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# SENATE BILL No. 233

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-31-4.

**Synopsis:** Pari-mutuel referendum. Provides that a local public question is not required to be held on the question of permitting horse racing meetings or operation of a satellite facility on private property. Provides that before horse racing meetings or operation of a satellite facility on public property in a county are permitted, the county fiscal body must adopt an ordinance authorizing the activity on that public property and ordering a local public question on the question of permitting horse racing meetings or operation of a satellite facility on that public property. Provides that when a local public question is submitted to the voters to approve conducting horse racing meetings or operating a satellite facility on public property in a county, the authorizing ordinance and the local public question must describe the proposed location in the county for the horse racing meetings or the satellite facility. Repeals a superseded statute.

**Effective:** July 1, 1998.

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January 7, 1998, read first time and referred to Committee on Finance.

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Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

# SENATE BILL No. 233

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 4-31-4-2, AS AMENDED BY P.L.24-1996,  
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 1998]: Sec. 2. (a) A county fiscal body may adopt an ordinance  
4 permitting the filing of applications under IC 4-31-5 to conduct  
5 pari-mutuel wagering on horse races at racetracks in the county. However,  
6 before adopting the ordinance, the county fiscal body must:  
7 (1) conduct a public hearing on the proposed ordinance; and  
8 (2) publish notice of the public hearing in the manner prescribed by  
9 IC 5-3-1.  
10 (b) ~~The county fiscal body may:~~  
11 (1) ~~require in the ordinance adopted by the county fiscal body that~~  
12 ~~before applications under IC 4-31-5 to conduct pari-mutuel~~  
13 ~~wagering on horse races at racetracks in the county may be filed; the~~  
14 ~~voters of the county must approve the conducting of horse racing~~  
15 ~~meetings in the county under section 3 of this chapter; or~~  
16 (2) ~~amend an ordinance already adopted by the county fiscal body~~  
17 ~~to require that before applications under IC 4-31-5 to conduct~~

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1            pari-mutuel wagering on horse races at racetracks in the county may  
 2            be filed; the voters of the county must approve the conducting of  
 3            horse racing meetings in the county under section 3 of this chapter.  
 4            An ordinance adopted under this section may not be amended to apply to  
 5            a person who has already been issued a permit under IC 4-31-5 before  
 6            amendment of the ordinance.

7            SECTION 2. IC 4-31-4-2.5, AS ADDED BY P.L.24-1996,  
 8            SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9            JULY 1, 1998]: Sec. 2.5. (a) A county fiscal body may adopt an  
 10           ordinance permitting the filing of applications under IC 4-31-5.5 for  
 11           operation of a satellite facility in the county. However, before adopting  
 12           the ordinance, the county fiscal body must:

- 13            (1) conduct a public hearing on the proposed ordinance; and
- 14            (2) publish notice of the public hearing in the manner prescribed by  
 15            IC 5-3-1.

16            (b) The county fiscal body may:

- 17            (1) require in the ordinance adopted by the county fiscal body that  
 18            before applications under IC 4-31-5.5 to operate a satellite facility  
 19            in the county may be filed, the voters of the county must approve the  
 20            operation of a satellite facility in the county under section 3 of this  
 21            chapter; or
- 22            (2) amend an ordinance already adopted in the county to require that  
 23            before applications under IC 4-31-5.5 to operate a satellite facility  
 24            in the county may be filed, the voters of the county must approve the  
 25            operation of a satellite facility in the county under section 3 of this  
 26            chapter.

27            An ordinance adopted under this section may not be amended to apply to  
 28            a person who was issued a license under IC 4-31-5.5 before the ordinance  
 29            was amended.

