



[SF 617](#) – Sports Wagering (LSB2133SZ.1)
Analyst: Christin Mechler (515.250.0458) christin.mechler@legis.iowa.gov
Fiscal Note Version – As amended and passed by the Senate

Description

[Senate File 617](#), as amended and passed by the Senate, authorizes sports gambling and wagering, including sports wagering and fantasy sports contests in the State of Iowa; provides for taxes and fees; and establishes penalties.

Division I

Division I of [SF 617](#) relates to the authorization and licensing of sports wagering. The Bill defines “sports wagering” as the acceptance of wagers on an authorized sporting event by any system of wagering as authorized by the Iowa Racing and Gaming Commission (IRGC). An authorized sporting event includes a professional, collegiate, or international sporting event, or a professional motor race event. International sporting events include sporting events governed by both the International Olympic Committee (IOC) and the International Federation of Association Football (FIFA). Minor league sporting events, fantasy sports contests, dog and horse racing, and any athletic event or competition of an interscholastic sport as defined in statute are explicitly excluded from the definition of “authorized sporting event.” Sports wagering also excludes placing a wager on the performance or nonperformance of an individual athlete participating in a single game or match of a collegiate sporting event in which a collegiate team from this State is participating or placing a wager on the performance of athletes in an individual international sporting event governed by the IOC in which any participant is under the age of 18.

The IRGC is tasked with adopting rules, including emergency rules if necessary, and standards under which sports wagering may occur, including identifying the scope and type of wagers allowed, identifying occupations within sports wagering that require licensing, and adopting standards for licensing and background qualifications for occupations including establishing fees for an occupational license. The IRGC is also tasked with reviewing licensee reports on any criminal or disciplinary proceedings commenced against the licensee or its employees, and if necessary, utilizing audio and video data as investigative tools. The IRGC is required to report any information received regarding such activity to the Division of Criminal Investigation (DCI) of the Department of Public Safety (DPS), or any other appropriate law enforcement agency. Additionally, the IRGC must report such information to a sports team or sports governing body, so long as sharing the information does not hinder an ongoing criminal investigation. All revenue received by the IRGC from regulatory fees is deposited in the Gaming Regulatory Revolving Fund.

Under current Iowa law, individuals under the age of 21 are prohibited from participating in gaming activity but may work as employees of a licensed gaming entity at the age of 18. [Senate File 617](#) conforms sports wagering and Internet fantasy sports contest participant rules to current law. Additionally, [SF 617](#) provides that a qualified sponsoring organization (QSO) that holds a license to conduct gambling games and sports wagering will receive at least 0.75% of sports wagering net receipts, if applicable, to distribute for educational, civic, public,

charitable, patriotic, or religious use. Under current law, QSOs are required to distribute at least 3.0% of adjusted gross receipts from gambling games for these purposes.

Division I of [SF 617](#) establishes an initial licensing fee and annual licensing renewal fee for any gaming entity wishing to conduct sports wagering. The Division allows a licensee to enter into operating agreements with one or two entities to have up to a total of two individually branded Internet sites to conduct advance deposit sports wagering for the licensee, unless one additional operating agreement or individually branded Internet site is approved by the IRGC. Division I requires a licensee to include the statewide telephone number authorized by the Iowa Department of Public Health (DPH) to provide problem gambling information to be listed on the advance deposit sports wagering Internet site or mobile application. An individual wishing to participate in advance deposit sports wagering may establish an account with a licensee. Until January 1, 2021, all such applications to establish an account must occur in person at a licensed gaming entity.

[Senate File 617](#) states that license fee revenue collected from entities wishing to conduct sports wagering will be deposited in the General Fund. The Bill establishes an initial licensing fee of \$45,000 and an annual licensing renewal fee of \$10,000 for any gaming entity wishing to conduct sports wagering and advance deposit sports wagering on a telephone-type device or by any other electronic means. All licensees that have been granted a license to conduct sports wagering are required to take reasonable steps to prohibit coaches, athletic trainers, officials, players, or other individuals who participate in authorized sporting events subject to sports wagering from participating in such wagers. An unlicensed person taking or receiving sports wagers commits a Class D felony.

