

JAN 1 2 2005  
STATE GOVERNMENT

HOUSE FILE 37  
BY HUTTER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act providing for legislative membership on the state racing  
2 and gaming commission.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 37

1 Section 1. Section 99D.5, subsections 1, 2, 3, and 4, Code  
2 2005, are amended to read as follows:

3 1. A state racing and gaming commission is created within  
4 the department of inspections and appeals consisting of nine  
5 members, including five voting members who and four nonvoting  
6 members.

7 a. The voting members of the commission shall be appointed  
8 by the governor subject to confirmation by the senate, and who  
9 shall serve not to exceed a three-year term at the pleasure of  
10 the governor. The term of each voting member shall begin and  
11 end as provided in section 69.19.

12 b. The nonvoting members of the commission shall be two  
13 state representatives, one appointed by the speaker of the  
14 house of representatives and one by the minority leader of the  
15 house of representatives, and two state senators, one  
16 appointed by the majority leader of the senate and one by the  
17 minority leader of the senate.

18 2. A vacancy of a voting member on the commission shall be  
19 filled as provided in section 2.32.

20 3. Not more than three voting members of the commission  
21 shall belong to the same political party. A member of the  
22 commission shall not have a financial interest in a racetrack.

23 4. a. Commission The voting members of the commission are  
24 each entitled to receive an annual salary of six thousand  
25 dollars. Members Voting members shall also be reimbursed for  
26 actual expenses incurred in the performance of their duties to  
27 a maximum of thirty thousand dollars per year for the  
28 commission. Each voting member shall be covered by the  
29 blanket surety bond of the state purchased pursuant to section  
30 8A.321, subsection 12.

31 b. Legislative members shall be paid the per diem and  
32 expenses specified in section 2.10 for each day of service.  
33 The per diem and expenses of the legislative members shall be  
34 paid from funds appropriated under section 2.12.

35 Sec. 2. EQUAL NUMBER OF ELECTED PARTY MEMBERS TO EITHER

1 HOUSE -- 2005-2006. For the purpose of appointment of  
2 nonvoting members of the state racing and gaming commission by  
3 legislative leadership for the period beginning July 1, 2005,  
4 through December 31, 2006, if an equal number of candidates  
5 from two political parties are elected to a house and become  
6 members by oath or affirmation, the appointing authorities  
7 referenced in this Act shall be considered to be the two co-  
8 floor leaders in the senate or the two co-speakers in the  
9 house of representatives unless the house otherwise provides.

10 For the purpose of this section, "political party" means a  
11 party whose registered voters constitute one of the two  
12 highest numbers of party registrants in this state.

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#### EXPLANATION

14 This bill provides for the addition of two state senators  
15 and two state representatives as nonvoting members of the  
16 state racing and gaming commission. The senate members shall  
17 be appointed by the majority and minority leaders of the  
18 senate, and the house members shall be appointed by the  
19 speaker of the house and minority leader of the house of  
20 representatives. The bill provides that the legislative  
21 members are not paid a salary nor are they required to post  
22 bond in the same manner as current members. However, the bill  
23 does provide that the legislative members are paid their per  
24 diem and expenses for participation on the commission. The  
25 conflict of interest provisions in Code section 99D.5 that  
26 currently apply to members of the racing and gaming commission  
27 are not made inapplicable to the nonvoting legislative members  
28 of the commission by this bill.

29 The bill also provides for the method of appointment of  
30 legislative members from a legislative house from July 1,  
31 2005, until December 31, 2006, if the partisan balance of that  
32 house is tied.

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