

12-1-1976

Extended Pari-Mutuel Horse Race Wagering And Gaming

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Office of the Secretary of State
March Fong Eu

111 Capitol Mall, Room 220
Sacramento, California 95814

Elections Division
(916) 445-0820

May 6, 1977

TO: All Registrars of Voters and County Clerks

FROM: Cashmere M. Apperson, Elections Technician

Pursuant to Elections Code 3520(b) you are hereby notified that the total number of signatures to the hereinafter named proposed initiative constitutional amendment filed with all county clerks is less than 100 percent of the number of qualified voters required to find the petition sufficient.

Title: Extended Pari-Mutuel Horse Race Wagering
and Gaming

Summary Date: November 30, 1976

Proponent: Robert W. Wilson

The petition has failed and no further action is necessary.



Office of the Secretary of State
March Fong Eu

111 Capitol Mall, Room 220
Sacramento, California 95814

Elections Division
(916) 445-0820

CERTIFIED MAIL-
RETURN RECEIPT REQUESTED

March 2, 1977

Mr. Robert W. Wilson
14724 Ventura Boulevard
Suite 610
Sherman Oaks, CA 91403

Dear Mr. Wilson:

The calendar of scheduled events we mailed to you in November 1976 was amended by Chapter 1106 of Statutes 1976. Specifically, Government Code Section 84202 was amended.

This section, quoted in principal part, states that "...proponents of a state measure shall file campaign statements not later than 35 days after the deadline for filing petitions or the date of notification that the measure has either qualified or failed to qualify, whichever date is earlier. The closing date for such a statement shall be 28 days after the deadline for filing petitions or the date of notification that the measure has either qualified or failed to qualify, whichever date is earlier...."

This means that that portion of our calendar pertaining to your filing of campaign statements of receipts and expenditures has been amended so that the last date for you to file such a statement is June 3, 1977. This campaign statement must include all transactions through May 27, 1977.

Note, then, that this means the July 23, 1977 or July 3, 1977 filing deadlines mentioned in our calendar is no longer true. If the Secretary of State finds that the measure has either qualified or failed to qualify on a date earlier than April 29, 1977, the last date to file is the 35th calendar day after the date of notification by the Secretary of State that the measure has either qualified or failed to qualify. The closing date for this campaign statement is 7 days prior to the filing deadline.



Office of the Secretary of State
March Fong Eu

111 Capitol Mall, Room 220
Sacramento, California 95814

Elections Division
(916) 445-0820

November 30, 1976

TO THE REGISTRARS OF VOTERS AND COUNTY CLERKS

Pursuant to Section 3507 of the Elections Code, there is transmitted herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

EXTENDED PARI-MUTUEL HORSE RACE WAGERING AND GAMING

INITIATIVE CONSTITUTIONAL AMENDMENT

Circulating and Filing Schedule

1. Minimum number of signatures required.....499,846
Constitution IV, 22(b)
2. Official Summary Date.....Tuesday, 11/30/76
Elections Code Section 3507.
3. Petition Sections:
 - a. First day Proponent can circulate Sections for
signatures.....Tuesday, 11/30/76
 - b. Last day Proponent can circulate and file with the
county. All Sections are to be filed at the same
time.....Friday, 4/29/77
 - c. Last day for county to determine total number of
signatures affixed to petition and to transmit total
to Secretary of State.....Wednesday, 5/04/77

(If the Proponent files the petition with the county on a date before 4/29/77, the county has 5 days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit this total to the Secretary of State)
Elections Code Section 3520(b).

- d. Last day for county to determine number of qualified electors who have signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State.....Thursday, 5/19/77

(If the Secretary of State notifies the counties to determine the number of qualified electors who signed the petition on a date prior to 5/4/77, the last day is not later than the fifteenth day after the notification.)

Elections Code Section 3520(d).

- e. If the signature count is between 449,861 and 549,831 then the Secretary of State notifies counties using the random sampling technique to determine validity of all signatures.

Last day for county to determine actual number of all qualified electors who signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State.....Friday, 6/17/77*

(If the Secretary of State notifies the counties to determine the number of qualified electors who have signed the petition on a date prior to 5/19/77, the last day is not later than the thirtieth day after the notification.)

Elections Code Section 3520.5

4. Campaign Statements:

- a. If the measure qualifies for the ballot:
Last day for Proponent to file a Statement of Receipts and Expenditures for period ending 7/16/77..Saturday, 7/23/77

(If the Secretary of State qualified the measure for the ballot on a date other than 5/19/77, the last day to file is the 65th calendar day after the date the measure qualified).

Government Code Section 84202(a).