30            SECTION 3. IC 4-31-4-2.7, AS ADDED BY P.L.24-1996,  
 31            SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32            JULY 1, 1998]: Sec. 2.7. (a) This section does not apply to either of the  
 33            following:

- 34            (1) A permit holder who satisfies all of the following:
  - 35            (A) The permit holder was issued a permit before January 2,  
 36            1996.
  - 37            (B) The permit holder conducted live racing before January 2,  
 38            1996.
  - 39            (C) The permit holder is currently operating under the permit.
- 40            (2) A person who satisfies all of the following:
  - 41            (A) The person was issued a satellite facility license before  
 42            January 2, 1996.



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1 (B) The person operated a satellite facility before January 2,  
2 1996.

3 (C) The person is currently operating the satellite facility under  
4 the license.

5 **(b) This section does not apply to the issuance of a permit to  
6 conduct horse racing meetings if both of the following apply:**

7 **(1) Before January 1, 1998, the voters approved conducting  
8 horse racing meetings in the county.**

9 **(2) The person who applies for a recognized meeting permit  
10 under IC 4-31-5 submits an application for the permit before  
11 January 1, 1999.**

12 **(c) This section does not apply to the issuance of a satellite facility  
13 license if both of the following apply:**

14 **(1) Before January 1, 1998, the voters approved operation of  
15 satellite facilities in the county.**

16 **(2) The person who applies for a satellite facility license under  
17 IC 4-31-5.5 submits an application for the license before  
18 January 1, 1999.**

19 ~~(b)~~ **(d) This section applies only if either of the following apply:**

20 **(1) The recognized meeting permit is for conducting a horse racing  
21 meeting on public property.**

22 **(2) The satellite facility license is for operating a satellite facility on  
23 public property.**

24 **(e) (e) As used in this section, "public property" refers to real property  
25 owned by, or not more than two (2) years before issuance of the permit or  
26 license any interest in which is transferred by, any of the following:**

27 **(1) The federal government.**

28 **(2) The state.**

29 **(3) A political subdivision (as defined in IC 36-1-2-13).**

30 **(4) An agency or instrumentality of an entity described in  
31 subdivision (1), (2), or (3).**

32 ~~(d) Notwithstanding any other provision of this article, the commission  
33 may not do either of the following:~~

34 ~~**(1) Issue a recognized meeting permit under IC 4-31-5 to allow the  
35 conducting of or the assisting of the conducting of a horse racing  
36 meeting unless the voters of the county in which the public property  
37 is located have approved the conducting of recognized meetings in  
38 the county.**~~

39 ~~**(2) Issue a satellite facility license under IC 4-31-5.5 unless the  
40 voters of the county in which the public property is located have  
41 approved the operation of a satellite facility in the county.**~~

42 **(f) Before a person may apply for a recognized meeting permit**



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1 under IC 4-31-5 to conduct or assist in conducting horse racing  
2 meetings on public property, the county fiscal body of the county in  
3 which the public property is located must adopt an ordinance that  
4 does all of the following:

5 (1) Authorizes conducting horse racing meetings on that public  
6 property.

7 (2) Requires the voters of the county to approve conducting  
8 horse racing meetings on that public property.

9 (3) Orders the county election board to place a local public  
10 question on the ballot in the county under section 3 of this  
11 chapter.

12 (g) Before a person may apply for a satellite facility license under  
13 IC 4-31-5.5 to operate a satellite facility on public property, the  
14 county fiscal body of the county in which the public property is  
15 located must adopt an ordinance that does all of the following:

16 (1) Authorizes operation of the satellite facility on that public  
17 property.

18 (2) Requires the voters of the county to approve the operation  
19 of a satellite facility on that public property.

20 (3) Orders the county election board to place a local public  
21 question on the ballot in the county under section 3 of this  
22 chapter.

23 (h) An ordinance adopted under this section must briefly describe  
24 the location of the public property. A description is sufficient if it  
25 unambiguously informs the voters of the location of the public  
26 property.

27 (i) If a county fiscal body adopts an ordinance under this section,  
28 the county fiscal body shall send a copy of the ordinance to the  
29 county election board.

