

2/8/95 State Gov.

FILED FEB 8 1995

SENATE FILE 110
BY LIND

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act abolishing the racing dog adoption program and eliminating
2 financial support provided to the program.

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

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S.F. 110

1 Section 1. Section 99D.13, subsection 2, Code 1995, is
2 amended to read as follows:

3 2. Winnings from each racetrack forfeited under subsection
4 1 shall escheat to the state and to the extent appropriated by
5 the general assembly shall be used by the department of
6 agriculture and land stewardship to administer section 99D.22.
7 The remainder shall be paid over to the commission to pay all
8 or part of the cost of drug testing at the tracks. To the
9 extent the remainder paid over to the commission, less the
10 cost of drug testing, is from unclaimed winnings from harness
11 racing meets, the remainder shall be used as provided in
12 subsection 3. ~~To the extent the remainder paid to the~~
13 ~~commission, less the cost of drug testing, is from unclaimed~~
14 ~~winnings from licensed dog tracks, the commission shall remit~~
15 ~~annually five thousand dollars, or an equal portion of that~~
16 ~~amount, to each licensed dog track to carry out the racing dog~~
17 ~~adoption program pursuant to section 99B.27.~~ To the extent
18 the remainder paid over to the commission, less the cost of
19 drug testing, is from unclaimed winnings from tracks licensed
20 for dog or horse races, the commission, on an annual basis,
21 shall remit one-third of the amount to the treasurer of the
22 city in which the racetrack is located, one-third of the
23 amount to the treasurer of the county in which the racetrack
24 is located, and one-third of the amount to the racetrack from
25 which it was forfeited. If the racetrack is not located in a
26 city, then one-third shall be deposited as provided in chapter
27 556. The amount received by the racetrack under this
28 subsection shall be used only for retiring the debt of the
29 racetrack facilities and for capital improvements to the
30 racetrack facilities.

31 Sec. 2. Section 162.20, subsection 4, paragraph c, Code
32 1995, is amended to read as follows:

33 c. A pound or animal shelter which knowingly fails to
34 provide for the sterilization of a dog or cat is subject to a
35 civil penalty of up to two hundred dollars. The department

1 may enforce and collect civil penalties according to rules
 2 which shall be adopted by the department. Each violation
 3 shall constitute a separate offense. Moneys collected from
 4 civil penalties shall be deposited into the general fund of
 5 the state ~~and are appropriated on July 1 of each year in equal~~
 6 ~~amounts to each track licensed to race dogs to support the~~
 7 ~~racing dog adoption program as provided in section 99D.27.~~
 8 Upon the third offense, the department may suspend or revoke a
 9 certificate of registration issued to the pound or animal
 10 shelter pursuant to this chapter. The department may bring an
 11 action in district court to enjoin a pound or animal shelter
 12 from transferring animals in violation of this section. In
 13 bringing the action, the department shall not be required to
 14 allege facts necessary to show, or tending to show, a lack of
 15 adequate remedy at law, that irreparable damage or loss will
 16 result if the action is brought at law, or that unique or
 17 special circumstances exist.

18 Sec. 3. Section 99D.27, Code 1995, is repealed.

19 EXPLANATION

20 Section 99D.27 establishes a racing dog adoption program.
 21 The program is administered by tracks licensed to provide dog
 22 racing. Under the program, each track must act to match dog
 23 owners with persons seeking to adopt dogs, or to transfer dogs
 24 to a governmental agency or organization. Section 99D.13
 25 provides that up to \$5,000 of unclaimed winnings collected by
 26 dog tracks, which escheat to the state, must be divided among
 27 the dog tracks to carry out the program.

28 Section 162.20 provides for the imposition of civil
 29 penalties upon pounds or animal shelters which fail to
 30 sterilize dogs or cats under their custody. The section
 31 provides that moneys collected from the imposition of civil
 32 penalties is appropriated each year to support the program.
 33 This bill repeals section 99D.27, and strikes the language in
 34 sections 99D.13 and 162.20 which supports the program.

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