

# Senate Amendment 3611

## Amendment Text

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1 1 Amend [House File 572](#), as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 1, by inserting before line 1 the  
1 4 following:  
1 5 "Section 101. Section 99D.8, unnumbered paragraphs  
1 6 1 and 2, Code 1995, are amended to read as follows:  
1 7 A qualifying organization, as defined in section  
1 8 513(d)(2)(C) of the Internal Revenue Code, as defined  
1 9 in section 422.3, exempt from federal income taxation  
1 10 under sections 501(c)(3), 501(c)(4), or 501(c)(5) of  
1 11 the Internal Revenue Code or a nonprofit corporation  
1 12 organized under the laws of this state, whether or not  
1 13 it is exempt from federal income taxation, which is  
1 14 organized to promote those purposes enumerated in  
1 15 section 99B.7, subsection 3, paragraph "b",

~~and~~

~~or~~

1 16 which regularly conducts

~~, as one of its substantial~~

1 17

~~exempt purposes,~~

~~an agricultural and educational fair~~

1 18 or exposition for the promotion of the horse, dog, or  
1 19 other livestock breeding industries of the state, or  
1 20 an agency, instrumentality, or political subdivision  
1 21 of the state, may apply to the commission for a  
1 22 license to conduct horse or dog racing. The  
1 23 application shall be filed with the administrator of  
1 24 the commission at least sixty days before the first  
1 25 day of the horse race or dog race meeting which the  
1 26 organization proposes to conduct, shall specify the  
1 27 day or days when and the exact location where it  
1 28 proposes to conduct racing, and shall be in a form and  
1 29 contain information as the commission prescribes.

1 30 If any part of the net income of a licensee is  
1 31 determined to be unrelated business taxable income as  
1 32 defined in sections 511 through 514 of the Internal  
1 33 Revenue Code, or is otherwise taxable, the

~~qualifying~~

1 34

~~organization~~

~~licensee~~ shall be required to distribute

1 35

~~the~~

~~such~~ amount

~~of net unrelated business taxable~~

1 36

~~income~~  
- to political subdivisions in the state and  
1 37 organizations described in section 501(c)(3) of the  
1 38 Internal Revenue Code in the county in which

~~it~~  
- ~~the~~  
1 39 licensee operates.

~~Distributions to these~~

-  
1 40

~~organizations made during the year in which the~~

-  
1 41

~~unrelated business income was earned shall be treated~~

-  
1 42

~~as included in the required distributions for this~~

-  
1 43

~~purpose.~~

-  
1 44 Sec. 102. Section 99F.1, subsection 14, Code 1995,  
1 45 is amended to read as follows:

1 46 14. "Qualified sponsoring organization" means a  
1 47 nonprofit corporation organized under the laws of this  
1 48 state, whether or not it is exempt from federal income  
1 49 taxation, or a person or association that can show to  
1 50 the satisfaction of the commission that the person or  
2 1 association is eligible for exemption from federal  
2 2 income taxation under section 501(c)(3), 501(c)(4),  
2 3 501(c)(5), 501(c)(6), 501(c)(7), 501(c)(8),  
2 4 501(c)(10), or 501(c)(19) of the Internal Revenue Code  
2 5 as defined in section 422.3.

2 6 Sec. 103. Section 99F.6, subsection 4, paragraph  
2 7 a, Code 1995, is amended to read as follows:

2 8 a. Before a license is granted, the division of  
2 9 criminal investigation of the department of public  
2 10 safety shall conduct a thorough background  
2 11 investigation of the applicant for a license to  
2 12 operate a gambling game operation on an excursion  
2 13 gambling boat. The applicant shall provide  
2 14 information on a form as required by the division of  
2 15 criminal investigation.

~~Before a~~

- A qualified  
2 16 sponsoring organization

~~is~~

- licensed to operate  
2 17 gambling games under this chapter

~~, the qualified~~

-  
2 18

~~sponsoring organization~~

- shall

~~certify that~~

- distribute

2 19 the receipts of all gambling games, less reasonable  
2 20 expenses, charges, taxes, fees, and deductions allowed  
2 21 under this chapter,

~~- will be distributed~~

- as winnings to  
2 22 players or participants or

~~- will be distributed~~

- shall

2 23 distribute the receipts for educational, civic,  
2 24 public, charitable, patriotic, or religious uses as  
2 25 defined in section 99B.7, subsection 3, paragraph "b".  
2 26 However, if a licensee who is also licensed to conduct  
2 27 pari-mutuel wagering at a horse racetrack has unpaid  
2 28 debt from the pari-mutuel racetrack operations, the  
2 29 first receipts of the gambling games operated within  
2 30 the racetrack enclosure less reasonable operating  
2 31 expenses, taxes, and fees allowed under this chapter  
2 32 shall be first used to pay the annual indebtedness.  
2 33 The commission shall authorize, subject to the debt  
2 34 payments for horse racetracks and the provisions of  
2 35 paragraph "b" for dog racetracks, a licensee who is  
2 36 also licensed to conduct pari-mutuel dog or horse  
2 37 racing to use receipts from gambling games within the  
2 38 racetrack enclosure to supplement purses for races  
2 39 particularly for Iowa-bred horses pursuant to an  
2 40 agreement which shall be negotiated between the  
2 41 licensee and representatives of the dog or horse  
2 42 owners. A qualified sponsoring organization shall not  
2 43 make a contribution to a candidate, political  
2 44 committee, candidate's committee, state statutory  
2 45 political committee, county statutory political  
2 46 committee, national political party, or fund-raising  
2 47 event as these terms are defined in section 56.2. The  
2 48 membership of the board of directors of a qualified  
2 49 sponsoring organization shall represent a broad  
2 50 interest of the communities."

