

**PROOF**

---

---

**STATE OF IOWA**

**House Journal**

**THURSDAY, FEBRUARY 26, 2004**

---

Printed daily by the State of Iowa during the sessions of the General Assembly.  
An official corrected copy is available for reference in the office of the Chief Clerk.  
(The official bound copy will be available after a reasonable time upon adjournment.)

---

---

# JOURNAL OF THE HOUSE

Forty-sixth Calendar Day - Thirty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 26, 2004

The House met pursuant to adjournment at 8:51 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Alden Kuiper, pastor of the Crossroads Christian Reformed Church, West Des Moines. He was the guest of Representative Libby Jacobs from Polk County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, February 25, 2004 was approved.

## INTRODUCTION OF BILLS

**House File 2372**, by committee on agriculture, a bill for an act relating to assessments imposed on cattle for purposes of promotion, education, and research, and providing an effective date.

Read first time and referred to committee on **ways and means**.

**House File 2373**, by committee on commerce, regulation and labor, a bill for an act providing for the inapplicability of provisions regulating licensed real estate brokers and salespersons to auctioneers under specified circumstances, and providing penalties.

Read first time and placed on the **calendar**.

**House File 2374**, by Jacobs, a bill for an act relating to elections and voter registration by implementing requirements of federal law, adjusting language to reflect current practice, making changes related to absentee voting, and including effective date provisions.

Read first time and referred to committee on **state government**.

[House File 2375](#), by Upmeyer, a bill for an act providing a prohibition against reprisals relating to health care workers disclosing specified information, and providing penalties.

Read first time and referred to committee on **human resources**.

[House File 2376](#), by Connors, a bill for an act relating to workers' compensation, including certain benefits and procedures administered by the workers' compensation commissioner, workers' compensation liability insurance, liability insurance, confidential information filed with the workers' compensation commission, liability of third parties, subrogation and indemnification of employers, and repeal of provisions specific to occupational disease compensation, and providing penalties.

Read first time and referred to committee on **commerce, regulation and labor**.

[House File 2377](#), by Alons, Mertz, and Klemme, a bill for an act regulating the transportation of animal carcasses, and providing for fees.

Read first time and referred to committee on **agriculture**.

#### CONSIDERATION OF BILLS Special Order Calendar

[House File 2302](#), a bill for an act relating to gambling, concerning the operation, licensure, regulation, fee assessment, and taxation of racetracks and excursion gambling boats, including pari-mutuel wagering, horse purses and gambling games at racetracks and on gambling boats, racing and gaming commission membership and employees, gambling treatment fund and community endowment fund appropriations, gambling by minors and others, and providing penalties and including effective and retroactive applicability date provisions, was taken up for consideration.

Gipp of Winneshiek asked and received unanimous consent that [House File 2302](#) be temporarily deferred and that the bill retain its place on the special order calendar.

The House stood at ease at 9:13 a.m., until the fall of the gavel.

The House resumed session at 11:07 a.m., Speaker Rants in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnold of Lucas on request of Speaker Rants.

The House resumed consideration of [House File 2302](#), found on page 370 of the House Journal, previously deferred.

Carroll of Poweshiek offered amendment [H-8072](#) filed by Carroll, et al., as follows:

#### [H-8072](#)

- 1 Amend [House File 2302](#) as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 15E.311 COMMUNITY
- 5 ENDOWMENT FUND.
- 6 1. A community endowment fund is created in the
- 7 state treasury under the control of the department of
- 8 revenue. The fund consists of all moneys appropriated
- 9 to the fund. Moneys in the fund shall be distributed
- 10 by the department as provided in this section.
- 11 2. At the end of each fiscal year, moneys in the
- 12 fund shall be transferred into separate accounts
- 13 within the fund and designated for use by each county
- 14 in which no licensee authorized to conduct gambling
- 15 games under chapter 99F was located during that fiscal
- 16 year. Moneys transferred to county accounts shall be
- 17 divided equally among the counties. Moneys
- 18 transferred into an account for a county shall be
- 19 transferred by the department to an eligible community
- 20 foundation for that county. Of the moneys
- 21 transferred, an eligible community foundation shall
- 22 distribute eighty percent of the moneys as grants to
- 23 recipients in that county and shall retain twenty
- 24 percent of the moneys for use as an endowment for that
- 25 foundation. If a county does not have an eligible
- 26 community foundation, moneys in the account for that
- 27 county shall remain in that account until an eligible
- 28 community foundation for that county is established.
- 29 For purposes of this subsection, an "eligible

30 community foundation" means a qualified community  
 31 foundation, as defined in section 15E.303, that is  
 32 designated by the board, as defined in section  
 33 15E.303, to receive moneys from an account created in  
 34 this section for a particular county.  
 35 3. Notwithstanding section 12C.7, subsection 2,  
 36 interest or earnings on moneys deposited in the  
 37 community endowment fund shall be credited to the  
 38 community endowment fund. Notwithstanding section  
 39 8.33, moneys credited to the community endowment fund  
 40 shall not revert at the close of a fiscal year.  
 41 Sec. 2. Section 99D.2, subsection 8, Code 2003, is  
 42 amended to read as follows:  
 43 8. "Racetrack enclosure" means all real property  
 44 utilized for the conduct of a race meeting, including  
 45 the racetrack, grandstand, clubhouse, turf club or  
 46 other areas of a licensed racetrack which a person may  
 47 enter only upon payment of an admission fee, or upon  
 48 payment by another, at any time, based upon the  
 49 person's admittance, or upon presentation of  
 50 authorized credentials. "Racetrack enclosure" also

Page 2

1 means concession stands, offices, barns, kennels and  
 2 barn areas, employee housing facilities, parking lots,  
 3 and any additional areas designated by the commission.  
 4 Sec. 3. Section 99D.2, Code 2003, is amended by  
 5 adding the following new subsection:  
 6 NEW SUBSECTION. 9. "Wagering area" means that  
 7 portion of a racetrack in which a licensee may receive  
 8 wagers of money from a person present in a licensed  
 9 racing enclosure on a horse or dog in a race selected  
 10 by the person making the wager as designated by the  
 11 commission.  
 12 Sec. 4. Section 99D.5, subsections 1, 2, 3, and 4,  
 13 Code 2003, are amended to read as follows:  
 14 1. A state racing and gaming commission is created  
 15 within the department of inspections and appeals  
 16 consisting of nine members, including five voting  
 17 members ~~who~~ and four nonvoting members.  
 18 a. The voting members of the commission shall be  
 19 appointed by the governor subject to confirmation by  
 20 the senate, and ~~who~~ shall serve not to exceed a three-  
 21 year term at the pleasure of the governor. The term  
 22 of each voting member shall begin and end as provided  
 23 in section 69.19.  
 24 b. The nonvoting members of the commission shall  
 25 be two state representatives, one appointed by the  
 26 speaker of the house of representatives and one by the  
 27 minority leader of the house of representatives, and  
 28 two state senators, one appointed by the majority

29 leader of the senate and one by the minority leader of  
30 the senate.  
31 2. A vacancy of a voting member on the commission  
32 shall be filled as provided in section 2.32.  
33 3. Not more than three voting members of the  
34 commission shall belong to the same political party.  
35 A member of the commission shall not have a financial  
36 interest in a racetrack.  
37 4. ~~a. Commission~~ The voting members of the  
38 commission are each entitled to receive an annual  
39 salary of six thousand dollars. ~~Members~~ Voting  
40 members shall also be reimbursed for actual expenses  
41 incurred in the performance of their duties to a  
42 maximum of thirty thousand dollars per year for the  
43 commission. Each voting member shall ~~post a bond in~~  
44 ~~the amount of ten thousand dollars, with sureties to~~  
45 ~~be approved by the governor, to guarantee the proper~~  
46 ~~handling and accounting of moneys and other properties~~  
47 ~~required in the administration of this chapter. The~~  
48 ~~premiums on the bonds shall be paid as other expenses~~  
49 ~~of the commission be covered by the blanket surety~~  
50 bond of the state purchased pursuant to section

Page 3

1 8A.321, subsection 12.  
2 b. Legislative members shall be paid the per diem  
3 and expenses specified in section 2.10 for each day of  
4 service. The per diem and expenses of the legislative  
5 members shall be paid from funds appropriated under  
6 section 2.12.  
7 Sec. 5. Section 99D.6, Code 2003, is amended to  
8 read as follows:  
9 99D.6 CHAIRPERSON – ADMINISTRATOR – EMPLOYEES –  
10 DUTIES – BOND.  
11 The commission shall elect in July of each year one  
12 of its voting members as chairperson for the  
13 succeeding year. The commission shall appoint an  
14 administrator of the commission subject to  
15 confirmation by the senate. The administrator shall  
16 serve a four-year term. The term shall begin and end  
17 in the same manner as set forth in section 69.19. A  
18 vacancy shall be filled for the unexpired portion of  
19 the term in the same manner as a full-term appointment  
20 is made. The administrator may hire other assistants  
21 and employees as necessary to carry out the  
22 commission's duties. Employees in the positions of  
23 equine veterinarian, canine veterinarian, and equine  
24 steward shall be exempt from the merit system  
25 provisions of chapter 8A, subchapter IV, and shall not  
26 be covered by a collective bargaining agreement. Some  
27 or all of the information required of applicants in

28 section 99D.8A, subsections 1 and 2, may also be  
 29 required of employees of the commission if the  
 30 commission deems it necessary. The administrator  
 31 shall keep a record of the proceedings of the  
 32 commission, and preserve the books, records, and  
 33 documents entrusted to the administrator's care. The  
 34 ~~commission shall require the administrator to post a~~  
 35 ~~bond in a sum it may fix, conditioned upon the~~  
 36 ~~faithful performance of the administrator's duties~~  
 37 shall be covered by the blanket surety bond of the  
 38 state purchased pursuant to section 8A.321, subsection  
 39 12. Subject to the approval of the governor, the  
 40 commission shall fix the compensation of the  
 41 administrator within the salary range as set by the  
 42 general assembly. The commission shall have its  
 43 headquarters in the city of Des Moines, and shall meet  
 44 in July of each year and at other times and places as  
 45 it finds necessary for the discharge of its duties.  
 46 Sec. 6. Section 99D.7, subsection 8, Code 2003, is  
 47 amended to read as follows:  
 48 8. To investigate alleged violations of this  
 49 chapter or the commission rules, orders, or final  
 50 decisions and to take appropriate disciplinary action

Page 4

1 against a licensee or a holder of an occupational  
 2 license for the violation, or institute appropriate  
 3 legal action for enforcement, or both. Information  
 4 gathered during an investigation is confidential  
 5 during the pendency of the investigation. Decisions  
 6 by the commission are final agency actions pursuant to  
 7 chapter 17A.  
 8 Sec. 7. Section 99D.7, subsection 19, Code 2003,  
 9 is amended to read as follows:  
 10 19. To require licensees to indicate in their  
 11 racing programs those horses which are treated with  
 12 the legal medication ~~lasix furosemide~~ or  
 13 phenylbutazone. The program shall also indicate if it  
 14 is the first or subsequent time that a horse is racing  
 15 with ~~lasix furosemide~~, or if the horse has previously  
 16 raced with ~~lasix furosemide~~ and the present race is  
 17 the first race for the horse without ~~lasix furosemide~~  
 18 following its use.  
 19 Sec. 8. Section 99D.7, Code 2003, is amended by  
 20 adding the following new subsection:  
 21 NEW SUBSECTION. 23. To require licensees to  
 22 establish a process to allow a person to be  
 23 voluntarily excluded for life from a racetrack  
 24 enclosure and all other licensed facilities under this  
 25 chapter and chapter 99F. The process established  
 26 shall require that a licensee disseminate information

27 regarding persons voluntarily excluded to all  
28 licensees under this chapter and chapter 99F. The  
29 state and any licensee under this chapter or chapter  
30 99F shall not be liable to any person for any claim  
31 which may arise from this process. In addition to any  
32 other penalty provided by law, any money or thing of  
33 value that has been obtained by, or is owed to, a  
34 voluntarily excluded person by a licensee as a result  
35 of wagers made by the person after the person has been  
36 voluntarily excluded shall not be paid to the person  
37 but shall be deposited into the gambling treatment  
38 fund created in section 135.150.

39 Sec. 9. Section 99D.9, subsections 1 and 2, Code  
40 2003, are amended to read as follows:

41 1. If the commission is satisfied that its rules  
42 and sections 99D.8 through 99D.25 applicable to  
43 licensees have been or will be complied with, it may  
44 issue a license for a period of not more than three  
45 years. The commission may decide which types of  
46 racing it will permit. The commission may permit dog  
47 racing, horse racing of various types, or both dog and  
48 horse racing. The commission shall decide the number,  
49 location, and type of all racetracks licensed under  
50 this chapter. The license shall set forth the name of

Page 5

1 the licensee, the type of license granted, the place  
2 where the race meeting is to be held, and the time and  
3 number of days during which racing may be conducted by  
4 the licensee. ~~The commission shall not approve the~~  
5 ~~licenses for racetracks in Dubuque county and Black~~  
6 ~~Hawk county if the proposed racing schedules of the~~  
7 ~~two tracks conflict.~~ The commission shall not approve  
8 a license application if any part of the racetrack is  
9 to be constructed on prime farmland outside the city  
10 limits of an incorporated city. As used in this  
11 subsection, "prime farmland" means as defined by the  
12 United States department of agriculture in 7 C.F.R.  
13 ~~see~~ § 657.5(a). A license is not transferable or  
14 assignable. The commission may revoke any license  
15 issued for good cause upon reasonable notice and  
16 hearing. The commission shall conduct a neighborhood  
17 impact study to determine the impact of granting a  
18 license on the quality of life in neighborhoods  
19 adjacent to the proposed racetrack facility. The  
20 applicant for the license shall reimburse the  
21 commission for the costs incurred in making the study.  
22 A copy of the study shall be retained on file with the  
23 commission and shall be a public record. The study  
24 shall be completed before the commission may issue a  
25 license for the proposed facility.



26 2. A license shall only be granted to a nonprofit  
27 corporation or association upon the express condition  
28 that:

29 ~~a. The the nonprofit corporation or association~~  
30 shall not, by a lease, contract, understanding, or  
31 arrangement of any kind, grant, assign, or turn over  
32 to a person the operation of a race meeting licensed  
33 under this section or of the pari-mutuel system of  
34 wagering described in section 99D.11. This section  
35 does not prohibit a management contract approved by  
36 the commission.

