

Substituted for HF 2101
3/24/98 (p. 887)

(P. 696) 3-12-98 Motion to R/C by ~~Barry~~ Rife
3-12-98 Motion to R/C withdrawn
by Bortz & Rife

FILED FEB 24 1998
H. G. [unclear]

SENATE FILE **2320**
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 2168)

Passed Senate, Date 3-11-98 (P. 688)
Vote: Ayes 46 Nays 0
Passed House, Date 3/24/98 (P. 894)
Vote: Ayes 97 Nays 0
Approved 5/20/98
Passed 4-22-98 (P. 1931) Vote 98-1
Vote 49-0

A BILL FOR

1 An Act relating to gambling by imposing a moratorium on new
2 licenses to conduct gambling on excursion gambling boats and
3 at pari-mutuel racetracks with gambling games, limiting the
4 location of future excursion gambling boats, prohibiting
5 gambling licensees from allowing the loaning of money by
6 credit card or other electronic means for gambling purposes,
7 and imposing a scheduled fine for gambling by persons under
8 twenty-one years of age.

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

- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

S.F. 2320

1 Section 1. Section 99D.11, subsection 7, Code 1997, is
2 amended to read as follows:

3 7. A person under the age of twenty-one years shall not
4 make or attempt to make a pari-mutuel wager. A person who
5 violates this subsection commits a scheduled violation under
6 section 805.8, subsection 13.

7 Sec. 2. Section 99E.18, Code 1997, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 5. A person under the age of twenty-one
10 years shall not purchase or attempt to purchase a ticket or
11 share. A person who violates this subsection commits a
12 scheduled violation under section 805.8, subsection 13.

13 Sec. 3. Section 99F.4A, Code 1997, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 8. The total number of licenses to
16 conduct gambling games at pari-mutuel racetracks pursuant to
17 subsection 2 shall not exceed three until July 1, 2003.

18 Sec. 4. NEW SECTION. 99F.5A MORATORIUM FOR ISSUANCE OF
19 LICENSES FOR EXCURSION GAMBLING BOATS.

20 1. The total number of licenses issued to conduct gambling
21 games on excursion gambling boats pursuant to this chapter
22 shall not exceed ten until July 1, 2003.

23 2. Notwithstanding subsection 1, the following actions may
24 be taken during the moratorium from July 1, 1998, until July
25 1, 2003, with the approval of the commission:

26 a. A licensed excursion gambling boat may move to a new
27 location within the same county.

28 b. A licensed excursion gambling boat and its facilities
29 may be sold and a new license may be issued for operation in
30 the same county.

31 c. If a license to conduct gambling games on an excursion
32 gambling boat is surrendered, not renewed, or revoked, a new
33 license may be issued for operation in the same county.

34 Sec. 5. Section 99F.7, subsection 1, Code 1997, is amended
35 to read as follows:

1 1. If the commission is satisfied that this chapter and
2 its rules adopted under this chapter applicable to licensees
3 have been or will be complied with, the commission shall issue
4 a license for a period of not more than three years to an
5 applicant to own a gambling game operation and to an applicant
6 to operate an excursion gambling boat. The commission shall
7 decide which of the gambling games authorized under this
8 chapter it will permit. The commission shall decide the
9 number, location, and type of excursion gambling boats
10 licensed under this chapter for operation on the rivers,
11 lakes, and reservoirs of this state. However, after July 1,
12 2003, the commission shall issue a new license for an
13 excursion gambling boat operation only if the excursion
14 gambling boat operates on the Mississippi or Missouri river.
15 The license shall set forth the name of the licensee, the type
16 of license granted, the place where the excursion gambling
17 boats will operate and dock, and the time and number of days
18 during the excursion season and the off season when gambling
19 may be conducted by the licensee. The commission shall not
20 allow a licensee to conduct gambling games on an excursion
21 gambling boat while docked during the off season if the
22 licensee does not operate gambling excursions for a minimum
23 number of days during the excursion season. The commission
24 may delay the commencement of the excursion season at the
25 request of a licensee.

26 Sec. 6. Section 99F.9, subsection 5, Code 1997, is amended
27 to read as follows:

28 5. A person under the age of twenty-one years shall not
29 attempt to make or make a wager on an excursion gambling boat
30 or in a racetrack enclosure and shall not ~~be allowed to enter~~
31 the area of the excursion gambling boat or racetrack enclosure
32 where gambling is being conducted. However, a person eighteen
33 years of age or older may be employed to work ~~in a gambling~~
34 area on an excursion gambling boat or a racetrack enclosure.
35 A person who violates this subsection with respect to a wager

1 commits a scheduled violation under section 805.8, subsection
2 13.

3 Sec. 7. Section 99F.9, Code 1997, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 7. A licensee shall not permit the
6 operation of a satellite terminal as defined in section 527.2
7 to dispense cash or credit for gambling purposes on an
8 excursion gambling boat or within a racetrack enclosure except
9 in nongaming areas as designated by the commission. The
10 commission may assess a civil penalty for a violation of this
11 subsection.

12 Sec. 8. Section 805.8, Code Supplement 1997, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 13. GAMBLING VIOLATIONS. For violations
15 of legal age for gambling or pari-mutuel wagering under
16 section 99D.11, subsection 7, section 99E.18, subsection 5, or
17 section 99F.9, subsection 5, the scheduled fine is one hundred
18 dollars. Failure to pay the fine by a person under the age of
19 eighteen shall not result in the person being detained in a
20 secure facility.

21 EXPLANATION

22 This bill proposes changes to the gambling laws in this
23 state.

24 The bill imposes a \$100 scheduled fine on a person under 21
25 years of age who attempts to gamble or gambles on an excursion
26 gambling boat or at a racetrack enclosure, who attempts to
27 purchase or purchases a lottery ticket or share, or who
28 attempts to place or places a pari-mutuel wager.

29 The bill prohibits a gambling licensee from allowing the
30 loaning of money by credit card or other electronic means for
31 gambling purposes except in nongaming areas as designated by
32 the state racing and gaming commission.

33 The bill also imposes a moratorium on the issuing of
34 licenses to conduct gambling games on excursion gambling boats
35 and at pari-mutuel racetracks until July 1, 2003, and freezes

1 1. If the commission is satisfied that this chapter and
2 its rules adopted under this chapter applicable to licensees
3 have been or will be complied with, the commission shall issue
4 a license for a period of not more than three years to an
5 applicant to own a gambling game operation and to an applicant
6 to operate an excursion gambling boat. The commission shall
7 decide which of the gambling games authorized under this
8 chapter it will permit. The commission shall decide the
9 number, location, and type of excursion gambling boats
10 licensed under this chapter for operation on the rivers,
11 lakes, and reservoirs of this state. However, after July 1,
12 2003, the commission shall issue a new license for an
13 excursion gambling boat operation only if the excursion
14 gambling boat operates on the Mississippi or Missouri river.
15 The license shall set forth the name of the licensee, the type
16 of license granted, the place where the excursion gambling
17 boats will operate and dock, and the time and number of days
18 during the excursion season and the off season when gambling
19 may be conducted by the licensee. The commission shall not
20 allow a licensee to conduct gambling games on an excursion
21 gambling boat while docked during the off season if the
22 licensee does not operate gambling excursions for a minimum
23 number of days during the excursion season. The commission
24 may delay the commencement of the excursion season at the
25 request of a licensee.

26 Sec. 6. Section 99F.9, subsection 5, Code 1997, is amended
27 to read as follows:

28 5. A person under the age of twenty-one years shall not
29 attempt to make or make a wager on an excursion gambling boat
30 or in a racetrack enclosure and shall not be allowed to enter
31 the area of the excursion gambling boat or racetrack enclosure
32 where gambling is being conducted. However, a person eighteen
33 years of age or older may be employed to work in a gambling
34 area on an excursion gambling boat or a racetrack enclosure.
35 A person who violates this subsection with respect to a wager

1 commits a scheduled violation under section 805.8, subsection
2 13.

3 Sec. 7. Section 99F.9, Code 1997, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 7. A licensee shall not permit the
6 operation of a satellite terminal as defined in section 527.2
7 to dispense cash or credit for gambling purposes on an
8 excursion gambling boat or within a racetrack enclosure except
9 in nongaming areas as designated by the commission. The
10 commission may assess a civil penalty for a violation of this
11 subsection.

12 Sec. 8. Section 805.8, Code Supplement 1997, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 13. GAMBLING VIOLATIONS. For violations
15 of legal age for gambling or pari-mutuel wagering under
16 section 99D.11, subsection 7, section 99E.18, subsection 5, or
17 section 99F.9, subsection 5, the scheduled fine is one hundred
18 dollars. Failure to pay the fine by a person under the age of
19 eighteen shall not result in the person being detained in a
20 secure facility.

21 EXPLANATION

22 This bill proposes changes to the gambling laws in this
23 state.

24 The bill imposes a \$100 scheduled fine on a person under 21
25 years of age who attempts to gamble or gambles on an excursion
26 gambling boat or at a racetrack enclosure, who attempts to
27 purchase or purchases a lottery ticket or share, or who
28 attempts to place or places a pari-mutuel wager.

29 The bill prohibits a gambling licensee from allowing the
30 loaning of money by credit card or other electronic means for
31 gambling purposes except in nongaming areas as designated by
32 the state racing and gaming commission.

33 The bill also imposes a moratorium on the issuing of
34 licenses to conduct gambling games on excursion gambling boats
35 and at pari-mutuel racetracks until July 1, 2003, and freezes

1 the number of excursion gambling boat licenses at 10 and the
2 number of pari-mutuel racetracks with gambling games at three.
3 During the moratorium, an excursion gambling boat may be sold
4 and a new license may be issued in the same county. The
5 operation of an excursion gambling boat may be relocated
6 within a county with the commission's approval and the
7 commission may reissue for the same county a license that is
8 surrendered, not renewed, or revoked.

9 After July 1, 2003, the commission shall issue new licenses
10 for excursion gambling boat operations only if the excursion
11 gambling boat operates on the Mississippi or Missouri river.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SENATE FILE 2320

S-5232

1 Amend Senate File 2320 as follows:

- 2 1. Page 1, line 17, by striking the words and
3 figures "until July 1, 2003".
4 2. Page 1, line 22, by striking the words and
5 figures "until July 1, 2003".
6 3. Page 1, lines 24 and 25, by striking the words
7 and figures "during the moratorium from July 1, 1998,
8 until July 1, 2003,".
9 4. By striking page 1, line 34, through page 2,
10 line 25.
11 5. Title page, line 1, by striking the words
12 "moratorium on new" and inserting the following:
13 "limit on".
14 6. Title page, lines 3 and 4, by striking the
15 words "limiting the location of future excursion
16 gambling boats,".

By ROD HALVORSON

S-5232 FILED MARCH 12, 1998
RULED OUT OF ORDER (p.688)

SENATE FILE 2320

S-5233

1 Amend Senate File 2320 as follows:

- 2 1. Page 1, line 19, by inserting after the word
3 "BOATS" the following: "AND ON THE NUMBER AND TYPE OF
4 GAMBLING GAMES".
5 2. Page 1, by inserting after line 33 the
6 following:
7 "3. During the moratorium from July 1, 1998, until
8 July 1, 2003, the commission shall not authorize any
9 of the following:
10 a. An increase in the number or type of gambling
11 games or the number of slot machines on excursion
12 gambling boats which are located and operated on the
13 Mississippi or Missouri rivers.
14 b. A number of slot machines at a pari-mutuel
15 racetrack which is greater than the number authorized
16 on or before July 1, 1998."
17 3. Title page, line 1, by inserting after the
18 word "on" the following: "the number and types of
19 gambling games and slot machines and on".

By ANDY MCKEAN

S-5233 FILED MARCH 12, 1998
RULED OUT OF ORDER

(p.688)

SENATE FILE 2320

S-5231

1 Amend Senate File 2320 as follows:

2 1. Page 2, by inserting after line 25 the
3 following:

4 "Sec. _____. Section 99F.7, subsection 10, paragraph
5 d, Code 1997, is amended to read as follows:

6 d. If the-proposition one or more propositions to
7 operate gambling games on an excursion gambling boat
8 or at a racetrack enclosure is are approved by-a
9 majority-of-the-county-electorate-voting-on-the
10 proposition including all approved licenses, the board
11 of-supervisors secretary of state shall submit the
12 same a consolidated proposition as provided in
13 paragraph "a" to the county state electorate at the
14 general election held in 2002 and, unless the
15 operation of gambling games or pari-mutuel dog or
16 horse racetracks is terminated earlier as provided in
17 this chapter or chapter 99D, at the general election
18 held at each subsequent eight-year interval.

19 (1) The secretary of state shall submit a
20 consolidated proposition so that the state electorate
21 shall approve or disapprove the continuation of all
22 gambling games and pari-mutuel racetracks operating at
23 the time of election with a single vote.

24 (2) If a majority of the state electorate voting
25 at the general election approves the proposition, the
26 gambling games and pari-mutuel racetracks shall
27 continue operations as provided in this chapter or
28 chapter 99D. If a majority of the state electorate
29 voting at the general election disapproves the
30 proposition, all gambling games and pari-mutuel
31 racetracks shall cease operations on January 1
32 following the election."

33 2. Title page, line 4, by inserting after the
34 word "boats," the following: "providing a statewide
35 referendum for renewal of licenses,".