- b. If the measure does not qualify for the ballot:
Last day for Proponent to file a Statement of Receipts and Expenditures for period ending 6/26/77....Sunday, 7/3/77
Government Code Section 84202(b).

* Date adjusted for official deadline which falls on Saturday.

5. The Proponent of the above measure is:

Robert W. Wilson
14724 Ventura Boulevard
Suite 610
Sherman Oaks, California 91403

(213) 783-4411

WILLIAM N. DURLEY
Assistant to the Secretary of State
Elections and Political Reform



Cashmere M. Apperson
Elections Technician

CMA:cg

NOTE TO PROPONENT: Your attention is directed to Elections Code Sections 45, 3500.1, 3502.5 and 3511 for appropriate format and type considerations in printing, typing and otherwise preparing your initiative petition for circulation and signatures.

Your attention is further directed to Government Code Sections 85200 et seq. regarding the circulation of statewide petition.

DECLARATION OF MAILING

RE: INITIATIVE - CONSTITUTIONAL AMENDMENT
EXTENDED PARI-MUTUEL HORSE RACE WAGERING
AND GAMING

I, Anne Chapman, declare as follows:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; I reside in the County of Sacramento, State of California; my business address and place of employment is 555 Capitol Mall, Suite 550, Sacramento, California 95814

The proponent of the above named measure is:

Robert W. Wilson
14724 Ventura Boulevard, Suite 610
Sherman Oaks, California 91403

On the 30th day of November, 1976, I mailed a letter, a true copy of which is attached hereto, to the person above named, in an envelope addressed to him at the address set out immediately below the name, sealed said envelope, and deposited the same in the United States mail at the City of Sacramento, County of Sacramento, State of California, with postage thereon fully prepaid, and there is regular communication between the said place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California, on November 30, 1976.



Declarant



OFFICE OF THE ATTORNEY GENERAL

Department of Justice

555 CAPITOL MALL, SUITE 350
SACRAMENTO 95814
(916) 445-9555

FILED
In the office of the Secretary of State
of the State of California

DEC - 1 1976

MARCH FONG EU, Secretary of State

By *Richard D. Martland*
Deputy

November 30, 1976

Hon. March Fong Eu
Secretary of State
925 L Street, Suite 605
Sacramento, California 95814

Re: Initiative - Constitutional Amendment
Extended Pari-Mutuel Horse Race Wagering
and Gaming - Our File No. 76RF0077

Dear Mrs. Eu:

Pursuant to the provisions of section 3507 of the Elections Code, you are hereby informed that on this day we mailed to Robert W. Wilson, as proponent, the following title and summary:

EXTENDED PARI-MUTUEL HORSE RACE WAGERING AND GAMING. INITIATIVE CONSTITUTIONAL AMENDMENT. Permits pari-mutuel and extended pari-mutuel wagering in California only on horse races. Establishes a People's Gaming Control Act Commission which shall issue licenses to conduct extended pari-mutuel horse race wagering in dinner houses throughout the State. On request of the City of Adelanto, San Bernardino County, the Commission shall issue permits for the conduct within such city of those games defined in Penal Code section 330 and elsewhere in the petition. Horse race wagering licensees and gaming permittees shall pay license and permit fees to the Commission.

Enclosed herewith is a declaration of mailing thereof, and a copy of the proposed measure.

The address of the proponent is 14724 Ventura Boulevard, Suite 610, Sherman Oaks, California 91403, and his telephone number is (213) 783-4411.

Very truly yours,
EVELLE J. YOUNGER
Attorney General

Richard D. Martland
RICHARD D. MARTLAND
Deputy Attorney General

RDM:ac
Encl.

14724 Ventura Boulevard
Suite 610
Sherman Oaks, CA 91403

24 September 1976

Mr. Dick Martland
Attorney General
Wells Fargo Bank Building
Suite 500
Fifth Street and Capitol Mall
Sacramento, CA 95814

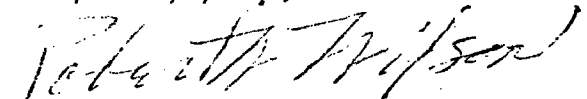
Dear Mr. Martland:

This letter is to request some minor changes in the People's Gaming Control Act Initiative filed in the Attorney General's office on June 24, 1976. You have informed me that the Summary and Title have been completed, waiting for signatures. I requested you to delay the signatures until September 15, 1976. I hope these changes will not alter your prepared Summary and Title. In my opinion, there is no substinent change in the law.

Enclosed are three complete copies of my new Initiative. As I could not find the same typewriter that was used on the Initiative you have in your office, I thought it best to retype the entirety of the Initiative.

