

Judiciary 3/14 Amend per 5501 & Do Pass
3/23 (p. 993)

HOUSE FILE 2439

Judiciary
Mann Chair
Dieleman
Wells

MAR 2 1984

HOUSE FILE **2439**

Place On Calendar

BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(Formerly Study Bill 745)

Passed House, Date 3-12-84 (p. 954) Passed Senate, Date 3-28-84 (p. 1134)

Vote: Ayes 98 Nays 1 Vote: Ayes 34 Nays 1

Approved May 11, 1984

Repassed House 4-3-84 (p. 1661)

Motion to Reconsider (p. 1135) (p. 1171)

Repassed House 4-4-84 (p. 1635)
91-5
89-4

A BILL FOR

Motion to Reconsider (p. 1135) (p. 1171)
w/d 3/30
Repassed Senate 4-11-84 (1448)

1 An Act relating to pari-mutuel betting by requiring certain
2 information from an applicant for a racing license or an
3 occupational license, requiring the fingerprinting of
4 an applicant, permitting warrantless searches of an
5 applicant or an applicant's property, authorizing the
6 state racing commission to require employees to provide
7 certain information and to authorize employees to expel
8 certain people from racetrack facilities, prohibiting
9 the use or possession of certain devices or techniques
10 to stimulate or depress a horse or dog, permitting the
11 disclosure of confidential information to the state
12 racing commission, setting fees for applications, and
13 providing for penalties.

34-6
7/20/84
Respassed (1444)
w/d 4/20

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H 1 2439

1 Section 1. Section 99D.2, Code Supplement 1983, is amended
2 by adding the following new subsection 1 and renumbering the
3 subsequent subsections:

4 1. "Applicant" means an individual applying for an
5 occupational license or the officers and members of the board
6 of directors of a nonprofit corporation applying for a license
7 to conduct a race where pari-mutuel wagering would be permitted
8 under this chapter.

9 Sec. 2. Section 99D.6, Code Supplement 1983, is amended
10 to read as follows:

11 99D.6 CHAIRPERSON--SECRETARY--DUTIES--BOND. The commission
12 shall elect in July of each year one of its members chairperson
13 for the succeeding year. The commission may employ a secretary
14 and other assistants and employees as necessary to carry out
15 its duties. Some or all of the information required of
16 applicants in section 99D.8A, subsections 1 and 2, may also
17 be required of employees of the commission if the commission
18 deems it necessary. The secretary shall keep a record of
19 the proceedings of the commission, preserve the books, records,
20 and documents entrusted to the secretary's care, and perform
21 other duties as the commission prescribes. The commission
22 shall require the secretary to post a bond in a sum it may
23 fix, conditioned upon the faithful performance of the
24 secretary's duties. Subject to the approval of the governor,
25 the commission shall fix the compensation of its secretary
26 within salary range five as set by the general assembly.
27 The commission shall also fix the compensation of its other
28 employees, subject to the approval of the governor. The
29 commission shall have its headquarters in the city of Des
30 Moines, and shall meet in July of each year and at other times
31 and places as it finds necessary for the discharge of its
32 duties.

33 Sec. 3. Section 99D.7, subsection 9, Code Supplement 1983,
34 is amended to read as follows:

35 9. To authorize stewards, starters, and other racing

1 officials to impose fines or other sanctions upon a person
2 violating a provision of this chapter or the commission rules,
3 orders, or final orders, including authorization to expel
4 a tout, bookmaker, or other person deemed to be undesirable
5 from the racetrack facilities.

6 Sec. 4. NEW SECTION. 99D.8A REQUIREMENTS OF APPLICANT.

7 1. A person shall not be issued a license to conduct races
8 under this chapter or an occupational license unless the
9 person has completed and signed an application on the form
10 prescribed and published by the commission. The application
11 shall state the full name, social security number, residence,
12 date of birth and other personal identifying information
13 of the applicant that the commission deems necessary. The
14 application shall state whether the applicant has any of the
15 following:

- 16 a. A record of conviction of a felony.
17 b. An addiction to alcohol or a controlled substance.
18 c. A history of mental illness or repeated acts of
19 violence.

20 2. An applicant shall submit pictures, fingerprints, and
21 descriptions of physical characteristics to the commission
22 in the manner prescribed on the application forms.

23 3. The commission shall charge the applicant a fee set
24 by the department of public safety, division of criminal
25 investigation and bureau of identification, to defray the
26 costs associated with the search and classification of
27 fingerprints required in subsection 2. This fee is in addition
28 to any other license fee charged by the commission.

29 4. A person who knowingly makes a false statement on the
30 application is guilty of an aggravated misdemeanor.

