

**CHAPTER 165****CAMPAIGN FINANCE DISCLOSURE — PERMANENT ORGANIZATIONS***H.F. 644*

**AN ACT** relating to communication by permanent nonprofit organizations with their dues-paying members under the campaign finance disclosure law.

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

Section 1. Section 56.6, subsection 6, Code 1991, is amended by adding the following new unnumbered paragraphs:

**NEW UNNUMBERED PARAGRAPH.** A communication regarding any subject by a permanent organization, which is a nonprofit organization, to its dues-paying members is not political activity requiring the organization of a political committee, reporting, or disclosure pursuant to this chapter.

**NEW UNNUMBERED PARAGRAPH.** As used in this subsection, "permanent organization" means an organization which is continuing, stable, and enduring, and which was originally organized for purposes other than engaging in election activities.

Approved May 10, 1991

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**CHAPTER 166****GAMBLING — RACETRACKS — EXCURSION BOATS***H.F. 651*

**AN ACT** relating to gambling and the operation of pari-mutuel racetracks and excursion gambling boats, and providing an effective date.

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

Section 1. Section 99D.7, Code 1991, is amended by adding the following new subsection:

**NEW SUBSECTION. 19A.** Notwithstanding any contrary provision in this chapter, to provide for interstate combined wagering pools related to simulcasting horse or dog races and all related interstate pari-mutuel wagering activities.

Sec. 2. Section 99D.11, subsection 5, Code 1991, is amended to read as follows:

5. As each race is run the licensee shall deduct sixteen percent from the total sum wagered on all horses or dogs as first winners. The balance, after deducting breakage, shall be paid to the holders of certificates on the winning horse or dog in the proportion that the amount wagered by each certificate holder bears to the total amount wagered on all horses or dogs in the race as first winners. The licensee may pay a larger amount if approved by the commission. The licensee shall likewise receive other wagers on horses or dogs in places or combinations the commission may authorize. The method, procedure, and the authority and right of the licensee, as well as the deduction allowed to the licensee, shall be as specified with respect to wagers upon horses or dogs selected to run first. However, the commission may authorize the licensee to deduct a higher percent of the total sum wagered not to exceed twenty percent on multiple or exotic wagering involving not more than one horse two horses or dog dogs. For exotic wagering involving three or more horses or dogs, the commission may authorize a licensee to deduct an additional two percent from the total sum wagered on the exotic wagers. One percent of the exotic wagers on three or more horses or dogs shall be distributed as provided in section 99D.12.

Sec. 3. Section 99D.11, subsection 6, paragraph b, Code 1991, is amended to read as follows:

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 select the races to be televised. The races selected by the commission shall be 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 a licensee on a day when there are horse or dog races being held at the racetrack that schedules no less than one hundred five performances of eight live races each day of the season. 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. 4. Section 99D.12, subsection 2, paragraph b, Code 1991, is amended to read as follows:

b. Twenty-five percent shall be retained by the licensee and shall be put into a stake race for Iowa-whelped dogs. An amount equal to twelve percent of the winner's share shall be set aside and distributed to the breeder of the winning greyhound in accordance with section 99D.22 and the remainder shall be apportioned as purse moneys for the stake race. All dogs racing in the stake race must have run in at least twelve races during the current racing season at the track sponsoring the stake race to qualify to participate.

Sec. 5. Section 99D.13, subsection 2, Code 1991, is amended to read as follows:

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 section 99D.22. The remainder shall be paid over to the commission to pay all or part of 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 to the commission, less the cost of drug testing, is from unclaimed winnings from licensed dog tracks, the commission shall remit annually five thousand dollars, or an equal portion of that amount, to each licensed dog track to carry out the racing dog adoption program pursuant to section 99D.27. 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, on an annual basis, 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. 6. Section 99D.15, subsection 3, paragraph c, Code 1991, is amended to read as follows:

c. If the rate of tax imposed under paragraph "a" is six percent, 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 six percent, one-sixth of the tax liability by the track during the racing season shall be set aside.

(1) (2) 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) (3) 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. 7. Section 99F.13, Code 1991, is amended to read as follows:

**99F.13 AUDIT OF LICENSEE OPERATIONS.**

Within ninety days after the end of each month, the licensee shall transmit to the commission an audit of the financial transactions and condition of the licensee's operations conducted under this chapter. Additionally, within ninety days after the end of the licensee's fiscal year, the licensee shall transmit to the commission an audit of the financial transactions and condition of the licensee's total operations. All audits shall be conducted by certified public accountants registered or licensed in the state of Iowa under chapter 116.

Sec. 8. **EFFECTIVE DATE.** This Act, being deemed of immediate importance, takes effect upon enactment. However, section 99D.15, subsection 3, paragraph "c", subparagraph (1), enacted in this Act, takes effect January 1, 1993.

Approved May 10, 1991

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## CHAPTER 167

### FORFEITURE OF EXCURSION BOATS AND RELATED PROPERTY

*H.F. 679*

**AN ACT** relating to forfeiture of excursion boats and related property and providing an effective date.

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

Section 1. Section 99F.16, Code 1991, is amended by adding the following new subsections:

**NEW SUBSECTION. 4.** Upon receipt of forfeited property, the county attorney or attorney general shall permit an owner or lienholder of record having a nonforfeitable property interest in the property the opportunity to purchase the property interest forfeited. If the owner or lienholder does not exercise the option under this subsection within thirty days the option is terminated, unless the time for exercising the option is extended by the county attorney or attorney general.

**NEW SUBSECTION. 5.** A person having a valid, recorded lien or property interest in forfeited property, which has not been purchased pursuant to subsection 4, shall either be reimbursed to the extent of the nonforfeitable interest or to the extent that the sale of the item produces sufficient revenue to do so, whichever amount is less. The sale of forfeited property should be conducted in a manner which is commercially reasonable and calculated to provide a sufficient return to cover the costs of the sale and reimburse any nonforfeitable interest. The validity of a lien or property interest is determined as of the date upon which property becomes forfeitable.

**NEW SUBSECTION. 6.** This section does not preclude a civil suit by an owner of an interest in forfeited property against the party who, by criminal use, caused the property to become forfeited to the state.

Sec. 2. **EFFECTIVE DATE.** This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 10, 1991