Thank you for your help and understanding.

Very truly yours,


Robert W. Wilson,
Proponent

R/W:pb
Encls.

AN INITIATIVE PETITION PROPOSING AN AMENDMENT
TO THE CONSTITUTION OF THE STATE OF CALIFORNIA
RELATING TO EXTENDED PARI-MUTUEL WAGERING ON
HORSE RACES AND GAMING.

Initiative Measure.

TO BE SUBMITTED DIRECTLY TO THE ELECTORS.

The full text of the proposed Amendment is as follows:

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

The Constitution of the State of California is hereby amended by adding thereto a new article and sub-section designated as Article IV, Section 19, sub-section (c), which shall immediately follow Article IV, Section 19, Sub-section(b), and shall read as follows:

ARTICLE IV, SECTION 19
SUB-SECTION (c)

PEOPLE'S GAMING CONTROL ACT

SECTION I. Existing methods of taxation have proved inadequate to meet the increasing costs of State Government. The property tax has risen to the point that the property owners cannot be taxed further without the State's economy being seriously impaired. The sales tax has been raised a percentage at a time to the point that the State has become a serious partner to most commercial transactions incurred within its boundaries. Other existing sources of revenue to the State are urgently needed. There exists at this time, within the confines of this State, a multi-million dollar activity related to Gaming and Book Making as set forth in the Penal Code, Chapter 10 of this State which operate without State taxation or supervision. It is further evident that vast sums of State revenues are expended in what has proved to be a futile effort to curb or eliminate this activity. The purpose of this Article is to provide for Gaming as set forth in the Penal Code, Chapter 10 of this State, and for extending pari-mutuel wagering for a limited period of time, and is to be treated as a pilot experimental program for a period of twenty-eight (28) years.

SECTION II. The California Legislature shall provide for the regulation of Gaming as defined in Penal Code, Chapter 10, Section 330 and Extended Pari-Mutuel wagering on horse races as follows:

SECTION III. This Article shall be cited and known as the People's Gaming Control Act, and all reference to same shall be the same.

SECTION IV. Recognizing the mandate of the people, the Legislature shall pass all laws reasonably necessary to implement the conducting of Gaming and Extended Pari-Mutuel Wagering operations on horse racing within this State.

SECTION V. After the twenty-eight (28) year period referred to in Section I of this Article expires, the Legislature shall have the power to extend the pilot experimental program to a time to be determined by it according to all rules, regulations, and conditions the Legislature may have then prescribed or to confirm said Article for all counties of this State.

SECTION VI. Jurisdiction and supervision over Gaming and Extended Pari-Mutuel Wagering in this State and over all persons or things to do with the operation of Gaming and Extended Pari-Mutuel Wagering is vested in the People's Gaming Control Act Commission.

The People's Gaming Control Act Commission shall consist of three members to be appointed by the Governor. Each member shall have been a resident of this State for four years next preceding his appointment. Each member shall hold office for a term of four years. Any vacancy shall be filled by the Governor for the expired term.

The Members of the People's Gaming Control Act Commission shall receive a salary of \$22,500.00 per annum.

The Governor may remove any People's Gaming Control Act Commission Member for cause upon first giving him a copy of the charges against him and an opportunity to be heard.

The Members of the People's Gaming Control Act Commission shall appoint one of its Members a Chairman.

The People's Gaming Control Act Commission shall appoint such employees as may be necessary to carry out the provision of this law.

The People's Gaming Control Act Commission shall appoint a secretary who shall receive the annual salary provided for by Chapter 6 (commencing at Section 11550) of Part 1 of Division 3 of Title 2 of the government Code.

The salaries of the People's Gaming Control Act Commission Members, the secretary and other employees and all other necessary expenses to carry out the Gaming and Extended Pari-Mutuel Wagering measure shall be paid monthly by the State Treasurer on the warrant of the State Controller and the certification of the Chairman of the People's Gaming Control Act Commission out of the California State General Fund.

The People's Gaming Control Act Commission shall establish and maintain a general office for the transaction of its business at a place to be determined by it. The People's Gaming Control Act Commission may hold meetings at any other place when the convenience of the members of the People's Gaming Control Act Commission requires.

All meetings of the People's Gaming Control Act Commission shall be open to the public, and all persons shall be permitted to attend any meeting of the People's Gaming Control Act Commission.

A majority of the People's Gaming Control Act Commission constitutes a quorum for the transaction of its business or the exercise of any of its powers.

The secretary shall keep a full and true record of all proceedings, books, documents, and papers of the board, prepare for service such notices and other papers as may be required of him by the People's Gaming Control Act Commission and perform such other duties as the People's Gaming Control Act Commission may prescribe.