[Senate File 617](#) amends the definition of “adjusted gross receipts” to include gross receipts less winnings paid to wagerers on gambling games. “Sports wagering net receipts” is defined as gross receipts less winnings paid to wagerers on sports wagering. The Bill establishes a 6.75% tax rate on net receipts and directs the tax revenue collected from sports wagering net receipts to be deposited in the Sports Wagering Receipts (SWR) Fund established in Division III of this Bill. Licensees must submit tax payments to the Treasurer of the State within 10 days after the close of the day the wagers were made.

The Bill also requires a licensee that conducts pari-mutuel dog or horse racing to use receipts from gambling games and sports wagering to support the horse racing industry and to supplement purses for races, particularly for Iowa-bred horses subject to agreements between a licensee and representatives of dog or horse owners. Current law provides that agreements concerning purses for horse racing must provide that total annual purses for all horse racing must be no less than 11.0% of the first \$200 million net receipts, and 6.0% of net receipts above \$200 million. [Senate File 617](#) amends this provision to include 4.0% of sports wagering net receipts in supplementing total annual horse racing purses.

[Senate File 617](#) allows individuals to voluntarily exclude themselves from advance deposit wagering, from advance deposit sports wagering, and from the gaming floor and sports wagering area of a licensed gambling facility.

Division II

[Senate File 617](#) allows the addition of “fantasy sports contests” and “Internet fantasy sports contests” as legally recognized forms of wagering. “Fantasy sports contests” is defined as any fantasy or simulated games or contests in which the following apply:

- The fantasy sports contest operator is not a participant in the game or contest.

- The value of all prizes and awards offered are known to contest participants in advance.
- All winning outcomes reflect the relative knowledge and skill of participants and are determined by statistical results of the performance of individuals, including athletes in the case of sporting events.
- No winning outcome is based solely on the score, point spread, or any performance(s) of any single actual team or solely on any single performance of an individual athlete or player in any single actual event.
- Until May 1, 2020, “fantasy sports contest” does not include any fantasy or simulated game or contest in which any winning outcomes are based on statistical results from a collegiate sporting event. “Collegiate sporting event” means an athletic event or competition of an intercollegiate sport as defined in Iowa Code section [9.2](#).

“Internet fantasy sports contests” is defined as a method of entering a fantasy sports contest by which a person may establish an account with an Internet fantasy sports contest service provider, deposit money into the account, and use the account balance for entering a fantasy sports contest by utilizing electronic communication. An Internet fantasy sports contest service provider means an individual, including a licensee under Iowa Code chapter [99D](#) or [99F](#), who conducts Internet fantasy sports contests.

[Senate File 617](#) also provides a definition for “bookmaking” as related to gambling activity. The Bill defines “bookmaking” as advancing gambling activity by accepting bets upon the outcome of future contingent events as a business other than as permitted in Iowa Code chapters [99B](#), [99D](#), new chapter 99E, and [99F](#). Such events include the results of a trial or contest of skill, speed, power, or endurance of a person or beast or between persons, beasts, fowl, motor vehicles, or mechanical apparatus or upon result of any chance, casualty, unknown, or contingent event.

The Bill grants the IRGC the authority to supervise and have full jurisdiction over all Internet fantasy sports contests and Internet fantasy sports contest service providers, including establishing rules. The IRGC is also tasked with reviewing licensee reports on any criminal or disciplinary proceedings commenced against the licensee or its employees. The IRGC is required to report any information received regarding such activity to the DCI of the DPS, or any other appropriate law enforcement agency. Additionally, the IRGC must report such information to a sports team or sports governing body, so long as sharing the information does not hinder an ongoing criminal investigation. All revenue received by the IRGC from regulatory fees is deposited in the Gaming Regulatory Revolving Fund. An applicant for an Internet fantasy sports contest service provider license who knowingly submits an application containing false statements commits an aggravated misdemeanor.