31 5. The applicant shall consent to authorized commission
32 employees and agents of the division of criminal investiga-
33 tion to enter upon the premises within the race track
34 enclosure, under control of the licensee, without a warrant,
35 to inspect or investigate for criminal violations or violations

1 of the rules adopted by the commission. The consent to search
2 extends to the applicant's person, personal property and
3 effects, and any premises which the applicant occupies or
4 controls, or has the right to occupy or control.

5 Sec. 5. Section 99D.24, Code Supplement 1983, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 5. A person commits a class "D" felony
8 and the commission shall suspend or revoke a license held
9 by the person if the person:

10 a. Uses or conspires to use a battery, buzzer, electrical,
11 mechanical or other appliance other than the ordinary whip
12 or spur for the purpose of stimulating or depressing a horse
13 or dog or affecting its speed in a race or workout.

14 b. Sponges a horse's or dog's nostrils or windpipe or
15 uses any method, injurious or otherwise, for the purpose of
16 stimulating or depressing a horse or dog or affecting its
17 speed in a race or a workout.

18 c. Has in the person's possession within the confines
19 of a race track, stable, shed, building or grounds, or within
20 the confines of a stable, shed, building or grounds where
21 a horse or dog is kept which is eligible to race over a
22 racetrack licensed by this chapter, an appliance other than
23 the ordinary whip or spur which can be used for the purpose
24 of stimulating or depressing a horse or dog or affecting its
25 speed at any time.

26 d. Has in the person's possession with the intent to sell,
27 give away or exchange any of the instrumentalities.

28 The possession of instruments prohibited in this subsection
29 by a person within the confines of a racetrack, stable, shed,
30 building or grounds where a horse or a dog is kept which is
31 eligible to race over a racetrack licensed by this chapter
32 is prima facie evidence of intention to use the instruments.

33 Sec. 6. Section 692.2, subsection 1, Code Supplement 1983,
34 is amended by adding the following new paragraph:

35 NEW PARAGRAPH. d. The state racing commission for the

1 purposes of section 99D.8A.

2 EXPLANATION

3 This bill provides for several changes relating to pari-
4 mutuel betting. These changes include procedures and infor-
5 mation required of applicants for a racing license or an oc-
6 cupational license including fingerprints, information that
7 might be required of employees of the commission, the authority
8 of the commission to expel certain people from racetrack fa-
9 cilities, prohibiting the use of mechanical or electrical
10 devices to stimulate or depress a horse or dog, setting fees
11 for an application and setting penalties.

12 The bill becomes effective July 1 following enactment.

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HOUSE FILE 2439

S-5630

- 1 Amend House File 2439 as passed by the House as
- 2 follows:
- 3 1. Page 2, line 20, by striking the word "finger-
- 4 prints,".

S-5630 FILED

BY MILO COLTON

MARCH 28, 1984

Adopted 3/28 (p. 1134)

HOUSE FILE 2439

S-5629

- 1 Amend House File 2439 as passed by the House as
- 2 follows:
- 3 1. Page 2, line 11, by striking the words "social
- 4 security number,".

S-5629 FILED

BY TOM MANN, JR.

MARCH 28, 1984

Adopted 3/28 (p. 1134)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 2439

S-5816

- 1 Amend amendment H-6006 to House File 2439 as
- 2 amended, and passed by the House as follows:
- 3 1. Page 1, by striking lines 3 through 8.
- 4 2. Page 1, by striking lines 26 through 28.
- 5 3. By renumbering as necessary.

S-5816 FILED

RECEIVED FROM THE HOUSE

APRIL 6, 1984

Senate concurred 4/11 (p. 1448)

HOUSE FILE 2439

S-5833

- 1 Amend the amendment S-5816 to amendment H-6006 to
- 2 House File 2439 as amended and passed by the House as
- 3 follows:
- 4 1. Page 1, by striking lines 3 and 4.

S-5833 FILED

BY MILO COLTON

APRIL 9, 1984

DONALD V. DOYLE

Out of order 4/11 (p. 1448)

HOUSE FILE 2439

S-5501

1 Amend House File 2439 as passed by the House, as
2 follows:

- 3 1. By striking page 2, line 31 through page 3,
- 4 line 4.
- 5 2. Page 3, by striking lines 26 through 32.
- 6 3. Renumber as necessary.

S-5501 FILED

MARCH 23, 1984

Placed out of order 3/28 (p 1133)

BY COMMITTEE ON JUDICIARY

DONALD V. DOYLE, CHAIR

HOUSE FILE 2439

CORRECTED AMENDMENT

S-5523

A 1 Amend House File 2439 as passed by the House, as
2 follows:

- 3 1. By striking page 2, line 31 through page 3,
- 4 line 4.
- 5 2. Page 3, by striking lines 26 through 32.
- 6 3. Title page, by striking lines 4 and 5 and
- 7 inserting in lieu thereof the following: "an
- 8 applicant, authorizing the".
- 9 4. Renumber as necessary.