All records of the People's Gaming Control Act Commission shall be open to inspection by the public during regular office hours.

The Legislature shall give the People's Gaming Control Act Commission all powers necessary and proper to enable it to carry out fully and effectually the purposes of this law.

SECTION VII. It shall be unlawful for any person, persons, corporation, association, or other legal entity to conduct Extended Pari-Mutuel Wagering in this State without a license from the People's Gaming Control Act Commission.

SECTION VIII. The People's Gaming Control Act Commission shall issue up to one thousand (1,000) licenses to conduct Extended Pari-Mutuel Wagering in this State. The People's Gaming Control Act Commission may issue as many other licenses to conduct Extended Pari-Mutuel Wagering as necessary in this State, with two-thirds (2/3) approval of the State Senate.

SECTION IX. Ten days following the official declaration of the Vote by the Secretary of State, the People's Gaming Control Act Commission shall start taking applications from Applicants on Application forms furnished by the People's Gaming Control Act Commission. The Applicants shall pay to the People's Gaming Control Act Commission Twenty-five Hundred Dollars (\$2,500.00) as a filing fee and will not be refundable on the event an Applicant is rejected by the People's Gaming Control Act Commission for a License to conduct Extended Pari-Mutuel Wagering in this State. When the People's Gaming Control Act Commission issues a License to conduct Extended Pari-Mutuel Wagering, the Licensee shall not sell or transfer said License without the approval of the People's Gaming Control Act Commission.

SECTION X. The License fee for Extended Pari-Mutuel Wagering within this State shall be paid to the People's Gaming Control Act Commission in the amount of Twenty-five Hundred Dollars (\$2,500.00). All application fees and License fees for Extended Pari-Mutuel Wagering on horse racing shall be paid into the State General Fund. The Licensee shall pay said License fee annually thereafter.

SECTION XI. Extended Pari-Mutuel Wagering shall take place in all Counties and Cities of this State.

SECTION XII. All extended Pari-Mutuel Wagering shall take place in establishments throughout the State which shall be equipped with closed-circuit television for viewing of the race and with pari-mutuel wagering machines utilized in a manner which would insure that any wager made within the system would reflect itself in the total mutual pool for a particular race and with facilities comparable to those common at race tracks in this State.

The only pari-mutuel wagering or extended pari-mutuel wagering in this State shall only be permitted on racing having to do with horse racing.

SECTION XIII. The Licensee shall be responsible in determining the locations of the extended pari-mutuel wagering establishments within each city's commercial zoning. Recognizing the people in favor of this measure the Legislature shall pass all laws reasonably necessary to insure that there is cooperation between the race track operators, owners or any other legal entity and the Licensee.

SECTION XIV. Extended Pari-Mutuel Wagering Licenses shall be issued to individuals, corporations, partnerships, or any legal entity. The Licenses issued for Extended Pari-Mutuel Wagering establishments operators shall not share in revenues derived

through Extended Pari-Mutuel Wagering Funds. Further, all revenues derived through Extended Pari-Mutuel Wagering Funds pursuant to the existing sliding scale percentages (of each dollar wagered) now and future in effect shall at least be shared equally with the State of California and the Licensee that is authorized and designated by the State Horse Racing Board of California to conduct horse race meetings for the general public viewing each year.

SECTION XV. It shall be unlawful for any person, firm, association or corporation, either as owner, lessee, or employee, whether for hire or not, to operate, carry on, conduct or maintain in the State of California, any form of wagering under this Article system known as the Extended Pari-Mutuel Wagering method of wagering on any horse race, without having first procured a License for the same as provided in this Article.

- A. No alien or any person except a citizen of the United States shall be issued a License, or shall directly or indirectly own, operate or control having to do with Extended Pari-Mutuel Wagering so licensed.

SECTION XVI. The People's Gaming Control Act Commission shall be charged with the administration of this Article for the protection of this Article for the protection of the public and in the public interest.

- A. The regulations of the People's Gaming Control Act Commission may include, without limitation thereof, the following:
 - B. Requiring fingerprinting of an applicant or licensee, or other method of identification.
 - C. Requiring information concerning an applicant's antecedents, habits and character.
 - D. Prescribing the method and form of application which any applicant for a License under this Article shall follow and complete prior to consideration of his application by the People's Gaming Control Act Commission.
- E. The People's Gaming Control Act Commission shall, and it is granted the power to, demand access to and inspect all books and records of any person licensed under this Article pertaining to and affecting the subject of the License.