By ROD HALVORSON

S-5231 FILED MARCH 12, 1998
RULED OUT OF ORDER

(p.688)

1 Amend Senate File 2320 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 99D.9, subsection 6, Code
5 1997, is amended to read as follows:
6 6. A licensee ~~may~~ shall not loan to any person
7 money or any other thing of value or permit a
8 financial institution, vendor, or other person to loan
9 money on the licensed premises on the basis of a
10 credit card or similar instrument in person or through
11 an electronic or mechanical device including but not
12 limited to a satellite terminal as defined in section
13 527.2 for the purpose of permitting that person to
14 wager on any race. The use of a check or a debit card
15 with overdraft protection is not prohibited by this
16 subsection."
17 2. Page 2, by inserting after line 25 the
18 following:
19 "Sec. ____ . Section 99F.7, subsection 9, Code 1997,
20 is amended to read as follows:
21 9. A licensee shall not loan to any person money
22 or any other thing of value or permit a financial
23 institution, vendor, or other person to loan money on
24 the licensed premises on the basis of a credit card or
25 similar instrument in person or through an electronic
26 or mechanical device including but not limited to a
27 satellite terminal as defined in section 527.2 for the
28 purpose of permitting that person to wager on any game
29 of chance. The use of a check or a debit card with
30 overdraft protection is not prohibited by this
31 subsection."
32 3. Page 3, by striking lines 3 through 11.
33 4. By renumbering as necessary.

By ANDY McKEAN

S-5195 FILED MARCH 11, 1998

a dopted
3-10-98
(p. 679)
Motion to RR by Governor
Motion prevailed 3-11-98
(p. 686)
now LOST 3/12/98
(p. 687)

SENATE FILE 2320

H-8478

1 Amend Senate File 2320 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 99D.9, subsection 6, Code
5 1997, is amended to read as follows:

6 6. A licensee may shall not loan to any person
7 money or any other thing of value or permit a
8 financial institution, vendor, or other person to loan
9 money on the licensed premises on the basis of a
10 credit card or similar instrument in person or through
11 an electronic or mechanical device including but not
12 limited to a satellite terminal as defined in section
13 527.2 for the purpose of permitting that person to
14 wager on any race. The use of a check or a debit card
15 with overdraft protection is not prohibited by this
16 subsection."

17 2. Page 2, by inserting after line 25 the
18 following:

19 "Sec. ____ . Section 99F.7, subsection 9, Code 1997,
20 is amended to read as follows:

21 9. A licensee shall not loan to any person money
22 or any other thing of value or permit a financial
23 institution, vendor, or other person to loan money on
24 the licensed premises on the basis of a credit card or
25 similar instrument in person or through an electronic
26 or mechanical device including but not limited to a
27 satellite terminal as defined in section 527.2 for the
28 purpose of permitting that person to wager on any game
29 of chance. The use of a check or a debit card with
30 overdraft protection is not prohibited by this
31 subsection."

32 3. Page 3, by striking lines 3 through 11.

33 4. By renumbering as necessary.

By SUKUP of Franklin
GARMAN of Story
KLEMME of Plymouth
FALLON of Polk
BRUNKHORST of Bremer

WITT of Black Hawk
RICHARDSON of Warren
VEENSTRA of Sioux
GRUNDBERG of Polk

H-8478 FILED MARCH 17, 1998

a dopted

3/24/98

(p. 888)

SENATE FILE 2320

H-8447

- 1 Amend Senate File 2320, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting after line 12 the
4 following:
5 "Sec. _____. Section 99F.4A, Code 1997, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 7A. A licensee's expenses for
8 marketing, educational, and informational material
9 relating to an excursion gambling boat or a pair-
10 mutuel racetrack including gambling games shall not
11 exceed four million dollars annually. The telephone
12 number, 1-800-BETS-OFF, shall be prominently displayed
13 at all gambling facilities regulated by the
14 commission."
15 2. Title page, line 4, by inserting after the
16 word "boats," the following: "by restricting
17 advertising costs,".
18 3. By renumbering as necessary.

By CHIODO of Polk

H-8447 FILED MARCH 16, 1998

WITHDRAWN

3/28/98

SENATE FILE 2320

H-8481

1 Amend Senate File 2320, as passed by the Senate, as
2 follows:

3 1. Page 1, line 24, by striking the word and
4 figures "July 1, 1998," and inserting the following:
5 "the effective date of this Act".

6 2. Page 1, by inserting after line 33 the
7 following:

8 "____. During the moratorium from the effective
9 date of this Act, until July 1, 2003, the commission
10 shall not authorize any of the following:

11 a. An increase in the number or type of gambling
12 games or the number of slot machines on excursion
13 gambling boats.

14 b. A number of slot machines at a pari-mutuel
15 racetrack which is greater than the number authorized
16 on or before the effective date of this Act."

17 3. Page 3, by inserting after line 20 the
18 following:

19 "Sec. ____ . EFFECTIVE DATE. This Act, being deemed
20 of immediate importance, takes effect upon enactment."

21 4. Title page, line 8, by inserting after the
22 word "age" the following: ", and providing an
23 effective date".

By VAN MAANEN of Marion
WITT of Black Hawk

H-8481 FILED MARCH 18, 1998

Not Hermone 3/24/98

Motion to Suspend Rule - Motion adopted 3/24/98

adopted 3/24/98 (p. 893)

SENATE FILE 2320

H-8497

1 Amend Senate file 2320, as passed by the Senate, as
2 follows:

3 1. Page 3, by inserting after line 20 the
4 following:

5 "Section 1. STATEWIDE GAMBLING STUDY.

6 1. The legislative council is requested to
7 establish a study committee to conduct a comprehensive
8 legal and factual study of gambling in this state and
9 existing policies and practices with respect to the
10 legalization or prohibition of gambling activities and
11 formulate and propose changes in those policies and
12 practices as the study committee deems appropriate.
13 The study committee may seek the cooperation of other
14 states and tribal councils in obtaining information
15 regarding gambling activities within those
16 jurisdictions.

17 2. The study shall include, but is not limited to,
18 the following matters:

19 a. The economic impact of gambling on the state of
20 Iowa, political subdivisions of this state, and native
21 American tribes conducting gambling activities in this
22 state.

23 b. The economic impact of gambling on other
24 businesses.

25 c. An assessment and review of the political
26 contributions and influences of gambling businesses
27 and promoters on the development of public policy
28 regulating gambling.

29 d. An assessment of the relationship between
30 gambling and crime.

31 e. An assessment of the impact of pathological or
32 problem gambling on individuals, families, social
33 institutions, criminal activity, and the economy.

34 f. A review of the demographics of gamblers.

35 g. A review of the effectiveness of existing
36 practices in law enforcement, judicial administration,
37 and corrections to combat and deter illegal gambling
38 and illegal activities related to gambling.

39 h. A review of the costs and effectiveness of
40 state and federal gambling regulatory policy.

41 i. Other relevant issues and topics as considered
42 appropriate by the study committee.

43 3. The study committee shall complete its study
44 and submit its final report to the legislative council
45 and the general assembly not later than January 31,
46 2001. The final report shall contain a detailed
47 statement of the findings and conclusions of the study
48 committee with its recommendations for legislation and
49 administrative actions.

50 4. There is appropriated from the general fund of

H-8497

H-8497

Page 2

1 the state to the legislative council the sum of
2 \$100,000, or so much thereof as is necessary, to fund
3 a comprehensive factual and legal study of gambling in
4 this state to be conducted by a study committee as
5 provided in this Act.
6 5. Notwithstanding section 8.33, all unobligated
7 or unencumbered moneys remaining on January 31, 2001,
8 from the appropriation made in subsection 4, shall
9 revert to the general fund of the state on April 4,
10 2001."

By RANTS of Woodbury
GARMAN of Story

H-8497 FILED MARCH 18, 1998

WITHDRAWN

3/24/98
(P. 889)

SENATE FILE 2320

H-8562

1 Amend Senate File 2320, as passed by the Senate, as
2 follows:

3 1. Page 3, by inserting after line 11 the
4 following:

5 "Sec. ____ . Section 99F.15, Code 1997, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 7. A person who is employed at an
8 excursion gambling boat facility or a pari-mutuel
9 racetrack enclosure shall not wager or gamble at the
10 gambling facility or enclosure at which the person is
11 employed. A person violating the subsection is guilty
12 of a simple misdemeanor."

13 2. Title page, line 6, by inserting after the
14 word "purposes," the following: "prohibiting employee
15 gambling and providing a penalty,".

By CHURCHILL of Polk
SUKUP of Franklin
KREIMAN of Davis

FALLON of Polk
WITT of Black Hawk

H-8562 FILED MARCH 23, 1998

adopted 3/24/98 (p.893)

SENATE FILE 2320

H-8563

1 Amend Senate File 2320, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 12 the
4 following:

5 "Sec. ____ . Section 99F.4, subsection 17, Code
6 1997, is amended to read as follows:

7 17. To define the excursion season and the
8 duration of an excursion which shall be at least three
9 hours during the excursion season. While an excursion
10 gambling boat is docked, passengers may embark or
11 disembark at any time during its business hours."

12 2. Title page, line 4, by inserting after the
13 word "boats," the following: "providing for the
14 duration of excursions,".

By CHURCHILL of Polk
KREIMAN of Davis

FALLON of Polk
WITT of Black Hawk

H-8563 FILED MARCH 23, 1998

WITHDRAWN

*3/24/98
(p.891)*

SENATE FILE 2320

H-8538

1 Amend Senate File 2320, as passed by the Senate, as
2 follows:

3 1. Page 3, by inserting after line 11 the
4 following:

5 "Sec. ____ . Section 99F.11, unnumbered paragraph 1,
6 Code 1997, is amended to read as follows:

7 A tax is imposed on the adjusted gross receipts
8 received annually from gambling games authorized under
9 this chapter at the rate of five percent on the first
10 one million dollars of adjusted gross receipts, at the
11 rate of ten percent on the next two million dollars of
12 adjusted gross receipts, and at the rate of twenty
13 percent on any amount of adjusted gross receipts over
14 three million dollars. However, beginning January
15 July 1, ~~1997~~ 1998, the rate on any amount of adjusted
16 gross receipts over three million dollars from
17 gambling games ~~at racetrack enclosures~~ is ~~twenty-two~~
18 ~~twenty-four~~ percent and shall increase by two percent
19 on January 1 of each succeeding calendar year until
20 the rate is thirty-six percent. The taxes imposed by
21 this section shall be paid by the licensee to the
22 treasurer of state within ten days after the close of
23 the day when the wagers were made and shall be
24 distributed as follows:"

25 2. Title page, line 4, by inserting after the
26 word "boats," the following: "providing for a tax,".

By CHIODO of Polk

H-8538 FILED MARCH 23, 1998

WITHDRAWN 3/24/98
(P. 889)

SENATE FILE 2320

H-8555

1 Amend Senate File 2320, as passed by the Senate, as
2 follows:

3 1. Page 1, line 28, by inserting after the word
4 "boat" the following: "or a pari-mutuel racetrack".

By JACOBS of Polk

CHIODO of Polk

H-8555 FILED MARCH 23, 1998

*Lost 3/24/98 (P. 889)
Motion to R/C by Heston 3/24
Motion Revoked 3/24
Now Adopted 3/24/98 (P. 894)*

SENATE FILE 2320

H-8537

1 Amend Senate File 2320, as passed by the Senate, as
2 follows:
3 1. Page 3, by inserting after line 11 the
4 following:
5 "Sec. ____ . Section 331.361, Code Supplement 1997,
6 is amended by adding the following new subsection:
7 NEW SUBSECTION. 8. a. An official shall not
8 participate in, or receive directly or indirectly any
9 money or valuable thing from horse racing or pari-
10 mutuel wagering on county property which has been
11 approved by the state racing and gaming commission for
12 gambling activities.
13 b. As used in this subsection, "official" means
14 one or more of the following:
15 (1) A member of the county board of supervisors of
16 a county that owns the approved county property.
17 (2) A member of the board of directors of a
18 nonprofit corporation having an agreement with a
19 county board of supervisors for the use of approved
20 county property under a license issued by the state
21 racing and gaming commission.
22 (3) A spouse or child of a person described in
23 subparagraph (1) or (2).
24 c. An official who knowingly violates the
25 provisions of paragraph "a" is guilty of a serious
26 misdemeanor and may be removed from public office or
27 as an officer or director of an affected nonprofit
28 corporation."
29 2. Title page, line 4, by inserting after the
30 word "boats," the following: "prohibiting certain
31 conflicts of interest,".

By CHIODO of Polk

H-8537 FILED MARCH 23, 1998

WITHDRAWN

3/24/98

(p 893)

SENATE FILE 2320

H-8606

1 Amend Senate File 2320, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting after line 17 the
 4 following:
 5 "Sec. ____ . Section 99F.4A, Code 1997, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 9. If a license issued pursuant
 8 to this chapter or chapter 99D is transferred, an
 9 existing collective bargaining agreement or the impact
 10 of an employee representation election shall transfer
 11 to the new licensee."

By TAYLOR of Linn

H-8606 FILED MARCH 24, 1998

ADOPTED

(p. 890)

SENATE FILE 2320

H-8608

1 Amend the amendment, H-8481, to Senate File 2320,
 2 as passed by the Senate, as follows:
 3 1. Page 1, by inserting after line 2 the
 4 following:
 5 " ____ . Page 1, line 17, by striking the word
 6 "three" and inserting the following: "four".
 7 ____ . Page 1, line 17, by inserting after the
 8 figure "2003." the following: "If a fourth license is
 9 issued, the commission shall set the number of slot
 10 machines authorized for the licensee and the number
 11 shall not be subject to the limitation specified in
 12 section 99F.5A.""

