

4.29.97 Referred to State Gov. Comm.

MAR 12 1997

Place On Calendar

HOUSE FILE 580

BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 60)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to pari-mutuel racing and excursion boat  
2 gambling, by striking limits on administrative fines and  
3 outdated loan provisions, by providing for the administration  
4 of lasix to race horses, by specifying the age for gambling at  
5 racetrack enclosures, by providing for other properly related  
6 matters, and by subjecting violators to a penalty.

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

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HF 580

1 Section 1. Section 99D.7, subsection 18, Code 1997, is  
2 amended to read as follows:

3 18. To revoke or suspend licenses and impose fines ~~not-to~~  
4 ~~exceed-one-thousand-dollars.~~

5 Sec. 2. Section 99D.9, Code 1997, is amended by adding the  
6 following new subsection:

7 NEW SUBSECTION. 6A. A licensee shall not allow a person  
8 who is under twenty-one years of age within the area of a  
9 racetrack where pari-mutuel wagering is being conducted.  
10 However, a licensee may employ a person who is eighteen years  
11 of age or older to work in an area of a racetrack where pari-  
12 mutuel wagering is being conducted.

13 Sec. 3. Section 99D.11, subsection 7, Code 1997, is  
14 amended to read as follows:

15 7. A person under the age of twenty-one years shall not  
16 make a pari-mutuel wager. A person violating this subsection  
17 is guilty of a simple misdemeanor and, upon conviction, shall  
18 be fined the maximum fine authorized for a simple misdemeanor.

19 Sec. 4. Section 99D.15, subsection 3, paragraph d, Code  
20 1997, is amended by striking the paragraph.

21 Sec. 5. Section 99D.25A, subsections 6, 7, and 8, Code  
22 1997, are amended to read as follows:

23 6. Once a horse has been permitted the use of lasix, ~~it~~  
24 the horse must be treated with lasix in the horse's stall,  
25 unless the commission provides that the horse must be brought  
26 to the detention barn for treatment not-less-than-four-hours  
27 prior-to-scheduled-post-time-for-the-race-in-which-it-is  
28 entered-to-start. After the lasix treatment, the commission,  
29 by rule, may authorize the release of the horse from the  
30 horse's stall or detention barn before the scheduled post  
31 time. If a horse is brought to the detention barn late, the  
32 commission shall assess a civil penalty of one hundred dollars  
33 against the trainer.

34 7. A horse entered to race with lasix must be treated at  
35 least four hours prior to post time. The lasix shall be

1 administered intravenously by a veterinarian employed by the  
2 owner or trainer of the horse ~~under the visual supervision of~~  
3 ~~the commission veterinarian.~~ The commission shall adopt rules  
4 to ensure that lasix is administered as provided in this  
5 section. The commission shall require that the practicing  
6 veterinarian must deposit with the commission veterinarian at  
7 the detention barn an unopened supply of lasix and sterile  
8 hypodermic needles and syringes to be used for the  
9 administrations deliver an affidavit signed by the  
10 veterinarian which certifies information regarding the  
11 treatment of the horse. The affidavit must be delivered to a  
12 commission veterinarian within twenty minutes following the  
13 treatment. The statement shall include at least the name of  
14 the practicing veterinarian, the tattoo number of the horse,  
15 the location of the barn and stall where the treatment  
16 occurred, the race number of the horse, the name of the  
17 trainer, and the time that the lasix was administered. Lasix  
18 shall only be administered in a dose level of two hundred  
19 fifty milligrams. The commission veterinarian shall extract a  
20 test sample of the horse's blood, urine, or saliva to  
21 determine whether the horse was improperly drugged after the  
22 race is run.

23 8. A person found within or in the immediate vicinity of  
24 the detention barn or horse stall who is in possession of  
25 unauthorized drugs or hypodermic needles or who is not  
26 authorized to possess drugs or hypodermic needles shall, in  
27 addition to any other penalties, be barred from entry into any  
28 racetrack in Iowa and any occupational license the person  
29 holds shall be revoked.

30 Sec. 6. Section 99F.9, subsection 5, Code 1997, is amended  
31 to read as follows:

32 5. A person under the age of twenty-one years shall not  
33 make a wager on an excursion gambling boat or at a racetrack  
34 enclosure and shall not be allowed in the area of the  
35 excursion boat or racetrack enclosure where gambling is being

S.F. \_\_\_\_\_

H.F. 580

1 conducted. However, a person eighteen years of age or older  
2 may be employed to work in a gambling area. A person  
3 violating this subsection is guilty of a simple misdemeanor  
4 and, upon conviction, shall be fined the maximum fine  
5 authorized for a simple misdemeanor.

6 EXPLANATION

7 This bill authorizes the racing and gaming commission to  
8 set fines for pari-mutuel violations of chapter 99D consistent  
9 with its authority under chapter 99F for excursion boat  
10 gambling violations. The \$1,000 limit is removed.

