

Senate File 348 - Introduced

SENATE FILE _____
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 1171)

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

A BILL FOR

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

PAG LIN

1 1 Section 1. Section 99F.7, subsection 11, Code 2007, is
1 2 amended to read as follows:
1 3 11. a. A license to conduct gambling games on an
1 4 excursion gambling boat or at a racetrack enclosure in a
1 5 county shall be issued only if the county electorate approves
1 6 the conduct of the gambling games as provided in this
1 7 subsection. The board of supervisors, upon receipt of a valid
1 8 petition meeting the requirements of section 331.306, and
1 9 subject to the requirements of paragraph "e", shall direct the
1 10 commissioner of elections to submit to the registered voters
1 11 of the county a proposition to approve or disapprove the
1 12 conduct of gambling games on an excursion gambling boat or at
1 13 a racetrack enclosure in the county. The proposition shall be
1 14 submitted at a general election or at a special election
1 15 called for that purpose. To be submitted at a general
1 16 election, the petition must be received by the board of
1 17 supervisors at least five working days before the last day for
1 18 candidates for county offices to file nomination papers for
1 19 the general election pursuant to section 44.4. If a majority
1 20 of the county voters voting on the proposition favor the
1 21 conduct of gambling games, the commission may issue one or
1 22 more licenses as provided in this chapter. If a majority of
1 23 the county voters voting on the proposition do not favor the
1 24 conduct of gambling games, a license to conduct gambling games
1 25 in the county shall not be issued.
1 26 b. ~~If licenses a license to conduct gambling games and to~~
1 27 ~~operate on an excursion gambling boat are or at a racetrack~~
1 28 ~~enclosure is~~ in effect pursuant to a referendum as set forth
1 29 in this section and ~~are is~~ subsequently disapproved by a
1 30 referendum of the county electorate, the ~~licenses~~ license
1 31 issued by the commission after a referendum approving gambling
1 32 games on an excursion gambling ~~boats boat or at a racetrack~~
1 33 ~~enclosure~~ shall remain valid and ~~are is~~ subject to renewal for
1 34 ~~a total of nine years one year~~ from the date of ~~original issue~~
1 35 ~~the referendum disapproving the conduct of gambling games in~~
2 1 ~~the county~~ unless the commission revokes a license at an
2 2 earlier date as provided in this chapter.
2 3 c. If a licensee of a pari-mutuel racetrack who held a
2 4 valid license issued under chapter 99D as of January 1, 1994,
2 5 requests a license to operate gambling games as provided in
2 6 this chapter, the board of supervisors of a county in which
2 7 the licensee of a pari-mutuel racetrack requests a license to
2 8 operate gambling games shall submit to the county electorate a
2 9 proposition to approve or disapprove the operation of gambling
2 10 games at pari-mutuel racetracks at a special election at the
2 11 earliest practicable time. If the operation of gambling games
2 12 at the pari-mutuel racetrack is not approved by a majority of
2 13 the county electorate voting on the proposition at the
2 14 election, the commission shall not issue a license to operate
2 15 gambling games at the racetrack.
2 16 d. If the proposition to operate gambling games ~~on an~~
2 17 ~~excursion gambling boat or at a racetrack enclosure~~ is
2 18 approved by a majority of the county electorate voting on the

2 19 proposition, the board of supervisors shall submit the same a
2 20 proposition requiring the approval or defeat of gambling games
2 21 to the county electorate at the general election held in 2002
2 22 and, unless the operation of gambling games is terminated
2 23 earlier as provided in this chapter or chapter 99D, at the
2 24 next general election held at each subsequent eight-year
2 25 interval no sooner than the eighth calendar year following the
2 26 election approving gambling games, unless the operation of
2 27 gambling games is terminated earlier as provided in this
2 28 chapter or chapter 99D. However, if a proposition to operate
2 29 gambling games is approved by a majority of the county
2 30 electorate voting on the proposition in two successive
2 31 elections, no proposition under this paragraph shall
2 32 thereafter be required to authorize the conduct of gambling
2 33 games pursuant to this chapter.

2 34 e. After a referendum has been held which approved or
2 35 defeated a proposal to conduct gambling games on excursion
3 1 gambling boats or which defeated a proposal to conduct
3 2 gambling games at a licensed pari-mutuel racetrack enclosure
3 3 as provided in this section, another referendum on a proposal
3 4 to conduct gambling games on an excursion gambling boat or at
3 5 a licensed pari-mutuel racetrack shall not be held for at
3 6 least eight years until calendar year 2015 and then may only
3 7 be held every eighth calendar year thereafter. However, if
3 8 any proposition to operate gambling games is approved by a
3 9 vote in favor of such proposition equal to at least sixty
3 10 percent of the county electorate vote cast, another referendum
3 11 on a proposal to conduct gambling games shall not be held
3 12 until calendar year 2022 and then may only be held every
3 13 fifteenth calendar year thereafter.

3 14 Sec. 2. EFFECTIVE DATE == RETROACTIVE APPLICABILITY. This
3 15 Act, being deemed of immediate importance, takes effect upon
3 16 enactment and is retroactively applicable to elections
3 17 occurring on and after January 1, 1994.

3 18 EXPLANATION

3 19 This bill provides for the requirements relative to
3 20 conducting a referendum to approve or disapprove gambling
3 21 games on an excursion gambling boat or racetrack enclosure in
3 22 a county.

3 23 The bill provides that if a proposition to operate gambling
3 24 games on an excursion boat or racetrack has been approved in
3 25 two successive elections in a county, the proposition to
3 26 authorize gambling games is not thereafter required to be
3 27 submitted to the county electorate. Current law provides that
3 28 the proposition to conduct gambling games shall be resubmitted
3 29 to the county electorate every eight years.

3 30 The bill also provides that if a proposal to operate
3 31 gambling games has been approved, another election shall not
3 32 be held sooner than the eighth calendar year following the
3 33 approval, but in no event prior to calendar year 2015, and
3 34 then, may only be held each eighth year thereafter. In
3 35 addition, the bill provides that if any proposition to conduct
4 1 gambling games in a county passes with 60 percent approval,
4 2 then no referendum shall be held in that county until calendar
4 3 year 2022, and then may only be held each fifteenth calendar
4 4 year thereafter. The provision that the county may hold a
4 5 referendum on the proposition to conduct gambling games upon
4 6 submission of a petition from the county electorate is
4 7 maintained but is made subject to the bill's requirements on
4 8 when elections can be held. Current law provides that no
4 9 election shall be held for eight years after a proposal has
4 10 been defeated but is silent as to when an election can be held
4 11 if the proposal to conduct gambling games has been approved.

4 12 The bill also provides that if gambling games are
4 13 authorized in a county but a subsequent referendum to conduct
4 14 gambling games has been defeated, any license to conduct
4 15 gambling games in that county shall remain valid for one year
4 16 following the defeat of the referendum. Current law provides
4 17 that the license remains valid for nine years following the
4 18 date of the original issue of a license to conduct gambling
4 19 games in that county.

4 20 The bill takes effect upon enactment and is retroactively
4 21 applicable to elections occurring on and after January 1,
4 22 1994.