By SHOULTZ of Black Hawk

H-8608 FILED MARCH 24, 1998

LOST

(p. 892)

SENATE FILE 2320

H-8603

1 Amend the amendment, H-8481, to Senate File 2320,
2 as passed, by the Senate, as follows:
3 1. Page 1, by inserting after line 2 the
4 following:
5 "____. Page 1, line 17, by inserting after the
6 figure "2003." the following: "The commission shall
7 authorize a licensee to conduct gambling games
8 pursuant to this chapter at one licensed premises
9 only.""

By VAN MAANEN of Marion

H-8603 FILED MARCH 24, 1998
ADOPTED

(p.891)

SENATE FILE 2320

H-8604

1 Amend the amendment, H-8481, to Senate File 2320,
2 as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 2 the
4 following:
5 "____. Page 1, line 17, by striking the word
6 "three" and inserting the following: "four"."

By SHOULTZ of Black Hawk

H-8604 FILED MARCH 24, 1998
WITHDRAWN

(p.892)

SENATE FILE 2320

H-8605

1 Amend the amendment, H-8481, to Senate File 2320,
2 as passed, by the Senate, as follows:
3 1. Page 1, by inserting after line 2 the
4 following:
5 "____. Page 1, line 17, by inserting after the
6 figure "2003." the following: "The commission shall
7 not authorize a licensee conducting gambling games at
8 one pari-mutuel racetrack licensed premises only."
9 _____. Page 1, line 22, by inserting after the
10 figure "2003." the following: "The commission shall
11 not authorize a licensee to conduct gambling games on
12 an excursion gambling boat at one licensed premises
13 only.""

By CATALDO of Polk

H-8605 FILED MARCH 24, 1998
WITHDRAWN

(p.892)

HOUSE AMENDMENT TO
SENATE FILE 2320

S-5359

1 Amend Senate File 2320 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 99D.9, subsection 6, Code
5 1997, is amended to read as follows:
6 6. A licensee may shall not loan to any person
7 money or any other thing of value or permit a
8 financial institution, vendor, or other person to loan
9 money on the licensed premises on the basis of a
10 credit card or similar instrument in person or through
11 an electronic or mechanical device including but not
12 limited to a satellite terminal as defined in section
13 527.2 for the purpose of permitting that person to
14 wager on any race. The use of a check or a debit card
15 with overdraft protection is not prohibited by this
16 subsection."
17 2. Page 1, line 17, by inserting after the figure
18 "2003." the following: "The commission shall
19 authorize a licensee to conduct gambling games
20 pursuant to this chapter at one licensed premises
21 only."
22 3. Page 1, by inserting after line 17 the
23 following:
24 "Sec. ____ . Section 99F.4A, Code 1997, is amended
25 by adding the following new subsection:
26 NEW SUBSECTION. 9. If a license issued pursuant
27 to this chapter or chapter 99D is transferred, an
28 existing collective bargaining agreement or the impact
29 of an employee representation election shall transfer
30 to the new licensee."
31 4. Page 1, line 24, by striking the word and
32 figures "July 1, 1998," and inserting the following:
33 "the effective date of this Act".
34 5. Page 1, line 28, by inserting after the word
35 "boat" the following: "or a pari-mutuel racetrack".
36 6. Page 1, by inserting after line 33 the
37 following:
38 " ____ . During the moratorium from the effective
39 date of this Act, until July 1, 2003, the commission
40 shall not authorize any of the following:
41 a. An increase in the number or type of gambling
42 games or the number of slot machines on excursion
43 gambling boats.
44 b. A number of slot machines at a pari-mutuel
45 racetrack which is greater than the number authorized
46 on or before the effective date of this Act."
47 7. Page 2, by inserting after line 25 the
48 following:
49 "Sec. ____ . Section 99F.7, subsection 9, Code 1997,
50 is amended to read as follows:

S-5359

-1-

S-5359

Page 2

1 9. A licensee shall not loan to any person money
2 or any other thing of value or permit a financial
3 institution, vendor, or other person to loan money on
4 the licensed premises on the basis of a credit card or
5 similar instrument in person or through an electronic
6 or mechanical device including but not limited to a
7 satellite terminal as defined in section 527.2 for the
8 purpose of permitting that person to wager on any game
9 of chance. The use of a check or a debit card with
10 overdraft protection is not prohibited by this
11 subsection."

12 8. Page 3, by striking lines 3 through 11.

13 9. Page 3, by inserting after line 11 the
14 following:

15 "Sec. _____. Section 99F.15, Code 1997, is amended
16 by adding the following new subsection:

17 NEW SUBSECTION. 7. A person who is employed at an
18 excursion gambling boat facility or a pari-mutuel
19 racetrack enclosure shall not wager or gamble at the
20 gambling facility or enclosure at which the person is
21 employed. A person violating the subsection is guilty
22 of a simple misdemeanor."

23 10. Page 3, by inserting after line 20 the
24 following:

25 "Sec. _____. EFFECTIVE DATE. This Act, being deemed
26 of immediate importance, takes effect upon enactment."

27 11. Title page, line 6, by inserting after the
28 word "purposes," the following: "prohibiting employee
29 gambling and providing a penalty,".

30 12. Title page, line 8, by inserting after the
31 word "age" the following: ", and providing an
32 effective date".

33 13. By renumbering, relettering, or redesignating
34 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5359 FILED MARCH 24, 1998

Senate Concurred
4/22/98
(P. 1455)

SENATE FILE 2320

S-5548

1 Amend the amendment, S-5541, to amendment, S-5359,
2 to Senate File 2320, as passed by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 5 the
5 following:
6 "____. Page 1, line 17, by inserting after the
7 figure "2003." the following: "The commission shall
8 not authorize a licensee to conduct gambling games or
9 pari-mutuel wagering at a licensed premises in more
10 than one county."

By NEAL SCHUERER

S-5548 FILED APRIL 7, 1998
WITHDRAWN

(P.1108)

SENATE FILE 2320

S-5549

1 Amend the amendment, S-5541, to amendment, S-5359,
2 to Senate File 2320, as passed by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 5 the
5 following:
6 "____. Page 1, line 17, by inserting after the
7 figure "2003." the following: "The commission shall
8 not authorize a licensee to conduct pari-mutuel
9 wagering at a licensed premises in more than one
10 county."

By NEAL SCHUERER

S-5549 FILED APRIL 7, 1998
ADOPTED

(P.1108)

SENATE FILE 2320

S-5557

1 Amend the amendment, S-5541, to amendment, S-5359,
2 to Senate File 2320, as passed by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 14 the
5 following:
6 "____. Page 1, by inserting after line 33 the
7 following:
8 "____. During the moratorium from the effective
9 date of this Act, until July 1, 2003, the commission
10 shall not authorize any of the following:
11 a. An increase in the number of gambling games or
12 the number of slot machines on an excursion gambling
13 boat.
14 b. A number of slot machines at a pari-mutuel
15 racetrack which is greater than the number authorized
16 on or before the effective date of this Act."

By ANDY MCKEAN
STEVEN D. HANSEN

S-5557 FILED APRIL 7, 1998
LOST

(P.1113)

SENATE FILE 2320

S-5541

1 Amend the House amendment, S-5359, to Senate File
 2 2320, as passed by the Senate, as follows:
 3 1. By striking page 1, line 1, through page 2,
 4 line 34, and inserting the following:
 5 "Amend Senate File 2320 as follows:
 6 _____. Page 1, by inserting after line 17 the
 7 following:
 8 "Sec. _____. Section 99F.4A, Code 1997, is amended
 9 by adding the following new subsection:
 10 NEW SUBSECTION. 9. If a license issued pursuant
 11 to this chapter or chapter 99D is transferred, an
 12 existing collective bargaining agreement or the impact
 13 of an employee representation election shall transfer
 14 the new licensee."
 15 _____. By renumbering as necessary."

By JACK RIFE
WALLY E. HORN

S-5541 FILED APRIL 7, 1998

LOST, MOTION TO RECONSIDER FILED

(p.1114) - Motion Prevalled 4/17/98

lost 4/17/98 (p.1369)

SENATE FILE 2320

S-5545

1 Amend the amendment, S-5359, to Senate File 2320 as
 2 passed by the Senate, as follows:
 3 1. Page 1, line 41, by striking the words "or
 4 type".

By STEVEN D. HANSEN

S-5545 FILED APRIL 7, 1998

o/ order 4/22/98 (p.1455)

SENATE FILE 2320

S-5546

1 Amend the amendment, S-5541, to amendment, S-5359,
 2 to Senate File 2320, as passed by the Senate, as
 3 follows:
 4 1. Page 1, by inserting after line 5 the
 5 following:
 6 "_____. Page 1, line 17, by inserting after the
 7 figure "2003." the following: "The commission shall
 8 authorize a licensee to conduct gambling games or
 9 pari-mutuel wagering at a licensed premises in more
 10 than one county.""

By NEAL SCHUERER

S-5546 FILED APRIL 7, 1998

WITHDRAWN

(p.1108)

SENATE FILE 2320

S-5711

1 Amend the House amendment, S-5359, to Senate File
2 2320, as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 3 the
4 following:
5 "Section 1. Section 99D.5, subsection 1, Code
6 1997, is amended to read as follows:
7 1. A state racing and gaming commission is created
8 within the department of inspections and appeals
9 consisting of five members who shall be appointed by
10 the governor subject to confirmation by the senate,
11 and who shall serve not to exceed a three-year term at
12 the pleasure of the governor. The term of each member
13 shall begin and end as provided in section 69.19.
14 After April 30, 1999, not more than one member of the
15 commission shall reside in the same congressional
16 district."

o/order 4/22/98 (p. 1455) By JACK RIFE
MICHAEL E. GRONSTAL

S-5711 FILED APRIL 15, 1998

SENATE FILE 2320

S-5715

1 Amend the House amendment, S-5359, to Senate File
2 2320, as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 46 the
4 following:
5 "____. Page 2, by striking lines 19 through 25 and
6 inserting the following: "may be conducted by the
7 licensee. The commission shall not allow a licensee
8 to conduct gambling games on an excursion gambling
9 boat while docked during-the-off-season-if-the
10 licensee-does-not-operate-gambling-excursions-for-a
11 minimum-number-of-days-during-the-excursion-season.
12 The commission may-delay-the-commencement-of-the
13 excursion-season-at-the-request-of-a-licensee shall
14 determine the minimum number of excursions, if any, to
15 be required."

By JACK RIFE
MICHAEL E. GRONSTAL

S-5715 FILED APRIL 15, 1998

o/order
4/22/98
(p. 1455)

SENATE FILE 2320

S-5710

1 Amend the House amendment, S-5359, to Senate File
2 2320, as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 30 the
4 following:
5 "_____. Page 1, by inserting after line 22 the
6 following:
7 "_____. Notwithstanding the tax rate increases
8 specified in section 99F.11, the tax rates provided
9 for the calendar year 1998 shall be the tax rates for
10 the calendar years 1998 through 2003.""

By JACK RIFE

MICHAEL E. GRONSTAL

S-5710 FILED APRIL 15, 1998

O/Order
4/22/98
(P. 1455)

SENATE FILE 2320

S-5716

1 Amend the House amendment, S-5359, to Senate File
2 2320, as passed by the Senate, as follows:

3 1. By striking page 1, line 2, through page 2,
4 line 34, and inserting the following:

5 "_____. By striking everything after the enacting
6 clause and inserting the following:

7 "Section 1. NEW SECTION. 99F.5A MORATORIUM FOR
8 ISSUANCE OF LICENSES FOR EXCURSION GAMBLING BOATS AND
9 ON THE NUMBER AND TYPE OF GAMBLING GAMES.

10 1. The total number of licenses issued to conduct
11 gambling games on excursion gambling boats pursuant to
12 this chapter shall not exceed ten until July 1, 2003.

13 2. Notwithstanding subsection 1, the following
14 actions may be taken during the moratorium from July
15 1, 1998, until July 1, 2003, with the approval of the
16 commission:

17 a. A licensed excursion gambling boat may move to
18 a new location within the same county.

19 b. A licensed excursion gambling boat or a pari-
20 mutuel racetrack and its facilities may be sold and a
21 new license may be issued for operation in the same
22 county.

23 c. If a license to conduct gambling games on an
24 excursion gambling boat is surrendered, not renewed,
25 or revoked, a new license may be issued for operation
26 in the same county.

27 3. During the moratorium from July 1, 1998, until
28 July 1, 2003, the commission shall not authorize any
29 of the following:

30 a. An increase in the number or type of gambling
31 games or the number of slot machines on an excursion
32 gambling boat.

33 b. A number of slot machines at a pari-mutuel
34 racetrack which is greater than the number authorized
35 on or before July 1, 1998.

36 c. A licensee to conduct pari-mutuel wagering at a
37 licensed premises in more than one county.