Division II of [SF 617](#) establishes an initial annual license fee of \$5,000, valid for not more than three years, and a licensing renewal fee for any gaming entity wishing to conduct Internet fantasy sports contests. The IRGC may deny an application for a license based on criteria specified in the Bill. A licensee may renew the license at a renewal fee of \$1,000 or, if the licensee collected Internet fantasy sports contest revenue greater than \$150,000 in the previous fiscal year, \$5,000. [Senate File 617](#) provides that Internet fantasy sports contest licensing fees will be deposited in the Gaming Regulatory Revolving Fund and are considered to be repayment receipts pursuant to Iowa Code section [8.2](#). Regulatory fees will also be deposited in the Gaming Regulatory Revolving Fund. A licensed Internet fantasy sports contest service provider will receive a credit for the amount of the licensing and regulatory fees paid by the service provider against the taxes to be paid as required by the Bill.

[Senate File 617](#) also requires the IRGC to request a background check and requires fingerprints to be submitted to the Federal Bureau of Investigation by the DPS. The IRGC may charge a license applicant a fee set by the DCI of the DPS to recover costs related to fingerprints and background check requirements. If an additional investigation is required, the IRGC may charge the license applicant with the associated costs. These costs and fees will be deposited in the Gaming Enforcement Revolving Fund, are considered to be repayment receipts, and may be retained by the DCI.

Upon approval of a license application, an Internet fantasy sports contest service provider must meet the following requirements:

- Prevent employees of the Internet fantasy sports contest service provider and relatives living in the same household of such employees from competing in any Internet fantasy sports contest on the service provider's digital platform in which a cash prize is offered.
- Verify that participants in Internet fantasy sports contests in the State of Iowa are age 21 or over.
- Ensure that coaches, officials, players, contestants, or other participants in a contest that is the subject of an Internet fantasy sports contest are restricted from entering into an Internet fantasy sports contest in which the outcome is determined, in whole or part, by accumulated statistical results of a team of individuals in a game or contest in which they participate.
- Allow individuals to voluntarily restrict and exclude themselves from entering into an Internet fantasy sports contest upon request and with support from the Internet fantasy sports contest service provider.
- Allow individuals to establish an electronic account with an Internet fantasy sports contest service provider.
- Require the licensee to include the statewide telephone number authorized by the DPH to provide problem gambling information to be listed on the Internet fantasy sports contest service provider's Internet site or mobile application.
- Disclose the number of entries an individual Internet fantasy sports contest player may submit for each contest, and take reasonable steps to prevent players from submitting more than the allowable number of entries for a single contest.
- Segregate Internet fantasy sports contest player funds from operational funds, or maintain a reserve in the amount of the deposits in individual player accounts for the benefit and protection of Internet fantasy sports contest player funds.
- Conduct an annual audit.
- Pay the required tax.

The Bill establishes a civil penalty for any individual who willfully fails to comply with the above requirements or any other rules established by the IRGC. The civil penalty charged totals \$1,000 per individual violation, but is not to exceed \$10,000 for violations arising out of the same transaction. Additionally, for violations relating to entering an Internet fantasy sports contest under the age of 21, a scheduled fine of \$500 is charged. Finally, the IRGC is authorized to revoke the license of any individual who fails to comply with new Iowa Code section 99E.4.

Division II of [SF 617](#) also establishes the definition of "Internet fantasy sports contest adjusted revenues" as the amount equal to the total charges and fees collected from all participants entering into an Internet fantasy sports contest less the winnings paid to participants in the contest, multiplied by a location percentage. The location percentage is defined as the percentage, rounded to the nearest tenth of a percent, equal to the total charges and fees collected from all Internet fantasy sports contest players located in the State of Iowa divided by the total charges and fees collected from all participants in the Internet fantasy sports contest.

The Bill establishes a 6.75% tax rate on Internet fantasy sports contest adjusted revenues. Tax revenue generated from Internet fantasy sports contests will be deposited into the SWR Fund created in Division III. Licensees must submit tax payments to the Treasurer of the State as determined by the IRGC.

[Senate File 617](#) allows individuals to voluntarily exclude themselves from Internet fantasy sports contests as defined in the Bill, including from the gaming floor.