11 The bill provides that a person under 21 who makes a pari-  
12 mutuel wager or gambling game wager is guilty of a simple  
13 misdemeanor with the fine equivalent to the maximum fine  
14 permitted. The bill also provides that a licensee shall not  
15 allow a person under 21 within the racetrack where pari-mutual  
16 wagering is conducted unless the person is over 18 and is  
17 working there.

18 The bill strikes language associated with a state loan to  
19 the Waterloo greyhound racetrack. The racetrack is no longer  
20 in operation and the loan has been repaid.

21 The bill also allows a horse to be treated with lasix in  
22 the horse's stall unless the racing and gaming commission  
23 requires treatment in a detention barn. The bill also  
24 requires the commission to adopt rules to ensure the lawful  
25 application of the lasix. The veterinarian administering the  
26 lasix shall provide an affidavit relating to the horse's  
27 treatment. The penalty for illegal administration of drugs to  
28 race horses or dogs is a class "D" felony.

29 Finally, the bill provides that persons who are less than  
30 21 years of age shall not place a wager at a parimutuel  
31 racetrack enclosure or be allowed in the area of the racetrack  
32 enclosure where gambling is conducted.

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HOUSE FILE 580

H-1297

1 Amend House File 580 as follows:

2 1. Page 1, by inserting after line 18 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 99D.11, Code 1997, is amended  
5 by adding the following new subsection:

6 NEW SUBSECTION. 8. A licensee shall not permit  
7 the operation of a satellite terminal as defined in  
8 section 527.2 to dispense cash or credit for gambling  
9 purposes within a pari-mutuel racetrack enclosure or  
10 at other facilities and parking areas controlled by  
11 the licensee."

12 2. Page 3, by inserting after line 5 the  
13 following:

14 "Sec. \_\_\_\_\_. Section 99F.9, Code 1997, is amended by  
15 adding the following new subsection:

16 NEW SUBSECTION. 7. A licensee shall not permit  
17 the operation of a satellite terminal as defined in  
18 section 527.2 to dispense cash or credit for gambling  
19 purposes on an excursion gambling boat or at other  
20 facilities and parking areas controlled by the  
21 licensee."

22 3. Title page, line 5, by inserting after the  
23 word "enclosures," the following: "by prohibiting the  
24 dispensing of moneys for gambling from satellite  
25 banking terminals,".

By FALLON of Polk

H-1297 FILED MARCH 24, 1997

HOUSE FILE 580

H-1340

1 Amend House File 580 as follows:

2 1. Page 1, by striking lines 17 and 18 and  
3 inserting the following: "is guilty of a simple  
4 misdemeanor which is punishable by the maximum fine  
5 authorized from a simple misdemeanor."

6 2. Page 3, by striking line 4 and inserting the  
7 following: "which is punishable by the maximum fine".

By HANSEN of Pottawattamie

H-1340 FILED MARCH 25, 1997

0/0  
3/27/97  
(P 879)

H-1442

1 Amend House File 580 as follows:

2 1. Page 1, by striking lines 5 through 12.

3 2. Page 1, by striking lines 16 through 18 and

4 inserting the following: "make or attempt to make a

5 pari-mutuel wager. Except for an employee of a

6 licensee, a person under twenty-one years of age shall

7 not enter or attempt to enter an area of a racetrack

8 where pari-mutuel wagering is being conducted. A

9 person violating this subsection is guilty of a simple

10 misdemeanor which is punishable by a fine of not less

11 than one hundred dollars."

12 3. Page 1, by inserting before line 19 the

13 following:

14 "Sec. \_\_\_\_ . Section 99D.11, Code 1997, is amended

15 by adding the following new subsection:

16 NEW SUBSECTION. 8. A licensee shall not allow a

17 person who is under twenty-one years of age within the

18 area of a racetrack where pari-mutuel wagering is

19 being conducted. However, a licensee may employ a

20 person who is eighteen years of age or older to work

21 in an area of a racetrack where pari-mutuel wagering

22 is being conducted."

23 4. Page 2, line 32, by inserting after the word

24 "not" the following: "attempt to make or".

25 5. Page 2, line 34, by inserting after the word

26 "not" the following: "enter, attempt to enter, or".

27 6. Page 3, by striking lines 4 and 5 and

28 inserting the following: "which is punishable by a

29 fine of not less than one hundred dollars."

30 7. Page 3, by inserting before line 6 the

31 following:

32 "Sec. \_\_\_\_ . Section 5 of this Act, being deemed of

33 immediate importance, takes effect upon enactment."

34 8. Title page, line 6, by inserting after the

35 word "matters," the following: "by providing an

36 effective date,".

