

3. Fill vacancies in county offices in accordance with sections 69.8 to ~~69.13~~ 69.14A, and make appointments in accordance with section 69.16 unless a special election is called pursuant to section 69.14A.

Approved May 24, 1989

CHAPTER 216

PARI-MUTUEL WAGERING

S.F. 220

AN ACT relating to the winnings from and the taxes imposed on pari-mutuel wagering at racetracks in the state and providing applicability and effective dates.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 99D.11, subsection 6, Code 1989, is amended to read as follows:

6. a. All wagering shall be conducted within the racetrack enclosure where the licensed race is held, except as provided in paragraph "b".

b. The commission may authorize the licensee to simultaneously telecast within the racetrack enclosure for purpose of pari-mutuel wagering a horse or dog race licensed by the racing authority of another state. It is the responsibility of each licensee to obtain the consent of appropriate racing officials in other states as required by the federal Interstate Horseracing Act of 1978, 15 U.S.C. § 3001-3007, to televise races for the purpose of conducting pari-mutuel wagering. A licensee may also obtain the permission of a person licensed by the commission to conduct horse or dog races in this state to televise races conducted by that person for the purpose of conducting pari-mutuel racing. However, arrangements made by a licensee to televise any race for the purpose of conducting pari-mutuel wagering are subject to the approval of the commission, and the commission shall limit a licensee to ten races a calendar year which races are chosen by the commission and which are the same for all licensees approved by the commission to televise races for the purpose of conducting pari-mutuel wagering. The commission shall not authorize the simultaneous telecast or televising of and a licensee shall not simultaneously telecast or televise any horse or dog race for the purpose of conducting pari-mutuel wagering unless the simultaneous telecast or televising is done at the racetrack of the licensee on a day and during the time, when there is a horse or dog racing meet being held at the racetrack. For purposes of the taxes imposed under this chapter, races televised by a licensee for purposes of pari-mutuel wagering shall be treated as if the races were held at the racetrack of the licensee.

Sec. 2. Section 99D.12, subsection 2, paragraph a, Code 1989, is amended to read as follows:

a. ~~Seventy-five~~ Seventy-three percent shall be retained by the licensee to supplement purses for races won by Iowa-whelped dogs as provided in section 99D.22.

Sec. 3. Section 99D.12, subsection 2, Code 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Two percent shall be deposited by the commission into a special fund to be known as the dog racing promotion fund. The commission each year shall approve a nonprofit organization to use moneys in the fund for research, education, and marketing of dog racing in the state, including public relations, and other promotional techniques. The nonprofit organization shall not engage in political activity. It shall be a condition of the allocation of funds that any organization receiving funds shall not expend the funds on political activity or on any attempt to influence legislation.

Sec. 4. Section 99D.13, subsection 2, Code 1989, is amended by striking the subsection and inserting in lieu thereof the following:

2. Winnings from each racetrack forfeited under subsection 1 shall escheat to the state and to the extent appropriated by the general assembly shall be used by the department of agriculture and land stewardship to administer sections 99D.22 and 99D.27. The remainder shall be paid over to the commission to pay the cost of drug testing at the tracks. To the extent the remainder paid over to the commission, less the cost of drug testing, is from unclaimed winnings from harness racing meets, the remainder shall be used as provided in subsection 3. To the extent the remainder paid over to the commission, less the cost of drug testing, is from unclaimed winnings from tracks licensed for dog or horse races, the commission, at least quarterly, shall remit one-third of the amount to the treasurer of the city in which the racetrack is located, one-third of the amount to the treasurer of the county in which the racetrack is located, and one-third of the amount to the racetrack from which it was forfeited. If the racetrack is not located in a city, then one-third shall be deposited as provided in chapter 556. The amount received by the racetrack under this subsection shall be used only for retiring the debt of the racetrack facilities and for capital improvements to the racetrack facilities.

Sec. 5. Section 99D.13, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 3. One hundred twenty thousand dollars of winnings from wagers placed at harness racing meets forfeited under subsection 1 in a calendar year that escheat to the state and are paid over to the commission are appropriated to the racing commission for the fiscal year beginning in that calendar year to be used as follows:

a. Eighty percent of the amount appropriated shall be allocated to qualified harness racing tracks, to be used by the tracks to supplement the purses for those harness races in which only Iowa-bred or owned horses may run. However, beginning with the allocation of the appropriation made for the fiscal year beginning July 1, 1992, the races for which the purses are to be supplemented under this paragraph shall be those in which only Iowa-bred two-year and three-year olds may run. In addition, the races must be held under the control or jurisdiction of the Iowa state fair board, established under section 173.1, or of a society, as defined under section 174.1.

b. Twenty percent of the amount appropriated shall be allocated to qualified harness racing tracks, to be used by the tracks for maintenance of and improvements to the tracks. Races held at the tracks must be under the control or jurisdiction of the Iowa state fair board, established under section 173.1, or of a society, as defined under section 174.1.

c. For purposes of this subsection, "qualified harness racing track" means a harness racing track that has either held at least one harness race meet between July 1, 1985, and July 1, 1989, or after July 1, 1989, has applied to and been approved by the racing commission for the allocation of funds under this subsection. The racing commission shall approve an application if the harness racing track has held at least one harness race meet during the year preceding the year for which the track seeks funds under this subsection.