Division III

Division III of [Senate File 617](#) establishes a Sports Wagering Receipts (SWR) Fund under the authority of the Department of Management (DOM). Moneys in the SWR Fund are to be used as directed by the members of the General Assembly.

[Senate File 617](#) requires a State agency that receives an appropriation from the SWR Fund to provide a report on the status of all projects funded with the appropriation to the Legislative Services Agency (LSA) and the DOM on or before January 15 annually. The report must include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being utilized to fund the project, the amount of funds expended and obligated, and the estimated or actual completion date of the project.

Additionally, [SF 617](#) requires the recipient of funding from an appropriation to a State agency from the SWR Fund to provide a project progress report to the State agency on or before December 31 each year. The report is required to include a description of the project, the progress of the work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended and obligated, and the estimated completion date or actual completion date of the project, as applicable. Additionally, any moneys appropriated from the SWR Fund to the County Endowment Fund under Iowa Code section [15E.311](#) that are distributed to eligible county recipients must be considered for grants, upon application, to a charitable organization that operates a racetrack facility that conducts automobile races in that county.

Background

The State of Iowa permits individuals 21 years of age or older to take part in gambling games and related activities. Each gambling licensee must collect debts owed to the State from persons participating in gambling activity. Under current law, a single occurrence win equal to or greater than \$1,200 is considered a taxable event and subject to outstanding debt collection. The amount of the debt constitutes a valid lien against the winnings of the person and is collected from the winnings. Each licensee is provided electronic access to the names of persons indebted to the State for purposes of this setoff procedure. The setoff procedure is conducted by the Department of Administrative Services (DAS). The DAS also charges a \$7 administrative fee for the setoff procedure. Delinquent debt and past due taxes are deposited in the General Fund in the fiscal year collected.

The IRGC currently regulates and supervises all gaming institutions in the State of Iowa, investigating any violations of current law or the Commission's rules. The IRGC also acts as the primary licensing entity for such institutions. Under [SF 617](#), the IRGC will have full jurisdiction over and will supervise sports wagering activity and sports wagering license holders, and Internet fantasy sports contests and Internet fantasy sports contest service providers. The IRGC will also establish administrative rules related to both sports wagering and Internet fantasy sports contests.

A Class D felony is punishable by confinement for no more than five years and a fine of at least \$750 but not more than \$7,500. In FY 2018, there were 22 convictions for violations under Iowa Code chapter [99F](#).

An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$625 but no more than \$6,250.

Assumptions

Division I

- According to a 2017 study completed by Global Market Advisors, approximately 28.0% of all U.S. adults (individuals over the age of 18) participate in sports wagering.¹ [Senate File 617](#) only authorizes sports wagering to be available to individuals 21 years of age or older.
- Iowa has a population of approximately 3.16 million people. According to the most recent census data, 72.7% of Iowans are age 21 or over. Extrapolating this data leads to the assumption that approximately 2.3 million Iowans are eligible to participate in sports wagering.
- Using national data provided by Ernst and Young, an individual participant 18 years of age or older spends an annual average amount of approximately \$1,626 on sports wagering.² This estimate is based on the most recent data available and is adjusted for inflation.
- On average, 95.0% of a sports wagering handle (the total amount wagered by all participants) is paid out to winners. The remaining 5.0% of the handle is retained by the authorized sports wagering licensee and is subject to taxation.
- [Senate File 617](#) requires all tax revenue received from participation in sports wagering activity to be deposited in the SWR Fund.
- The IRGC will charge an initial fee of \$45,000 per license to conduct sports wagering. A licensee may renew the license at a renewal fee of \$10,000. These fees are deposited into the General Fund.
- The DPS charges a deposit fee to any company pursuing a gambling license in the State of Iowa. This deposit fee covers travel and accommodations for an investigator and may range up to \$5,000 depending on the location of the applicant. An authorized sports wagering licensee will be subject to the same investigation.

Correctional Impact

- [Senate File 617](#) establishes the willful failure to comply with the sports wagering requirements set forth in the Bill as a Class D felony.
- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.