37 ~~b. The nonprofit corporation shall not in any~~  
38 ~~manner permit a person other than the licensee to have~~  
39 ~~a share, percentage, or proportion of the money~~  
40 ~~received for admissions to the race or race meeting.~~

41 Sec. 10. Section 99D.9, subsection 6, Code 2003,  
42 is amended to read as follows:

43 6. (1) A licensee ~~may shall~~ not loan to any  
44 person money or any other thing of value for the  
45 purpose of permitting that person to wager on any  
46 race.

47 (2) A licensee shall not permit a financial  
48 institution, vendor, or other person to dispense cash  
49 or credit through an electronic or mechanical device  
50 including but not limited to a satellite terminal as

Page 6

1 defined in section 527.2, that is located on the  
2 licensed premises.

3 Sec. 11. NEW SECTION. 99D.9A MORATORIUM.

4 The commission shall not issue a license to conduct  
5 pari-mutuel wagering at a racetrack pursuant to this  
6 chapter as provided in section 99F.4C.

7 Sec. 12. Section 99D.11, subsection 7, Code 2003,  
8 is amended to read as follows:

9 7. A person under the age of twenty-one years  
10 shall not make or attempt to make a pari-mutuel wager.

11 A person who violates this subsection commits a  
12 scheduled violation under section 805.8C, subsection  
13 4.

14 Sec. 13. Section 99D.14, subsection 2, Code 2003,  
15 is amended by striking the subsection and inserting in  
16 lieu thereof the following:

17 2. A licensee shall pay a regulatory fee to be  
18 charged as provided in this section. In determining  
19 the regulatory fee to be charged as provided under  
20 this section, the commission shall use the amount  
21 appropriated to the commission plus the cost of  
22 salaries for no more than two special agents for each  
23 racetrack, plus any direct and indirect support costs  
24 for the agents, for the division of criminal

25 investigation's racetrack activities, as the basis for  
26 determining the amount of revenue to be raised from  
27 the regulatory fee.  
28 Sec. 14. Section 99D.14, subsection 7, Code 2003,  
29 is amended by striking the subsection.  
30 Sec. 15. Section 99D.15, subsection 3, paragraph  
31 d, Code 2003, is amended by striking the paragraph.  
32 Sec. 16. Section 99D.15, Code 2003, is amended by  
33 adding the following new subsection:  
34 NEW SUBSECTION. 5. An amount equal to one-half of  
35 one percent of the gross sum wagered by the pari-  
36 mutuel method shall be deposited into the gambling  
37 treatment fund created in section 135.150 from the tax  
38 revenue received by the commission pursuant to  
39 subsections 1, 3, and 4.  
40 Sec. 17. Section 99D.19, Code 2003, is amended to  
41 read as follows:  
42 99D.19 HORSE OR DOG RACING – LICENSEES – RECORDS  
43 – REPORTS – SUPERVISION.  
44 1. A licensee shall keep its books and records so  
45 as to clearly show the following:  
46 ~~1. a. The total number of admissions to races~~  
47 ~~conducted by it on each racing day, including the~~  
48 ~~number of admissions upon free passes or complimentary~~  
49 ~~tickets for each day of operation.~~  
50 ~~2. b. The amount received daily from admission~~

Page 7

1 ~~fees.~~  
2 ~~3. The total amount of money wagered during the~~  
3 ~~race meet for each day of operation.~~  
4 2. The licensee shall furnish to the commission  
5 reports and information as the commission may require  
6 with respect to its activities. The commission may  
7 designate a representative to attend a licensed race  
8 meeting, who shall have full access to all places  
9 within the enclosure of the meeting and who shall  
10 supervise and check the admissions. The compensation  
11 of the representative shall be fixed by the commission  
12 but shall be paid by the licensee.  
13 Sec. 18. Section 99D.23, subsection 1, Code 2003,  
14 is amended to read as follows:  
15 1. The commission shall employ one or more  
16 chemists or contract with a qualified chemical  
17 laboratory to determine by chemical testing and  
18 analysis of saliva, urine, blood, or other excretions  
19 or body fluids whether a substance or drug has been  
20 introduced which may affect the outcome of a race or  
21 whether an action has been taken or a substance or  
22 drug has been introduced which may interfere with the  
23 testing procedure. The commission shall adopt rules

24 under chapter 17A concerning procedures and actions  
 25 taken on positive drug reports. The commission may  
 26 adopt by reference ~~the standards of the national~~  
 27 ~~association of state racing commissioners, the~~  
 28 ~~association of official racing chemists, and New York~~  
 29 ~~jockey club, or the United States trotting~~  
 30 ~~association, nationally recognized standards as~~  
 31 determined by the commission or may adopt any other  
 32 procedure or standard. The commission has the  
 33 authority to retain and preserve by freezing, test  
 34 samples for future analysis.

35 Sec. 19. Section 99D.25, subsection 1, paragraph

36 a, Code 2003, is amended to read as follows:

37 a. "Drugging" means administering to a horse or  
 38 dog any substance foreign to the natural horse or dog  
 39 prior to the start of a race. However, in counties  
 40 with a population of two hundred fifty thousand or  
 41 more, "drugging" does not include administering to a  
 42 horse the drugs ~~lasix~~ furosemide and phenylbutazone in  
 43 accordance with section 99D.25A and rules adopted by  
 44 the commission.

45 Sec. 20. Section 99D.25, subsection 5, Code 2003,  
 46 is amended to read as follows:

47 5. Every horse which suffers a breakdown on the  
 48 racetrack, in training, or in competition, and is  
 49 destroyed, and every other horse which expires while  
 50 stabled on the racetrack under the jurisdiction of the

Page 8

1 commission, shall undergo a postmortem examination by  
 2 a veterinarian or a veterinary pathologist at a time  
 3 and place acceptable to the commission veterinarian to  
 4 determine the injury or sickness which resulted in  
 5 euthanasia or natural death. ~~The postmortem~~  
 6 ~~examination shall be conducted by a veterinarian~~  
 7 ~~employed by the owner or the owner's trainer in the~~  
 8 ~~presence of and in consultation with the commission~~  
 9 ~~veterinarian.~~ Test samples shall be obtained from the  
 10 carcass upon which the postmortem examination is  
 11 conducted and shall be sent to a laboratory approved  
 12 by the commission for testing for foreign substances  
 13 and natural substances at abnormal levels. When  
 14 practical, blood and urine test samples should be  
 15 procured prior to euthanasia. The owner of the  
 16 deceased horse is responsible for payment of any  
 17 charges due ~~the veterinarian employed~~ to conduct the  
 18 postmortem examination. ~~The services of the~~  
 19 ~~commission veterinarian and the laboratory testing of~~  
 20 ~~postmortem samples shall be made available by the~~  
 21 ~~commission without charge to the owner.~~ A record of  
 22 every postmortem shall be filed with the commission by

23 the owner's veterinarian or veterinary pathologist who  
24 performed the postmortem within seventy-two hours of  
25 the death and shall be submitted on a form supplied by  
26 the commission. Each owner and trainer accepts the  
27 responsibility for the postmortem examination provided  
28 herein as a requisite for maintaining the occupational  
29 license issued by the commission.

30 Sec. 21. Section 99D.25, subsection 9, Code 2003,  
31 is amended to read as follows:

32 9. The commission shall conduct random tests of  
33 bodily substances of horses entered to race each day  
34 of a race meeting to aid in the detection of any  
35 unlawful drugging. The tests shall ~~may~~ be conducted  
36 both prior to and after a race. The commission shall  
37 also test any horse that breaks down during a race and  
38 shall perform an autopsy on any horse that is killed  
39 or subsequently destroyed as a result of an accident  
40 during a race.

41 Sec. 22. Section 99D.25A, subsections 3 through 7,  
42 Code 2003, are amended to read as follows:

43 3. If a horse is to race with phenylbutazone in  
44 its system, the trainer, or trainer's designee, shall  
45 be responsible for marking the information on the  
46 entry blank for each race in which the horse shall use  
47 phenylbutazone. Changes made after the time of entry  
48 must be submitted on the prescribed form to the  
49 commission veterinarian no later than scratch time.

50 4. If a test detects concentrations of

Page 9

1 phenylbutazone in the system of a horse in excess of  
2 the level permitted in this section, the commission  
3 shall assess a civil penalty against the trainer of at  
4 least two hundred dollars for the first offense and at  
5 least five hundred dollars for a second offense. The  
6 penalty for a third or subsequent offense shall be in  
7 the discretion of the commission. A penalty assessed  
8 under this subsection shall not affect the placing of  
9 the horse in the race.

10 5. ~~Lasix Furosemide~~ may be administered to  
11 certified bleeders. Upon request, any horse placed on  
12 the bleeder list shall, in its next race, be permitted  
13 the use of ~~lasix furosemide~~. Once a horse has raced  
14 with ~~lasix furosemide~~, it must continue to race with  
15 ~~lasix furosemide~~ in all subsequent races unless a  
16 request is made to discontinue the use. If the use of  
17 ~~lasix furosemide~~ is discontinued, the horse shall be  
18 prohibited from again racing with ~~lasix furosemide~~  
19 unless it is later observed to be bleeding. Requests  
20 for the use of or discontinuance of ~~lasix furosemide~~  
21 must be made to the commission veterinarian by the

22 horse's trainer or assistant trainer on a form  
23 prescribed by the commission on or before the day of  
24 entry into the race for which the request is made.  
25 6. Once a horse has been permitted the use of  
26 ~~lasix~~ furosemide, the horse must be treated with ~~lasix~~  
27 furosemide in the horse's stall, unless the commission  
28 provides that a horse must be brought to the detention  
29 barn for treatment. After the ~~lasix~~ furosemide  
30 treatment, the commission, by rule, may authorize the  
31 release of the horse from the horse's stall or  
32 detention barn before the scheduled post time. If a  
33 horse is brought to the detention barn late, the  
34 commission shall assess a civil penalty of one hundred  
35 dollars against the trainer.  
36 7. A horse entered to race with ~~lasix~~ furosemide  
37 must be treated at least four hours prior to post  
38 time. The ~~lasix~~ furosemide shall be administered  
39 intravenously by a veterinarian employed by the owner  
40 or trainer of the horse. The commission shall adopt  
41 rules to ensure that ~~lasix~~ furosemide is administered  
42 as provided in this section. The commission shall  
43 require that the practicing veterinarian deliver an  
44 affidavit signed by the veterinarian which certifies  
45 information regarding the treatment of the horse. The  
46 affidavit must be delivered to a commission  
47 veterinarian within twenty minutes following the  
48 treatment. The statement must at least include the  
49 name of the practicing veterinarian, the tattoo number  
50 of the horse, the location of the barn and stall where

Page 10

1 the treatment occurred, the race number of the horse,  
2 the name of the trainer, and the time that the ~~lasix~~  
3 furosemide was administered. ~~Lasix Furosemide~~ shall  
4 only be administered in a dose level of two hundred  
5 fifty milligrams.  
6 Sec. 23. Section 99F.1, Code Supplement 2003, is  
7 amended by adding the following new subsection:  
8 NEW SUBSECTION. 7A. "Excursion boat" means a  
9 self-propelled, floating vessel that is or has been  
10 previously certified by the United States coast guard  
11 for operation as a vessel.  
12 Sec. 24. Section 99F.1, subsection 8, Code  
13 Supplement 2003, is amended to read as follows:  
14 8. "Excursion gambling boat" means ~~a self-~~  
15 ~~propelled an~~ excursion boat ~~or moored barge~~ on which  
16 lawful gambling is authorized and licensed as provided  
17 in this chapter.  
18 Sec. 25. Section 99F.1, subsection 10, Code  
19 Supplement 2003, is amended to read as follows:  
20 10. "Gambling game" means any game of chance

21 authorized by the commission. However, for racetrack  
22 enclosures, "gambling game" does not include table  
23 games of chance or video machines which simulate table  
24 games of chance. "Gambling game" does not include  
25 sports betting.

26 Sec. 26. Section 99F.1, Code Supplement 2003, is  
27 amended by adding the following new subsection:  
28 NEW SUBSECTION. 10A. "Gaming floor" means that  
29 portion of an excursion gambling boat or racetrack  
30 enclosure in which gambling games are conducted as  
31 designated by the commission.

32 Sec. 27. Section 99F.1, subsection 12, Code  
33 Supplement 2003, is amended to read as follows:

34 12. "Holder of occupational license" means a  
35 person licensed by the commission to perform an  
36 occupation which the commission has identified as  
37 requiring a license to engage in the excursion  
38 gambling boat gambling industry in Iowa.

39 Sec. 28. Section 99F.1, Code Supplement 2003, is  
40 amended by adding the following new subsection:

41 14A. "Moored barge" means a floating barge or  
42 vessel that is not self-propelled.

43 Sec. 29. Section 99F.1, subsection 16, Code  
44 Supplement 2003, is amended to read as follows:

45 16. "Racetrack enclosure" means all real property  
46 utilized for the conduct of a race meeting, including  
47 the racetrack, grandstand, clubhouse, turf club, or  
48 other areas of a licensed racetrack which an  
49 individual may enter only upon payment of an admission  
50 fee, or upon payment by another, at any time, based

Page 11

1 upon the individual's admittance, or upon presentation  
2 of authorized credentials. "Racetrack enclosure" also  
3 means concession stands, offices, barns, kennels and  
4 barn areas, employee housing facilities, parking lots,  
5 and any additional areas designated by the commission.

6 Sec. 30. Section 99F.4, subsection 2, Code 2003,  
7 is amended to read as follows:

8 2. To license qualified sponsoring organizations,  
9 to license the operators of excursion gambling boats,  
10 to identify occupations within the excursion gambling  
11 boat operations which require licensing, and to adopt  
12 standards for licensing the occupations including  
13 establishing fees for the occupational licenses and  
14 licenses for qualified sponsoring organizations. The  
15 fees shall be paid to the commission and deposited in  
16 the general fund of the state. All revenue received  
17 by the commission under this chapter from license fees  
18 and admission regulatory fees shall be deposited in  
19 the general fund of the state and shall be subject to

20 the requirements of section 8.60.

21 Sec. 31. Section 99F.4, subsection 6, Code 2003,  
22 is amended to read as follows:

23 6. To investigate alleged violations of this  
24 chapter or the commission rules, orders, or final  
25 decisions and to take appropriate disciplinary action  
26 against a licensee or a holder of an occupational  
27 license for a violation, or institute appropriate  
28 legal action for enforcement, or both. Information  
29 gathered during an investigation is confidential  
30 during the pendency of the investigation.