3 1 #2. Page 1, by inserting after line 8 the

3 2 following:

3 3 "Sec. \_\_\_\_ NEW SECTION. 331.430A COURTHOUSE  
3 4 SECURITY FUND.

3 5 1. A courthouse security fund is created in each  
3 6 county. The fund shall consist of receipts of  
3 7 courthouse security fees taxed and collected by the  
3 8 clerk of the district court and paid to the county  
3 9 treasurer. The fund shall be administered by the  
3 10 county sheriff to provide for the salaries, benefits,  
3 11 equipment, and training of security staff and for the  
3 12 purchase and maintenance of security equipment for the  
3 13 courthouse. Expenditures from the fund are subject to  
3 14 approval of the board of supervisors.

3 15 2. Moneys in the courthouse security fund shall be  
3 16 used for security-related expenditures including, but  
3 17 not limited to, the purchase and maintenance of x-ray  
3 18 machines and conveying systems; handheld metal  
3 19 detectors; walk-through metal detectors;  
3 20 identification cards and systems; electronic locking  
3 21 and surveillance equipment; salaries, benefits,  
3 22 uniforms, firearms, training, and other necessary  
3 23 equipment for the performance of duties for deputy  
3 24 sheriffs assigned to courthouse security detail;  
3 25 signage; evidence security and inventory systems; and  
3 26 security hardware and equipment necessary or commonly  
3 27 used in video arraignment systems.

3 28 3. The courthouse security fee shall be taxed

3 29 pursuant to sections 625.8A and 815.14 as a court cost  
3 30 by the clerk of the district court to each civil  
3 31 action filed in the district court and each criminal  
3 32 complaint, indictment, or citation if the defendant is  
3 33 convicted or pleads guilty to the offense contained in  
3 34 the complaint, indictment, or citation.

3 35 4. The courthouse security fee shall not be taxed  
3 36 as a court cost for a parking violation."

3 37 #3. Page 1, by inserting after line 31 the  
3 38 following:

3 39 "Sec. \_\_\_\_ NEW SECTION. 625.8A COURTHOUSE  
3 40 SECURITY FEE.

3 41 1. The clerk of the district court shall tax as a  
3 42 court cost a fee of three dollars for each civil  
3 43 action filed in the district court. Except as  
3 44 provided in subsection 2, the fee shall be collected  
3 45 at the time that a civil action is filed. The revenue  
3 46 from the fees required by this section shall be  
3 47 deposited in the county's courthouse security fund  
3 48 created in section 331.430A.

3 49 2. In a civil action brought by the state or a  
3 50 political subdivision of the state in which the state  
4 1 or the political subdivision of the state is a  
4 2 prevailing party, the fee shall be taxed and collected  
4 3 against the party which does not prevail. A county is  
4 4 not liable for payment of the courthouse security  
4 5 fee."

4 6 #4. Page 2, by inserting after line 19 the  
4 7 following:

4 8 "Sec. \_\_\_\_ NEW SECTION. 815.14 COURTHOUSE  
4 9 SECURITY FEE.

4 10 1. The clerk of the district court shall tax as a  
4 11 court cost the following fees, as applicable, to each  
4 12 criminal complaint, indictment, or citation filed in  
4 13 the district court, if the defendant is convicted or  
4 14 pleads guilty to the offense contained in the  
4 15 complaint, indictment, or citation:

4 16 a. A fee of five dollars for each felony offense.

4 17 b. A fee of three dollars for each misdemeanor

4 18 offense or uniform citation and complaint issued  
4 19 pursuant to chapter 805 except as provided in  
4 20 paragraph "c".

4 21 c. A fee of one dollar for each uniform citation  
4 22 and complaint issued pursuant to chapter 805 for which  
4 23 a court appearance is not required or requested.

4 24 2. The revenue from the fees required by this  
4 25 section shall be deposited in the county's courthouse  
4 26 security fund created in section 331.430A. The fee  
4 27 shall not be taxed as a court cost for a parking  
4 28 violation."

4 29 #5. Page 4, by striking lines 21 through 24 and  
4 30 inserting the following: "the general fund of the  
4 31 state."

4 32 #6. By striking page 4, line 35, through page 5,  
4 33 line 3, and inserting the following: "to the general  
4 34 fund of the state. The other five dollars of the".

4 35 #7. Page 5, by inserting after line 19 the  
4 36 following:

4 37 "Sec. \_\_\_\_ EFFECTIVE AND APPLICABILITY DATES.  
4 38 Sections 101, 102, and 103 of this Act, being deemed  
4 39 of immediate importance, take effect upon enactment  
4 40 and apply retroactively to January 1, 1995."

4 41 #8. Title page, line 1, by inserting after the  
4 42 word "relating" the following: "to the qualifications  
4 43 of a qualifying organization which are necessary to  
4 44 conduct pari-mutuel wagering at racetracks or gambling  
4 45 games on excursion gambling boats,".

4 46 #9. Title page, line 4, by inserting after the  
4 47 word "jails" the following: "creating a courthouse  
4 48 security fund, imposing courthouse security fees as a  
4 49 court cost, and providing for the purchase and  
4 50 maintenance of courthouse security equipment and the  
5 1 administration of the courthouse security fund, and  
5 2 providing effective and applicability dates".  
5 3 #10. By renumbering as necessary.

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5 7 COMMITTEE ON [APPROPRIATIONS](#)

5 8 LARRY MURPHY, Chairperson

5 9 [HF 572](#).302 76

5 10 mk/cf