Division II

- Using national data provided by the Bloomberg Bureau of National Affairs, an individual participant 18 years of age or older spends an annual average amount of approximately

¹ Global Market Advisors, 2017. (hard copy report on file in LSA)

² www.americangaming.org/wp-content/uploads/2018/12/AGA-Oxford-Sports-Betting-Economic-Impact-Report1-1.pdf

\$333 on Internet fantasy sports contests. This estimate is based on the most recent data available and is adjusted for inflation.³

- Iowa has a population of approximately 3.16 million people. According to the most recent census data, 72.7% of Iowans are age 21 or over. Extrapolating this data leads to the assumption that approximately 2.3 million Iowans are eligible to participate in Internet fantasy sports contests.
- Total annual gross receipts as collected by an Internet fantasy sports contest service provider are comprised of all entry fees and charges collected annually. On average, 88.0% to 90.0% of this revenue is paid out as prizes and winnings. The remaining 10.0% to 12.0% of revenue is retained by the Internet fantasy sports contest service provider.
- Moneys that are held by the Internet fantasy sports contest service provider as winnings to contest participants will be adjusted by a location percentage (multiplier) based on the total number of Iowa residents participating in the Internet fantasy sports contest.
- The Bill requires all tax revenue received from participation in Internet fantasy sports contests and adjusted for location percentage to be deposited in the SWR Fund.
- The IRGC will charge an initial fee of \$5,000 per license to conduct Internet fantasy sports contests. The license is valid for an initial period of three years. A licensee may renew the license at a renewal fee of \$1,000 or, if the licensee collected Internet fantasy sports contest revenue greater than \$150,000 in the previous fiscal year, \$5,000.
- The DPS charges a deposit fee to any company pursuing a gambling license in the State of Iowa. This deposit fee covers travel and accommodations for an investigator and may range up to \$5,000 depending on the location of the applicant. An Internet fantasy sports contest service provider will be subject to the same investigation.

Correctional Impact

- [Senate File 617](#) establishes the willful failure to comply with the Internet fantasy sports contest service provider licensing requirements set forth in the Bill as an aggravated misdemeanor.
- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.

Division III

[Senate File 617](#) establishes the SWR Fund under the control of the DOM. Moneys in the Fund shall be used as directed by the General Assembly.

Division III of the Bill also adds new Iowa Code language to include a definition of “social fantasy sports contest” to mean any fantasy or simulated game or contest in which the following apply:

- The value of all prizes and awards offered are known to contest participants in advance and do not exceed a total of \$1,000 or equivalent consideration.
- All winning outcomes reflect the relative knowledge and skill of participants and are determined by the accumulated statistical results of the performance of individuals in events occurring over more than a 24-hour period, including athletes in the case of sporting events.

³ www.bna.com/extras-excise-four-b57982087887

- No winning outcome is solely based on the score, point spread, or any performance(s) of any single actual team or solely on any single performance of an individual athlete or player in any single actual event.

A “social fantasy sports contest” does not include an Internet fantasy sports contest as defined in Division II of the Bill.

Division III also provides that the board of directors of a QSO licensed to operate gambling games must be residents of Iowa and must include as ex officio, nonvoting members of the board, a member of the county board of supervisors and a member of the city council for each county and city that has a licensed gaming entity operated by the QSO. Ex officio members will serve the same length of term as a voting member of the board. Agencies, instrumentalities, and political subdivisions located in Iowa that are licensed to conduct gambling games are excluded from these requirements.

Effective Dates

Divisions I and II are effective upon enactment, as is the section of Division III amending Iowa Code section [8.57](#).

Summary of Impacts

Correctional Impact

The correctional impact of [SF 617](#) cannot be determined. The Bill establishes a new criminal offense, and the number of convictions cannot be estimated. **Table 1** below shows estimates for sentencing to State prison, parole, probation, or community-based corrections (CBC) residential facilities; length of stay (LOS) under those supervisors; and supervision marginal costs per day for convictions of Class D felonies. Please refer to the LSA memo addressed to the General Assembly, [Correctional Impact Memo](#), dated January 8, 2019, for information related to the correctional system.