31 Sec. 32. Section 99F.4, subsection 18, Code 2003,  
32 is amended to read as follows:

33 18. To provide for the continuous videotaping of  
34 all gambling activities on an excursion gambling boat.  
35 The videotaping shall be performed under guidelines  
36 set by rule of the division of criminal investigation  
37 and the rules may require that all or part of the  
38 original tapes be submitted to the division on a  
39 timely schedule.

40 Sec. 33. Section 99F.4, subsection 20, Code 2003,  
41 is amended by striking the subsection.

42 Sec. 34. Section 99F.4, Code 2003, is amended by  
43 adding the following new subsections:

44 NEW SUBSECTION. 23. To require licensees to  
45 establish a process to allow a person to be  
46 voluntarily excluded for life from an excursion  
47 gambling boat and all other licensed facilities under  
48 this chapter and chapter 99D. The process established  
49 shall require that a licensee disseminate information  
50 regarding persons voluntarily excluded to all

Page 12

1 licensees under this chapter and chapter 99D. The  
2 state and any licensee under this chapter or chapter  
3 99D shall not be liable to any person for any claim  
4 which may arise from this process. In addition to any  
5 other penalty provided by law, any money or thing of  
6 value that has been obtained by, or is owed to, a  
7 voluntarily excluded person by a licensee as a result  
8 of wagers made by the person after the person has been  
9 voluntarily excluded shall not be paid to the person  
10 but shall be deposited into the gambling treatment  
11 fund created in section 135.150.

12 NEW SUBSECTION. 24. To approve a licensee's  
13 application to operate as a moored barge, an excursion  
14 boat that will cruise, or an excursion boat that will  
15 not cruise, as submitted pursuant to section 99F.7.

16 NEW SUBSECTION. 25. To conduct a socioeconomic  
17 study on the impact of gambling on Iowans, every eight  
18 years beginning in calendar year 2008, and issue a

19 report on that study. The commission shall ensure  
20 that the results of each study are readily accessible  
21 to the public.

22 Sec. 35. Section 99F.4A, subsection 4, Code 2003,  
23 is amended to read as follows:

24 4. The regulatory fee imposed in section 99D.14,  
25 subsection 2, shall be collected ~~for admission to from~~  
26 a licensee of a racetrack enclosure where gambling  
27 games are licensed to operate in lieu of the admission  
28 regulatory fee imposed in section 99F.10.

29 Sec. 36. Section 99F.4A, subsection 8, Code 2003,  
30 is amended by striking the subsection.

31 Sec. 37. NEW SECTION. 99F.4C MORATORIUM FOR  
32 ISSUANCE OF LICENSES FOR GAMBLING GAMES AND PARI-  
33 MUTUEL WAGERING AND ON THE NUMBER OF GAMBLING GAMES OR  
34 SLOT MACHINES.

35 1. Commencing with the effective date of this  
36 section of this Act, the commission shall not issue a  
37 license to conduct pari-mutuel wagering at a racetrack  
38 pursuant to chapter 99D or to conduct gambling games  
39 on an excursion boat or at a pari-mutuel racetrack  
40 pursuant to this chapter.

41 2. Commencing with the effective date of this  
42 section of this Act, the commission shall not  
43 authorize any of the following:

44 a. An increase in the number of gambling games or  
45 the number of slot machines on an excursion gambling  
46 boat.

47 b. An increase in the number of slot machines at a  
48 pari-mutuel racetrack.

49 3. This section does not affect the validity of a  
50 license issued by the commission pursuant to chapter

Page 13

1 99D or this chapter before the effective date of this  
2 section of this Act or the authority of the commission  
3 to suspend, revoke, transfer, or renew a license  
4 issued before the effective date of this section of  
5 this Act pursuant to chapter 99D or this chapter.

6 Sec. 38. Section 99F.5, subsection 1, Code 2003,  
7 is amended to read as follows:

8 1. A qualified sponsoring organization may apply  
9 to the commission for a license to conduct gambling  
10 games on an excursion gambling boat as provided in  
11 this chapter. A person may apply to the commission  
12 for a license to operate an excursion gambling boat.  
13 An operating agreement entered into on or after the  
14 effective date of this section of this Act between a  
15 qualified sponsoring organization and an operator  
16 shall provide for a minimum distribution by the  
17 qualified sponsoring organization for educational,



18 civic, public, charitable, patriotic, or religious  
19 uses as defined in section 99B.7, subsection 3,  
20 paragraph "b", that averages at least three percent of  
21 the adjusted gross receipts for each license year.  
22 The application shall be filed with the administrator  
23 of the commission at least ninety days before the  
24 first day of the next excursion season as determined  
25 by the commission, shall identify the excursion  
26 gambling boat upon which gambling games will be  
27 authorized, shall specify the exact location where the  
28 excursion gambling boat will be docked, and shall be  
29 in a form and contain information as the commission  
30 prescribes. The minimum passenger capacity of an  
31 excursion gambling boat is two hundred fifty persons.  
32 Sec. 39. Section 99F.6, subsection 4, paragraph a,  
33 Code Supplement 2003, is amended to read as follows:  
34 a. Before a license is granted, the division of  
35 criminal investigation of the department of public  
36 safety shall conduct a thorough background  
37 investigation of the applicant for a license to  
38 operate a gambling game operation on an excursion  
39 gambling boat. The applicant shall provide  
40 information on a form as required by the division of  
41 criminal investigation. A qualified sponsoring  
42 organization licensed to operate gambling games under  
43 this chapter shall distribute the receipts of all  
44 gambling games, less reasonable expenses, charges,  
45 taxes, fees, and deductions allowed under this  
46 chapter, as winnings to players or participants or  
47 shall distribute the receipts for educational, civic,  
48 public, charitable, patriotic, or religious uses as  
49 defined in section 99B.7, subsection 3, paragraph "b".  
50 However, a licensee to conduct gambling games under

Page 14

1 this chapter shall, unless an operating agreement for  
2 an excursion gambling boat otherwise provides,  
3 distribute at least three percent of the adjusted  
4 gross receipts for each license year for educational,  
5 civic, public, charitable, patriotic, or religious  
6 uses as defined in section 99B.7, subsection 3,  
7 paragraph "b". However, if a licensee who is also  
8 licensed to conduct pari-mutuel wagering at a horse  
9 racetrack has unpaid debt from the pari-mutuel  
10 racetrack operations, the first receipts of the  
11 gambling games operated within the racetrack enclosure  
12 less reasonable operating expenses, taxes, and fees  
13 allowed under this chapter shall be first used to pay  
14 the annual indebtedness. The commission shall  
15 authorize, subject to the debt payments for horse  
16 racetracks and the provisions of paragraph "b" for dog

17 racetracks, a licensee who is also licensed to conduct  
18 pari-mutuel dog or horse racing to use receipts from  
19 gambling games within the racetrack enclosure to  
20 supplement purses for races particularly for Iowa-bred  
21 horses pursuant to an agreement which shall be  
22 negotiated between the licensee and representatives of  
23 the dog or horse owners. For each agreement  
24 concerning purses for horse racing beginning on or  
25 after January 1, 2006, and ending before January 1,  
26 2021, the agreement shall provide that total annual  
27 purses for horse racing at every racetrack enclosure  
28 within Polk county shall be no less than eleven  
29 percent of the first two hundred million dollars of  
30 net receipts, and six percent of net receipts above  
31 two hundred million dollars. A qualified sponsoring  
32 organization shall not make a contribution to a  
33 candidate, political committee, candidate's committee,  
34 state statutory political committee, county statutory  
35 political committee, national political party, or  
36 fund-raising event as these terms are defined in  
37 section 68A.102. The membership of the board of  
38 directors of a qualified sponsoring organization shall  
39 represent a broad interest of the communities. For  
40 purposes of this paragraph, "net receipts" means the  
41 annual adjusted gross receipts from all gambling games  
42 less the annual amount of money pledged by the owner  
43 of the facility to fund a project approved to receive  
44 vision Iowa funds as of July 1, 2004.  
45 Sec. 40. Section 99F.7, subsection 1, Code 2003,  
46 is amended to read as follows:  
47 1. If the commission is satisfied that this  
48 chapter and its rules adopted under this chapter  
49 applicable to licensees have been or will be complied  
50 with, the commission shall issue a license for a

Page 15

1 period of not more than three years to an applicant to  
2 own a gambling game operation and to an applicant to  
3 operate an excursion gambling boat. The commission  
4 shall decide which of the gambling games authorized  
5 under this chapter ~~the commission~~ will permit. The  
6 commission shall decide the number, location, and type  
7 of excursion gambling boats licensed under this  
8 chapter for operation on the rivers, lakes, and  
9 reservoirs of this state. An excursion gambling boat  
10 may be located or operated on a natural or man-made  
11 lake or reservoir if the lake or reservoir is of  
12 sufficient size to accommodate recreational activity.  
13 An excursion gambling boat may also be located on a  
14 body of water adjacent to a river, provided it is  
15 located no more than one thousand feet from the

16 closest edge of the river, as established by the  
 17 commission in consultation with the United States army  
 18 corps of engineers, the department of natural  
 19 resources, or other appropriate regulatory agency.  
 20 The license shall set forth, as applicable, the name  
 21 of the licensee, the type of license granted, the  
 22 place where the excursion gambling boats will operate  
 23 and dock, and the time and number of days during the  
 24 excursion season and the off season when gambling may  
 25 be conducted by the licensee. ~~The~~  
 26 1A. An applicant for a license to conduct gambling  
 27 games on an excursion gambling boat, and each licensee  
 28 by June 30 of each year thereafter, shall indicate and  
 29 have noted on the license whether the applicant or  
 30 licensee will operate a moored barge, an excursion  
 31 boat that will cruise, or an excursion boat that will  
 32 not cruise. If the applicant or licensee will operate  
 33 a moored barge or an excursion boat that will not  
 34 cruise, the requirements of this chapter concerning  
 35 cruising shall not apply. If the applicant's or  
 36 licensee's excursion boat will cruise, the applicant  
 37 or licensee shall comply with the cruising  
 38 requirements of this chapter and the commission shall  
 39 not allow such a licensee to conduct gambling games on  
 40 an excursion gambling boat while docked during the off  
 41 season if the licensee does not operate gambling  
 42 excursions for a minimum number of days during the  
 43 excursion season. The commission may delay the  
 44 commencement of the excursion season at the request of  
 45 a licensee.  
 46 Sec. 41. Section 99F.7, subsection 3, Code 2003,  
 47 is amended to read as follows:  
 48 3. The commission shall require, as a condition of  
 49 granting a license, that an applicant to operate an  
 50 excursion gambling boat develop, and as nearly as

Page 16

1 practicable, recreate boats or moored barges that  
 2 resemble Iowa's riverboat history.  
 3 Sec. 42. Section 99F.7, subsection 5, paragraph b,  
 4 Code 2003, is amended by striking the paragraph.  
 5 Sec. 43. Section 99F.7, subsection 9, Code 2003,  
 6 is amended to read as follows:  
 7 9. a. A licensee shall not loan to any person  
 8 money or any other thing of value for the purpose of  
 9 permitting that person to wager on any game of chance.  
 10 b. A licensee shall not permit a financial  
 11 institution, vendor, or other person to dispense cash  
 12 or credit through an electronic or mechanical device  
 13 including but not limited to a satellite terminal, as  
 14 defined in section 527.2, that is located on the

15 licensed premises.

16 Sec. 44. Section 99F.7, subsection 10, paragraph  
17 e, Code 2003, is amended to read as follows:

18 e. After a referendum has been held which defeated  
19 a proposal to conduct gambling games on excursion  
20 gambling boats or which defeated a proposal to conduct  
21 gambling games at a licensed pari-mutuel racetrack  
22 enclosure as provided in this section, another  
23 referendum on a proposal to conduct gambling games on  
24 an excursion gambling boat or at a licensed pari-  
25 mutuel racetrack shall not be held for at least ~~two~~  
26 eight years.

27 Sec. 45. Section 99F.9, subsection 5, Code 2003,  
28 is amended to read as follows:

29 5. A person under the age of twenty-one years  
30 shall not make or attempt to make a wager on an  
31 excursion gambling boat or in a racetrack enclosure  
32 and shall not be allowed in the area on the gaming  
33 floor of the an excursion gambling boat where gambling  
34 is being conducted or of a racetrack enclosure.

35 However, a person eighteen years of age or older may  
36 be employed to work in a gambling area on the gaming  
37 floor of an excursion gambling boat or a racetrack  
38 enclosure. A person who violates this subsection with  
39 respect to making or attempting to make a wager  
40 commits a scheduled violation under section 805.8C,  
41 subsection 4.

42 Sec. 46. Section 99F.10, Code 2003, is amended to  
43 read as follows:

44 99F.10 ADMISSION REGULATORY FEE - TAX - LOCAL  
45 FEES.

46 1. A qualified sponsoring organization conducting  
47 gambling games on an excursion gambling boat licensed  
48 under section 99F.7 shall pay the tax imposed by  
49 section 99F.11.

50 2. An excursion gambling boat licensee shall pay

Page 17

1 to the commission ~~an admission a regulatory fee for~~  
2 ~~each person embarking on an excursion gambling boat~~  
3 ~~with a ticket of admission to be charged as provided~~  
4 ~~in this section. The admission fee shall be set by~~  
5 ~~the commission.~~

6 a. ~~If tickets are issued which are good for more~~  
7 ~~than one excursion, the admission fee shall be paid~~  
8 ~~for each person using the ticket on each excursion~~  
9 ~~that the ticket is used.~~

10 b. ~~If free passes or complimentary admission~~  
11 ~~tickets are issued, the licensee shall pay the same~~  
12 ~~fee upon these passes or complimentary tickets as if~~  
13 ~~they were sold at the regular and usual admission~~

14 rate.

15 e. ~~However, the excursion boat licensee may issue~~  
 16 ~~fee free passes to actual and necessary officials and~~  
 17 ~~employees of the licensee or other persons actually~~  
 18 ~~working on the excursion gambling boat.~~

19 d. ~~The issuance of fee free passes is subject to~~  
 20 ~~the rules of the commission, and a list of all persons~~  
 21 ~~to whom the fee free passes are issued shall be filed~~  
 22 ~~with the commission.~~

23 3. ~~In addition to the admission fee charged under~~  
 24 ~~subsection 2 and subject Subject~~ to approval of  
 25 excursion gambling boat docking by the voters, a city  
 26 may adopt, by ordinance, an admission fee not  
 27 exceeding fifty cents for each person embarking on an  
 28 excursion gambling boat docked within the city or a  
 29 county may adopt, by ordinance, an admission fee not  
 30 exceeding fifty cents for each person embarking on an  
 31 excursion gambling boat docked outside the boundaries  
 32 of a city. The admission revenue received by a city  
 33 or a county shall be credited to the city general fund  
 34 or county general fund as applicable.