38 Sec. 2. Section 99F.7, subsection 1, Code 1997, is
39 amended to read as follows:

40 1. If the commission is satisfied that this
41 chapter and its rules adopted under this chapter
42 applicable to licensees have been or will be complied
43 with, the commission shall issue a license for a
44 period of not more than three years to an applicant to
45 own a gambling game operation and to an applicant to
46 operate an excursion gambling boat. The commission
47 shall decide which of the gambling games authorized
48 under this chapter it will permit. The commission
49 shall decide the number, location, and type of
50 excursion gambling boats licensed under this chapter

S-5716

-1-

S-5716

Page 2

1 for operation on the rivers, lakes, and reservoirs of
 2 this state. However, after July 1, 2003, the
 3 commission shall issue a new license for an excursion
 4 gambling boat operation only if the excursion gambling
 5 boat operates on the Mississippi or Missouri river.
 6 The license shall set forth the name of the licensee,
 7 the type of license granted, the place where the
 8 excursion gambling boats will operate and dock, and
 9 the time and number of days during the excursion
 10 season and the off season when gambling may be
 11 conducted by the licensee. The commission shall not
 12 allow a licensee to conduct gambling games on an
 13 excursion gambling boat while docked during the off
 14 season if the licensee does not operate gambling
 15 excursions for a minimum number of days during the
 16 excursion season. The commission may delay the
 17 commencement of the excursion season at the request of
 18 a licensee."
 19 _____. Title page, by striking lines 1 through 8
 20 and inserting the following: "An Act relating to
 21 gambling by imposing a moratorium on the number and
 22 types of gambling games and slot machines authorized
 23 in this state and on new licenses to conduct gambling
 24 on excursion gambling boats, and by limiting the
 25 location of new excursion gambling boat operations."

By JACK RIFE
 MICHAEL E. GRONSTAL

S-5716 FILED APRIL 15, 1998

W/D
4/16/98
(P. 1320)

SENATE FILE 2320

S-5731

1 Amend the House amendment, S-5359, to Senate File
2 2320, as passed by the Senate, as follows:

3 1. By striking page 1, line 1, through page 2,
4 line 34, and inserting the following:

5 "Amend Senate File 2320, as passed by the Senate,
6 as follows:

7 _____. By striking everything after the enacting
8 clause and inserting the following:

9 "Section 1. Section 99D.5, subsection 1, Code
10 1997, is amended to read as follows:

11 1. A state racing and gaming commission is created
12 within the department of inspections and appeals
13 consisting of five members who shall be appointed by
14 the governor subject to confirmation by the senate,
15 and who shall serve not to exceed a three-year term at
16 the pleasure of the governor. The term of each member
17 shall begin and end as provided in section 69.19.
18 After April 30, 1999, not more than one member of the
19 commission shall reside in the same congressional
20 district.

21 Sec. 2. Section 99D.11, subsection 7, Code 1997,
22 is amended to read as follows:

23 7. A person under the age of twenty-one years
24 shall not make or attempt to make a pari-mutuel wager.
25 A person who violates this subsection commits a
26 scheduled violation under section 805.8, subsection
27 13.

28 Sec. 3. Section 99E.18, Code 1997, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 5. A person under the age of
31 twenty-one years shall not purchase or attempt to
32 purchase a ticket or share. A person who violates
33 this subsection commits a scheduled violation under
34 section 805.8, subsection 13.

35 Sec. 4. Section 99F.4A, Code 1997, is amended by
36 adding the following new subsection:

37 NEW SUBSECTION. 8. The total number of licenses
38 to conduct gambling games at pari-mutuel racetracks
39 pursuant to subsection 2 shall not exceed three until
40 July 1, 2003.

41 Sec. 5. NEW SECTION. 99F.5A MORATORIUM FOR
42 ISSUANCE OF LICENSES FOR EXCURSION GAMBLING BOATS.

43 1. The total number of licenses issued to conduct
44 gambling games on excursion gambling boats pursuant to
45 this chapter shall not exceed ten until July 1, 2003.

46 2. Notwithstanding subsection 1, the following
47 actions may be taken during the moratorium from July
48 1, 1998, until July 1, 2003, with the approval of the
49 commission:

50 a. A licensed excursion gambling boat may move to

S-5731

S-5731

Page 2

1 a new location within the same county.

2 b. A licensed excursion gambling boat and its
3 facilities may be sold and a new license may be issued
4 for operation in the same county.

5 c. If a license to conduct gambling games on an
6 excursion gambling boat is surrendered, not renewed,
7 or revoked, a new license may be issued for operation
8 in the same county.

9 3. Until July 1, 2003, the commission shall not
10 approve any application for an addition to an existing
11 facility unless at least sixty percent of the addition
12 is restricted to nongaming activities.

13 Sec. 6. Section 99F.7, subsection 1, Code 1997, is
14 amended to read as follows:

15 1. If the commission is satisfied that this
16 chapter and its rules adopted under this chapter
17 applicable to licensees have been or will be complied
18 with, the commission shall issue a license for a
19 period of not more than three years to an applicant to
20 own a gambling game operation and to an applicant to
21 operate an excursion gambling boat. The commission
22 shall decide which of the gambling games authorized
23 under this chapter it will permit. The commission
24 shall decide the number, location, and type of
25 excursion gambling boats licensed under this chapter
26 for operation on the rivers, lakes, and reservoirs of
27 this state. However, after July 1, 2003, the
28 commission shall issue a new license for an excursion
29 gambling boat operation only if the excursion gambling
30 boat operates on the Mississippi or Missouri river.
31 The license shall set forth the name of the licensee,
32 the type of license granted, the place where the
33 excursion gambling boats will operate and dock, and
34 the time and number of days during the excursion
35 season and the off season when gambling may be
36 conducted by the licensee. The commission shall not
37 allow a licensee to conduct gambling games on an
38 excursion gambling boat while docked during the off
39 season if the licensee does not operate gambling
40 excursions for a minimum number of seventy-five days
41 during the excursion season. The commission may
42 authorize fewer days for excursion cruises in special
43 cases. The commission may delay the commencement of
44 the excursion season at the request of a licensee.

45 Sec. 7. Section 99F.9, subsection 5, Code 1997, is
46 amended to read as follows:

47 5. A person under the age of twenty-one years
48 shall not attempt to make or make a wager on an
49 excursion gambling boat or in a racetrack enclosure
50 and shall not ~~be allowed to~~ enter the area of the

S-5731

-2-

S-5731

Page 3

1 excursion gambling boat or racetrack enclosure where
2 gambling is being conducted. However, a person
3 eighteen years of age or older may be employed to work
4 in-a-gambling-area on an excursion gambling boat or a
5 racetrack enclosure. A person who violates this
6 subsection with respect to a wager commits a scheduled
7 violation under section 805.8, subsection 13.

8 Sec. 8. Section 99F.9, Code 1997, is amended by
9 adding the following new subsections:

10 NEW SUBSECTION. 7. A licensee shall not permit
11 the operation of a satellite terminal as defined in
12 section 527.2 to dispense cash or credit for gambling
13 purposes on an excursion gambling boat or within a
14 racetrack enclosure except in nongaming areas as
15 designated by the commission. The commission may
16 assess a civil penalty for a violation of this
17 subsection.

18 NEW SUBSECTION. 8. The commission shall not
19 assess a civil penalty in excess of one thousand
20 dollars against a licensee relating to a violation of
21 legal age requirements of chapter 99D or this chapter.

22 Sec. 9. Section 99F.11, unnumbered paragraph 1,
23 Code 1997, is amended to read as follows:

24 A tax is imposed on the adjusted gross receipts
25 received annually from gambling games authorized under
26 this chapter at the rate of five percent on the first
27 one million dollars of adjusted gross receipts, at the
28 rate of ten percent on the next two million dollars of
29 adjusted gross receipts, and at the rate of twenty
30 percent on any amount of adjusted gross receipts over
31 three million dollars. However, beginning January
32 July 1, 1997 1998, the rate on any amount of adjusted
33 gross receipts over three million dollars from
34 gambling games at racetrack enclosures is ~~twenty-two~~
35 ~~twenty-four~~ percent ~~and shall increase by two percent~~
36 ~~each succeeding calendar year until the rate is~~
37 ~~thirty-six percent~~. The taxes imposed by this section
38 shall be paid by the licensee to the treasurer of
39 state within ten days after the close of the day when
40 the wagers were made and shall be distributed as
41 follows:

42 Sec. 10. Section 805.8, Code Supplement 1997, is
43 amended by adding the following new subsection:

44 NEW SUBSECTION. 13. GAMBLING VIOLATIONS. For
45 violations of legal age for gambling or pari-mutuel
46 wagering under section 99D.11, subsection 7, section
47 99E.18, subsection 5, or section 99F.9, subsection 5,
48 the scheduled fine is one hundred dollars. Failure to
49 pay the fine by a person under the age of eighteen
50 shall not result in the person being detained in a

S-5731

S-5731

Page 4

1 secure facility.""

By JACK RIFE
MICHAEL E. GRONSTAL

S-5731 FILED APRIL 16, 1998

adopted
4/22/98 (p. 1454)

SENATE FILE 2320

S-5736

- 1 Amend the amendment, S-5733, to the House
- 2 amendment, S-5359, to Senate File 2320, as passed by
- 3 the Senate, as follows:
- 4 1. Page 1, by striking lines 37 through 39 and
- 5 inserting the following: "on or before the effective
- 6 date of this Act.
- 7 c. However, the commission shall not enforce the
- 8 requirements of this subsection until the subsection
- 9 applies to all gambling licensees including gambling
- 10 operations authorized by treaty."

O/Order 4/22/98 (p. 1454) By JACK RIFE

S-5736 FILED APRIL 16, 1998

SENATE FILE 2320

S-5746

- 1 Amend the amendment, S-5733, to the House
- 2 amendment, S-5359, to Senate File 2320, as passed by
- 3 the Senate, as follows:
- 4 1. Page 1, line 29, by striking the word and
- 5 figures "July 1, 1998" and inserting the following:
- 6 "January 1, 1999".
- 7 2. Page 1, line 37, by striking the word and
- 8 figures "July 1, 1998" and inserting the following:
- 9 "January 1, 1999".

By ANDY MCKEAN
ROD HALVORSON*O/Order 4/22/98 (p. 1454)*

S-5746 FILED APRIL 17, 1998

SENATE FILE 2320

S-5733

1 Amend the House amendment, S-5359, to Senate File
2 2320, as passed by the Senate, as follows:
3 1. By striking page 1, line 1, through page 2,
4 line 34, and inserting the following:
5 "Amend Senate File 2320, as passed by the Senate,
6 as follows:
7 1. By striking everything after the enacting
8 clause and inserting the following:
9 "Section 1. NEW SECTION. 99F.5A MORATORIUM FOR
10 ISSUANCE OF LICENSES FOR EXCURSION GAMBLING BOATS AND
11 ON THE NUMBER OF GAMBLING GAMES.
12 1. The total number of licenses issued to conduct
13 gambling games on excursion gambling boats pursuant to
14 this chapter shall not exceed ten until July 1, 2003.
15 2. Notwithstanding subsection 1, the following
16 actions may be taken during the moratorium from July
17 1, 1998, until July 1, 2003, with the approval of the
18 commission:
19 a. A licensed excursion gambling boat may move to
20 a new location within the same county.
21 b. A licensed excursion gambling boat or a pari-
22 mutuel racetrack and its facilities may be sold and a
23 new license may be issued for operation in the same
24 county.
25 c. If a license to conduct gambling games on an
26 excursion gambling boat is surrendered, not renewed,
27 or revoked, a new license may be issued for operation
28 in the same county.
29 3. During the moratorium from July 1, 1998, until
30 July 1, 2003, the commission shall not authorize any
31 of the following:
32 a. An increase in the number of gambling games or
33 the number of slot machines on an excursion gambling
34 boat.
35 b. A number of slot machines at a pari-mutuel
36 racetrack which is greater than the number authorized
37 on or before July 1, 1998.
38 c. A licensee to conduct pari-mutuel wagering at a
39 licensed premises in more than one county.
40 Sec. _____. Section 99F.7, subsection 1, Code 1997,
41 is amended to read as follows:
42 1. If the commission is satisfied that this
43 chapter and its rules adopted under this chapter
44 applicable to licensees have been or will be complied
45 with, the commission shall issue a license for a
46 period of not more than three years to an applicant to
47 own a gambling game operation and to an applicant to
48 operate an excursion gambling boat. The commission
49 shall decide which of the gambling games authorized
50 under this chapter it will permit. The commission

S-5733

-1-

S-5733

Page 2

1 shall decide the number, location, and type of
 2 excursion gambling boats licensed under this chapter
 3 for operation on the rivers, lakes, and reservoirs of
 4 this state. However, after July 1, 2003, the
 5 commission shall issue a new license for an excursion
 6 gambling boat operation only if the excursion gambling
 7 boat operates on the Mississippi or Missouri river.
 8 The license shall set forth the name of the licensee,
 9 the type of license granted, the place where the
 10 excursion gambling boats will operate and dock, and
 11 the time and number of days during the excursion
 12 season and the off season when gambling may be
 13 conducted by the licensee. The commission shall not
 14 allow a licensee to conduct gambling games on an
 15 excursion gambling boat while docked during the off
 16 season if the licensee does not operate gambling
 17 excursions for a minimum number of days during the
 18 excursion season. The commission may delay the
 19 commencement of the excursion season at the request of
 20 a licensee."

21 2. Title page, by striking lines 1 through 8 and
 22 inserting the following: "An Act relating to gambling
 23 by imposing a moratorium on the number and types of
 24 gambling games and slot machines authorized in this
 25 state and on new licenses to conduct gambling on
 26 excursion gambling boats, and by limiting the location
 27 of new excursion gambling boat operations.""

