

RACING AND GAMING COMMISSION[491]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 99D.7 and 99F.4, the Racing and Gaming Commission hereby proposes to amend Chapter 7, “Greyhound Racing,” Iowa Administrative Code.

This amendment proposes new rule 491—7.15(99D) to implement 2014 Iowa Acts, Senate File 2362 [Iowa Code section 99D.9B], with regard to the Iowa greyhound pari-mutuel racing fund.

Any person may make written suggestions or comments on the proposed amendment on or before July 29, 2015. Written material should be directed to the Racing and Gaming Commission, 1300 Des Moines Street, Suite 100, Des Moines, Iowa 50309. Persons who wish to convey their views orally should contact the Commission office at (515)281-7352.

Also, there will be a public hearing on July 29, 2015, at 8:30 a.m. at Prairie Meadows Events Center, 1 Prairie Meadows Drive, Altoona, Iowa. Persons may present their views at the public hearing either orally or in writing.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code chapters 99D and 99F.

The following amendment is proposed.

Adopt the following new rule 491—7.15(99D):

491—7.15(99D) Iowa greyhound pari-mutuel racing fund. Pursuant to Iowa Code section 99D.9B, an Iowa greyhound pari-mutuel racing fund (fund) is created in the state treasury and under the control of the commission. The fund will be distributed on an annual basis pursuant to this rule.

7.15(1) Iowa greyhound association.

- a. Fifty percent of the money in the fund shall be distributed to the Iowa greyhound association.
- b. An annual audit concerning the operation of the escrow account shall be submitted to the commission 90 days after the end of the Iowa greyhound association’s fiscal year.
- c. In the event that the Iowa greyhound association fails to conduct live dog racing during any calendar year, the Iowa greyhound association shall transfer any unused moneys in the escrow fund to the commission and shall receive no further distributions from the fund.

7.15(2) One-time payments.

a. *Administrative expenses.* All expenses incurred by the commission to administer the fund will be deducted before an amount is determined for distribution during each calendar year.

b. *Greyhound adoption agency (agency).* An agency will be reimbursed a dollar amount based upon original receipts and itemized expenses up to \$1,700 per greyhound. All documentation for reimbursement must be submitted to the commission office for consideration on a form prescribed by the commission. Distribution of reimbursement for qualifying requests will occur upon approval by the commission. The commission has sole discretion in determining the eligibility of receipts submitted. No requests for reimbursement will be accepted by the commission after October 31, 2016. For an agency to be eligible for reimbursement, the agency must prove to the commission that:

- (1) The agency physically handled the greyhound to facilitate the adoption;
- (2) The agency has a no-kill policy;
- (3) The greyhound raced in Iowa; and
- (4) The greyhound was placed into adoption due to the cessation of racing.

c. *Greyhound kennel owners.* Greyhound kennel owners are eligible to recover costs up to \$5,000 associated with the removal of equipment from the kennels at the pari-mutuel dog racetrack located in Pottawattamie County. For a greyhound kennel owner to be eligible for reimbursement, the owner must prove to the commission that the expenses were incurred as a result of the removal of property, excluding the transporting of the greyhounds. Greyhound kennel owners shall submit original receipts and itemize the expenses to the commission to verify expenditures. All documentation for reimbursement must be submitted to the commission office for consideration on a form prescribed by the commission. The commission has sole discretion in determining the eligibility of the receipts and expenses submitted. Distribution of reimbursement for qualifying requests will occur upon approval by the commission. No requests for reimbursement will be accepted by the commission after October 31, 2016.

d. *Trainers.* The trainer of record for the kennel employed at the pari-mutuel dog racetrack located in Pottawattamie County upon the closing of the racetrack in December 2015 shall receive \$8,000 for each year of service during the five-year period from 2011 through 2015. Proof of employment for each year for which payment is requested must be sent to the commission. The commission has sole discretion in determining the eligibility of the proof of employment submitted. Distribution for qualifying requests will occur upon approval by the commission. Any trainer who is not employed through the closing of the racetrack in December 2015 shall be eligible for payments only if the kennel owner certifies in writing the trainer's services are not needed. No requests for reimbursement under this paragraph will be accepted by the commission after June 30, 2016.

e. *Assistant trainers.* Assistant trainers employed, present and handling the day-to-day affairs at the pari-mutuel dog racetrack located in Pottawattamie County at the closing of the racetrack in December 2015 shall receive \$4,000 for each year of service during the five-year period from 2011 through 2015. Proof of employment for each year for which payment is requested must be sent to the commission. Distribution for qualifying requests will occur upon approval by the commission. Any assistant trainer who is not employed through the closing of the racetrack in December 2015 shall be eligible for payments only if the kennel owner certifies in writing the assistant trainer's services are not needed. No requests for reimbursement under this paragraph will be accepted by the commission after June 30, 2016.

f. *Financial hardship.* Industry participants are eligible to receive up to \$29,250 from the commission if they can demonstrate a need to be compensated due to hardships caused by the closing of the pari-mutuel dog racetrack located in Pottawattamie County. The burden of demonstrating hardship is on the applicant. The applicant shall submit in writing the request and basis for compensation including original receipts, if applicable, and itemized expenses. The commission has sole discretion in determining the eligibility of the applicant and the authentication of information to demonstrate hardship. Distribution for qualifying requests will occur upon approval by the commission. No requests for reimbursement under this paragraph will be accepted by the commission after June 30, 2016.

g. *Live greyhound racing in Dubuque County.* Should live racing cease in Dubuque County in or after calendar year 2015 but prior to 2022, the commission will establish an application process for one-time payments related to the cessation of racing in Dubuque County. The commission has sole discretion in establishing this process.

7.15(3) Annual payments. After all one-time payments have been paid from the fund, the remainder of the fund will be distributed by a one-time application process for industry participants. The remainder of the fund shall be distributed as follows:

a. Eighty percent of the fund shall be paid as past-performance distributions based on the percentage of purse winnings and the department of agriculture and land stewardship awards the industry participant received from 2010 through 2014. Applicants for past-performance distributions have the burden of demonstrating past earnings. Supplemental documentation for stakes earnings may be required in order to demonstrate the allocation between kennel owner and greyhound owner.

b. Twenty percent of the fund shall be paid to qualifying greyhound industry participants without regard to purse winnings.

(1) Points will be awarded to the following recipients:

1. Greyhound farm owners shall receive 1,060 points for each year of operation from 2010 through 2014, provided the owners submit documentation to verify the farm was licensed by the department of agriculture and land stewardship from 2010 through 2014.

2. Greyhound owners shall receive 32 points for each greyhound individually registered with the department of agriculture and land stewardship from 2010 through 2014. An individually registered greyhound may be counted only one time over the five-year period. In instances where the same greyhound has two claims pursuant to this paragraph, preference will be given to the claimant who first individually registered the greyhound with the department of agriculture and land stewardship.

(2) The applicant's pro rata share of the overall points awarded will be converted to the pro rata basis of the money distributed to qualifying greyhound industry participants without regard to purse winnings.

c. Application for annual payments shall be made on a form prescribed by the commission and received in the commission office by September 30, 2016. No applications will be accepted after that date. Applicants will not be required to submit documentation each year distributions are made. Qualifying documentation to verify past earnings or verify points during the eligible period will be retained and utilized to allocate awards in future years.

d. The commission has the sole discretion in determining the eligibility of the documentation submitted as it relates to claims under this rule.

e. The first of the annual payments will be distributed no later than April 2017 with payment each year following in April. The last payment will be distributed April 2022.