35 4. In determining the license fees and state  
 36 ~~admission regulatory~~ fees to be charged as provided  
 37 under section 99F.4 and this section, the commission  
 38 shall use the amount appropriated to the commission  
 39 plus the cost of salaries for no more than two special  
 40 agents and no more than four gaming enforcement  
 41 officers for each excursion gambling boat, plus any  
 42 direct and indirect support costs for the agents and  
 43 officers, for the division of criminal investigation's  
 44 excursion gambling boat activities ~~and an amount for~~  
 45 ~~all licensees, not to exceed one hundred twenty five~~  
 46 ~~thousand dollars, representing other associated costs~~  
 47 ~~of the division,~~ as the basis for determining the  
 48 amount of revenue to be raised from the license fees  
 49 and ~~admission regulatory~~ fees. ~~The division's salary~~  
 50 ~~costs shall be limited to eighty percent of the salary~~

Page 18

1 ~~costs for special agents and eighty percent of the~~  
 2 ~~salary costs for gaming enforcement for personnel~~  
 3 ~~assigned to excursion gambling boats who enforce laws~~  
 4 ~~and rules adopted by the commission.~~

5 5. No other license tax, permit tax, occupation  
 6 tax, excursion fee, or taxes on fees shall be levied,  
 7 assessed, or collected from a licensee by the state or  
 8 by a political subdivision, except as provided in this  
 9 chapter.

10 6. No other excise tax shall be levied, assessed,  
 11 or collected from the licensee relating to gambling  
 12 excursions or admission charges by the state or by a

13 political subdivision, except as provided in this  
14 chapter.

15 Sec. 47. Section 99F.11, Code Supplement 2003, is  
16 amended to read as follows:

17 99F.11 WAGERING TAX – RATE – ALLOCATIONS.

18 1. A tax is imposed on the adjusted gross receipts  
19 received annually each fiscal year from gambling games  
20 authorized under this chapter at the rate of five  
21 percent on the first one million dollars of adjusted  
22 gross receipts, and at the rate of ten percent on the  
23 next two million dollars of adjusted gross receipts,  
24 and at the rate of twenty percent

25 2. The tax rate imposed each fiscal year on any  
26 amount of adjusted gross receipts over three million  
27 dollars. However, beginning January 1, 1997, the rate  
28 on any amount of adjusted gross receipts over three  
29 million dollars from gambling games at racetrack  
30 enclosures is twenty-two percent and shall increase by  
31 two percent each succeeding calendar year until the  
32 rate is thirty-six percent. shall be as follows:

33 a. If the licensee is an excursion gambling boat  
34 or a racetrack enclosure conducting gambling games,  
35 twenty-two percent.

36 b. Notwithstanding paragraph "a", if the licensee  
37 is an excursion gambling boat that is licensed to  
38 operate a moored barge and another licensee of an  
39 excursion gambling boat in the same county is not  
40 licensed to operate a moored barge, twenty-six  
41 percent.

42 3. The taxes imposed by this section shall be paid  
43 by the licensee to the treasurer of state within ten  
44 days after the close of the day when the wagers were  
45 made and shall be distributed as follows:

46 4. a. If the gambling excursion originated at a  
47 dock located in a city, one-half of one percent of the  
48 adjusted gross receipts shall be remitted to the  
49 treasurer of the city in which the dock is located and  
50 shall be deposited in the general fund of the city.

Page 19

1 Another one-half of one percent of the adjusted gross  
2 receipts shall be remitted to the treasurer of the  
3 county in which the dock is located and shall be  
4 deposited in the general fund of the county.

5 ~~2.~~ b. If the gambling excursion originated at a  
6 dock located in a part of the county outside a city,  
7 one-half of one percent of the adjusted gross receipts  
8 shall be remitted to the treasurer of the county in  
9 which the dock is located and shall be deposited in  
10 the general fund of the county. Another one-half of  
11 one percent of the adjusted gross receipts shall be

12 remitted to the treasurer of the Iowa city nearest to  
 13 where the dock is located and shall be deposited in  
 14 the general fund of the city.

15 ~~3. c. Three tenths~~ One-half of one percent of the  
 16 adjusted gross receipts shall be deposited in the  
 17 gambling treatment fund ~~specified in section 99C.39,~~  
 18 ~~subsection 1, paragraph "a"~~ created in section  
 19 135.150.

20 d. One-half of one percent of the adjusted gross  
 21 receipts shall be deposited in the community endowment  
 22 fund created in section 15E.311.

23 4. e. The remaining amount of the adjusted gross  
 24 receipts tax shall be credited to the general fund of  
 25 the state.

26 Sec. 48. Section 99F.12, Code 2003, is amended to  
 27 read as follows:

28 99F.12 LICENSEES – RECORDS – REPORTS –  
 29 SUPERVISION.

30 1. A licensee shall keep its books and records so  
 31 as to clearly show all of the following:

32 ~~1. a. The total number of admissions to gambling~~  
 33 ~~excursions conducted by the licensee on each day,~~  
 34 ~~including the number of admissions upon free passes or~~  
 35 ~~complimentary tickets for each day of operation.~~

36 ~~2. b. The amount received daily from admission~~  
 37 ~~fees.~~

38 ~~3. The total amount of money wagered during each~~  
 39 ~~excursion day and the adjusted gross receipts for the~~  
 40 ~~each day of operation.~~

41 2. The licensee shall furnish to the commission  
 42 reports and information as the commission may require  
 43 with respect to its activities. The gross receipts  
 44 and adjusted gross receipts from gambling shall be  
 45 separately handled and accounted for from all other  
 46 moneys received from operation of an excursion  
 47 gambling boat. The commission may designate a  
 48 representative to board a licensed excursion gambling  
 49 boat, who shall have full access to all places within  
 50 the enclosure of the boat, who shall directly

Page 20

1 supervise the handling and accounting of all gross  
 2 receipts and adjusted gross receipts from gambling,  
 3 and who shall supervise and check the admissions. The  
 4 compensation of a representative shall be fixed by the  
 5 commission but shall be paid by the licensee.

6 3. The books and records kept by a licensee as  
 7 provided by this section are public records and the  
 8 examination, publication, and dissemination of the  
 9 books and records are governed by the provisions of  
 10 chapter 22.

11 Sec. 49. Section 99F.17, subsections 5 and 6, Code  
12 2003, are amended to read as follows:

13 5. The manufacturer or distributor of gambling  
14 games or implements of gambling shall provide the  
15 commission with ~~a copy of the invoice~~ written notice  
16 showing the items shipped to the licensee ~~and a copy~~  
17 ~~of the bill of lading.~~

18 6. Subsection 2 does not apply in the following  
19 cases, if approved by the commission:

20 a. Gambling games or implements of gambling  
21 previously installed ~~on an excursion gambling boat in~~  
22 a gambling location licensed in another jurisdiction.

23 b. Gambling games or implements of gambling  
24 previously installed ~~on an excursion gambling boat in~~  
25 a gambling location licensed in this state.

26 Sec. 50. Section 99G.39, subsection 1, paragraph  
27 a, Code Supplement 2003, is amended to read as  
28 follows:

29 a. An amount equal to ~~three tenths~~ one-half of one  
30 percent of the gross lottery revenue for the year  
31 shall be deposited in ~~a the gambling treatment fund in~~  
32 ~~the office of the treasurer of state created in~~  
33 section 135.150.

34 Sec. 51. NEW SECTION. 135.150 GAMBLING TREATMENT  
35 FUND.

36 1. A gambling treatment fund is created in the  
37 state treasury under the control of the department.  
38 The fund consists of all moneys appropriated to the  
39 fund. However, if moneys appropriated to the fund in  
40 a fiscal year exceed six million dollars, the amount  
41 exceeding six million dollars shall be transferred to  
42 the general fund of the state. Moneys in the fund are  
43 appropriated to the department for the purposes  
44 described in this section.

45 2. Moneys appropriated to the department under  
46 this section shall be for the purpose of operating a  
47 gambling treatment program and shall be used for  
48 funding of administrative costs and to provide  
49 programs which may include, but are not limited to,  
50 outpatient and follow-up treatment for persons

Page 21

1 affected by problem gambling, rehabilitation and  
2 residential treatment programs, information and  
3 referral services, crisis call access, education and  
4 preventive services, and financial management and  
5 credit counseling services.

6 3. Notwithstanding section 12C.7, subsection 2,  
7 interest or earnings on moneys deposited in the  
8 gambling treatment fund shall be credited to the  
9 gambling treatment fund. Notwithstanding section



10 8.33, moneys credited to the gambling treatment fund  
 11 shall not revert to the fund from which appropriated  
 12 at the close of a fiscal year.

13 4. The department shall report semiannually to the  
 14 legislative government oversight committees regarding  
 15 the operation of the gambling treatment fund and  
 16 program. The report shall include, but is not limited  
 17 to, information on revenues and expenses related to  
 18 the fund for the previous period, fund balances for  
 19 the period, and moneys expended and grants awarded for  
 20 operation of the gambling treatment program.

21 Sec. 52. Section 421.17, Code Supplement 2003, is  
 22 amended by adding the following new subsection:  
 23 NEW SUBSECTION. 28. To administer the community  
 24 endowment fund created in section 15E.311.

25 Sec. 53. NEW SECTION. 725.19 GAMBLING BY MINORS.  
 26 1. Any person under the age of twenty-one years  
 27 shall not make or attempt to make a gambling wager,  
 28 except as permitted under chapter 99B. A person who  
 29 violates this subsection commits a scheduled violation  
 30 under section 805.8C, subsection 4.

31 2. A person who knowingly permits a person under  
 32 the age of twenty-one years to make or attempt to make  
 33 a gambling wager, except as permitted under chapter  
 34 99B, is guilty of a simple misdemeanor.

35 Sec. 54. Section 805.8C, Code 2003, is amended by  
 36 adding the following new subsection:  
 37 NEW SUBSECTION. 4. GAMBLING VIOLATIONS. For  
 38 violations of legal age for gambling wagering under  
 39 section 99D.11, subsection 7, section 99F.9,  
 40 subsection 5, and section 725.19, subsection 1, the  
 41 scheduled fine is five hundred dollars. Failure to  
 42 pay the fine by a person under the age of eighteen  
 43 shall not result in the person being detained in a  
 44 secure facility.

45 Sec. 55. Sections 99D.14A and 99F.10A, Code 2003,  
 46 are repealed.

47 Sec. 56. SOCIOECONOMIC STUDY OF GAMBLING.  
 48 1. The legislative council shall commission a  
 49 study by an independent entity to study the  
 50 socioeconomic impact of gambling on Iowans. The

Page 22

1 legislative council is authorized to expend up to one  
 2 hundred thousand dollars to complete the study. The  
 3 legislative council shall make the report available by  
 4 July 1, 2005.

5 2. The study shall be an empirical study and  
 6 include, but not be limited to, the following matters:  
 7 a. The economic impact of gambling on communities  
 8 and other businesses.

9 b. The impact of gambling, if any, on family  
10 finances and family relations in general.  
11 c. Demographic information on gamblers.  
12 d. An assessment of the impact, if any, of  
13 pathological or problem gambling on individuals,  
14 families, social institutions, criminal activity, and  
15 the economy.  
16 e. Other relevant issues to fully examine the  
17 socioeconomic impact of gambling.

18 Sec. 57. TRANSITION PROVISIONS – EXCURSION  
19 GAMBLING BOAT CRUISING. A licensee authorized to  
20 conduct gambling games on an excursion gambling boat  
21 pursuant to chapter 99F as of January 1, 2004, shall,  
22 no later than June 1, 2004, notify the racing and  
23 gaming commission in writing if the licensee intends  
24 to operate a moored barge, an excursion boat that will  
25 cruise, or an excursion boat that will not cruise.  
26 The racing and gaming commission shall make the  
27 election of each licensee under this section public by  
28 June 7, 2004. A licensee who initially elects to  
29 operate a moored barge or an excursion boat that will  
30 not cruise may, no later than June 30, 2004, change  
31 its election and elect to operate an excursion boat  
32 that will cruise.

33 Sec. 58. EFFECTIVE DATE – RETROACTIVE  
34 APPLICABILITY.

35 1. The section of this Act amending section 99D.6  
36 takes effect April 1, 2004. If this Act is enacted  
37 after April 1, 2004, the section of this Act amending  
38 section 99D.6, being deemed of immediate importance,  
39 takes effect upon enactment and is retroactively  
40 applicable to April 1, 2004, and is applicable on and  
41 after that date.

42 2. The section of this Act amending section  
43 99D.25, subsection 5, takes effect April 1, 2004. If  
44 this Act is enacted after April 1, 2004, the section  
45 of this Act amending section 99D.25, subsection 5,  
46 being deemed of immediate importance, takes effect  
47 upon enactment and is retroactively applicable to  
48 April 1, 2004, and is applicable on and after that  
49 date.

50 2A. The section of this Act enacting section

Page 23

1 99F.4C, being deemed of immediate importance, takes  
2 effect upon enactment.

3 3. The section of this Act amending section 99F.5,  
4 subsection 1, being deemed of immediate importance,  
5 takes effect upon enactment.

6 4. The section of this Act amending section 99F.7,  
7 subsection 10, paragraph "e", being deemed of

8 immediate importance, takes effect upon enactment and  
 9 is retroactively applicable to referendums held on or  
 10 after January 1, 2002.

11 5. The section of this Act requiring a  
 12 socioeconomic study of gambling, being deemed of  
 13 immediate importance, takes effect upon enactment.

14 6. The section of this Act establishing transition  
 15 provisions concerning excursion gambling boat  
 16 cruising, being deemed of immediate importance, takes  
 17 effect upon enactment."

18 2. Title page, by striking lines 1 through 9 and  
 19 inserting the following: "An Act relating to  
 20 gambling, concerning the operation, licensure,  
 21 regulation, fee assessment, and taxation of racetracks  
 22 and excursion gambling boats, imposing a moratorium  
 23 for issuance of licenses for gambling games and pari-  
 24 mutual wagering, including pari-mutuel wagering, horse  
 25 purses and gambling games at racetracks and on  
 26 gambling boats, racing and gaming commission  
 27 membership and employees, gambling treatment fund and  
 28 community endowment fund appropriations, gambling by  
 29 minors and others, and providing penalties and  
 30 including effective and retroactive applicability date  
 31 provisions."