30 SECTION 4. IC 4-31-4-3, AS AMENDED BY P.L.3-1997,  
31 SECTION 413, IS AMENDED TO READ AS FOLLOWS  
32 [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) This section does not apply to  
33 either of the following:

34 (1) A permit holder who satisfies all of the following:

35 (A) The permit holder was issued a permit before January 2,  
36 1996.

37 (B) The permit holder conducted live racing before January 2,  
38 1996.

39 (C) The permit holder is currently operating under the permit.

40 (2) A person who satisfies all of the following:

41 (A) The person was issued a satellite facility license before  
42 January 2, 1996.

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- 1 (B) The person operated a satellite facility before January 2,  
2 1996.
- 3 (C) The person is currently operating the satellite facility under  
4 the license.
- 5 (b) This section applies if either of the following apply:
- 6 (1) Both of the following are satisfied:
- 7 (A) An ordinance is adopted under section 2 or 2.5 of this  
8 chapter:
- 9 (B) The ordinance requires the voters of the county to approve  
10 either of the following:
- 11 (i) The conducting of horse racing meetings in the county;
- 12 (ii) The operation of a satellite facility in the county.
- 13 (2) a local public question is required to be held under section 2.7  
14 of this chapter, following the filing of a petition with the circuit court  
15 clerk:
- 16 (A) signed by at least the number of registered voters of the  
17 county required under IC 3-8-6-3 to place a candidate on the  
18 ballot; and
- 19 (B) requesting that the local public question set forth in  
20 subsection (d) be placed on the ballot.
- 21 (c) Notwithstanding any other provision of this article, the commission  
22 may not issue a recognized meeting permit under IC 4-31-5 to allow the  
23 conducting of or the assisting of the conducting of a horse racing meeting  
24 unless the voters of the county in which the **public** property is located  
25 have approved conducting recognized meetings **on that public property**  
26 in the county.
- 27 (d) For a local public question required to be held under subsection (c);  
28 **If a county fiscal body sends the county election board an ordinance**  
29 **adopted under section 2.7 of this chapter**, the county election board  
30 shall place the following question on the ballot in the county during the  
31 next general election:
- 32 "Shall horse racing meetings at which pari-mutuel wagering occurs  
33 be allowed at \_\_\_\_\_ (**insert description of the public**  
34 **property set forth in the ordinance**) in \_\_\_\_\_ County?".
- 35 (e) Notwithstanding any other provision of this article, the commission  
36 may not issue a satellite facility license under IC 4-31-5.5 to operate a  
37 satellite facility unless the voters of the county in which the **public**  
38 **property on which the** satellite facility will be located approve the  
39 operation of the satellite facility **on that public property** in the county.
- 40 (f) For a local public question required to be held under subsection (e),  
41 the county election board shall place the following question on the ballot  
42 in the county during the next general election:



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1 "Shall a satellite ~~facilities~~ **facility** at which pari-mutuel wagering  
2 occurs be allowed at \_\_\_\_\_ (**insert description of the**  
3 **public property set forth in the ordinance**) in \_\_\_\_\_  
4 County?".

5 (g) A public question under this section must be certified in accordance  
6 with IC 3-10-9-3 and shall be placed on the ballot in accordance with  
7 IC 3-10-9.

8 (h) The circuit court clerk of a county holding an election under this  
9 chapter shall certify the results determined under IC 3-12-4-9 to the  
10 commission and the department of state revenue.

11 (i) If a public question is placed on the ballot under subsection (d) or  
12 (f) in a county and the voters of the county do not vote in favor of the  
13 public question, a second public question under that subsection may not  
14 be held in the county for at least two (2) years. If the voters of the county  
15 vote to reject the public question a second time, a third or subsequent  
16 public question under that subsection may not be held in the county until  
17 the general election held during the tenth year following the year of the  
18 previous public question held under that subsection.

19 SECTION 5. IC 4-31-4-1.5 IS REPEALED [EFFECTIVE JULY 1,  
20 1998].

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