devices" means roulette wheels, klondike tables,
 4 poker tables, punch boards, faro layouts, keno layouts, slot machines,
 5 any ticket, sheet, or writing of any kind used or designed to be used
 6 for gambling purposes, and all machines and devices used for
 7 gambling or with an element of chance attending operation, and all
 8 machines and devices of any nature whatsoever adapted, devised
 9 and designed for the purpose of gambling. Nothing in this definition
 10 shall be construed to include ordinary playing cards.
- 11 2. "Person" means an individual, a copartnership, an association,
 12 corporation, or any other entity or organization.
- 13 3. "Municipality" means any county, city, village, township or
 14 town.
- 15 4. "License" includes permits of every kind, nature and descrip-
 16 tion issued pursuant to any statute or ordinance for the carrying
 17 on, or used in the carrying on, of any business, trade, vocation, com-
 18 mercial enterprise or undertaking.
- 19 5. "Licensee" means any person to whom a license of any kind is
 20 issued.
- 21 6. "Licensed business" means any business, trade, vocation, com-
 22 mercial enterprise, or undertaking for which any license is issued.
- 23 7. "Licensed premises" means the place or building, or the room
 24 in a building of the licensed business, and all land adjacent thereto
 25 and used in connection with and in the operation of a licensed busi-
 26 ness, and all adjacent or contiguous rooms or buildings operated or
 27 used in connection with the buildings of the licensed business.
- 28 8. "Issuing authority" and "authority issuing the license" mean
 29 and include the officer, board, bureau, department, commission, or
 30 agency of the state, or of any of its municipalities, by whom any
 31 license is issued and include the councils and governing bodies of all
 32 municipalities.

1 SEC. 2. The intentional possession or willful keeping of a gam-
 2 bling device upon any licensed premises is cause for the revocation
 3 of any license upon the premises where the gambling device is found.
 4 Possession by an employee of the licensee on the premises of the
 5 licensee shall give rise to the presumption of intentional possession
 6 by the licensee.

7 All licenses of any licensed business shall be revoked if the inten-
 8 tional possession or willful keeping of any such gambling device upon
 9 the licensed premises is established, notwithstanding that it may

10 not be made to appear that such devices have actually been used or
11 operated for the purpose of gambling.

1 SEC. 3. The proceedings for revocation shall be had before the
2 issuing authority, which shall have power to revoke the license or
3 licenses involved, as hereinafter provided.

1 SEC. 4. Every sheriff, deputy sheriff, constable, marshal, police-
2 man, police officer, and peace officer shall observe and inspect licensed
3 premises and ascertain whether gambling devices are present there-
4 on and immediately report the finding thereof to the authority or
5 authorities issuing the license or licenses applicable to the premises
6 in question.

1 SEC. 5. Upon the receipt of such information from any of the
2 peace officers referred to in section 4, if any issuing authority is of
3 the opinion that cause exists for the revocation of any such license,
4 then that authority shall issue an order to show cause directed to the
5 licensee of the premises, stating the ground upon which the proceed-
6 ing is based and requiring him to appear and show cause at a time
7 and place within the county in which the licensed premises are lo-
8 cated, not less than ten days after the date of the order, why his
9 license should not be revoked. The order to show cause shall be
10 served upon the licensee as an original notice, or by registered mail,
11 not less than eight days before the date fixed for the hearing thereof.
12 A copy of the order shall forthwith be mailed to the owner of the
13 premises, as shown by the records in the office of the County Re-
14 corder at his last known postoffice address. A copy of the order shall
15 at the same time be mailed to any other issuing authority, of which
16 the authority issuing the order to show cause has knowledge, by
17 which other licenses to that licensee may have been issued, and any
18 such other authority may participate in the revocation proceedings
19 after notifying the licensee and the officer or authority holding the
20 hearing of its intention so to do on or before the date of hearing, and
21 after the hearing take such action as it could have taken had it insti-
22 tuted the revocation proceedings in the first instance.

1 SEC. 6. If, upon the hearing of the order to show cause, the issu-
2 ing authority finds that the licensee intentionally possessed or will-
3 fully kept upon his licensed premises any gambling device, then the
4 license or licenses under which the licensed business is operated, or
5 used in the operation of such business on the licensed premises, shall
6 be revoked.

7 A licensee whose license has been revoked or any owner of licensed
8 premises aggrieved by an order of an issuing authority, may within
9 fifteen days after the date of the order of the issuing authority file
10 an application for writ of certiorari in the District Court in and for
11 the county where the business of the licensee is located.

12 Unless the licensee has filed an application for writ of certiorari
13 in the District Court, revocation shall date from the 16th day fol-
14 lowing the date of the order of the issuing authority. In the event
15 the licensee has filed an application for writ of certiorari in the Dis-
16 trict Court revocation shall date from the 31st day following entry
17 of the order of the District Court, if action by the District Court is
18 adverse to the licensee.

19, If the licensee appeals to the Supreme Court of Iowa, or applies
 20 for writ of certiorari to such court, revocation shall not be effective
 21 pending determination by the Supreme Court of Iowa, provided the
 22 licensee shall post bond with the Clerk of the District Court in an
 23 amount fixed by the clerk of the court in the district wherein the
 24 business is licensed, conditioned to pay all costs adjudged against him
 25 on the appeal, or the hearing on a writ, if the action of the district
 26 court is affirmed. Revocation shall date from the day following final
 27 disposition of such court.

28 No new license or licenses shall be granted the licensee, nor for
 29 the same business if it is established that the owner had actual
 30 knowledge of the existence of the gambling devices resulting in the
 31 license revocation, upon the same premises, for the period of one
 32 year following the date of revocation.

1 SEC. 7. The county attorney for the county in which the hearing
 2 is held shall, and the attorney general may, attend the hearing, inter-
 3 rogate the witnesses, and advise the issuing authority. The county
 4 attorney, shall, and the attorney general may, also appear for the
 5 issuing authority in any certiorari proceeding taken pursuant to
 6 the provisions of section 6.

1 SEC. 8. The issuing authority may issue subpoenas and compel
 2 the attendance of witnesses at any hearing. Witnesses duly sub-
 3 poenaed and attending any such hearing shall be paid fees and mile-
 4 age by the issuing authority equal to the fees and mileage paid wit-
 5 nesses in the district court.

1 SEC. 9. When the license is revoked under the provisions of this
 2 Act, subject to the provisions of section 6, the owner of the premises
 3 upon which any licensed business has been operated shall not be
 4 penalized by reason thereof unless it is established that he had
 5 knowledge of the existence of the gambling devices resulting in the
 6 license revocation.

1 SEC. 10. This Act being deemed of immediate importance shall
 2 become effective from and after its publication in The Clarksville
 3 Star, a newspaper published at Clarksville, Iowa, and in The Cedar
 4 Rapids Gazette, a newspaper published at Cedar Rapids, Iowa.

Approved February 19, 1951.

I hereby certify that the foregoing act was published in The Clarksville Star,
 Clarksville, Iowa, February 22, 1951, and in The Cedar Rapids Gazette, Cedar Rapids,
 Iowa, February 23, 1951.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 65

FISH RESTORATION

H. F. 60

AN ACT to amend chapter one hundred seven (107), Code 1950, to provide for partici-
 pation in the federal restoration Act.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter one hundred seven (107), Code 1950, is hereby