By ANDY McKEAN

NANCY BOETTGER

STEVE KING

ROD HALVORSON

MARY NEUHAUSER

DENNIS H. BLACK

H. KAY HEDGE

NEAL SCHUERER

S-5733 FILED APRIL 16, 1998

O/Order 4/22/98 (P.1454)

SENATE FILE 2320

S-5735

1 Amend the amendment, S-5733, to the House
 2 amendment, S-5359, to Senate File 2320, as passed by
 3 the Senate, as follows:
 4 1. Page 2, by inserting after line 20 the
 5 following:
 6 "Sec. ____ . Section 99F.11, Code 1997, is amended
 7 by adding the following new unnumbered paragraph:
 8 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
 9 99F.5A, the moratorium shall be implemented only if
 10 all gambling facilities in this state are taxed at the
 11 same tax rate and all pari-mutuel tracks are taxed at
 12 the same tax rate including gambling facilities owned
 13 and operated by native Americans."

By JACK RIFE

S-5735 FILED APRIL 16, 1998

*O/Order
4/22/98 (P.1455)*

SENATE FILE 2320

S-5747

1 Amend the amendment, S-5541, to the House
2 amendment, S-5359, to Senate File 2320, as passed by
3 the Senate, as follows:
4 1. Page 1, by striking lines 3 through 15 and
5 inserting the following:
6 "____. By striking page 1, line 1, through page 2,
7 line 34, and inserting the following:
8 "Amend Senate File 2320, as passed by the Senate,
9 as follows:
10 1. By striking everything after the enacting
11 clause and inserting the following:
12 "Section 1. NEW SECTION. 99F.5A MORATORIUM FOR
13 ISSUANCE OF LICENSES FOR EXCURSION GAMBLING BOATS AND
14 ON THE NUMBER OF GAMBLING GAMES.
15 1. The total number of licenses issued to conduct
16 gambling games on excursion gambling boats pursuant to
17 this chapter shall not exceed ten until July 1, 2003.
18 2. Notwithstanding subsection 1, the following
19 actions may be taken during the moratorium from July
20 1, 1998, until July 1, 2003, with the approval of the
21 commission:
22 a. A licensed excursion gambling boat may move to
23 a new location within the same county.
24 b. A licensed excursion gambling boat or a pari-
25 mutuel racetrack and its facilities may be sold and a
26 new license may be issued for operation in the same
27 county.
28 c. If a license to conduct gambling games on an
29 excursion gambling boat is surrendered, not renewed,
30 or revoked, a new license may be issued for operation
31 in the same county.
32 3. During the moratorium from July 1, 1999, until
33 July 1, 2003, the commission shall not authorize any
34 of the following:
35 a. An increase in the number of gambling games or
36 the number of slot machines on an excursion gambling
37 boat.
38 b. A number of slot machines at a pari-mutuel
39 racetrack which is greater than the number authorized
40 on or before July 1, 1999.
41 c. A licensee to conduct pari-mutuel wagering at a
42 licensed premises in more than one county.
43 Sec. _____. Section 99F.7, subsection 1, Code 1997,
44 is amended to read as follows:
45 1. If the commission is satisfied that this
46 chapter and its rules adopted under this chapter
47 applicable to licensees have been or will be complied
48 with, the commission shall issue a license for a
49 period of not more than three years to an applicant to
50 own a gambling game operation and to an applicant to

S-5747

-1-

S-5747

Page 2

1 operate an excursion gambling boat. The commission
2 shall decide which of the gambling games authorized
3 under this chapter it will permit. The commission
4 shall decide the number, location, and type of
5 excursion gambling boats licensed under this chapter
6 for operation on the rivers, lakes, and reservoirs of
7 this state. However, after July 1, 2003, the
8 commission shall issue a new license for an excursion
9 gambling boat operation only if the excursion gambling
10 boat operates on the Mississippi or Missouri river.
11 The license shall set forth the name of the licensee,
12 the type of license granted, the place where the
13 excursion gambling boats will operate and dock, and
14 the time and number of days during the excursion
15 season and the off season when gambling may be
16 conducted by the licensee. The commission shall not
17 allow a licensee to conduct gambling games on an
18 excursion gambling boat while docked during the off
19 season if the licensee does not operate gambling
20 excursions for a minimum number of days during the
21 excursion season. The commission may delay the
22 commencement of the excursion season at the request of
23 a licensee."

24 2. Title page, by striking lines 1 through 8 and
25 inserting the following: "An Act relating to gambling
26 by imposing a moratorium on the number and types of
27 gambling games and slot machines authorized in this
28 state and on new licenses to conduct gambling on
29 excursion gambling boats, and by limiting the location
30 of new excursion gambling boat operations."""

By ANDY McKEAN
ROD HALVORSON
MATT McCOY

S-5747 FILED APRIL 17, 1998

Emor ~~RULED OUT OF ORDER~~

(p. 1367)

Withdrawn

S-5748

Page 2

1 new license may be issued for operation in the same
2 county.

3 c. If a license to conduct gambling games on an
4 excursion gambling boat is surrendered, not renewed,
5 or revoked, a new license may be issued for operation
6 in the same county.

7 3. During the moratorium from July 1, 1999, until
8 July 1, 2003, the commission shall not authorize any
9 of the following:

10 a. An increase in the number of gambling games or
11 the number of slot machines on an excursion gambling
12 boat.

13 b. A number of slot machines at a pari-mutuel
14 racetrack which is greater than the number authorized
15 on or before July 1, 1999.

16 c. A licensee to conduct pari-mutuel wagering at a
17 licensed premises in more than one county.

18 Sec. _____. Section 99F.7, subsection 1, Code 1997,
19 is amended to read as follows:

20 1. If the commission is satisfied that this
21 chapter and its rules adopted under this chapter
22 applicable to licensees have been or will be complied
23 with, the commission shall issue a license for a
24 period of not more than three years to an applicant to
25 own a gambling game operation and to an applicant to
26 operate an excursion gambling boat. The commission
27 shall decide which of the gambling games authorized
28 under this chapter it will permit. The commission
29 shall decide the number, location, and type of
30 excursion gambling boats licensed under this chapter
31 for operation on the rivers, lakes, and reservoirs of
32 this state. However, after July 1, 2003, the
33 commission shall issue a new license for an excursion
34 gambling boat operation only if the excursion gambling
35 boat operates on the Mississippi or Missouri river.

36 The license shall set forth the name of the licensee,
37 the type of license granted, the place where the
38 excursion gambling boats will operate and dock, and
39 the time and number of days during the excursion
40 season and the off season when gambling may be
41 conducted by the licensee. The commission shall not
42 allow a licensee to conduct gambling games on an
43 excursion gambling boat while docked during the off
44 season if the licensee does not operate gambling
45 excursions for a minimum number of days during the
46 excursion season. The commission may delay the
47 commencement of the excursion season at the request of
48 a licensee.

49 Sec. _____. Section 99F.9, subsection 5, Code 1997,
50 is amended to read as follows:

S-5748

-2-

S-5748

Page 3

1 5. A person under the age of twenty-one years
2 shall not attempt to make or make a wager on an
3 excursion gambling boat or in a racetrack enclosure
4 and shall not be-allowed-in enter the area of the
5 excursion gambling boat or racetrack enclosure where
6 gambling is being conducted. However, a person
7 eighteen years of age or older may be employed to work
8 in-a-gambling-area on an excursion gambling boat or a
9 racetrack enclosure. A person who violates this
10 subsection with respect to a wager commits a scheduled
11 violation under section 805.8, subsection 13.

12 Sec. _____. Section 99F.9, Code 1997, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 7. A licensee shall not permit
15 the operation of a satellite terminal as defined in
16 section 527.2 to dispense cash or credit for gambling
17 purposes on an excursion gambling boat or within a
18 racetrack enclosure except in nongaming areas as
19 designated by the commission. The commission may
20 assess a civil penalty for a violation of this
21 subsection.

22 Sec. _____. Section 805.8, Code Supplement 1997, is
23 amended by adding the following new subsection:

24 NEW SUBSECTION. 13. GAMBLING VIOLATIONS. For
25 violations of legal age for gambling or pari-mutuel
26 wagering under section 99D.11, subsection 7, section
27 99E.18, subsection 5, or section 99F.9, subsection 5,
28 the scheduled fine is one hundred dollars. Failure to
29 pay the fine by a person under the age of eighteen
30 shall not result in the person being detained in a
31 secure facility."

32 2. Title page, line 3, by inserting after the
33 word "games," the following: "by imposing a
34 moratorium on the number of gambling games and slot
35 machines authorized in this state,.""

By ANDY McKEAN

S-5748 FILED APRIL 17, 1998
RULED OUT OR ORDER

(p.1367)

SENATE FILE 2320

S-5750

1 Amend the amendment, S-5541, to amendment, S-5359,
2 to Senate File 2320, as passed by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 14 the
5 following:
6 "____". Page 1, by inserting after line 33 the
7 following:
8 "3. During the moratorium from July 1, 1999, until
9 July 1, 2003, the commission shall not authorize any
10 of the following:
11 a. An increase in the number of gambling games or
12 the number of slot machines on an excursion gambling
13 boat.
14 b. A number of slot machines at a pari-mutuel
15 racetrack which is greater than the number authorized
16 on or before July 1, 1999."

By ANDY McKEAN
ROD HALVORSON

S-5750 FILED APRIL 17, 1998

LOST (P. 1368)

SENATE FILE 2320

S-5751

1 Amend the amendment, S-5541, to the House
2 amendment, S-5359, to Senate File 2320, as passed by
3 the Senate, as follows:
4 1. Page 1, line 9, by striking the word
5 "subsection" and inserting the following:
6 "subsections".
7 2. Page 1, by striking line 14 and inserting the
8 following: "the new licensee."
9 NEW SUBSECTION. 10. A licensed excursion gambling
10 boat or a pari-mutuel racetrack and its facilities may
11 be sold a new license and a new license may be issued
12 for operation in the same county."

By MATT McCOY

S-5751 FILED APRIL 17, 1998

LOST

(P. 1369)

SENATE FILE 2320

S-5748

1 Amend the amendment, S-5541, to the House
2 amendment, S-5359, to Senate File 2320, as passed by
3 the Senate, as follows:
4 1. Page 1, by striking lines 3 through 15 and
5 inserting the following:
6 "____. By striking page 1, line 1, through page 2,
7 line 34, and inserting the following:
8 "Amend Senate File 2320, as passed by the Senate,
9 as follows:
10 1. By striking everything after the enacting
11 clause and inserting the following:
12 "Section 1. Section 99D.11, subsection 7, Code
13 1997, is amended to read as follows:
14 7. A person under the age of twenty-one years
15 shall not make or attempt to make a pari-mutuel wager.
16 A person who violates this subsection commits a
17 scheduled violation under section 805.8, subsection
18 13.
19 Sec. _____. Section 99E.18, Code 1997, is amended by
20 adding the following new subsection:
21 NEW SUBSECTION. 5. A person under the age of
22 twenty-one years shall not purchase or attempt to
23 purchase a ticket or share. A person who violates
24 this subsection commits a scheduled violation under
25 section 805.8, subsection 13.
26 Sec. _____. Section 99F.4A, Code 1997, is amended by
27 adding the following new subsections:
28 NEW SUBSECTION. 8. The total number of licenses
29 to conduct gambling games at pari-mutuel racetracks
30 pursuant to subsection 2 shall not exceed three until
31 July 1, 2003.
32 NEW SUBSECTION. 9. If a license issued pursuant
33 to this chapter or chapter 99D is transferred, an
34 existing collective bargaining agreement or the impact
35 of an employee representation election shall transfer
36 the new licensee.
37 Sec. _____. NEW SECTION. 99F.5A MORATORIUM FOR
38 ISSUANCE OF LICENSES FOR EXCURSION GAMBLING BOATS AND
39 ON THE NUMBER OF GAMBLING GAMES.
40 1. The total number of licenses issued to conduct
41 gambling games on excursion gambling boats pursuant to
42 this chapter shall not exceed ten until July 1, 2003.
43 2. Notwithstanding subsection 1, the following
44 actions may be taken during the moratorium from July
45 1, 1998, until July 1, 2003, with the approval of the
46 commission:
47 a. A licensed excursion gambling boat may move to
48 a new location within the same county.
49 b. A licensed excursion gambling boat or a pari-
50 mutuel racetrack and its facilities may be sold and a
S-5748

SENATE FILE 2320

S-5772

1 Amend the amendment, S-5769, to the House
2 amendment, S-5359 to Senate File 2320, as passed by
3 the Senate, as follows:
4 1. Page 1, by striking lines 3 through 25 and
5 inserting the following:
6 " _____. By striking page 1, line 1, through page 2,
7 line 34 and inserting the following:
8 "Amend Senate File 2320, as passed by the Senate,
9 as follows:
10 _____. Page 1, by inserting after line 12 the
11 following:
12 "Sec. _____. Section 99F.4A, subsection 2, Code
13 1997, is amended to read as follows:
14 2. A license to operate gambling games shall be
15 issued only to a licensee holding a valid license to
16 conduct pari-mutuel dog or horse racing pursuant to
17 chapter 99D on January 1, 1994. A licensed pari-
18 mutuel racetrack and its current licensed gaming
19 operations and facilities may be sold and a new
20 license may be issued for operation in the same county
21 only after a majority of the voters of the county in
22 which the racetrack enclosure is located, voting on
23 the transfer proposal, approves it. The transfer
24 proposal shall be submitted by the board of
25 supervisors at a general election or a special
26 election called for that purpose. If the proposal is
27 approved, the issuance of a new license is subject to
28 application to, and approval by, the commission."
29 _____. Page 1, line 17, by inserting after the
30 figure "2003." the following: "The commission shall
31 not authorize a licensee to conduct pari-mutuel
32 wagering at a licensed premises in more than one
33 county."
34 _____. Page 1, by inserting after line 17 the
35 following:
36 "Sec. _____. Section 99F.4A, Code 1997, is amended
37 by adding the following new subsection:
38 NEW SUBSECTION. 9. If a license issued pursuant
39 to this chapter or chapter 99D is transferred, an
40 existing collective bargaining agreement or the impact
41 of an employee representation election shall transfer
42 to the new licensee."
43 _____. By renumbering as necessary.""
By JACK RIFE NEAL SCHUERER
MATT McCOY ELAINE SZYMONIAK
MICHAEL E. GRONSTAL

S-5772 FILED APRIL 20, 1998

Jordan
4/22/98
(P. 1455)

S-5769

1 Amend the House amendment, S-5359 to Senate File
2 2320, as passed by the Senate, as follows:

3 1. By striking page 1, line 1, through page 2,
4 line 34 and inserting the following:

5 "Amend Senate File 2320, as passed by the Senate,
6 as follows:

7 _____. By striking everything after the enacting
8 clause and inserting the following:

9 "Sec. _____. Section 99F.4A, subsection 2, Code
10 1997, is amended to read as follows:

11 2. A license to operate gambling games shall be
12 issued only to a licensee holding a valid license to
13 conduct pari-mutuel dog or horse racing pursuant to
14 chapter 99D on January 1, 1994. A licensed pari-
15 mutuel racetrack and its current licensed gaming
16 facilities may be sold and a new license may be issued
17 for operation in the same county only after a majority
18 of the voters of the county in which the racetrack
19 enclosure is located, voting on the transfer proposal,
20 approves it. The transfer proposal shall be submitted
21 by the board of supervisors at a general election or a
22 special election called for that purpose. If the
23 proposal is approved, the issuance of a new license is
24 subject to application to, and approval by, the
25 commission."