D. Olson of Boone offered the amendment [H-8132](#), to amendment  
[H-8072](#), as follows:

[H-8132](#)

1 Amend the amendment, [H-8072](#), to [House File 2302](#) as  
 2 follows:

3 1. Page 1, by inserting after line 3 the  
 4 following:

5 "Section 1. Section 8.57, subsection 5, paragraph  
 6 e, Code Supplement 2003, is amended by adding the  
 7 following new unnumbered paragraph:  
 8 NEW UNNUMBERED PARAGRAPH. If the total amount of  
 9 moneys directed to be deposited in the general fund of  
 10 the state under sections 99D.17 and 99F.11 in a fiscal  
 11 year is more than the total amount of moneys estimated  
 12 to be deposited under those sections for that fiscal  
 13 year by the revenue estimating conference as of the  
 14 last meeting of the conference prior to that fiscal  
 15 year, the first two million dollars of the difference  
 16 shall be credited to the Iowa empowerment fund created  
 17 in section 28.9 and used for grants to child care  
 18 centers licensed under chapter 237A."

19 2. Page 23, line 27, by inserting after the words  
 20 "treatment fund" the following: ", Iowa empowerment  
 21 fund,".

22 3. By renumbering as necessary.

Carroll of Poweshiek rose on a point of order that amendment [H-8132](#) was not germane, to amendment [H-8072](#).

The Speaker ruled the point well taken and amendment [H-8132](#) not germane.

Raecker of Polk offered the following amendment [H-8112](#), to amendment [H-8072](#), filed by him and moved its adoption:

[H-8112](#)

1 Amend the amendment, [H-8072](#), to [House File 2302](#) as  
2 follows:

3 "1. Page 1, line 4, by striking the word  
4 "COMMUNITY" and inserting the following: "COUNTY".

5 2. Page 1, by inserting after line 5 the  
6 following:

7 "1. The purpose of this section is to enhance the  
8 quality of life for citizens of Iowa by providing  
9 moneys to new or existing citizen groups of this state  
10 organized to establish county affiliate funds or  
11 community foundations that will address countywide  
12 needs."

13 3. Page 1, line 6, by striking the words and  
14 figure "1. A community" and inserting the following:  
15 "2. A county".

16 4. Page 1, line 11, by striking the figure "2."  
17 and inserting the following: "3. a."

18 5. Page 1, lines 19 and 20, by striking the words  
19 "community foundation" and inserting the following:  
20 "county recipient".

21 6. Page 1, line 21, by striking the words  
22 "community foundation" and inserting the following:  
23 "county recipient".

24 7. Page 1, line 23, by striking the word  
25 "recipients" and inserting the following: "charitable  
26 organizations for educational, civic, public,  
27 charitable, patriotic, or religious uses, as defined  
28 in section 99B.7, subsection 3, paragraph "b",".

29 8. Page 1, lines 24 and 25, by striking the words  
30 "as an endowment for that foundation" and inserting  
31 the following: "in establishing a permanent endowment  
32 fund for the benefit of charitable organizations for  
33 educational, civic, public, charitable, patriotic, or  
34 religious uses, as defined in section 99B.7,  
35 subsection 3, paragraph "b",."

36 9. Page 1, line 25, by inserting before the words  
37 "If a county" the following: "b."

- 38 10. Page 1, line 26, by striking the words  
 39 "community foundation" and inserting the following:  
 40 "county recipient".  
 41 11. Page 1, line 28, by striking the words  
 42 "community foundation" and inserting the following:  
 43 "county recipient".  
 44 12. Page 1, line 28, by inserting after the word  
 45 "established." the following:  
 46 "c."  
 47 13. Page 1, line 30, by striking the words  
 48 "community foundation" and inserting the following:  
 49 "county recipient".  
 50 14. Page 1, line 31, by inserting after the word

Page 2

- 1 "foundation" the following: "or community affiliate  
 2 organization".  
 3 15. Page 1, lines 32 and 33, by striking the  
 4 words and figure "designated by the board, as defined  
 5 in section 15E.303," and inserting the following:  
 6 "selected, in accordance with the procedures described  
 7 in section 15E.304,".  
 8 16. Page 1, line 34, by inserting after the word  
 9 "county." the following: "To be selected as an  
 10 eligible county recipient, a community affiliate  
 11 organization shall establish a county affiliate fund  
 12 to receive moneys as provided by this section."  
 13 17. Page 1, line 35, by striking the figure "3."  
 14 and inserting the following: "4."  
 15 18. Page 1, line 37, by striking the word  
 16 "community" and inserting the following: "county".  
 17 19. Page 1, line 38, by striking the word  
 18 "community" and inserting the following: "county".  
 19 20. Page 1, line 39, by striking the word  
 20 "community" and inserting the following: "county".  
 21 21. Page 19, line 21, by striking the word  
 22 "community" and inserting the following: "county".  
 23 22. Page 21, line 23, by striking the word  
 24 "community" and inserting the following: "county".  
 25 23. Page 23, line 28, by striking the word  
 26 "community" and inserting the following: "county".

Amendment [H-8112](#) was adopted.

Osterhaus of Jackson offered the following amendment [H-8133](#), to amendment [H-8072](#), filed by him and moved its adoption:

[H-8133](#)

- 1 Amend the amendment, [H-8072](#), to [House File 2302](#) as

- 2 follows:  
3 1. Page 16, by inserting after line 4, the  
4 following:  
5 "Sec. \_\_\_\_ Section 99F.7, subsection 6, Code 2003,  
6 is amended to read as follows:  
7 6. It is the intent of the general assembly that  
8 employees be paid at least twenty-five percent above  
9 the federal minimum wage level. Each licensee shall  
10 submit a yearly report to the commission listing the  
11 position and compensation of each officer, employee,  
12 or contractor of the licensee earning thirty thousand  
13 dollars or more for that year and listing, by salary  
14 and position but not by name, those employees earning  
15 less than thirty thousand dollars."  
16 2. By renumbering as necessary.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 45, nays 51.

Amendment [H-8133](#) lost.

Carroll of Poweshiek offered the following amendment [H-8124](#), to amendment [H-8072](#), filed by Boddicker of Cedar whom moved its adoption:

[H-8124](#)

- 1 Amend the amendment, [H-8072](#), to [House File 2302](#) as  
2 follows:  
3 1. Page 1, by striking lines 4 through 40.  
4 2. Page 19, by striking lines 20 through 22.  
5 3. Page 19, line 23, by striking the letter "e",  
6 and inserting the following: "d."  
7 4. Page 21, by striking lines 21 through 24.  
8 5. Page 23, lines 27 and 28, by striking the  
9 words "and community endowment fund".  
10 6. By renumbering as necessary.

Amendment [H-8124](#) lost.

Greiner of Washington asked and received unanimous consent that amendment [H-8113](#) to amendment [H-8072](#) be deferred.

Roberts of Carroll offered the following amendment [H-8121](#), to amendment [H-8072](#), filed by him and moved its adoption:

[H-8121](#)

1 Amend the amendment, [H-8072](#), to [House File 2302](#) as  
2 follows:  
3 1. Page 2, line 12, by striking the words and  
4 figures "subsections 1, 2, 3, and", and inserting the  
5 following: "subsection".  
6 2. Page 2, line 13, by striking the word "are",  
7 and inserting the following: "is".  
8 3. By striking page 2, line 14 through page 3,  
9 line 6, and inserting the following:  
10 "4. Commission members are each entitled to  
11 receive an annual salary of six thousand dollars.  
12 Members shall also be reimbursed for actual expenses  
13 incurred in the performance of their duties to a  
14 maximum of thirty thousand dollars per year for the  
15 commission. Each member shall ~~post a bond in the~~  
16 ~~amount of ten thousand dollars, with sureties to be~~  
17 ~~approved by the governor, to guarantee the proper~~  
18 ~~handling and accounting of moneys and other properties~~  
19 ~~required in the administration of this chapter. The~~  
20 ~~premiums on the bonds shall be paid as other expenses~~  
21 ~~of the commission be covered by the blanket surety~~  
22 ~~bond of the state purchased pursuant to section~~  
23 ~~8A.321, subsection 12."~~  
24 4. Page 3, line 12, by striking the word  
25 "voting".  
26 5. Page 23, line 27, by striking the words  
27 "membership and".

Amendment [H-8121](#) was adopted.

Wise of Lee asked and received unanimous consent that amendment [H-8115](#) to amendment [H-8072](#) be deferred.

Struyk of Pottawattamie asked and received unanimous consent that amendment [H-8138](#) to amendment [H-8072](#) be deferred.

Gipp of Winneshiek asked and received unanimous consent that [House File 2302](#) be deferred and that the bill retain its place on the special order calendar.

On motion by Gipp of Winneshiek, the House was recessed at 12:02 p.m., until 12:45 p.m.

## AFTERNOON SESSION

The House reconvened at 12:58 p.m., Speaker Rants in the chair.

## INTRODUCTION OF BILLS

[House File 2378](#), by committee on human resources, a bill for an act relating to the disposition of medical assistance special needs trusts, including the payment rate for nursing facility levels of care.

Read first time and placed on the **calendar**.

[House File 2379](#), by committee on commerce, regulation and labor, a bill for an act relating to the characterization of personal injuries for purposes of workers' compensation liability.

Read first time and placed on the **calendar**.

[House File 2380](#), by committee on commerce, regulation and labor, a bill for an act modifying the rate of interest payable on weekly workers' compensation benefits.

Read first time and placed on the **calendar**.

[House File 2381](#), by committee on local government, a bill for an act changing the budget certification deadline for county hospital budgets.

Read first time and placed on the **calendar**.

[House File 2382](#), by committee on economic growth, a bill for an act providing income tax credits for equity investments in businesses that are primarily engaged in the business of the production of value-added agricultural products and including a retroactive applicability date provision.

Read first time and referred to committee on **ways and means**.

[House File 2383](#), by committee on economic growth, a bill for an act relating to rural improvement zones.

Read first time and placed on the **calendar**.



[House File 2384](#), by Huser and Heaton, a bill for an act relating to billings for services provided to persons with mental illness, mental retardation, or a developmental disability involving counties and providing an effective date.

Read first time and referred to committee on **human resources**.

[House File 2385](#), by Whitaker, a bill for an act providing for the issuance of an additional tag to be used with a deer hunting license when a deer taken is unusable.

Read first time and referred to committee on **natural resources**.

[House File 2386](#), by Hutter, a bill for an act prohibiting persons convicted of dependent adult abuse of an elderly person or a person with a disability from inheriting from the dependent adult.

Read first time and referred to committee on **judiciary**.

[House File 2387](#), by Huser, a bill for an act relating to the reduction in the assessed values of homesteads of persons sixty-five years of age or older below a specified income level, providing a penalty, and including applicability date provisions.

Read first time and referred to committee on **ways and means**.

[House File 2388](#), by Hutter, a bill for an act expanding the circumstances by which the juvenile court may modify, vacate and substitute, or terminate a child in need of assistance dispositional order.

Read first time and referred to committee on **judiciary**.

[House File 2389](#), by Baudler, a bill for an act establishing fees for the regulation of farm deer, and providing an effective date.

Read first time and referred to committee on **ways and means**.

#### SPECIAL PRESENTATION

Boddicker of Cedar introduced to the House, the Tipton High School Wrestling team with State Tournament Qualifiers, including;

Coach Shann Kreman, Kyle Aliason, Ryan Borman, Drew and Craig Kreman and his son Mike Boddicker.

The House rose and expressed its welcome.

#### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-five members present, five absent.

The House resumed consideration of [House File 2302](#), a bill for an act relating to gambling, concerning the operation, licensure, regulation, fee assessment, and taxation of racetracks and excursion gambling boats, including pari-mutuel wagering, horse purses and gambling games at racetracks and on gambling boats, racing and gaming commission membership and employees, gambling treatment fund and community endowment fund appropriations, gambling by minors and others, and providing penalties and including effective and retroactive applicability date provisions, previously deferred.

Gipp of Winneshiek offered the following amendment [H-8147](#), to amendment [H-8072](#), filed by him from the floor and moved its adoption:

#### [H-8147](#)

- 1 Amend the amendment, [H-8072](#), to [House File 2302](#) as
- 2 follows:
- 3 1. Page 6, lines 1 and 2, by striking the words
- 4 "on the licensed premises" and inserting the
- 5 following: "in the wagering area."
- 6 (3) A licensee shall ensure that a person may
- 7 voluntarily bar the person's access to receive cash or
- 8 credit from a financial institution, vendor, or other
- 9 person through an electronic or mechanical device
- 10 including but not limited to a satellite terminal as
- 11 defined in section 527.2, that is located on the
- 12 licensed premises".
- 13 2. Page 6, by striking line 23 and inserting the
- 14 following: "racetrack that has not been issued a
- 15 table games license under chapter 99F or no more than
- 16 three special agents for each racetrack that has been
- 17 issued a table games license under chapter 99F, plus
- 18 any direct and indirect support costs".
- 19 3. Page 10, line 24, by inserting after the word

20 "chance" the following: "unless otherwise  
21 authorized by this chapter."  
22 4. Page 12, by striking line 30 and inserting the  
23 following: "is amended by striking the subsection and  
24 inserting in lieu thereof the following:  
25 8. The commission shall, upon application of a  
26 licensee of a pari-mutuel dog or horse racetrack  
27 licensed to conduct gambling games at a pari-mutuel  
28 racetrack enclosure, issue a license to the licensee  
29 to conduct table games of chance, including video  
30 machines that simulate table games of chance, at the  
31 pari-mutuel racetrack enclosure subject to the  
32 requirements of this subsection. The application  
33 shall identify the number of table games to be  
34 installed by the licensee. However, a table games  
35 license shall only be issued to a licensee required to  
36 pay a table games license fee of three million dollars  
37 under this subsection if the licensee, and all other  
38 licensees of an excursion gambling boat in that  
39 county, file an agreement with the commission  
40 authorizing the granting of a table games license  
41 under this subsection and permitting all licensees of  
42 an excursion gambling boat to operate a barge as of a  
43 specific date. The licensee shall be granted a table  
44 games license by the commission without conducting a  
45 separate referendum authorizing table games upon  
46 payment of the applicable license fee to the  
47 commission which table games license fee may be offset  
48 by the licensee against taxes imposed on the licensee  
49 by section 99F.11, to the extent of twenty percent of  
50 the table taxes license fee paid pursuant to this