S-5523 FILED

MARCH 26, 1984

Adopted 3/28 (p 1133)

BY COMMITTEE ON JUDICIARY

DONALD V. DOYLE, CHAIR

HOUSE FILE 2439

S-5636

1 Amend House File 2439 as passed by the House, as
2 follows:

- 3 1. Page 3, line 6, by striking the word
- 4 "subsection" and inserting in lieu thereof the word
- 5 "subsections".
- 6 2. Page 3, by striking lines 18 through 25.
- 7 3. Page 3, by inserting after line 32 the following
- 8 new subsection:
- 9 "NEW SUBSECTION. 6. A person commits a serious
- 10 misdemeanor if the person has in the person's
- 11 possession within the confines of a racetrack, stable,
- 12 shed, building or grounds, or within the confines
- 13 of a stable, shed, building or grounds where a horse
- 14 or dog is kept which is eligible to race over a
- 15 racetrack licensed under this chapter, an appliance
- 16 other than the ordinary whip or spur which can be
- 17 used for the purpose of stimulating or depressing
- 18 a horse or dog or affecting its speed at any time."

S-5636 FILED

MARCH 28, 1984

Adopted 3/28 (p 1134)

BY TOM MANN, JR.

DONALD V. DOYLE

SENATE AMENDMENT TO HOUSE FILE 2439

H-6006

- 1 Amend House File 2439 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, line 11, by striking the words "social
- 4 security number,".
- 5 2. Page 2, line 20, by striking the word "finger-
- 6 prints,".
- 7 3. By striking page 2, line 31 through page 3,
- 8 line 4.
- 9 4. Page 3, line 6, by striking the word
- 10 "subsection" and inserting in lieu thereof the word
- 11 "subsections".
- 12 5. Page 3, by striking lines 18 through 25.
- 13 6. Page 3, by striking lines 26 through 32.
- 14 7. Page 3, by inserting after line 32 the following
- 15 new subsection:
- 16 "NEW SUBSECTION. 6. A person commits a serious
- 17 misdemeanor if the person has in the person's
- 18 possession within the confines of a racetrack, stable,
- 19 shed, building or grounds, or within the confines
- 20 of a stable, shed, building or grounds where a horse
- 21 or dog is kept which is eligible to race over a
- 22 racetrack licensed under this chapter, an appliance
- 23 other than the ordinary whip or spur which can be
- 24 used for the purpose of stimulating or depressing
- 25 a horse or dog or affecting its speed at any time."
- 26 8. Title page, by striking lines 4 and 5 and
- 27 inserting in lieu thereof the following: "an
- 28 applicant, authorizing the".
- 29 9. Renumber as necessary.

H-6006 FILED MARCH 30, 1984 RECEIVED FROM THE SENATE

House amended & concurred 4/3 (p. 1600)
Revised, amended & concurred 4/4 (1634)
" & concurred 4/11 (p. 1448)

HOUSE FILE 2439

H-6064

- 1 Amend the amendment H-6006 to House File 2439 as
- 2 amended, passed, and reprinted by the House as follows:
- 3 1. Page 1, by striking lines 3 through 8.
- 4 2. By renumbering as necessary.

H-6064 FILED APRIL 3, 1984 BY JAY of Appanoose

ADOPTED (p. 1600)

HOUSE FILE 2439

H-6081

- 1 Amend amendment H-6006 to House File 2439 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, by striking lines 26 through 28.
- 4 2. By renumbering as necessary.

H-6081 FILED APRIL 4, 1984 BY JAY of Appanoose

ADOPTED (p. 1637)

HOUSE FILE 2439

AN ACT

RELATING TO PARI-MUTUEL BETTING BY REQUIRING CERTAIN INFORMATION FROM AN APPLICANT FOR A RACING LICENSE OR AN OCCUPATIONAL LICENSE, REQUIRING THE FINGERPRINTING OF AN APPLICANT, PERMITTING WARRANTLESS SEARCHES OF AN APPLICANT OR AN APPLICANT'S PROPERTY, AUTHORIZING THE STATE RACING COMMISSION TO REQUIRE EMPLOYEES TO PROVIDE CERTAIN INFORMATION AND TO AUTHORIZE EMPLOYEES TO EXPEL CERTAIN PEOPLE FROM RACETRACK FACILITIES, PROHIBITING THE USE OR POSSESSION OF CERTAIN DEVICES OR TECHNIQUES TO STIMULATE OR DEPRESS A HORSE OR DOG, PERMITTING THE DISCLOSURE OF CONFIDENTIAL INFORMATION TO THE STATE RACING COMMISSION, SETTING FEES FOR APPLICATIONS, AND PROVIDING FOR PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 99D.2, Code Supplement 1983, is amended by adding the following new subsection 1 and renumbering the subsequent subsections:

1. "Applicant" means an individual applying for an occupational license or the officers and members of the board of directors of a nonprofit corporation applying for a license to conduct a race where pari-mutuel wagering would be permitted under this chapter.