By JACK RIFE
MICHAEL E. GRONSTAL

S-5769 FILED APRIL 20, 1998

O/Order
4/22/98
(P. 1455)

SENATE FILE 2320

S-5821

1 Amend the amendment, S-5731, to the House
2 amendment, S-5359, to Senate File 2320, as passed by
3 the Senate, as follows:

4 1. By striking page 1, line 9, through page 4,
5 line 1, and inserting the following:

6 "Section 1. Section 99D.11, subsection 7, Code
7 1997, is amended to read as follows:

8 7. A person under the age of twenty-one years
9 shall not make or attempt to make a pari-mutuel wager.
10 A person who violates this subsection commits a
11 scheduled violation under section 805.8, subsection
12 13.

13 Sec. _____. Section 99E.18, Code 1997, is amended by
14 adding the following new subsection:

15 NEW SUBSECTION. 5. A person under the age of
16 twenty-one years shall not purchase or attempt to
17 purchase a ticket or share. A person who violates
18 this subsection commits a scheduled violation under
19 section 805.8, subsection 13.

20 Sec. _____. Section 99F.4A, subsection 2, Code 1997,
21 is amended to read as follows:

22 2. A license to operate gambling games shall be
23 issued only to a licensee holding a valid license to
24 conduct pari-mutuel dog or horse racing pursuant to
25 chapter 99D on January 1, 1994. However, a license to
26 operate gambling games issued pursuant to this
27 subsection may be transferred to another person after
28 a majority of the voters voting on the transfer
29 proposal approves it. Only the registered voters of
30 the county in which the racetrack enclosure is located
31 are eligible to vote on the proposal. The transfer
32 proposal shall be submitted by the board of
33 supervisors at a general election or a special
34 election called for that purpose. If the proposal is
35 approved, the issuance of a new license is subject to
36 application to, and approval by, the commission.
37 However, the commission shall not give its approval
38 unless the new licensee meets the requirements of
39 sections 99D.8 through 99D.10. In addition, if there
40 is in existence at the time of license transfer a
41 contract for purses and supplements for horse racing,
42 the contract shall remain in effect until its
43 termination, and thereafter, purses and supplements
44 shall be no lower than fifteen percent of the annual
45 adjusted gross receipts. A transferee shall not be
46 required to honor any material changes made to such
47 contract within one year before the transfer.

48 Sec. _____. Section 99F.4A, Code 1997, is amended by
49 adding the following new subsection:

50 NEW SUBSECTION. 8. A civil penalty imposed by the

S-5821

S-5821

Page 2

1 commission on a licensee relating to a violation of
2 legal age for gambling or pari-mutuel wagering at an
3 excursion gambling boat or a pari-mutuel racetrack
4 shall not exceed one thousand dollars per incident if
5 the violator is removed by the licensee.

6 Sec. ____ . Section 99F.4A, Code 1997, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 9. If a license issued pursuant
9 to this chapter or chapter 99D is transferred, an
10 existing collective bargaining agreement or the impact
11 of an employee representation election shall transfer
12 to the new licensee.

13 Sec. 201. NEW SECTION. 99F.5A MORATORIUM FOR
14 ISSUANCE OF LICENSES FOR EXCURSION GAMBLING BOATS AND
15 ON THE NUMBER OF GAMBLING GAMES.

16 1. The total number of licenses issued to conduct
17 gambling games on excursion gambling boats pursuant to
18 this chapter shall not exceed ten until July 1, 2003.

19 2. Notwithstanding subsection 1, the following
20 actions may be taken during the moratorium from July
21 1, 1998, until July 1, 2003, with the approval of the
22 commission:

23 a. A licensed excursion gambling boat may move to
24 a new location within the same county.

25 b. A licensed excursion gambling boat and its
26 facilities may be sold and a new license may be issued
27 for operation in the same county.

28 c. If a license to conduct gambling games on an
29 excursion gambling boat is surrendered, not renewed,
30 or revoked, a new license may be issued for operation
31 in the same county.

32 3. During the moratorium from six months after the
33 effective date of this section of this Act, until
34 January 1, 2001, the commission shall not authorize
35 any of the following:

36 a. An increase in the number of gambling games or
37 the number of slot machines on an excursion gambling
38 boat.

39 b. An increase in the number of slot machines at a
40 pari-mutuel racetrack.

41 4. The commission shall not authorize a licensee
42 to conduct pari-mutuel wagering at a licensed premises
43 in more than one county.

44 Sec. ____ . Section 99F.7, subsection 1, Code 1997,
45 is amended to read as follows:

46 1. If the commission is satisfied that this
47 chapter and its rules adopted under this chapter
48 applicable to licensees have been or will be complied
49 with, the commission shall issue a license for a
50 period of not more than three years to an applicant to

S-5821

-2-

S-5821

Page 3

1 own a gambling game operation and to an applicant to
2 operate an excursion gambling boat. The commission
3 shall decide which of the gambling games authorized
4 under this chapter it will permit. The commission
5 shall decide the number, location, and type of
6 excursion gambling boats licensed under this chapter
7 for operation on the rivers, lakes, and reservoirs of
8 this state. However, after July 1, 2003, the
9 commission shall issue a new license for an excursion
10 gambling boat operation only if the excursion gambling
11 boat operates on the Mississippi or Missouri river.
12 The license shall set forth the name of the licensee,
13 the type of license granted, the place where the
14 excursion gambling boats will operate and dock, and
15 the time and number of days during the excursion
16 season and the off season when gambling may be
17 conducted by the licensee. The commission shall not
18 allow a licensee to conduct gambling games on an
19 excursion gambling boat while docked during the off
20 season if the licensee does not operate gambling
21 excursions for a minimum number of days during the
22 excursion season. The commission may delay the
23 commencement of the excursion season at the request of
24 a licensee.

25 Sec. _____. Section 99F.9, subsection 5, Code 1997,
26 is amended to read as follows:

27 5. A person under the age of twenty-one years
28 shall not attempt to make or make a wager on an
29 excursion gambling boat or in a racetrack enclosure
30 and shall not ~~be allowed to~~ enter the area of the
31 excursion gambling boat or racetrack enclosure where
32 gambling is being conducted. However, a person
33 eighteen years of age or older may be employed to work
34 in a gambling area on an excursion gambling boat or a
35 racetrack enclosure. A person who violates this
36 subsection with respect to a wager commits a scheduled
37 violation under section 805.8, subsection 13.

38 Sec. _____. Section 99F.9, Code 1997, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. 7. A licensee shall not permit
41 the operation of a satellite terminal as defined in
42 section 527.2 to dispense cash or credit for gambling
43 purposes on an excursion gambling boat or within a
44 racetrack enclosure except in nongaming areas as
45 designated by the commission. The commission may
46 assess a civil penalty for a violation of this
47 subsection.

48 Sec. _____. Section 805.8, Code Supplement 1997, is
49 amended by adding the following new subsection:

50 NEW SUBSECTION. 13. GAMBLING VIOLATIONS. For

S-5821

-3-

S-5821

Page 4

1 violations of legal age for gambling or pari-mutuel
2 wagering under section 99D.11, subsection 7, section
3 99E.18, subsection 5, or section 99F.9, subsection 5,
4 the scheduled fine is one hundred dollars. Failure to
5 pay the fine by a person under the age of eighteen
6 shall not result in the person being detained in a
7 secure facility.

8 Sec. ____ . EFFECTIVE DATE. Section 201 of this
9 Act, being deemed of immediate importance, takes
10 effect upon enactment."

By MARY A. LUNDBY

S-5821 FILED APRIL 22, 1998
WITHDRAWN

(P. 1454)

SENATE FILE 2320

S-5823

1 Amend the amendment, S-5731, to the House
2 amendment, S-5359, to Senate File 2320, as passed by
3 the Senate, as follows:

4 1. By striking page 1, line 9, through page 4,
5 line 1, and inserting the following:

6 "Section 1. Section 99D.11, subsection 7, Code
7 1997, is amended to read as follows:

8 7. A person under the age of twenty-one years
9 shall not make or attempt to make a pari-mutuel wager.

10 A person who violates this subsection commits a
11 scheduled violation under section 805.8, subsection
12 13.

13 Sec. ____ . Section 99E.18, Code 1997, is amended by
14 adding the following new subsection:

15 NEW SUBSECTION. 5. A person under the age of
16 twenty-one years shall not purchase or attempt to
17 purchase a ticket or share. A person who violates
18 this subsection commits a scheduled violation under
19 section 805.8, subsection 13.

20 Sec. ____ . Section 99F.4A, subsection 2, Code 1997,
21 is amended to read as follows:

22 2. A license to operate gambling games shall be
23 issued only to a licensee holding a valid license to
24 conduct pari-mutuel dog or horse racing pursuant to
25 chapter 99D on January 1, 1994. However, a license to
26 operate gambling games issued pursuant to this
27 subsection may be transferred to another person after
28 a majority of the voters voting on the transfer
29 proposal approves it. Only the registered voters of
30 the county in which the racetrack enclosure is located
31 are eligible to vote on the proposal. The transfer
32 proposal shall be submitted by the board of
33 supervisors at a general election or a special
34 election called for that purpose. If the proposal is
35 approved, the transfer of a license is subject to
36 application to, and approval by, the commission.
37 However, the commission shall not give its approval
38 unless the new licensee meets the requirements of
39 sections 99D.8 through 99D.10. In addition, if there
40 is in existence at the time of license transfer a
41 contract for purses and supplements for horse racing,
42 the contract shall remain in effect until its
43 termination, and thereafter, purses and supplements
44 shall be no lower than fifteen percent of the annual
45 adjusted gross receipts. A transferee shall not be
46 required to honor any material changes made to such
47 contract within one year before the transfer.

48 Sec. ____ . Section 99F.4A, Code 1997, is amended by
49 adding the following new subsection:

50 NEW SUBSECTION. 8. A civil penalty imposed by the

S-5823

S-5823

Page 2

1 commission on a licensee relating to a violation of
2 legal age for gambling or pari-mutuel wagering at an
3 excursion gambling boat or a pari-mutuel racetrack
4 shall not exceed one thousand dollars per incident if
5 the violator is removed by the licensee.

6 Sec. _____. Section 99F.4A, Code 1997, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 9. If a license issued pursuant
9 to this chapter or chapter 99D is transferred, an
10 existing collective bargaining agreement or the impact
11 of an employee representation election shall transfer
12 to the new licensee.

13 Sec. 201. NEW SECTION. 99F.5A MORATORIUM FOR
14 ISSUANCE OF LICENSES FOR EXCURSION GAMBLING BOATS AND
15 ON THE NUMBER OF GAMBLING GAMES.

16 1. The total number of licenses issued to conduct
17 gambling games on excursion gambling boats pursuant to
18 this chapter shall not exceed ten until July 1, 2003.

19 2. Notwithstanding subsection 1, the following
20 actions may be taken during the moratorium from July
21 1, 1998, until July 1, 2003, with the approval of the
22 commission:

23 a. A licensed excursion gambling boat may move to
24 a new location within the same county.

25 b. A licensed excursion gambling boat and its
26 facilities may be sold and a new license may be issued
27 for operation in the same county.

28 c. If a license to conduct gambling games on an
29 excursion gambling boat is surrendered, not renewed,
30 or revoked, a new license may be issued for operation
31 in the same county.

32 3. During the moratorium from six months after the
33 effective date of this section of this Act, until
34 January 1, 2001, the commission shall not authorize
35 any of the following:

36 a. An increase in the number of gambling games or
37 the number of slot machines on an excursion gambling
38 boat.