Notwithstanding section 8.33, unencumbered or unobligated funds remaining on June 30 of the fiscal year for which the funds were appropriated shall not revert but shall be available for expenditure for the following fiscal year for the purposes of this subsection.

Sec. 6. Section 99D.14, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Any property used in the operation of a racetrack which is not exempt from property tax on July 1 following the effective date of this Act or which becomes taxable property as a result of a court decision or change of ownership, or the construction of a new track that is not otherwise exempt shall be exempt from property taxation for three years beginning January 1 of the assessment year in which this Act becomes effective or beginning January 1 of the assessment year in which the property first becomes taxable as a result of a court decision or change in ownership, or the construction of a new track that is not otherwise exempt, whichever is applicable. During the last assessment year for which the property is exempt, the county board of supervisors shall present the question of the extension

for an additional ten years of the tax exemption at a regular state election or a special election. If a majority of those voting on the question favor the tax exemption of the property, the property shall be exempt for an additional ten years. The exemption may be extended for additional ten-year periods in the same manner as was done for the first ten-year period.

Sec. 7. Section 99D.15, subsection 1, unnumbered paragraph 1, Code 1989, is amended to read as follows:

A tax of six percent is imposed on the gross sum wagered by the pari-mutuel method at each horse race meeting. The tax imposed by this ~~section~~ subsection shall be paid by the licensee to the treasurer of state within ten days after the close of each horse race meeting and shall be distributed as follows:

Sec. 8. Section 99D.15, subsection 2, Code 1989, is amended to read as follows:

2. A tax credit of up to five percent of the gross sum wagered per year shall be granted to licensees licensed for horse races and paid into a special fund for the purpose of retiring the annual debt on the cost of construction of the licensed facility. However, the tax credit is equal to six percent of the gross sum wagered in a year when the gross sum wagered is less than ninety million dollars. Any portion of the credit not used in a particular year shall be retained by the treasurer of state. A tax credit shall first be assessed against any share going to a city, then to the share going to a county, and then to the share going to the state.

Sec. 9. Section 99D.15, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 3. a. A tax is imposed on the gross sum wagered by the pari-mutuel method at each track licensed for dog races. The tax imposed by this subsection shall be paid by the licensee to the treasurer of state within ten days after the close of the track's racing season. The rate of tax on each track is as follows:

(1) Six percent, if the gross sum wagered in the racing season is fifty-five million dollars or more.

(2) Five percent, if the gross sum wagered in the racing season is thirty million dollars or more but less than fifty-five million dollars.

(3) Four percent, if the gross sum wagered in the racing season is less than thirty million dollars.

b. The tax revenue shall be distributed as follows:

(1) If the racetrack is located in a city, one-half of one percent of the gross sum wagered shall be remitted to the treasurer of the city in which the racetrack is located and shall be deposited in the general fund of the city. One-half of one percent of the gross sum wagered shall be remitted to the treasurer of the county in which the racetrack is located and shall be deposited in the general fund of the county. The remaining amount shall be deposited in the general fund of the state.

(2) If the racetrack is located in an unincorporated part of a county, one-half of one percent of the gross sum wagered shall be remitted to the treasurer of the county in which the racetrack is located and shall be deposited in the general fund of the county. The remaining amount shall be deposited in the general fund of the state.

c. If the rate of tax imposed under paragraph "a" is five percent or four percent, a track shall set aside for retiring the debt of the racetrack facilities or for capital improvement to the racetrack facilities the following amount:

(1) If the rate of tax paid by the track is five percent, one percent of the gross sum wagered in the racing season shall be set aside.

(2) If the rate of tax paid by the track is four percent, two percent of the gross sum wagered in the racing season shall be set aside.

Sec. 10. NEW SECTION. 99D.27 RACING DOG ADOPTION PROGRAM.

1. The department of agriculture and land stewardship shall oversee a program to adopt dogs eligible to race under this chapter. The department shall solicit applications from

nonprofit organizations to carry out the program. The department shall select one or more organizations from each track to implement the program and enter into a contract with the organization selected.

Funds appropriated for the program shall be used for the administrative costs of the department to administer and oversee the program and to compensate the contracted organization for operating the program. In making the selection, the department shall assess the ability of the organization to carry out the objectives of the program. The department shall adopt rules relating to the operation of the program and oversight of the contracted organization.