Sec. 2. Section 99D.6, Code Supplement 1983, is amended to read as follows:

99D.6 CHAIRPERSON--SECRETARY--DUTIES--BOND. The commission shall elect in July of each year one of its members chairperson for the succeeding year. The commission may employ a secretary and other assistants and employees as necessary to carry out its duties. Some or all of the information required of applicants in section 99D.8A, subsections 1 and 2, may also be required of employees of the commission if the commission finds it necessary. The secretary shall keep a record of

the proceedings of the commission, preserve the books, records, and documents entrusted to the secretary's care, and perform other duties as the commission prescribes. The commission shall require the secretary to post a bond in a sum it may fix, conditioned upon the faithful performance of the secretary's duties. Subject to the approval of the governor, the commission shall fix the compensation of its secretary within salary range five as set by the general assembly. The commission shall also fix the compensation of its other employees, subject to the approval of the governor. The commission shall have its headquarters in the city of Des Moines, and shall meet in July of each year and at other times and places as it finds necessary for the discharge of its duties.

Sec. 3. Section 99D.7, subsection 9, Code Supplement 1983, is amended to read as follows:

9. To authorize stewards, starters, and other racing officials to impose fines or other sanctions upon a person violating a provision of this chapter or the commission rules, orders, or final orders, including authorization to expel a tout, bookmaker, or other person deemed to be undesirable from the racetrack facilities.

Sec. 4. NEW SECTION. 99D.8A REQUIREMENTS OF APPLICANT.

1. A person shall not be issued a license to conduct races under this chapter or an occupational license unless the person has completed and signed an application on the form prescribed and published by the commission. The application shall state the full name, social security number, residence, date of birth and other personal identifying information of the applicant that the commission deems necessary. The application shall state whether the applicant has any of the following:

- a. A record of conviction of a felony.
- b. An addiction to alcohol or a controlled substance.
- c. A history of mental illness or repeated acts of violence.

2. An applicant shall submit pictures, fingerprints, and descriptions of physical characteristics to the commission in the manner prescribed on the application forms.

3. The commission shall charge the applicant a fee set by the department of public safety, division of criminal investigation and bureau of identification, to defray the costs associated with the search and classification of fingerprints required in subsection 2. This fee is in addition to any other license fee charged by the commission.

4. A person who knowingly makes a false statement on the application is guilty of an aggravated misdemeanor.

5. The applicant shall consent to authorized commission employees and agents of the division of criminal investigation to enter upon the premises within the racetrack enclosure, under control of the licensee, without a warrant, to inspect or investigate for criminal violations or violations of the rules adopted by the commission. The consent to search extends to the applicant's person, personal property and effects, and any premises which the applicant occupies or controls, or has the right to occupy or control.

Sec. 5. Section 99B.24, Code Supplement 1983, is amended by adding the following new subsections:

NEW SUBSECTION. 5. A person commits a class "D" felony and the commission shall suspend or revoke a license held by the person if the person:

a. Uses or conspires to use a battery, buzzer, electrical, mechanical or other appliance other than the ordinary whip or spur for the purpose of stimulating or depressing a horse or dog or affecting its speed in a race or workout.

b. Sponges a horse's or dog's nostrils or windpipe or uses any method, injurious or otherwise, for the purpose of stimulating or depressing a horse or dog or affecting its speed in a race or a workout.

NEW SUBSECTION. 5. A person commits a serious misdemeanor if the person has in the person's possession within the confines of a racetrack, stable, shed, building or grounds, or within the confines of a stable, shed, building or grounds

where a horse or dog is kept which is eligible to race over a racetrack licensed under this chapter, an appliance other than the ordinary whip or spur which can be used for the purpose of stimulating or depressing a horse or dog or affecting its speed at any time.

Sec. 6. Section 99B.2, subsection 1, Code Supplement 1983, is amended by adding the following new paragraph:

NEW PARAGRAPH. 6. The state racing commission for the purposes of section 99B.8A.

DONALD L. AVENSON
Speaker of the House

CHARLES P. GILLESPIE
President Pro Tempore of the
Senate

I hereby certify that this bill originated in the House and is known as House File 2439, Seventieth General Assembly.

JOSEPH O'BERN
Chief Clerk of the House

Approved *May 11* 1984

TERRY S. BRANSTAD
Governor