Page 2

1 subsection for each of the five years following the  
2 year in which the table games license fee was paid. A  
3 licensee shall not be required to pay a fee to renew a  
4 table games license issued pursuant to this  
5 subsection.  
6 For purposes of this subsection, the applicable  
7 license fee for a licensee shall be three million  
8 dollars if the adjusted gross receipts from gambling  
9 games for the licensee in the previous fiscal year was  
10 less than one hundred million dollars, and shall be  
11 ten million dollars if the adjusted gross receipts  
12 from gambling games for the licensee in the previous  
13 fiscal year was one hundred million dollars or more."  
14 5. Page 12, line 40, by inserting after the word  
15 "chapter." the following: "However, this moratorium  
16 shall not apply to the granting of a table games  
17 license as provided by this chapter."  
18 6. Page 12, line 47, by inserting after the word

19 "number" the following: "of gambling games from the  
20 number specified in the application for a table games  
21 license or the number".  
22 7. Page 15, line 26, by inserting after the  
23 figure "1A." the following: "a."  
24 8. Page 15, line 32, by inserting after the word  
25 "cruise" the following: "subject to the requirements  
26 of this subsection".  
27 9. Page 15, line 45, by inserting after the word  
28 "licensee." the following:  
29 "b. However, an applicant or licensee of an  
30 excursion gambling boat that is located in the same  
31 county as a racetrack enclosure conducting gambling  
32 games shall not be allowed to operate a moored barge  
33 unless either of the following applies:  
34 (1) If the licensee is located in the same county  
35 as a racetrack enclosure conducting gambling games  
36 that had less than one hundred million dollars in  
37 adjusted gross receipts from gambling games for the  
38 fiscal year beginning July 1, 2003, the licensee of an  
39 excursion gambling boat is authorized to operate a  
40 moored barge if the licensee, the licensee of the  
41 racetrack enclosure, and all other licensees of an  
42 excursion gambling boat in that county file an  
43 agreement with the commission agreeing to the granting  
44 of a table games license under this chapter and  
45 permitting all licensees of an excursion gambling boat  
46 in the county to operate a barge as of a specific  
47 date.  
48 (2) If the licensee is located in the same county  
49 as a racetrack enclosure conducting gambling games  
50 that had one hundred million dollars or more in

Page 3

1 adjusted gross receipts from gambling games for the  
2 fiscal year beginning July 1, 2003, the licensee of an  
3 excursion gambling boat is authorized to operate a  
4 moored barge the earlier of January 1, 2010, or the  
5 date all licensees in the county file an agreement  
6 with the commission agreeing to the licensee of an  
7 excursion gambling boat to operate a moored barge."  
8 10. Page 16, line 15, by striking the words  
9 "licensed premises" and inserting the following:  
10 "gaming floor.  
11 c. A licensee shall ensure that a person may  
12 voluntarily bar the person's access to receive cash or  
13 credit from a financial institution, vendor, or other  
14 person through an electronic or mechanical device  
15 including but not limited to a satellite terminal as  
16 defined in section 527.2 that is located on the  
17 licensed premises".

18 11. Page 18, by striking lines 17 through 41 and  
 19 inserting the following:  
 20 "99F.11 WAGERING TAX – RATE – ALLOCATIONS.  
 21 1. A tax is imposed on the adjusted gross receipts  
 22 received annually each fiscal year from gambling games  
 23 authorized under this chapter at the rate of five  
 24 percent on the first one million dollars of adjusted  
 25 gross receipts, and at the rate of ten percent on the  
 26 next two million dollars of adjusted gross receipts,  
 27 ~~and at the rate of twenty percent~~  
 28 2. The tax rate imposed each fiscal year on any  
 29 amount of adjusted gross receipts over three million  
 30 dollars. However, beginning January 1, 1997, the rate  
 31 on any amount of adjusted gross receipts over three  
 32 million dollars from gambling games at racetrack  
 33 enclosures is twenty-two percent and shall increase by  
 34 two percent each succeeding calendar year until the  
 35 rate is thirty-six percent. shall be as follows:  
 36 a. If the licensee is an excursion gambling boat,  
 37 twenty-two percent.  
 38 b. If the licensee is a racetrack enclosure  
 39 conducting gambling games and another licensee of an  
 40 excursion gambling boat is located in the same county,  
 41 then the following rate, as applicable:  
 42 (1) If the licensee of the racetrack enclosure has  
 43 not been issued a table games license during the  
 44 fiscal year or if the adjusted gross receipts from  
 45 gambling games of the licensee in the prior fiscal  
 46 year were less than one hundred million dollars,  
 47 twenty-two percent.  
 48 (2) If the licensee of the racetrack enclosure has  
 49 been issued a table games license during the fiscal  
 50 year and the adjusted gross receipts from gambling

Page 4

1 games of the licensee in the prior fiscal year were  
 2 one hundred million dollars or more, twenty-four  
 3 percent.  
 4 c. If the licensee is a racetrack enclosure  
 5 conducting gambling games and no licensee of an  
 6 excursion gambling boat is located in the same county,  
 7 twenty-four percent."  
 8 12. Page 22, line 25, by inserting after the  
 9 words "will not cruise." the following: "However, a  
 10 licensee that is located in the same county as a  
 11 licensee of a racetrack enclosure that conducts  
 12 gambling games shall not be allowed to operate a  
 13 moored barge unless the licensee complies with the  
 14 following requirements. If the licensee is located in  
 15 the same county as a racetrack enclosure conducting  
 16 gambling games that had less than one hundred million

17 dollars in adjusted gross receipts from gambling games  
18 for the fiscal year beginning July 1, 2003, the  
19 licensee of an excursion gambling boat is authorized  
20 to operate a moored barge if the licensee, the  
21 licensee of the racetrack enclosure, and all other  
22 licensees of an excursion gambling boat in that county  
23 file an agreement with the commission agreeing to the  
24 granting of a table games license under chapter 99F  
25 and permitting all licensees of an excursion gambling  
26 boat to operate a barge as of a specific date. If the  
27 licensee is located in the same county as a racetrack  
28 enclosure conducting gambling games that had one  
29 hundred million dollars or more in adjusted gross  
30 receipts from gambling games for the fiscal year  
31 beginning July 1, 2003, the licensee of an excursion  
32 gambling boat is authorized to operate a moored barge  
33 if all licensees in the county file an agreement with  
34 the commission agreeing to the licensee of the  
35 excursion gambling boat to operate a moored barge."

36 13. Page 22, by inserting after line 32 the  
37 following:

38 "Sec. \_\_\_\_\_. 2002-2004 RACETRACK ENCLOSURES –  
39 GAMBLING GAMES TAX.

40 1. Notwithstanding any provision of section 99F.11  
41 to the contrary, a racetrack enclosure conducting  
42 gambling games shall pay a tax on the adjusted gross  
43 receipts over three million dollars received for the  
44 fiscal year beginning July 1, 2002, and ending June  
45 30, 2003, and for the fiscal year beginning July 1,  
46 2003, and ending June 30, 2004, from gambling games  
47 authorized under chapter 99F at the following tax rate  
48 for each fiscal year:

49 a. If the licensee of the racetrack enclosure  
50 conducting gambling games received adjusted gross

Page 5

1 receipts from gambling games in the fiscal year  
2 beginning July 1, 2002, of less than one hundred  
3 million dollars, twenty-two percent.

4 b. If the licensee of the racetrack enclosure  
5 conducting gambling games received adjusted gross  
6 receipts from gambling games in the fiscal year  
7 beginning July 1, 2002, of one hundred million dollars  
8 or more, twenty-four percent.

9 2. Taxes imposed by this section shall be  
10 distributed as provided in section 99F.11."

11 14. Page 23, by inserting after line 17 the  
12 following:

13 "\_\_\_\_\_. The section of this Act establishing a 2002-  
14 2004 racetrack enclosure gambling games tax, being  
15 deemed of immediate importance, takes effect upon

16 enactment and is retroactively applicable to July 1,  
 17 2002, and is applicable on and after that date."  
 18 15. By renumbering as necessary.

The House stood at ease at 1:24 p.m., until the fall of the gavel.  
 (Amendment [H-8147](#) to amendment [H-8027](#), pending)

The House resumed session at 2:25 p.m., Speaker Rants in the  
 chair.

#### QUORUM CALL

A non-record roll call was requested to determine that a quorum  
 was present. The vote revealed eighty members present, twenty  
 absent.

The House resumed consideration of [House File 2302](#) and  
 amendment [H-8147](#) to amendment [H-8027](#), previously deferred.

Klemme of Plymouth in the chair at 3:13 p.m.

Speaker Rants in the chair at 3:23 p.m.

Raecker of Polk moved the adoption of amendment [H-8147](#) to  
 amendment [H-8072](#).

Roll call was requested by Murphy of Dubuque and Mascher of  
 Johnson.

On the question "Shall amendment [H-8147](#) to amendment [H-8072](#)  
 be adopted?" ([H.F. 2302](#))

The ayes were, 78:

Alons	Baudler	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Cohoon	Connors
De Boef	Dennis	Dix	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Hoffman	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kurtenbach	Lalk

Lukan	Lykam	Maddox	Manternach
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, S.	Osterhaus	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Sands	Schickel	Shomshor	Shoultz
Stevens	Struyk	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, 21:

Dandekar	Davitt	Dolecheck	Fallon
Greimann	Heddens	Hogg	Kuhn
Lensing	Mascher	Olson, D.	Paulsen
Reasoner	Roberts	Smith	Swaim
Taylor, D.	Van Engelenhoven	Wendt	Whitaker
Whitead			

Absent or not voting, 1:

Arnold

Amendment [H-8147](#) was adopted, placing out of order the following amendments:

Amendment [H-8135](#) to amendment [H-8072](#), page 1, lines 4 through 50, page 2 line 1, filed by Jochum of Dubuque and Huser of Polk on February 24, 2004.

Amendment [H-8137](#) to amendment [H-8072](#) filed by Jochum of Dubuque and Huser of Polk on February 24, 2004.

Amendment [H-8138](#) to amendment [H-8072](#), previously deferred, filed by Struyk of Pottawattamie et al., on February 24, 2004.

Amendment [H-8145](#) to amendment [H-8072](#), lines 5 and 6, filed by Carroll of Poweshiek on February 24, 2004.

Sands of Louisa asked and received unanimous consent that amendment [H-8120](#) to amendment [H-8072](#), be deferred.

Klemme of Plymouth in the chair at 3:35 p.m.

Roberts of Carroll offered the following amendment [H-8122](#), to amendment [H-8072](#), filed by him and moved its adoption:

[H-8122](#)

1 Amend the amendment, [H-8072](#), to [House File 2302](#) as  
2 follows:



- 3 1. Page 6, by inserting after line 2 the  
4 following:  
5 "Sec. \_\_\_\_ Section 99D.9, Code 2003, is amended by  
6 adding the following new subsection:  
7 NEW SUBSECTION. 8. The commission shall require  
8 that a licensee utilize Iowa resources, goods, and  
9 services in the operation of a racetrack enclosure.  
10 The commission shall develop standards to assure that  
11 a substantial amount of all resources and goods used  
12 in the operation of a racetrack enclosure emanate from  
13 and are made in Iowa and that a substantial amount of  
14 all services and entertainment are provided by  
15 Iowans."  
16 2. Page 16, by inserting after line 2 the  
17 following:  
18 "Sec. \_\_\_\_ Section 99F.7, subsection 4, Code 2003,  
19 is amended to read as follows:  
20 4. The commission shall require that an applicant  
21 utilize Iowa resources, goods and services in the  
22 operation of an excursion gambling boat. The  
23 commission shall develop standards to assure that a  
24 substantial amount of all resources and goods used in  
25 the operation of an excursion gambling boat ~~come~~  
26 emanate from and are made in Iowa and that a  
27 substantial amount of all services and entertainment  
28 ~~be~~ are provided by Iowans."  
29 3. By renumbering as necessary.

Amendment [H-8122](#) was adopted.

Shultz of Black Hawk asked and received unanimous consent to withdraw amendment [H-8134](#), to amendment [H-8072](#), filed by him on February 24, 2004.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment [H-8135](#), (page 2, lines 2 through 5 remaining) to amendment [H-8072](#), filed by her and Huser of Polk, on February 24, 2004.

#### SPECIAL PRESENTATION

Dolecheck of Ringgold introduced to the House, the Honorable Jim Meyer, former state representative from Sac County.

The House rose and expressed its welcome.