Table 1 — Sentencing Estimates and LOS

Conviction Offense Class	Percent to Prison	FY 18 Avg Length of Stay Prison (months)	FY 18 Marginal Cost/Day Prison	Percent to Probation	FY 18 Avg Length of Stay Probation (months)	FY 18 Avg Cost/Day Probation	Percent to CBC	FY 18 Marginal Cost/Day CBC	FY 18 Avg Length of Stay Parole (months)	FY 18 Marginal Cost/Day Parole	Percent to County Jail	Marginal Cost/Day
Class D Felony (Non-Persons)	75.0%	12.5	\$19.93	66.0%	32.7	\$5.38	13.0%	\$11.85	12.3	\$5.38	29.0%	\$50.00
Aggravated Misdemeanor (Non-Persons)	34.0%	6.7	\$19.93	53.0%	20	\$5.38	4.0%	\$11.85	5.9	\$5.38	68.0%	\$50.00

The fiscal impact associated with the newly established criminal offense and the resulting cost to the justice system cannot be estimated. **Table 2** shows estimates for the average State cost for a Class D felony. The estimates include operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one additional conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost Per Offense Type

Offense Class	Total Minimum Cost	Total Maximum Cost
Class D Felony (Non-Persons)	\$9,200	\$14,100
Aggravated Misdemeanor (Non-Persons)	\$4,700	\$7,500

It is likely that some revenue may be generated from the criminal fines associated with the conviction of a Class D felony or an aggravated misdemeanor, as mentioned in the Background section of this Fiscal Note, but such fiscal impact is expected to be minimal.

Minority Impact

The minority impact of [SF 617](#) is unknown. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 7, 2019, for information related to minorities in the criminal justice system.

Fiscal Impact

Iowa Racing and Gaming Commission

In order to fulfill the regulatory and licensing requirements established in [SF 617](#) for both sports wagering and Internet fantasy sports contests, the IRGC estimates that it will need to hire 3.0 additional full-time equivalent (FTE) positions to accommodate the increase in supervisory duties resulting from authorizing entities to participate in such gaming activity. The IRGC will need to hire one management position to act as a public service executive, one auditor position, and one administrative assistant position. Cost estimates for these positions are displayed in **Table 3** below. Additionally, the IRGC states that it will likely see an increase in training costs.

Table 3 — Regulatory and Licensing Related Estimated Costs, IRGC

Position	FTEs	Cost
Management Position	1.0	\$ 200,000
Auditor	1.0	107,000
Administrative Assistant	1.0	85,000
	Subtotal	\$ 392,000
Existing Budget		-117,000
	Total	\$ 275,000

The IRGC estimates that \$117,000 is available in its existing budget to cover part of the total cost related to implementing [SF 617](#), including the increase in training costs. The IRGC estimates an increase in expenses for FY 2020 of \$275,000. The increase in expenses will be funded by IRGC billings to the gaming industry. These billings, or regulatory fees, are deposited in the Gaming Regulatory Revolving Fund.

Licensing Revenue

It is difficult to estimate the number of applicants that may attempt to obtain a sports wagering or Internet fantasy sports contest service provider license as a result of the authorization of such gaming activity by [SF 617](#). The IRGC estimates that all of the 19 gaming entities existing in Iowa will apply for a sports wagering license, and that approximately 5 to 15 licensees will apply to conduct Internet fantasy sports contests.

Should all 19 applicants be authorized to conduct sports wagering in the State of Iowa, a total of approximately \$855,000 (19 licenses at \$45,000 each) in initial licensing fees would be collected and deposited in the General Fund. Licensing renewal fees would be collected in future years at a total of \$5,000 per licensee. If 5 to 15 applicants are approved to conduct Internet fantasy sports contests in the State, a total of approximately \$25,000 to \$75,000 in licensing fees would be collected (5 to 15 licenses at \$5,000 each) and be deposited in the Gaming Regulatory Revolving Fund. Licensing renewal fees would be collected in future years at a total of \$1,000 per license, unless a licensee has collected over \$150,000 in Internet fantasy sports contests adjusted revenues in the previous year. In that case, the licensee would pay a renewal fee of \$5,000.