SECTION XVII. This Section relates to Gaming only as follows:

1. Gaming is to be treated as a pilot experimental program set forth in Section One of this Article for a period of twenty-eight (28) years.
2. San Bernardino County shall be the only county for this pilot program. Only the City and to the City's boundaries shall be involved as stated in the following:
 - A. The Geographical Area permitting Gaming is located in the County of San Bernardino, the City known as Adelanto.

3. The Legislature shall pass all laws reasonably necessary to implement the conducting of Gaming (as defined in the State Penal Code, Chapter 10, Section 330) including Slot Machines, Card Dice, Dice, Punchboard Lottery, Pool-Selling, Faro, Monte, Roulette, Canequer Rouge et Noir, Roulette, Ten, Fan-Tan, Stud Horse Poker, Seven-and-a-half, Twenty-One Black Jack, Hokey-Pokey, or any banking or percentage game played with cards, dice, or any device for money, credits, or other representative of value.

Gaming as set forth in this measure relating to City locations, the city named shall have the exercise of local option permitting Gaming.

The People's Gaming Control Act Commission shall issue permits for Gaming at the request of the respective City Councils. It shall be unlawful for any person, persons, corporation, association or other legal entity to conduct Gaming in this State without a city license and a Permit from the People's Gaming Control Act Commission of this State.

The City named shall adopt a City Ordinance with a full-time three (3) man Commission appointed by the City Council for the purpose of a screening Licensing Commission of the city to investigate applicants for a Gaming License and to supervise over Gaming in the city. The City Council shall establish its own Licensing and tax fees.

The People's Gaming Control Act Commission shall issue as many permits as the City of Adelanto requests for Gaming.

Thirty days after the issuance of a permit for Gaming, the permittee shall pay to the People's Gaming Control Act Commission the sum of Twenty-Five Thousand Dollars (\$25,000.00) as a Permit Fee.

All revenues derived for the State from this Article is for the purpose of lowering taxation to the People of the State of California and all Permit Fees shall be paid into the State General Fund.

STATE POLICY CONCERNING GAMBLING

- A. It is hereby declared to be the policy of this State that all establishments where gambling games are conducted or operated or where gambling devices are operated in the State of California shall be licensed by the City and a permit from the People's Gaming Control Act Commission and controlled so as to protect the public health, safety, morals, good order and general welfare of the inhabitants of the State of California, and to preserve the competitive economy and the policies of free competition of the State of California.
- B. Any License and Permit issued pursuant to the Article shall be deemed to be a revocable privilege and no holder thereof shall be deemed to have acquired any vested rights thereunder.

SECTION XX. "Game," "Gambling Game" defined: "Game" or "Gambling Game" means any banking or percentage game played with cards, dice or any mechanical device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, Faro, Monte, Roulette, Keno, bingo, Fan-Tan, Twenty-One, Black-Jack, Seven-and-a-Half, Big Injun, Klondike, Craps, Stud Poker, Draw Poker or Slot Machine.

"Gaming Device" defined: "Gaming Device" means any mechanical contrivance or machine used in connection with Gaming or any Game.

"Gaming;" "Gambling" defined: "Gaming" or "Gambling" means to deal, operate, carry on, conduct, maintain or expose for play any Game as defined in Section XVII and those Games defined in Penal Code, Chapter 10, Section 330 and elsewhere in the Petition.

"Gaming License" defined: "Gaming License" means any license issued by the city of Adolante or any political subdivision thereof pursuant to this measure or Sections which authorizes the person named therein to engage in Gaming, as defined in Section XVII of this measure.

"Gaming Permits" defined: "Gaming Permits" means any permits issued by the People's Gaming Control Act Commission which authorizes the person named therein to engage in Gaming, as defined in Section XVII of this measure.

"Person" defined: "Person" includes any association, corporation, firm, partnership, trust or other form of business association as well as a natural person.

SECTION XXI. "EXTENDED PARI-MUTUEL WAGERING: "ESTABLISHMENTS DEFINED": Restaurants serving lunches and dinners for the convenience of the public and to the public.

SECTION XXII. "CITY" DEFINED:
"City" means any incorporated or unincorporated city or town.

SECTION XXIII. All provisions of the Constitution of the State of California and the laws of the State of California, in conflict with or inconsistent with the provisions hereof are hereby repealed. If any portion, section or clause of this Article shall be declared unconstitutional or invalid, such declaration or adjudication shall not affect the remainder of this Article.

SECTION XXIV. The Legislature shall pass all laws necessary to effect operation of this Measure. It shall take effect five days after the date of the official declaration of the vote by the Secretary of State and become operative upon the first days of the first month following the fourth day after the date of the official declaration of the vote.

SECTION XXV. The provisions of this Article are self-executing.