39 b. An increase in the number of slot machines at a
40 pari-mutuel racetrack.

41 4. The commission shall not authorize a licensee
42 to conduct pari-mutuel wagering at a licensed premises
43 in more than one county.

44 Sec. _____. NEW SECTION. 99F.5B CHARITABLE
45 CONTRIBUTIONS.

46 A gambling game license holder may distribute
47 profits to a governmental body and the distribution
48 shall be considered a charitable contribution. The
49 duty to make charitable contributions may be the
50 subject of a contract between a governmental body and

S-5823

-2-

S-5823

Page 3

1 a gambling game license holder. The moneys received
2 by a county as charitable contributions shall be
3 distributed only after receiving advice from citizens
4 of the county obtained at public hearings held in the
5 county.

6 Sec. _____. Section 99F.7, subsection 1, Code 1997,
7 is amended to read as follows:

8 1. If the commission is satisfied that this
9 chapter and its rules adopted under this chapter
10 applicable to licensees have been or will be complied
11 with, the commission shall issue a license for a
12 period of not more than three years to an applicant to
13 own a gambling game operation and to an applicant to
14 operate an excursion gambling boat. The commission
15 shall decide which of the gambling games authorized
16 under this chapter it will permit. The commission
17 shall decide the number, location, and type of
18 excursion gambling boats licensed under this chapter
19 for operation on the rivers, lakes, and reservoirs of
20 this state. However, after July 1, 2003, the
21 commission shall issue a new license for an excursion
22 gambling boat operation only if the excursion gambling
23 boat operates on the Mississippi or Missouri river.

24 The license shall set forth the name of the licensee,
25 the type of license granted, the place where the
26 excursion gambling boats will operate and dock, and
27 the time and number of days during the excursion
28 season and the off season when gambling may be
29 conducted by the licensee. The commission shall not
30 allow a licensee to conduct gambling games on an
31 excursion gambling boat while docked during the off
32 season if the licensee does not operate gambling
33 excursions for a minimum number of days during the
34 excursion season. The commission may delay the
35 commencement of the excursion season at the request of
36 a licensee.

37 Sec. _____. Section 99F.9, subsection 5, Code 1997,
38 is amended to read as follows:

39 5. A person under the age of twenty-one years
40 shall not attempt to make or make a wager on an
41 excursion gambling boat or in a racetrack enclosure
42 and shall not be-allowed-in enter the area of the
43 excursion gambling boat or racetrack enclosure where
44 gambling is being conducted. However, a person
45 eighteen years of age or older may be employed to work
46 in-a-gambling-area on an excursion gambling boat or a
47 racetrack enclosure. A person who violates this
48 subsection with respect to a wager commits a scheduled
49 violation under section 805.8, subsection 13.

50 Sec. _____. Section 99F.9, Code 1997, is amended by

S-5823

-3-

S-5823

Page 4

1 adding the following new subsection:

2 NEW SUBSECTION. 7. A licensee shall not permit
3 the operation of a satellite terminal as defined in
4 section 527.2 to dispense cash or credit for gambling
5 purposes on an excursion gambling boat or within a
6 racetrack enclosure except in nongaming areas as
7 designated by the commission. The commission may
8 assess a civil penalty for a violation of this
9 subsection.

10 Sec. ____ . Section 805.8, Code Supplement 1997, is
11 amended by adding the following new subsection:

12 NEW SUBSECTION. 13. GAMBLING VIOLATIONS. For
13 violations of legal age for gambling or pari-mutuel
14 wagering under section 99D.11, subsection 7, section
15 99E.18, subsection 5, or section 99F.9, subsection 5,
16 the scheduled fine is one hundred dollars. Failure to
17 pay the fine by a person under the age of eighteen
18 shall not result in the person being detained in a
19 secure facility.

20 Sec. ____ . EFFECTIVE DATE. Section 201 of this
21 Act, being deemed of immediate importance, takes
22 effect upon enactment."

By MARY A. LUNDBY

S-5823 FILED APRIL 22, 1998

ADOPTED

(P.1454)

**SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 2320
H-9332**

1 Amend the House amendment, S-5359, to Senate File
2 2320, as passed by the Senate, as follows:

3 1. By striking page 1, line 1, through page 2,
4 line 34, and inserting the following:

5 "Amend Senate File 2320, as passed by the Senate,
6 as follows:

7 _____. By striking everything after the enacting
8 clause and inserting the following:

9 "Section 1. Section 99D.11, subsection 7, Code
10 1997, is amended to read as follows:

11 7. A person under the age of twenty-one years
12 shall not make or attempt to make a pari-mutuel wager.
13 A person who violates this subsection commits a
14 scheduled violation under section 805.8, subsection
15 13.

16 Sec. _____. Section 99E.18, Code 1997, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 5. A person under the age of
19 twenty-one years shall not purchase or attempt to
20 purchase a ticket or share. A person who violates
21 this subsection commits a scheduled violation under
22 section 805.8, subsection 13.

23 Sec. _____. Section 99F.4A, subsection 2, Code 1997,
24 is amended to read as follows:

25 2. A license to operate gambling games shall be
26 issued only to a licensee holding a valid license to
27 conduct pari-mutuel dog or horse racing pursuant to
28 chapter 99D on January 1, 1994. However, a license to
29 operate gambling games issued pursuant to this
30 subsection may be transferred to another person after
31 a majority of the voters voting on the transfer
32 proposal approves it. Only the registered voters of
33 the county in which the racetrack enclosure is located
34 are eligible to vote on the proposal. The transfer
35 proposal shall be submitted by the board of
36 supervisors at a general election or a special
37 election called for that purpose. If the proposal is
38 approved, the transfer of a license is subject to
39 application to, and approval by, the commission.
40 However, the commission shall not give its approval
41 unless the new licensee meets the requirements of
42 sections 99D.8 through 99D.10. In addition, if there
43 is in existence at the time of license transfer a
44 contract for purses and supplements for horse racing,
45 the contract shall remain in effect until its
46 termination, and thereafter, purses and supplements
47 shall be no lower than fifteen percent of the annual
48 adjusted gross receipts. A transferee shall not be
49 required to honor any material changes made to such
50 contract within one year before the transfer.

H-9332

H-9332

Page 2

1 Sec. _____. Section 99F.4A, Code 1997, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 8. A civil penalty imposed by the
4 commission on a licensee relating to a violation of
5 legal age for gambling or pari-mutuel wagering at an
6 excursion gambling boat or a pari-mutuel racetrack
7 shall not exceed one thousand dollars per incident if
8 the violator is removed by the licensee.

9 Sec. _____. Section 99F.4A, Code 1997, is amended by
10 adding the following new subsection:

11 NEW SUBSECTION. 9. If a license issued pursuant
12 to this chapter or chapter 99D is transferred, an
13 existing collective bargaining agreement or the impact
14 of an employee representation election shall transfer
15 to the new licensee.

16 Sec. 201. NEW SECTION. 99F.5A MORATORIUM FOR
17 ISSUANCE OF LICENSES FOR EXCURSION GAMBLING BOATS AND
18 ON THE NUMBER OF GAMBLING GAMES.

19 1. The total number of licenses issued to conduct
20 gambling games on excursion gambling boats pursuant to
21 this chapter shall not exceed ten until July 1, 2003.

22 2. Notwithstanding subsection 1, the following
23 actions may be taken during the moratorium from July
24 1, 1998, until July 1, 2003, with the approval of the
25 commission:

26 a. A licensed excursion gambling boat may move to
27 a new location within the same county.

28 b. A licensed excursion gambling boat and its
29 facilities may be sold and a new license may be issued
30 for operation in the same county.

31 c. If a license to conduct gambling games on an
32 excursion gambling boat is surrendered, not renewed,
33 or revoked, a new license may be issued for operation
34 in the same county.

35 3. During the moratorium from six months after the
36 effective date of this section of this Act, until
37 January 1, 2001, the commission shall not authorize
38 any of the following:

39 a. An increase in the number of gambling games or
40 the number of slot machines on an excursion gambling
41 boat.

42 b. An increase in the number of slot machines at a
43 pari-mutuel racetrack.

44 4. The commission shall not authorize a licensee
45 to conduct pari-mutuel wagering at a licensed premises
46 in more than one county.

47 Sec. _____. NEW SECTION. 99F.5B CHARITABLE
48 CONTRIBUTIONS.

49 A gambling game license holder may distribute
50 profits to a governmental body and the distribution

H-9332

-2-

H-9332

Page 3

1 shall be considered a charitable contribution. The
2 duty to make charitable contributions may be the
3 subject of a contract between a governmental body and
4 a gambling game license holder. The moneys received
5 by a county as charitable contributions shall be
6 distributed only after receiving advice from citizens
7 of the county obtained at public hearings held in the
8 county.

9 Sec. _____. Section 99F.7, subsection 1, Code 1997,
10 is amended to read as follows:

11 1. If the commission is satisfied that this
12 chapter and its rules adopted under this chapter
13 applicable to licensees have been or will be complied
14 with, the commission shall issue a license for a
15 period of not more than three years to an applicant to
16 own a gambling game operation and to an applicant to
17 operate an excursion gambling boat. The commission
18 shall decide which of the gambling games authorized
19 under this chapter it will permit. The commission
20 shall decide the number, location, and type of
21 excursion gambling boats licensed under this chapter
22 for operation on the rivers, lakes, and reservoirs of
23 this state. However, after July 1, 2003, the
24 commission shall issue a new license for an excursion
25 gambling boat operation only if the excursion gambling
26 boat operates on the Mississippi or Missouri river.
27 The license shall set forth the name of the licensee,
28 the type of license granted, the place where the
29 excursion gambling boats will operate and dock, and
30 the time and number of days during the excursion
31 season and the off season when gambling may be
32 conducted by the licensee. The commission shall not
33 allow a licensee to conduct gambling games on an
34 excursion gambling boat while docked during the off
35 season if the licensee does not operate gambling
36 excursions for a minimum number of days during the
37 excursion season. The commission may delay the
38 commencement of the excursion season at the request of
39 a licensee.

40 Sec. _____. Section 99F.9, subsection 5, Code 1997,
41 is amended to read as follows:

42 5. A person under the age of twenty-one years
43 shall not attempt to make or make a wager on an
44 excursion gambling boat or in a racetrack enclosure
45 and shall not be allowed-in enter the area of the
46 excursion gambling boat or racetrack enclosure where
47 gambling is being conducted. However, a person
48 eighteen years of age or older may be employed to work
49 in-a-gambling-area on an excursion gambling boat or a
50 racetrack enclosure. A person who violates this

H-9332

-3-

H-9332

Page 4

1 subsection with respect to a wager commits a scheduled
2 violation under section 805.8, subsection 13.

3 Sec. ____ . Section 99F.9, Code 1997, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 7. A licensee shall not permit
6 the operation of a satellite terminal as defined in
7 section 527.2 to dispense cash or credit for gambling
8 purposes on an excursion gambling boat or within a
9 racetrack enclosure except in nongaming areas as
10 designated by the commission. The commission may
11 assess a civil penalty for a violation of this
12 subsection.

13 Sec. ____ . Section 805.8, Code Supplement 1997, is
14 amended by adding the following new subsection:

15 NEW SUBSECTION. 13. GAMBLING VIOLATIONS. For
16 violations of legal age for gambling or pari-mutuel
17 wagering under section 99D.11, subsection 7, section
18 99E.18, subsection 5, or section 99F.9, subsection 5,
19 the scheduled fine is one hundred dollars. Failure to
20 pay the fine by a person under the age of eighteen
21 shall not result in the person being detained in a
22 secure facility.

23 Sec. ____ . EFFECTIVE DATE. Section 201 of this
24 Act, being deemed of immediate importance, takes
25 effect upon enactment."

RECEIVED FROM THE SENATE

H-9332 FILED APRIL 22, 1998
HOUSE CONCURRED

(P. 1930)

Rife
Delaney
Rittmer

SSB 2168
State Government

Succeeded By
SENATE FILE CFHF 2320
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON RITTMER)

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

A BILL FOR

1 An Act relating to gambling by imposing a moratorium on new
2 licenses to conduct gambling on excursion gambling boats and
3 at pari-mutuel racetracks with gambling games, limiting the
4 location of future excursion gambling boats, prohibiting
5 gambling licensees from allowing the loaning of money by
6 credit card or other electronic means for gambling purposes,
7 and imposing a scheduled fine for gambling by persons under
8 twenty-one years of age.

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

10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 Section 1. Section 99D.11, subsection 7, Code 1997, is
2 amended to read as follows:

3 7. A person under the age of twenty-one years shall not
4 make or attempt to make a pari-mutuel wager. A person who
5 violates this subsection commits a scheduled violation under
6 section 805.8, subsection 13.

7 Sec. 2. Section 99E.18, Code 1997, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 5. A person under the age of twenty-one
10 years shall not purchase or attempt to purchase a ticket or
11 share. A person who violates this subsection commits a
12 scheduled violation under section 805.8, subsection 13.

13 Sec. 3. Section 99F.4A, Code 1997, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 8. The total number of licenses to
16 conduct gambling games at pari-mutuel racetracks pursuant to
17 subsection 2 shall not exceed three until July 1, 2003.

18 Sec. 4. NEW SECTION. 99F.5A MORATORIUM FOR ISSUANCE OF
19 LICENSES FOR EXCURSION GAMBLING BOATS.

20 1. The total number of licenses issued to conduct gambling
21 games on excursion gambling boats pursuant to this chapter
22 shall not exceed ten until July 1, 2003.