Department of Public Safety (DPS)

The DPS estimates that in order to fulfill the regulatory and investigative requirements set out in [SF 617](#) for both sports wagering and Internet fantasy sports contests, it would need to hire 5.0 additional FTE positions, including one special agent in charge, three special agent 2s, and one financial analyst with accounting experience. Additionally, the DPS estimates that each special agent position would incur equipment costs of \$43,902 per position. The DPS also estimates that at least \$50,000 would need to be appropriated toward updating existing training procedures to accommodate changes to investigative procedures. The estimated costs of all positions and training are estimated to be \$718,000 (**Table 4**).

Table 4 — Regulatory and Investigation-Related Estimated Costs, DPS

Position	FTEs	Cost Per FTE	Equipment Cost	Total
Special Agent in Charge	1.0	\$ 126,755	\$ 43,902	\$ 170,657
Special Agent 2	3.0	\$ 91,974	\$ 131,706	\$ 407,628
Financial Analyst	1.0	\$ 90,000	—	\$ 90,000
Other				
Training Costs				\$ 50,000
			Total Cost	\$ 718,285

For FY 2020, the DPS estimates an increased need of funding from the Gaming Enforcement Revolving Fund to cover the expenses associated with [SF 617](#).

Department of Public Health (DPH)

As a result of the authorization of both sports wagering and Internet fantasy sports contests, the DPH estimates it will see an increase in gambling addiction treatment program admissions. For FY 2020, the DPH estimates an increase of 13 admissions to the Iowa Gambling Treatment Program, which reflects an increase of 50.0% in admissions compared to FY 2018. The DPH also states that it will need to update existing training materials, public service announcement campaigns, and the problem gambling survey to accommodate the addition of sports wagering and Internet fantasy sports contests as legal forms of gaming in Iowa. A summary of the costs arising out of these changes is displayed in **Table 5** below.

Table 5 — Treatment Program and Related Update Estimated Costs, DPH

FY 2020 Costs	Cost Per Admission	New Admissions (Est.)	Total Cost
Treatment Program	\$ 1,010	13	\$ 13,130
Training/Materials			\$ 10,000
Public Service Announcement Campaign Update			75,000
Internal Data System Update			30,000
Problem Gambling Survey Update			5,000
		Total	\$ 133,130

According to the DPH, these costs can be absorbed by its existing budget and will not have a fiscal impact on the State General Fund in FY 2020.

State Tax Revenue, Sports Wagering

Table 6 shows the estimated tax revenue resulting from authorizing sports wagering in the State of Iowa, based on percentages of potential participation.

Table 6 — State Tax Revenue Estimates, Sports Wagering

Total Eligible Population Participation Assumption	Total Players	Average Amount Wagered Annually	Total Wagered	5.0% Payout (Casino Revenue)	Tax Rate	Tax Revenue to SWR Fund
5.0%	114,726	\$ 1,626	\$ 186,544,476	\$ 9,327,224	6.75%	\$ 629,588
7.0%	160,616	\$ 1,626	\$ 261,161,616	\$ 13,058,081	6.75%	\$ 881,420
10.0%	229,452	\$ 1,626	\$ 373,088,952	\$ 18,654,448	6.75%	\$ 1,259,175
12.0%	275,342	\$ 1,626	\$ 447,706,092	\$ 22,385,305	6.75%	\$ 1,511,008
15.0%	344,178	\$ 1,626	\$ 559,633,428	\$ 27,981,671	6.75%	\$ 1,888,763

SWR = Sports Wagering Receipts

The revenue estimate includes the 6.75% gaming revenue tax rate established in [SF 617](#). Depending on the level of participation, the estimated tax revenue generated from sports wagering will range from \$630,000 to \$1.8 million. These funds will be deposited into the SWR Fund.

Additionally, licensed gaming entities that offer sports wagering are required to pay a federal excise tax of 0.25%. **Table 7** below shows the amount of excise tax that would be paid based on the above participation rates. It should be noted that the excise tax would be applied to the entire amount of casino or gaming entity revenue.