2. A contracted organization selected under subsection 1 shall, to the extent funding and space are available, identify dogs that are potential candidates for adoption. The contracting organization shall evaluate dogs referred to it under the program to ensure that all of the following conditions are met:

- a. The dog is of a breed eligible for racing under this chapter.
- b. The dog has a disposition compatible as a pet residing within a household.
- c. The dog is free of disease or disability requiring extensive medical treatment.
- d. The dog has either raced at one of the tracks licensed under this chapter or is owned by a resident of Iowa.

3. After determining that a dog is eligible to be placed for adoption under this program, the contracted organization shall attempt to place the dog in a home suitable for the dog. If a suitable home is located, the organization shall arrange for ownership of the dog to be transferred from the owner of the dog to the person who is adopting the dog. A dog shall not be transferred to a person for purposes related to racing, breeding, hunting, laboratory research, or scientific experimentation. The organization shall transfer information relating to the dog to the new owner. A dog eligible to race under this chapter shall not be given away, except through a contracted organization.

4. The contracting organization may destroy a dog if the dog becomes seriously diseased or disabled or the dog has not been transferred to a new owner within a period of time established by the department. The contracting organization shall destroy a dog only by use of euthanasia as defined in section 162.2. The department shall maintain a list of all dogs that have been destroyed.

5. Before transferring ownership of a dog to a new owner, the contracting organization shall do both of the following:

- a. Ensure that the dog is sterilized according to accepted veterinary procedures.
- b. Keep the dog in a sound and healthy condition, including providing the dog with necessary vaccinations.

6. The contracting organization may charge the adopting person the necessary expenses actually incurred in having the dog sterilized, vaccinated, or treated.

7. The department shall periodically inspect the operations and records of each contracting organization to ensure compliance with this section and to ensure a facility operated by or for the contracting organization under this program is complying with chapter 162 and rules adopted pursuant to that chapter. The department may suspend or revoke the contracting organization's participation in the program if the department finds the organization is not complying with the requirements of this section or rules adopted by the department.

8. The state, state personnel, the contracting organization, and its personnel are not liable for any claim resulting from the implementation of this program.

Sec. 11. For the fiscal year beginning July 1, 1989, and ending June 30, 1990, moneys deposited into the dog racing promotion fund pursuant to section 99D.12 shall be paid by the state racing commission to the Iowa greyhound association for purposes of research, education, and marketing of dog racing in the state, including public relations, and other promotional techniques.

Sec. 12. Section 9 of this Act applies to tracks licensed for dog races whose racing season ends on or after January 1, 1989.

Sec. 13. Licensees affected by the enactment of section 9 of this Act are entitled to a refund of the excess taxes paid under section 99D.15, if a claim for refund is filed with the department of revenue and finance by July 1, 1990.

Sec. 14. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 24, 1989

CHAPTER 217

RETIREMENT FACILITIES

S.F. 278

AN ACT relating to the disclosure of information by continuing care retirement communities and senior adult congregate living facilities, and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 523D.1 DEFINITIONS.

As used in this chapter, unless the context clearly indicates otherwise:

1. "Senior adult congregate living facility" means any building or buildings, section of a building, or distinct part of a building, residence, private home, boarding home, home for the aged, or other place, other than facilities licensed and operated under chapter 135C, or community supervised living arrangements approved by the department of human services under section 225C.21, whether operated by a for-profit or a not-for-profit organization which undertakes through its ownership or management to provide housing and one or more supportive services for a time period exceeding twenty-four consecutive hours, to ten or more residents, the majority of whom are sixty years of age or older. A person who is furnishing the continuing care and who is related by consanguinity or affinity to the resident living in the facility shall not be included in the capacity calculation.

2. "Senior adult congregate living services" means the services provided to residents in a facility.

3. "Supportive services" includes, but is not limited to, services such as laundry; maintenance; emergency nursing care; activity services; security; dining options; transportation; beauty and barber; personal, including eating, bathing, dressing, and supervised medication administration; and health.

4. "Continuing care retirement community" means a senior adult congregate living facility which furnishes senior adult congregate living services together with nursing services to residents, regardless of whether or not the services are provided at one location, and pursuant to one or more agreements effective for the life of the resident or for a period of time greater than one year.

5. "Continuing care" means the furnishing to residents, the majority of whom are sixty years of age or older, other than a resident related by consanguinity or affinity to the person furnishing the care, of senior adult congregate living services together with nursing services regardless of whether or not the services are provided at one location and pursuant to one or more agreements effective for the life of the resident or for a period of time greater than one year.

6. "Entrance fee" means an initial or deferred transfer which exceeds the lesser amount of five thousand dollars or six times the living unit's monthly fee to a provider of a sum of money or other property made or promised to be made as full or partial consideration for acceptance of a specified individual as a resident in a facility.