23 2. Notwithstanding subsection 1, the following actions may
24 be taken during the moratorium from July 1, 1998, until July
25 1, 2003, with the approval of the commission:

26 a. A licensed excursion gambling boat may move to a new
27 location within the same county.

28 b. A licensed excursion gambling boat and its facilities
29 may be sold and a new license may be issued for operation in
30 the same county.

31 c. If a license to conduct gambling games on an excursion
32 gambling boat is surrendered, not renewed, or revoked, a new
33 license may be issued for operation in the same county.

34 Sec. 5. Section 99F.7, subsection 1, Code 1997, is amended
35 to read as follows:

1 1. If the commission is satisfied that this chapter and
2 its rules adopted under this chapter applicable to licensees
3 have been or will be complied with, the commission shall issue
4 a license for a period of not more than three years to an
5 applicant to own a gambling game operation and to an applicant
6 to operate an excursion gambling boat. The commission shall
7 decide which of the gambling games authorized under this
8 chapter it will permit. The commission shall decide the
9 number, location, and type of excursion gambling boats
10 licensed under this chapter for operation on the rivers,
11 lakes, and reservoirs of this state. However, after July 1,
12 2003, the commission shall issue a new license for an
13 excursion gambling boat operation only if the excursion
14 gambling boat operates on the Mississippi or Missouri river.
15 The license shall set forth the name of the licensee, the type
16 of license granted, the place where the excursion gambling
17 boats will operate and dock, and the time and number of days
18 during the excursion season and the off season when gambling
19 may be conducted by the licensee. The commission shall not
20 allow a licensee to conduct gambling games on an excursion
21 gambling boat while docked during the off season if the
22 licensee does not operate gambling excursions for a minimum
23 number of days during the excursion season. The commission
24 may delay the commencement of the excursion season at the
25 request of a licensee.

26 Sec. 6. Section 99F.9, subsection 5, Code 1997, is amended
27 to read as follows:

28 5. A person under the age of twenty-one years shall not
29 attempt to make or make a wager on an excursion gambling boat
30 or in a racetrack enclosure and shall not be allowed in the
31 area of the excursion gambling boat or racetrack enclosure
32 where gambling is being conducted. However, a person eighteen
33 years of age or older may be employed to work in a gambling
34 area of an excursion gambling boat or a racetrack enclosure.

35 A person who violates this subsection with respect to a wager

1 commits a scheduled violation under section 805.8, subsection
2 13.

3 Sec. 7. Section 99F.9, Code 1997, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 7. A licensee shall not permit the
6 operation of a satellite terminal as defined in section 527.2
7 to dispense cash or credit for gambling purposes on an
8 excursion gambling boat or within a racetrack enclosure except
9 in nongaming areas as designated by the commission. The
10 commission may assess a civil penalty for a violation of this
11 subsection.

12 Sec. 8. Section 805.8, Code Supplement 1997, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 13. GAMBLING VIOLATIONS. For violations
15 of legal age for gambling or pari-mutuel wagering under
16 section 99D.11, subsection 7, section 99E.18, subsection 5, or
17 section 99F.9, subsection 5, the scheduled fine is one hundred
18 dollars. Failure to pay the fine by a person under the age of
19 eighteen shall not result in the person being detained in a
20 secure facility.

21 EXPLANATION

22 This bill proposes changes to the gambling laws in this
23 state.

24 The bill imposes a \$100 scheduled fine on a person under 21
25 years of age who attempts to gamble or gambles on an excursion
26 gambling boat or at a racetrack enclosure, who attempts to
27 purchase or purchases a lottery ticket or share, or who
28 attempts to place or places a pari-mutuel wager.

29 The bill prohibits a gambling licensee from allowing the
30 loaning of money by credit card or other electronic means for
31 gambling purposes except in nongaming areas as designated by
32 the state racing and gaming commission.

33 The bill also imposes a moratorium on the issuing of
34 licenses to conduct gambling games on excursion gambling boats
35 and at pari-mutuel racetracks until July 1, 2003, and freezes

2/68

1 the number of excursion gambling boat licenses at 10 and the
2 number of pari-mutuel racetracks with gambling games at three.
3 During the moratorium, an excursion gambling boat may be sold
4 and a new license may be issued in the same county. The
5 operation of an excursion gambling boat may be relocated
6 within a county with the commission's approval and the
7 commission may reissue for the same county a license that is
8 surrendered, not renewed, or revoked.

9 After July 1, 2003, the commission shall issue new licenses
10 for excursion gambling boat operations only if the excursion
11 gambling boat operates on the Mississippi or Missouri river.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

STATE CAPITOL
DES MOINES, IOWA 50319
515 281-5211

May 20, 1998

MAY 20 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

Senate File 2320, an act relating to gambling by imposing a moratorium on new licenses to conduct gambling on excursion gambling boats and at pari-mutuel racetracks with gambling games, limiting the location of future excursion gambling boats, prohibiting gambling licensees from allowing the loaning of money by credit card or other electronic means for gambling purposes, and imposing a scheduled fine for gambling by persons under twenty-one years of age, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

This bill was an earnest attempt by members of the General Assembly to place a moratorium on further expansion of gambling in the state of Iowa. While it contains some limitations on gambling, these provisions would not restrict gambling to the extent of my recommendations. More troubling, modifications made to overcome the objections of the gambling industry may actually facilitate the expansion of gambling.

The most troubling provision was apparently perceived as simply permitting the transfer of a gambling license, but in actuality, could result in the creation of several new land-based casinos in our state. Whether it was intentional or not is irrelevant. The language in Section 3 of the bill could be interpreted to allow the creation of new gambling licenses, and such potential is unacceptable.

Further, this bill would limit the fines on a licensee for underage gambling violations to a maximum fine of \$1,000 for most violations. Currently the Racing & Gaming Commission is issuing fines to licensees from \$5,000 to \$25,000 per instance. This provision sends the wrong message and will limit the Commission's ability to police underage gambling.

In addition, this legislation does very little to limit instant access to additional credit at ATM machines which would still be permitted within gambling facilities.

The Honorable Paul Pate
SF 2320 Page 2
May 20, 1998

The bill allows a six-month window during which facilities can install additional slot machines prior to commencing a two-year moratorium. Undoubtedly, any facility intending to expand gambling during the next few years will make that request in the next six months, making the limitation of little value. Likewise, it is unlikely additional riverboat casino licenses will be granted by the Commission in the foreseeable future, regardless of this legislation.

For the above reasons, I hereby respectfully disapprove Senate File 2320.

Sincerely,



Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House

Vetoed

SENATE FILE 2320

AN ACT

RELATING TO GAMBLING BY IMPOSING A MORATORIUM ON NEW LICENSES TO CONDUCT GAMBLING ON EXCURSION GAMBLING BOATS AND AT PARI-MUTUEL RACETRACKS WITH GAMBLING GAMES, LIMITING THE LOCATION OF FUTURE EXCURSION GAMBLING BOATS, PROHIBITING GAMBLING LICENSEES FROM ALLOWING THE LOANING OF MONEY BY CREDIT CARD OR OTHER ELECTRONIC MEANS FOR GAMBLING PURPOSES, AND IMPOSING A SCHEDULED FINE FOR GAMBLING BY PERSONS UNDER TWENTY-ONE YEARS OF AGE.

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

Section 1. Section 99D.11, subsection 7, Code 1997, is amended to read as follows:

7. A person under the age of twenty-one years shall not make or attempt to make a pari-mutuel wager. A person who violates this subsection commits a scheduled violation under section 805.8, subsection 13.

Sec. 2. Section 99E.18, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A person under the age of twenty-one years shall not purchase or attempt to purchase a ticket or share. A person who violates this subsection commits a scheduled violation under section 805.8, subsection 13.

Sec. 3. Section 99F.4A, subsection 2, Code 1997, is amended to read as follows:

2. A license to operate gambling games shall be issued only to a licensee holding a valid license to conduct pari-mutuel dog or horse racing pursuant to chapter 99D on January 1, 1994. However, a license to operate gambling games issued pursuant to this subsection may be transferred to another person after a majority of the voters voting on the transfer proposal approves it. Only the registered voters of the county in which the racetrack enclosure is located are eligible to vote on the proposal. The transfer proposal shall be submitted by the board of supervisors at a general election or a special election called for that purpose. If the proposal is approved, the transfer of a license is subject to application to, and approval by, the commission. However, the commission shall not give its approval unless the new licensee meets the requirements of sections 99D.8 through 99D.10. In addition, if there is in existence at the time of license transfer a contract for purses and supplements for horse racing, the contract shall remain in effect until its termination, and thereafter, purses and supplements shall be no lower than fifteen percent of the annual adjusted gross receipts. A transferee shall not be required to honor any material changes made to such contract within one year before the transfer.

Sec. 4. Section 99F.4A, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A civil penalty imposed by the commission on a licensee relating to a violation of legal age

for gambling or pari-mutuel wagering at an excursion gambling boat or a pari-mutuel racetrack shall not exceed one thousand dollars per incident if the violator is removed by the licensee.

Sec. 5. Section 99F.4A, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 9. If a license issued pursuant to this chapter or chapter 99D is transferred, an existing collective bargaining agreement or the impact of an employee representation election shall transfer to the new licensee.

Sec. 6. **NEW SECTION.** 99F.5A MORATORIUM FOR ISSUANCE OF LICENSES FOR EXCURSION GAMBLING BOATS AND ON THE NUMBER OF GAMBLING GAMES.

1. The total number of licenses issued to conduct gambling games on excursion gambling boats pursuant to this chapter shall not exceed ten until July 1, 2003.

2. Notwithstanding subsection 1, the following actions may be taken during the moratorium from July 1, 1998, until July 1, 2003, with the approval of the commission:

a. A licensed excursion gambling boat may move to a new location within the same county.

b. A licensed excursion gambling boat and its facilities may be sold and a new license may be issued for operation in the same county.

c. If a license to conduct gambling games on an excursion gambling boat is surrendered, not renewed, or revoked, a new license may be issued for operation in the same county.

3. During the moratorium from six months after the effective date of this section of this Act, until January 1, 2001, the commission shall not authorize any of the following:

a. An increase in the number of gambling games or the number of slot machines on an excursion gambling boat.

b. An increase in the number of slot machines at a pari-mutuel racetrack.

4. The commission shall not authorize a licensee to conduct pari-mutuel wagering at a licensed premises in more than one county.

Sec. 7. **NEW SECTION.** 99F.5B CHARITABLE CONTRIBUTIONS.

A gambling game license holder may distribute profits to a governmental body and the distribution shall be considered a charitable contribution. The duty to make charitable contributions may be the subject of a contract between a governmental body and a gambling game license holder. The moneys received by a county as charitable contributions shall be distributed only after receiving advice from citizens of the county obtained at public hearings held in the county.

Sec. 8. Section 99F.7, subsection 1, Code 1997, is amended to read as follows:

1. If the commission is satisfied that this chapter and its rules adopted under this chapter applicable to licensees have been or will be complied with, the commission shall issue a license for a period of not more than three years to an applicant to own a gambling game operation and to an applicant to operate an excursion gambling boat. The commission shall decide which of the gambling games authorized under this chapter it will permit. The commission shall decide the number, location, and type of excursion gambling boats licensed under this chapter for operation on the rivers, lakes, and reservoirs of this state. However, after July 1, 2003, the commission shall issue a new license for an excursion gambling boat operation only if the excursion gambling boat operates on the Mississippi or Missouri river. The license shall set forth the name of the licensee, the type of license granted, the place where the excursion gambling boats will operate and dock, and the time and number of days during the excursion season and the off season when gambling may be conducted by the licensee. The commission shall not allow a licensee to conduct gambling games on an excursion gambling boat while docked during the off season if the

licensee does not operate gambling excursions for a minimum number of days during the excursion season. The commission may delay the commencement of the excursion season at the request of a licensee.

Sec. 9. Section 99F.9, subsection 5, Code 1997, is amended to read as follows:

5. A person under the age of twenty-one years shall not attempt to make or make a wager on an excursion gambling boat or in a racetrack enclosure and shall not be allowed to enter the area of the excursion gambling boat or racetrack enclosure where gambling is being conducted. However, a person eighteen years of age or older may be employed to work in a gambling area on an excursion gambling boat or a racetrack enclosure. A person who violates this subsection with respect to a wager commits a scheduled violation under section 805.8, subsection 13.

Sec. 10. Section 99F.9, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A licensee shall not permit the operation of a satellite terminal as defined in section 527.2 to dispense cash or credit for gambling purposes on an excursion gambling boat or within a racetrack enclosure except in nongaming areas as designated by the commission. The commission may assess a civil penalty for a violation of this subsection.

Sec. 11. Section 805.8, Code Supplement 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 13. **GAMBLING VIOLATIONS.** For violations of legal age for gambling or pari-mutuel wagering under section 99D.11, subsection 7, section 99E.18, subsection 5, or section 99F.9, subsection 5, the scheduled fine is one hundred dollars. Failure to pay the fine by a person under the age of eighteen shall not result in the person being detained in a secure facility.

Sec. 12. **EFFECTIVE DATE.** Section 6 of this Act, being deemed of immediate importance, takes effect upon enactment.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2320, Seventy-seventh General Assembly.

Veterd
proved 5/20, 1998

MARY PAT GUNDERSON
Secretary of the Senate

TERRY E. BRANSTAD
Governor