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SENATE FILE 2022

BY PRIEBE

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

A BILL FOR

1 An Act to repeal state fees and taxes imposed upon pari-mutuel
 2 racetracks, gambling games, and excursion gambling boats and
 3 their licensees, and to authorize a refund, and to provide an
 4 effective date and retroactive applicability.

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

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SF 2022

1 Section 1. Section 12.10, Code 1993, is amended to read as
2 follows:

3 12.10 DEPOSITS BY STATE OFFICERS.

4 Except as otherwise provided, all elective and appointive
5 state officers, boards, commissions, and departments shall,
6 within ten days succeeding the collection, deposit with the
7 treasurer of state, or to the credit of the treasurer of state
8 in any depository designated by the treasurer of state, ninety
9 percent of all fees, commissions, and moneys collected or
10 received. The balance actually collected in cash, remaining
11 in the hands of any officer, board, or department shall not
12 exceed the sum of five thousand dollars and money collected
13 shall not be held more than thirty days. This section does
14 not apply to the state fair board, the state board of regents,
15 the utilities board of the department of commerce, the
16 director of the department of human services, the Iowa finance
17 authority or to the funds received by the state racing and
18 gaming commission under ~~sections~~ section 99D.7 and ~~99D.14~~.

19 Sec. 2. Section 99D.9, subsection 1, Code 1993, is amended
20 to read as follows:

21 1. If the commission is satisfied that its rules and
22 sections 99D.8 through 99D.14, section 99D.16, and sections
23 99D.18 through 99D.25 applicable to licensees have been or
24 will be complied with, it may issue a license for a period of
25 not more than three years. The commission may decide which
26 types of racing it will permit. The commission may permit dog
27 racing, horse racing of various types or both dog and horse
28 racing. The commission shall decide the number, location, and
29 type of all racetracks licensed under this chapter. The
30 license shall set forth the name of the licensee, the type of
31 license granted, the place where the race meeting is to be
32 held, and the time and number of days during which racing may
33 be conducted by the licensee. The commission shall not
34 approve a license application if any part of the racetrack is
35 to be constructed on prime farmland outside the city limits of

1 an incorporated city. As used in this subsection, "prime
2 farmland" means as defined by the United States department of
3 agriculture in 7 C.F.R. sec. 657.5(a). A license is not
4 transferable or assignable. The commission may revoke any
5 license issued for good cause upon reasonable notice and
6 hearing. The commission shall conduct a neighborhood impact
7 study to determine the impact of granting a license on the
8 quality of life in neighborhoods adjacent to the proposed
9 racetrack facility. The applicant for the license shall
10 reimburse the commission for the costs incurred in making the
11 study. A copy of the study shall be retained on file with the
12 commission and shall be a public record. The study shall be
13 completed before the commission may issue a license for the
14 proposed facility.

15 Sec. 3. Section 99D.10, Code 1993, is amended to read as
16 follows:

17 99D.10 BOND OF LICENSEE.

18 A licensee licensed under section 99D.9 shall post a bond
19 to the state of Iowa before the license is issued in a sum as
20 the commission shall fix, with sureties to be approved by the
21 commission. The bond shall be used to guarantee that the
22 licensee faithfully makes the payments, keeps its books and
23 records and makes reports, and conducts its racing in
24 conformity with sections 99D.6 through 99D.14, section 99D.16,
25 and sections 99D.18 through 99D.23 and the rules adopted by
26 the commission. The bond shall not be canceled by a surety on
27 less than thirty days notice in writing to the commission. If
28 a bond is canceled and the licensee fails to file a new bond
29 with the commission in the required amount on or before the
30 effective date of cancellation, the licensee's license shall
31 be revoked. The total and aggregate liability of the surety
32 on the bond is limited to the amount specified in the bond.

33 Sec. 4. Section 99D.14, subsections 1 through 5, Code
34 1993, are amended by striking the subsections.

35 Sec. 5. Section 99F.4, subsection 2, unnumbered paragraph

1 2, Code Supplement 1993, is amended to read as follows:

2 Notwithstanding the provisions of this subsection and
3 ~~sections section~~ section 99F.10 and ~~99F.17~~ directing that all license
4 and admission fees be paid to the commission or be deposited
5 into a special account, beginning on July 1, 1991, all fees
6 shall be deposited into the general fund of the state.

7 Sec. 6. Section 99F.5, subsection 2, Code 1993, is amended
8 to read as follows:

9 2. The annual license fee to operate an excursion gambling
10 boat shall be ~~based on the passenger-carrying capacity~~
11 ~~including crew, for which the excursion gambling boat is~~
12 ~~registered~~ issued without fee. ~~The annual fee shall be five~~
13 ~~dollars per person capacity.~~

14 Sec. 7. Section 99F.10, subsections 1, 2, and 4, Code
15 1993, are amended by striking the subsections.

16 Sec. 8. Section 99F.10, subsection 3, Code 1993, is
17 amended to read as follows:

18 3. ~~In addition to the admission fee charged under~~
19 ~~subsection 2 and subject~~ Subject to approval of excursion
20 gambling boat docking by the voters, a city may adopt, by
21 ordinance, an admission fee not exceeding fifty cents for each
22 person embarking on an excursion gambling boat docked within
23 the city or a county may adopt, by ordinance, an admission fee
24 not exceeding fifty cents for each person embarking on an
25 excursion gambling boat docked outside the boundaries of a
26 city. The admission revenue received by a city or a county
27 shall be credited to the city general fund or county general
28 fund as applicable.

29 Sec. 9. Sections 99D.15 and 99F.11, Code 1993, are
30 repealed.

31 Sec. 10. Section 99F.17, Code Supplement 1993, is
32 repealed.

33 Sec. 11. EFFECTIVE DATE -- REFUND.

34 1. This Act, being deemed of immediate importance, takes
35 effect upon enactment and is retroactively applicable to

1 January 1, 1994.

2 2. Any fee or tax which is repealed by this Act, paid on
3 or after January 1, 1994, and before the effective date of
4 this Act, shall be refunded to the licensee upon application
5 prior to January 1, 1995, to the department of revenue and
6 finance.

7 EXPLANATION

8 This bill strikes the license fees required by the state
9 for admission to a pari-mutuel racetrack and the taxes on the
10 gross sum wagered at the pari-mutuel racetracks including
11 simulcast races. The bill also strikes the fees charged by
12 the state to license persons to operate gambling games on
13 excursion gambling boats and to operate the excursion gambling
14 boats. The fees charged for occupational licenses or imposed
15 by local governments for docking or admission remain
16 unchanged.

17 This bill takes effect upon enactment and provides for a
18 refund of fees and taxes which are paid to the state on or
19 after January 1, 1994, and before the effective date of this
20 bill.

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