

Senate Amendment 5061

PAG LIN

1 1 Amend the amendment, S=5045, to Senate File 2330 as
1 2 follows:
1 3 #1. By striking page 1, line 2, through page 4,
1 4 line 23, and inserting the following:
1 5 <#____. By striking everything after the enacting
1 6 clause and inserting the following:
1 7 <Section 1. Section 99G.3, subsection 7, Code
1 8 2005, is amended to read as follows:
1 9 7. "Lottery", "lotteries", "lottery game",
1 10 "lottery games" or "lottery products" means any game
1 11 of chance approved by the board and operated pursuant
1 12 to this chapter and games using mechanical or
1 13 electronic devices, provided that the authority shall
1 14 not authorize a monitor vending machine or a player-
1 15 activated gaming machine that utilizes an internal
1 16 randomizer to determine winning and nonwinning plays
1 17 and that upon random internal selection of a winning
1 18 play dispenses coins, currency, or a ticket, credit,
1 19 or token to the player that is redeemable for cash or
1 20 a prize, and excluding gambling or gaming conducted
1 21 pursuant to chapter 99B, 99D, or 99F.
1 22 Sec. 2. Section 99G.3, Code 2005, is amended by
1 23 adding the following new subsection:
1 24 NEW SUBSECTION. 8A. "Monitor vending machine"
1 25 means a machine or other similar electronic device
1 26 that includes a video monitor and audio capabilities
1 27 that dispenses to a purchaser lottery tickets that
1 28 have been determined to be winning or losing tickets
1 29 by a predetermined pool drawing machine prior to the
1 30 dispensing of the tickets.
1 31 Sec. 3. NEW SECTION. 99G.30A MONITOR VENDING
1 32 MACHINE == TAX IMPOSED.
1 33 1. If revenues are generated from monitor vending
1 34 machines on or after September 1, 2006, then there
1 35 shall be a monitor vending machine excise tax imposed
1 36 on net monitor vending machine revenue receipts at the
1 37 rate of sixty-five percent.
1 38 2. a. The director of revenue shall administer
1 39 the monitor vending machine excise tax as nearly as
1 40 possible in conjunction with the administration of
1 41 state sales tax laws. The director shall provide
1 42 appropriate forms or provide appropriate entries on
1 43 the regular state tax forms for reporting local sales
1 44 and services tax liability.
1 45 b. All powers and requirements of the director to
1 46 administer the state sales and use tax law are
1 47 applicable to the administration of the monitor
1 48 vending machine excise tax, including but not limited
1 49 to the provisions of section 422.25, subsection 4,
1 50 sections 422.30, 422.67, and 422.68, section 422.69,
2 1 subsection 1, sections 422.70 to 422.75, section
2 2 423.14, subsection 1 and subsection 2, paragraphs "b"
2 3 through "e", and sections 423.15, 423.23, 423.24,
2 4 423.25, 423.31 to 423.35, 423.37 to 423.42, 423.46,
2 5 and 423.47.
2 6 c. Frequency of deposits and quarterly reports of
2 7 the monitor vending machine excise tax with the
2 8 department of revenue are governed by the tax
2 9 provisions in section 423.31. Monitor vending machine
2 10 excise tax collections shall not be included in
2 11 computation of the total tax to determine frequency of
2 12 filing under section 423.31.
2 13 3. For purposes of this section, "net monitor
2 14 vending machine revenue receipts" means the gross
2 15 receipts received from monitor vending machines less
2 16 prizes awarded.
2 17 Sec. 4. TRANSITION PROVISIONS == MONITOR VENDING
2 18 MACHINES.
2 19 1. Notwithstanding any provision of section 99G.3,
2 20 as amended by this Act, to the contrary, a retailer
2 21 that has acquired a monitor vending machine prior to
2 22 the effective date of this Act shall be allowed to
2 23 offer the machine to the public for only thirty days
2 24 following the effective date of this Act. On or after

2 25 thirty days following the effective date of this Act,
2 26 a retailer shall not make a monitor vending machine
2 27 available to the public except as provided in
2 28 subsection 2.
2 29 2. However, a retailer that has acquired a monitor
2 30 vending machine prior to the effective date of this
2 31 Act may continue to offer the machine to the public
2 32 until September 1, 2006, if prior to thirty days
2 33 following the effective date of this Act a waiver has
2 34 been filed by the retailer with the Iowa lottery. The
2 35 waiver shall be signed by the retailer, and the
2 36 manufacturer and distributor of the machine to be
2 37 offered to the public pursuant to this subsection by
2 38 the retailer, and provide that all parties agree to
2 39 waive any and all claims any party may have against
2 40 the Iowa lottery and the state arising out of the
2 41 operation of this Act. In addition, during the period
2 42 of time described in this subsection, an amount equal
2 43 to five percent of the gross revenues derived from
2 44 monitor vending machines and received by the state
2 45 shall not be deposited in the general fund of the
2 46 state but shall be distributed, pursuant to a formula
2 47 determined by the Iowa lottery, to owners of monitor
2 48 vending machines authorized to be offered to the
2 49 public pursuant to this subsection.
2 50 Sec. 5. EFFECTIVE DATE. This Act, being deemed of
3 1 immediate importance, takes effect upon enactment.>
3 2 #____. Title page, line 1, by inserting after the
3 3 word <providing> the following: <for an excise tax
3 4 and including>.>
3 5 #2. By renumbering as necessary.
3 6
3 7
3 8
3 9 WILLIAM A. DOTZLER
3 10 SF 2330.306 81
3 11 ec/cf/4041