Mascher of Johnson offered amendment [H-8144](#), to amendment [H-8072](#), filed by her as follows:

[H-8144](#)

1 Amend the amendment, [H-8072](#), to [House File 2302](#) as  
2 follows:  
3 1. Page 6, line 17, by inserting before the words  
4 "A licensee" the following: "a."  
5 2. Page 6, by inserting after line 27 the  
6 following:  
7 "b. A licensee shall pay to the commission an  
8 admission fee of fifty cents for each person entering  
9 the grounds or enclosure of the licensee. The  
10 admission revenue received by the commission pursuant  
11 to this paragraph is appropriated to the department of  
12 education for the school technology fund created in  
13 chapter 256G."  
14 3. Page 12, line 24, by striking the words  
15 "regulatory fee" and inserting the following: "fee  
16 fees".  
17 4. Page 12, line 28 by striking the words  
18 "regulatory fee", and inserting the following: "fee  
19 fees".  
20 5. Page 16, line 44, by striking the words  
21 "ADMISSION REGULATORY FEE" and inserting the  
22 following: "ADMISSION AND REGULATORY FEE FEES".  
23 6. Page 16, line 50, by inserting after the  
24 figure "2." the following: "a."  
25 7. Page 17, line 10, by striking the letter "b."  
26 and inserting the following: "b."  
27 8. Page 17, line 14, by striking the word "rate."  
28 and inserting the following: "rate In addition to the  
29 admission fee charged under subsection 3, an excursion  
30 gambling boat licensee shall pay to the commission an  
31 admission fee of fifty cents for each person embarking  
32 on an excursion gambling boat. The admission revenue  
33 received by the commission pursuant to this paragraph  
34 is appropriated to the department of education for the  
35 school technology fund created in chapter 256G."  
36 9. Page 21, by inserting after line 20 the  
37 following:  
38 "Sec. \_\_\_\_\_. NEW SECTION. 256G.1 SCHOOL TECHNOLOGY  
39 FUND.  
40 Moneys collected from admission fees by the racing  
41 and gaming commission pursuant to sections 99D.14,  
42 99F.4A, and 99F.10, and appropriated to the department  
43 of education for the school technology fund in a  
44 fiscal year, shall be allocated to school districts  
45 and accredited nonpublic schools as follows:  
46 1. To school districts in the proportion that the  
47 basic enrollment of the school district bears to the  
48 sum of the basic enrollments of all school districts  
49 in the state.  
50 2. For purposes of this section, the basic

Page 2

1 enrollment of a school district shall include the  
2 basic enrollment of a participating accredited  
3 nonpublic school that certifies its actual enrollment  
4 to the department of education by October 1 and the  
5 department of education shall promptly forward the  
6 information to the department of management. An  
7 accredited nonpublic school's enrollment count shall  
8 include only students who are residents of Iowa. The  
9 department of education shall notify the school  
10 district of the maximum allocation to be made to a  
11 participating accredited nonpublic school located in  
12 the school district. The school technology made  
13 available shall only be used for purchasing  
14 nonsectarian, nonreligious technology.  
15 3. The costs of providing technology to  
16 participating accredited nonpublic schools as provided  
17 in this section shall not be included in the  
18 computation of district cost under chapter 257, but  
19 shall be shown in the budget as an expense from  
20 miscellaneous income. Technology expenditures made in  
21 accordance with this section shall be kept on file in  
22 the school district.  
23 4. A school technology fund is created in the  
24 state treasury under the control of the department of  
25 management. The department of management shall  
26 allocate moneys from the fund to school districts and  
27 accredited nonpublic schools pursuant to the  
28 requirements of this section."  
29 10. Page 23, line 27, by inserting after the  
30 words "treatment fund" the following: ", school  
31 technology fund,".  
32 11. By renumbering as necessary.

Carroll of Poweshiek rose on a point of order that amendment [H-8144](#) was not germane, to amendment [H-8072](#).

The Speaker ruled the point well taken and amendment [H-8144](#) to amendment [H-8072](#), not germane.

Drake of Pottawattamie asked and received unanimous consent to withdraw amendment [H-8140](#), to amendment [H-8072](#), filed by him on February 24, 2004.

Huser of Polk asked and received unanimous consent to withdraw amendment [H-8126](#), to amendment [H-8072](#), filed by Huser of Polk and Dix of Butler on February 24, 2004.

Petersen of Polk asked and received unanimous consent to withdraw amendment [H-8129](#), to amendment [H-8072](#), filed by Petersen et al., on February 24, 2004.

Huser of Polk offered the following amendment [H-8127](#), to amendment [H-8072](#), filed by Huser, et al., and moved its adoption:

[H-8127](#)

- 1 Amend the amendment, [H-8072](#), to [House File 2302](#) as
- 2 follows:
- 3 1. Page 14, line 26, by striking the figure
- 4 "~~2021~~" and inserting the following: "2013".
- 5 2. Page 14, line 29, by striking the words "~~two~~
- 6 ~~hundred~~", and inserting the following: "one hundred
- 7 ninety-five".
- 8 3. Page 14, line 31, by striking the words "~~two~~
- 9 ~~hundred~~", and inserting the following: "one hundred
- 10 ninety-five".
- 11 4. Page 14, line 31, by inserting after the word
- 12 "~~dollars.~~" the following: "However, the agreement
- 13 shall provide that total annual purses shall be no
- 14 less than the total annual purses for horse racing for
- 15 calendar year 2003."
- 16 5. Page 14, line 44, by inserting after the
- 17 figure "~~2004~~" the following: ", and less ten million
- 18 dollars".

Speaker Rants in the chair at 4:13 p.m.

On motion by Huser of Polk, amendment [H-8127](#) to amendment [H-8072](#) lost.

Sands of Louisa offered the following amendment [H-8116](#), to amendment [H-8072](#), filed by him and moved its adoption:

[H-8116](#)

- 1 Amend the amendment, [H-8072](#), to [House File 2302](#) as
- 2 follows:
- 3 1. Page 14, line 28, by striking the words
- 4 "~~within Polk county~~", and inserting the following: ",
- 5 including any other qualified harness racing track
- 6 facility as may be approved or as approved by the
- 7 commission, that is subject to the agreement."

A non-record roll call was requested.

The ayes were 48, nays 49.

Amendment [H-8116](#) lost.

Sands of Louisa offered the following amendment [H-8117](#), to amendment [H-8072](#), filed by Sands of Louisa and Carroll of Poweshiek and moved its adoption:

[H-8117](#)

1 Amend the amendment, [H-8072](#), to [House File 2302](#) as  
2 follows:  
3 1. Page 14, line 31, by inserting after the word  
4 "dollars." the following: "In addition, each  
5 agreement concerning purses for horse racing covering  
6 any time period within the time period beginning  
7 January 1, 2006, and ending December 31, 2020, shall  
8 provide that no less than twenty percent of total  
9 annual purses for horse racing shall be used to  
10 supplement purses for Iowa-foaled and registered  
11 horses and that the total annual purses for each horse  
12 breed that races shall be the greater of the total  
13 annual purse for that breed for calendar year 2005 or  
14 sixteen percent of the total annual purses for horse  
15 racing."

Roberts of Carroll in the chair at 4:35 p.m.

Speaker Rants in the chair at 4:41 p.m.

Sands of Louisa moved the adoption of amendment [H-8117](#) to amendment [H-8072](#).

A non-record roll call was requested.

The ayes were 41, nays 52.

Amendment [H-8117](#) lost.

Wise of Lee asked and received unanimous consent to withdraw amendment [H-8114](#), to amendment [H-8072](#), filed by him on February 24, 2004.

Carroll of Poweshiek asked and received unanimous consent to withdraw the remainder of amendment [H-8145](#), to amendment

[H-8072](#), filed by him on February 24, 2004.

Jochum of Dubuque offered amendment [H-8139](#), to amendment [H-8072](#), filed by her as follows:

[H-8139](#)

1 Amend the amendment, [H-8072](#), to [House File 2302](#) as  
2 follows:

3 1. Page 21, line 3, by inserting after the word  
4 "services," the following: "information on the  
5 availability of mental health coverage as provided by  
6 section 514C.21,".

7 2. Page 21, by inserting after line 24 the  
8 following:

9 "Sec. \_\_\_\_ NEW SECTION. 514C.21 MANDATED  
10 COVERAGE FOR MENTAL HEALTH CONDITIONS.

11 1. For purposes of this section, unless the  
12 context otherwise requires:

13 a. "Mental health condition" means a condition or  
14 disorder involving mental illness, gambling addiction,  
15 or alcohol or substance abuse, including those that  
16 fall under any of the diagnostic categories listed in  
17 the mental disorders section of the international  
18 classification of disease, as periodically revised.

19 b. "Rates, terms, and conditions" means any  
20 lifetime payment limits, deductibles, copayments,  
21 coinsurance, and any other cost-sharing requirements,  
22 out-of-pocket limits, visit limitations, and any other  
23 financial component of benefits coverage that affects  
24 the covered individual.

25 2. a. Notwithstanding section 514C.6, a policy or  
26 contract providing for third-party payment or  
27 prepayment of health or medical expenses shall provide  
28 coverage benefits for mental health conditions based  
29 on rates, terms, and conditions which are no more  
30 restrictive than the rates, terms, and conditions for  
31 coverage benefits provided for other health or medical  
32 conditions under the policy or contract.

33 Additionally, any rates, terms, and conditions  
34 involving deductibles, copayments, coinsurance, and  
35 any other cost-sharing requirements shall be  
36 cumulative for coverage of both mental health  
37 conditions and other health or medical conditions  
38 under the policy or contract.

39 b. Coverage required under this subsection shall  
40 be as follows:

41 (1) For the treatment of mental illness, coverage  
42 shall be for services provided by a licensed mental  
43 health professional, or services provided in a  
44 licensed hospital or health facility.

45 (2) For the treatment of alcohol or substance  
46 abuse, coverage shall be for services provided by a  
47 substance abuse counselor, as approved by the  
48 department of human services, a licensed health  
49 facility providing a program for the treatment of  
50 alcohol or substance abuse approved by the department

Page 2

1 of human services, or a substance abuse treatment and  
2 rehabilitation facility, as licensed by the department  
3 of public health pursuant to chapter 125.

4 3. This section applies to the following classes  
5 of third-party payment provider contracts or policies  
6 delivered, issued for delivery, continued, or renewed  
7 in this state on or after January 1, 2005:

8 a. Individual or group accident and sickness  
9 insurance providing coverage on an expense-incurred  
10 basis.

11 b. An individual or group hospital or medical  
12 service contract issued pursuant to chapter 509, 514,  
13 or 514A.

14 c. A plan established pursuant to chapter 509A for  
15 public employees.

16 d. An individual or group health maintenance  
17 organization contract regulated under chapter 514B.

18 e. An individual or group Medicare supplemental  
19 policy, unless coverage pursuant to such policy is  
20 preempted by federal law.

21 f. Any other entity engaged in the business of  
22 insurance, risk transfer, or risk retention, which is  
23 subject to the jurisdiction of the commissioner.

24 g. An organized delivery system licensed by the  
25 director of public health.

26 4. The commissioner shall adopt rules to  
27 administer this section after consultation with the  
28 mental health insurance advisory committee.

29 a. The commissioner shall appoint members to a  
30 mental health insurance advisory committee. Members  
31 shall include all sectors of society impacted by  
32 issues associated with coverage of mental health  
33 treatment by third-party payors including, but not  
34 limited to, representatives of the insurance industry,  
35 small and large employers, employee representatives  
36 including labor, individual consumers, health care  
37 providers, and other groups and individuals that may  
38 be identified by the insurance division of the  
39 department of commerce.

40 b. The committee shall meet upon the request of  
41 the commissioner to review rules proposed under this  
42 section by the commissioner, and to make suggestions  
43 as appropriate."

44 3. By renumbering as necessary.

Carroll of Poweshiek rose on a point of order that amendment [H-8139](#) was not germane, to amendment [H-8072](#).

The Speaker ruled the point well taken and amendment [H-8139](#) not germane to amendment [H-8072](#).

Fallon of Polk asked and received unanimous consent to withdraw amendment [H-8143](#) to amendment [H-8072](#) filed by Fallon of Polk on February 24, 2004.

Greiner of Washington offered amendment [H-8113](#), to amendment [H-8072](#), previously deferred, filed by her as follows:

[H-8113](#)

- 1 Amend the amendment, [H-8072](#), to [House File 2302](#) as
- 2 follows:
- 3 1. Page 1, by inserting after line 40 the
- 4 following:
- 5 "Sec. \_\_\_\_ Section 35A.13, subsection 3, Code
- 6 Supplement 2003, is amended by adding the following
- 7 new paragraph:
- 8 **NEW PARAGRAPH.** c. Admission fees credited to the
- 9 trust fund pursuant to sections 99D.14, 99F.4A, and
- 10 99F.10."
- 11 2. Page 6, line 17, by inserting before the words
- 12 "A licensee" the following: "a."
- 13 3. Page 6, by inserting after line 27 the
- 14 following:
- 15 "b. A licensee shall pay to the commission an
- 16 admission fee of fifty cents for each person entering
- 17 the grounds or enclosure of the licensee. The
- 18 admission revenue received by the commission pursuant
- 19 to this paragraph shall be credited to the veterans
- 20 trust fund created in section 35A.13. The admission
- 21 fee established under this paragraph shall continue to
- 22 be paid until a total of fifty million dollars has
- 23 been credited to the veterans trust fund under this
- 24 paragraph, section 99F.4A, subsection 4, and section
- 25 99F.10, subsection 2."
- 26 4. Page 11, line 18, by striking the word
- 27 "~~admission~~" and inserting the following: "admission
- 28 and".
- 29 5. Page 12, line 24, by striking the words
- 30 "~~regulatory fee~~" and inserting the following: "~~fee~~
- 31 fees".
- 32 6. Page 12, line 28, by striking the words



33 "regulatory fee" and inserting the following: "fee  
 34 fees".  
 35 7. Page 16, line 44, by striking the words  
 36 "ADMISSION REGULATORY FEE" and inserting the  
 37 following: "ADMISSION ~~FEES~~ AND REGULATORY FEES".  
 38 8. Page 16, line 50, by inserting after the  
 39 figure "2." the following: "a."  
 40 9. Page 17, line 10, by striking the letter "b."  
 41 and inserting the following: "b."  
 42 10. Page 17, line 14, by striking the word  
 43 "rate." and inserting the following: "rate In  
 44 addition to the admission fee charged under subsection  
 45 3. an excursion gambling boat licensee shall pay to  
 46 the commission an admission fee of fifty cents for  
 47 each person embarking on an excursion gambling boat.  
 48 The admission revenue received by the commission  
 49 pursuant to this paragraph shall be credited to the  
 50 veterans trust fund created in section 35A.13. The

Page 2

1 admission fee established under this paragraph shall  
 2 continue to be paid until a total of fifty million  
 3 dollars has been credited to the veterans trust fund  
 4 under this paragraph, section 99D.14, subsection 2,  
 5 and section 99F.4A, subsection 4."  
 6 11. Page 23, line 27, by inserting after the  
 7 words "treatment fund" the following: ", veterans  
 8 trust fund."  
 9 12. By renumbering as necessary.

Murphy of Dubuque rose on a point of order that amendment [H-8113](#) was not germane, to amendment [H-8072](#).

The Speaker ruled the point well taken and amendment [H-8113](#) to amendment [H-8072](#) not germane to amendment [H-8072](#).

Wise of Lee asked and received unanimous consent to withdraw amendment [H-8115](#), to amendment [H-8072](#), filed by him on February 24, 2004.

Sands of Louisa offered the following amendment [H-8120](#), previously deferred, to amendment [H-8072](#), filed by him and moved its adoption:

[H-8120](#)

1 Amend the amendment, [H-8072](#), to [House File 2302](#) as  
 2 follows:

3 1. Page 6, by inserting after line 2, the  
4 following:  
5 "Sec. \_\_\_\_ Section 99D.9, Code 2003, is amended by  
6 adding the following new subsection:  
7 NEW SUBSECTION. 6A. A license shall not be  
8 granted to a nonprofit corporation if the number of  
9 members of the governing board of the nonprofit  
10 corporation representing or having a financial  
11 interest in a particular horse breed that would race  
12 at the licensee's facility exceeds the number of  
13 members of the governing board representing or having  
14 a financial interest in another particular horse breed  
15 that would race at the licensee's facility."  
16 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 32, nays 55.