Table 7 — Estimated Excise Tax Calculations, Sports Wagering

Total Eligible Population Participation Assumption	Total Handle	Federal Excise Tax	Payment to Federal Government
5.0%	\$ 186,544,476	0.25%	\$ 466,361
7.0%	\$ 261,161,616	0.25%	\$ 652,904
10.0%	\$ 373,088,952	0.25%	\$ 932,722
12.0%	\$ 447,706,092	0.25%	\$ 1,119,265
15.0%	\$ 559,633,428	0.25%	\$ 1,399,084

State Tax Revenue, Internet Fantasy Sports Contests

Table 8 displays potential tax revenue estimates resulting from authorizing Internet fantasy sports contests in the State of Iowa, based on percentages of potential participation. Please note that the data in **Table 8** has already been adjusted by the location multiplier as is required in Division II of [SF 617](#). The location multiplier is incorporated into the participation percentage assumptions listed in **Table 8**.

Table 8 — State Tax Revenue Estimates, Internet Fantasy Sports Contests

Total Eligible Population Participation Assumption	Total Participants	Average Annual Entry Fee Per Contest	Total Entry Fees Collected	Total Taxable Amount	Tax Rate	Tax Revenue to SWR Fund
5.0%	114,726	\$333	\$ 38,203,758	\$ 3,820,376	6.75%	\$257,875
7.0%	160,616	\$333	\$ 53,485,128	\$ 5,348,513	6.75%	\$361,025
10.0%	229,452	\$333	\$ 76,407,516	\$ 7,640,752	6.75%	\$515,751
12.0%	275,342	\$333	\$ 91,688,886	\$ 9,168,889	6.75%	\$618,900
15.0%	344,178	\$333	\$ 114,611,274	\$ 11,461,127	6.75%	\$773,626

SWR = Sports Wagering Receipts

The revenue estimate includes the 6.75% gaming revenue tax rate established in [SF 617](#). Depending on the level of participation, the estimated tax revenue generated for Internet fantasy sports contests will range from \$258,000 to \$774,000. These funds will be deposited into the SWR Fund.

Table 9 — Summary of [SF 617](#) State Tax Revenue Estimates

	Sports Wagering		Fantasy Sports		License Fees		Total Revenue	
	Low	High	Low	High	Low	High	Low	High
SWR Fund	\$ 630,000	\$ 1,800,000	\$ 258,000	\$ 774,000	\$ 0	\$ 0	\$ 888,000	\$ 2,574,000
General Fund	0	0	0	0	855,000	855,000	855,000	855,000
Gaming Regulatory Revolving Fund	0	0	0	0	25,000	75,000	25,000	75,000
Total Revenue	\$ 630,000	\$ 1,800,000	\$ 258,000	\$ 774,000	\$ 880,000	\$ 930,000	\$ 1,768,000	\$ 3,504,000

The fiscal impact of [SF 617](#) may range from \$1.8 million to \$3.5 million annually. **Table 9** displays the revenue impact on the SWR Fund and the Gaming Regulatory Revolving Fund. Note that the tax revenue generated from Internet fantasy sports contests will be reduced by the tax credit an entity receives for licensing and regulatory fees. However, the amount of the tax credit cannot be estimated at this time.

Offset Revenue

Several factors must be considered to estimate potential General Fund revenue resulting from DAS setoff procedures. Beginning in FY 2020, participants in sports wagering and Internet fantasy sports contests who attempt to draw winnings of \$1,200 or more out of the individual's electronic account would be eligible to be referenced against the existing database of names of individuals who owe the State of Iowa money for various reasons, including unpaid income tax, child support, or other State debts. Should a participant owe a debt to the State, the total amount owed would be withdrawn from any winnings prior to any payout. Moneys collected through this setoff procedure are deposited into the General Fund. According to the DAS, it is not possible to estimate the fiscal impact of revenue collected from offset procedures as a result of authorizing sports wagering and Internet fantasy sports contests.

Sources

Iowa Racing and Gaming Commission, Department of Inspections and Appeals
Division of Criminal and Juvenile Justice Planning, Department of Human Rights
Department of Revenue
Department of Public Safety
Department of Administrative Services
Department of Public Health
LSA analysis and calculations

/s/ Holly M. Lyons

April 22, 2019

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Doc ID 1044702