Amendment [H-8120](#) lost.

Gipp of Winneshiek asked and received unanimous consent that [House File 2302](#) be deferred and that the bill retain its place on the special order calendar. (Amendment [H-8072](#), as amended, pending)

#### SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Rants invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the Second Regular Session of the Eightieth General Assembly were presented to the following Pages by Speaker Rants, Majority Leader Gipp and Minority Leader Murphy:

Danea Carroll  
Amanda Crawford  
Tiffanee Hokel  
Chuck Hurley Jr.  
Amber Nelson  
Sally Shonka  
Alex Watters

The House resumed consideration of [House File 2302](#) and amendment [H-8072](#), as amended, pending.

Carroll of Poweshiek moved the adoption of amendment [H-8072](#), as amended.

Amendment [H-8072](#), as amended, was adopted, placing the following amendments out of order:

Amendment [H-8041](#) by D. Taylor of Linn on February 19, 2004.

Amendment [H-8042](#) filed by Lukan of Dubuque on February, 19, 2004.

Amendment [H-8043](#) filed by Lukan of Dubuque, et al., on February 19, 2004.

Amendment [H-8044](#) filed by Frevert of Palo Alto and Sands of Louisa on February 23, 2004.

Amendment [H-8045](#) filed by Horbach of Tama on February 23, 2004.

Amendment [H-8110](#) to amendment [H-8045](#) filed by Reasoner of Union on February 24, 2004

Amendment [H-8111](#) to amendment [H-8045](#) filed by Reasoner of Union on February 24, 2004

Amendment [H-8046](#) filed by Kuhn of Floyd, et al. on February 23, 2004.

Amendment [H-8047](#) filed by Roberts of Carroll on February 23, 2004.

Amendment [H-8048](#) filed by Horbach of Tama on February 23, 2004.

Amendment [H-8049](#) filed by Roberts of Carroll on February 23, 2004.

Amendment [H-8050](#) filed by Wise of Lee and Cohoon of Des Moines on February 23, 2004.

Amendment [H-8051](#) filed by Mascher of Johnson on February 23, 2004.

Amendment [H-8052](#) filed by Gaskill of Wapello, et al., on February 23, 2004.

Amendment [H-8053](#) by Greiner of Washington on February 23, 2004.

Amendment [H-8054](#) filed by Kuhn of Floyd and Baudler of Adair on February 23, 2004.

Amendment [H-8055](#) filed by Sands of Louisa, et al., on February 23, 2004.

Amendment [H-8056](#) filed by Van Engelenhoven of Marion, et al., on February 23, 2004.

Amendment [H-8057](#) filed by Lukan of Dubuque on February 23, 2004.

Amendment [H-8059](#) filed by McCarthy of Polk on February 23, 2004.  
Amendment [H-8060](#) filed by McCarthy of Polk on February 23, 2004.  
Amendment [H-8061](#) filed by McCarthy of Polk on February 23, 2004.  
Amendment [H-8062](#) filed by McCarthy of Polk on February 23, 2004.  
Amendment [H-8063](#) filed by McCarthy of Polk on February 23, 2004.  
Amendment [H-8064](#) filed by McCarthy of Polk on February 23, 2004.  
Amendment [H-8065](#) filed by Fallon of Polk on February 23, 2004.  
Amendment [H-8066](#) filed by Boddicker of Cedar on February 23, 2004.  
Amendment [H-8067](#) filed by Horbach of Tama on February 23, 2004.  
Amendment [H-8068](#) filed by Horbach of Tama on February 23, 2004.  
Amendment [H-8069](#) filed by Drake of Pottawattamie on February 23, 2004.  
Amendment [H-8070](#) filed by Carroll of Poweshiek, et al., on February 23, 2004.  
Amendment [H-8071](#) filed by Carroll of Poweshiek, et al., on February 23, 2004.  
Amendment [H-8073](#) filed by Greimann of Story, et al., on February 23, 2004.  
Amendment [H-8074](#) filed by T. Taylor of Linn, et al., on February 23, 2004.  
Amendment [H-8075](#) filed by T. Taylor of Linn, et al., on February 23, 2004.  
Amendment [H-8076](#) filed by Frevert of Palo Alto, et al., on February 23, 2004.  
Amendment [H-8077](#) filed by Wise of Lee on February 23, 2004.  
Amendment [H-8078](#) filed by Carroll of Poweshiek, et al., on February 23, 2004.  
Amendment [H-8079](#) filed by D. Olson of Boone on February 23, 2004.  
Amendment [H-8080](#) filed by Sands of Louisa on February 23, 2004.  
Amendment [H-8118](#) to amendment [H-8080](#) filed by Sands of Louisa on February 24, 2004.  
Amendment [H-8081](#) filed by Raecker of Polk and Jochum of Dubuque on February 23, 2004.  
Amendment [H-8082](#) filed by Swaim of Davis on February 23, 2004.  
Amendment [H-8130](#) to amendment [H-8082](#) filed by Raecker of Polk on February 24, 2004.  
Amendment [H-8083](#) filed by Jones of Mills on February 23, 2004.  
Amendment [H-8084](#) filed by Fallon of Polk on February 23, 2004.  
Amendment [H-8085](#) filed by Stevens of Dickinson on February 23, 2004.

Amendment [H-8086](#) filed by T. Taylor of Linn on February 23, 2004.

Amendment [H-8087](#) filed by Jochum of Dubuque on February 23, 2004.

Amendment [H-8088](#) filed by Jochum of Dubuque on February 23, 2004.

Amendment [H-8089](#) filed by Jochum of Dubuque on February 23, 2004.

Amendment [H-8090](#) filed by Jochum of Dubuque and Greimann of Story on February 23, 2004.

Amendment [H-8091](#) filed by Jochum of Dubuque on February 23, 2004.

Amendment [H-8092](#) filed by Jochum of Dubuque on February 23, 2004.

Amendment [H-8093](#) filed by Jochum of Dubuque on February 23, 2004.

Amendment [H-8094](#) filed by Petersen of Polk on February 23, 2004.

Amendment [H-8095](#) filed by Jochum of Dubuque on February 23, 2004.

Amendment [H-8096](#) filed by Jochum of Dubuque on February 23, 2004.

Amendment [H-8097](#) filed by Jochum of Dubuque on February 23, 2004.

Amendment [H-8098](#) filed by Jochum of Dubuque, et al., on February 23, 2004.

Amendment [H-8099](#) filed by Jochum of Dubuque on February 23, 2004.

Amendment [H-8136](#) to amendment [H-8099](#) filed by Jochum of Dubuque on February 24, 2004.

Amendment [H-8141](#) to amendment [H-8099](#) filed by Fallon of Polk on February 24, 2004.

Amendment [H-8100](#) filed by Quirk of Chickasaw, et al., on February 23, 2004.

Amendment [H-8101](#) filed by Jochum of Dubuque on February 23, 2004.

Amendment [H-8142](#) to amendment [H-8101](#) filed by Fallon of Polk on February 24, 2004.

Amendment [H-8102](#) filed by Ford of Polk on February 23, 2004.

Amendment [H-8119](#) to amendment [H-8102](#) filed by Ford of Polk on February 24, 2004.

Amendment [H-8103](#) filed by Quirk of Chickasaw, et al., on February 23, 2004.

Amendment [H-8104](#) filed by Dix of Butler, et al., on February 23, 2004.

Amendment [H-8131](#) to amendment [H-8104](#) filed by Petersen of Polk, et al., on February 24, 2004.

Amendment [H-8105](#) filed by Petersen of Polk, et al., on February 23, 2004.

Amendment [H-8128](#) to amendment [H-8105](#) filed by Petersen of Polk et al., on February 24, 2004.

Amendment [H-8106](#) filed by Mascher of Johnson on February 23, 2004.

Amendment [H-8107](#) filed by Osterhaus of Jackson on February 23, 2004.

Amendment [H-8108](#) filed by Huser of Polk, et al., on February 23, 2004.

The House stood at ease at 5:56 p.m., until the fall of the gavel.

The House resumed session at 6:35 p.m., Speaker Rants in the chair.

Raecker of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2302](#))

The ayes were, 73:

Alons	Baudler	Bell	Boal
Boddicker	Bogges	Bukta	Carroll
Chambers	Cphoon	Connors	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greiner	Hahn	Hanson	Heaton
Hoffman	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Klemme	Kramer
Kurtenbach	Lalk	Lukan	Lykam
Maddox	Manternach	McCarthy	Mertz
Miller	Oldson	Olson, S.	Osterhaus
Paulsen	Petersen	Raecker	Rasmussen
Rayhons	Roberts	Sands	Schickel
Shomshor	Stevens	Struyk	Thomas
Tjepkes	Tymeson	Upmeyer	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wilderdye	Wise
Mr. Speaker			
Rants			

The nays were, 26:

Berry	Dandekar	Davitt	Fallon
Foege	Greimann	Heddens	Hogg
Jacoby	Kuhn	Lensing	Mascher
Murphy	Olson, D.	Quirk	Reasoner
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Van Engelenhoven	Wendt	Whitaker
Whitead	Winckler		

Absent or not voting, 1:

Arnold

Shoultz of Black Hawk rose on a point of order relating to the bill title.

The Speaker ruled that the point was well taken and the title was amended by placing the word "certain" before the words gambling games and pari-mutual wagering.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

#### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 2302](#) be immediately messaged to the Senate.

#### COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

##### DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Annual report on the status of Chronic Wasting Disease monitoring, surveillance and preparation in Iowa, pursuant to Chapter 189A.2, Code of Iowa.

##### IOWA COUNTY ENGINEERS ASSOCIATION SERVICE BUREAU

Annual report of activities, pursuant to Chapter 312.3B, Code of Iowa.

## CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON  
Chief Clerk of the House

- 2004\546 Fern Slagle, Brooklyn – For celebrating her 87<sup>th</sup> birthday.
- 2004\547 Everett and Anita Joseph, Williamsburg – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2004\548 Joseph and Anita Steinke, Williamsburg – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2004\549 Donald and Arlene Clarahan, Sigourney – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2004\550 C.J. (Celestine Wobeter), Tama – For celebrating his 90<sup>th</sup> birthday.
- 2004\551 Louie and Gert Fischels, Independence – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2004\552 Merle and Irene Clough, Dysart – For celebrating their 65<sup>th</sup> wedding anniversary.

## SUBCOMMITTEE ASSIGNMENTS

**[House File 2148](#)**

Local Government: Arnold, Chair; Fallon and Hanson.

**[House File 2290](#)**

Human Resources: Boddicker, Chair; Jacoby and Upmeyer.

**[House File 2307](#)**

Judiciary: Paulsen, Chair; Hutter and Reasoner.

**[House File 2332](#)**

Public Safety: Klemme, Chair; Sands and Shoultz.

**[House File 2338](#)**

Public Safety: Van Fossen, J.R., Chair; Chambers and Ford.



[House File 2339](#)

Judiciary: Van Fossen, J.R., Chair; Greimann and Heaton.

[House File 2346](#)

Public Safety: Alons, Chair; Bell and Van Fossen, J.R.

[House File 2374](#)

State Government: Jacobs, Chair; Dennis, Gaskill, Greiner, Mascher, Petersen and Rasmussen.

[House File 2385](#)

Natural Resources: Whitaker, Chair; Baudler and Van Fossen, J.R.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 687](#)

Commerce, Regulation and Labor: Jacobs, Chair; Jenkins and Quirk.

[House Study Bill 689](#)

Human Resources: Carroll, Chair; Jacoby and Upmeyer.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 690](#) **Judiciary**

Relating to license revocations for repeat operating-while-intoxicated offenders.

[H.S.B. 691](#) **State Government**

Relating to voting machines and electronic voting systems.

[H.S.B. 692](#) **Judiciary**

Eliminating provisions allowing a criminal offender to make a donation or contribution to a charity or local anticrime organization.

## COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON  
Chief Clerk of the House

## COMMITTEE ON AGRICULTURE

[House File 2225](#), a bill for an act relating to the establishment of drainage and levee districts, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2004.

[House File 2315](#), a bill for an act relating to agricultural conservation practices.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2004.

## COMMITTEE ON EDUCATION

**Committee Bill** (Formerly [House Study Bill 502](#)), relating to driver education by a teaching parent.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2004.

## COMMITTEE ON ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly [House File 572](#)), relating to the number of controlled burns of demolished buildings conducted by certain cities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2004.

**Committee Bill** (Formerly [House Study Bill 670](#)), relating to the comprehensive petroleum underground storage tank fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2004.

## COMMITTEE ON HUMAN RESOURCES

[House File 627](#), a bill for an act relating to third-party payment of health care coverage costs for biologically based mental illness treatment services.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2004.

## COMMITTEE ON LOCAL GOVERNMENT

**Committee Bill** (Formerly [House Study Bill 597](#)), providing for the administration of fairs, providing for the allocation of moneys, and providing for an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2004.

**Committee Bill** (Formerly [House Study Bill 656](#)), changing the budget certification deadline for county hospital budgets.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2004.

## COMMITTEE ON NATURAL RESOURCES

**Committee Bill** (Formerly [House File 2054](#)), relating to the regulation of target shooting near buildings and feedlots.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2004.

## COMMITTEE ON STATE GOVERNMENT

[House File 2055](#), a bill for an act providing for the establishment of a commission on the status of Iowans of Asian and Pacific Islander heritage within the department of human rights.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2004.

**Committee Bill** (Formerly [House Study Bill 523](#)), restricting executive branch authority to transfer appropriations between departments.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2004.

**Committee Bill** (Formerly [House Study Bill 567](#)), relating to certain alternative form of county and city government by providing for county redistricting and representation, charter commission administration, application of various statutory requirements, the manner in which a charter may be proposed and adopted, amendment of a charter, the organization of the governing body, and inclusions in a charter, making technical changes relating to the administration and authority of a city-county consolidated government and a community commonwealth, allowing formation of local government organization review committees, and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2004.

AMENDMENT FILED

<a href="#">H-8148</a>	<a href="#">H.F.</a>	<a href="#">2262</a>	Drake of Pottawattamie
Jones of Mills			Elgin of Linn
Connors of Polk			Lykam of Scott

On motion by Gipp of Winneshiek the House adjourned at 7:24 p.m., until 9:00 a.m., Friday, February 27, 2004.