By HANSEN of Pottawattamie

H-1442 FILED MARCH 26, 1997

*Adopted*

*3/27/97 (p. 879)*

HOUSE FILE 580

H-1467

1 Amend House File 580 as follows:

2 1. Page 2, by inserting after line 29 the  
3 following:

4 "Sec. \_\_\_\_ . Section 99F.7, subsection 1, Code 1997,  
5 is amended to read as follows:

6 1. If the commission is satisfied that this  
7 chapter and its rules adopted under this chapter  
8 applicable to licensees have been or will be complied  
9 with, the commission shall issue a license for a  
10 period of not more than three years to an applicant to  
11 own a gambling game operation and to an applicant to  
12 operate an excursion gambling boat. The commission  
13 shall decide which of the gambling games authorized  
14 under this chapter it will permit. The commission  
15 shall decide the number, location, and type of  
16 excursion gambling boats licensed under this chapter  
17 for operation only on the Mississippi and Missouri  
18 ~~rivers, lakes, and reservoirs of this state.~~ The  
19 license shall set forth the name of the licensee, the  
20 type of license granted, the place where the excursion  
21 gambling boats will operate and dock, and the time and  
22 number of days during the excursion season and the off  
23 season when gambling may be conducted by the licensee.  
24 The commission shall not allow a licensee to conduct  
25 gambling games on an excursion gambling boat while  
26 docked during the off season if the licensee does not  
27 operate gambling excursions for a minimum number of  
28 days during the excursion season. The commission may  
29 delay the commencement of the excursion season at the  
30 request of a licensee."

31 2. By renumbering as necessary.

By BLODGETT of Cerro Gordo

H-1467 FILED MARCH 31, 1997

## HOUSE FILE 580

## H-1500

1 Amend the amendment, H-1297, to House File 580 as  
2 follows:

3 1. Page 1, by striking lines 4 through 11 and  
4 inserting the following:

5 "Sec. \_\_\_\_ . Section 99D.9, subsection 6, Code 1997,  
6 is amended to read as follows:

7 6. A licensee ~~may~~ shall not loan to any person  
8 money or any other thing of value or permit a  
9 financial institution, vendor, or other person to loan  
10 money on the basis of a credit card or similar  
11 instrument in person or through an electronic or  
12 mechanical device including but not limited to a  
13 satellite terminal as defined in section 527.2 for the  
14 purpose of permitting that person to wager on any  
15 race. The use of a check or a debit card with  
16 overdraft protection is not prohibited by this  
17 subsection."

18 2. Page 1, by striking lines 14 through 21 and  
19 inserting the following:

20 "Sec. \_\_\_\_ . Section 99F.7, subsection 9, Code 1997,  
21 is amended to read as follows:

22 9. A licensee shall not loan to any person money  
23 or any other thing of value or permit a financial  
24 institution, vendor, or other person to loan money on  
25 the basis of a credit card or similar instrument in  
26 person or through an electronic or mechanical device  
27 including but not limited to a satellite terminal as  
28 defined in section 527.2 for the purpose of permitting  
29 that person to wager on any game of chance. The use  
30 of a check or a debit card with overdraft protection  
31 is not prohibited by this subsection."

By FALLON of Polk  
SUKUP of Franklin  
GARMAN of Story

H-1500 FILED APRIL 1, 1997

H-1467

1 Amend House File 580 as follows:

2 1. Page 2, by inserting after line 29 the  
3 following:

4 "Sec. \_\_\_\_ . Section 99F.7, subsection 1, Code 1997,  
5 is amended to read as follows:

6 1. If the commission is satisfied that this  
7 chapter and its rules adopted under this chapter  
8 applicable to licensees have been or will be complied  
9 with, the commission shall issue a license for a  
10 period of not more than three years to an applicant to  
11 own a gambling game operation and to an applicant to  
12 operate an excursion gambling boat. The commission  
13 shall decide which of the gambling games authorized  
14 under this chapter it will permit. The commission  
15 shall decide the number, location, and type of  
16 excursion gambling boats licensed under this chapter  
17 for operation only on the Mississippi and Missouri  
18 ~~rivers, lakes, and reservoirs of this state.~~ The  
19 license shall set forth the name of the licensee, the  
20 type of license granted, the place where the excursion  
21 gambling boats will operate and dock, and the time and  
22 number of days during the excursion season and the off  
23 season when gambling may be conducted by the licensee.  
24 The commission shall not allow a licensee to conduct  
25 gambling games on an excursion gambling boat while  
26 docked during the off season if the licensee does not  
27 operate gambling excursions for a minimum number of  
28 days during the excursion season. The commission may  
29 delay the commencement of the excursion season at the  
30 request of a licensee."

31 2. By renumbering as necessary.

By BLODGETT of Cerro Gordo

H-1467 FILED MARCH 31, 1997

## HOUSE FILE 580

H-1500

1 Amend the amendment, H-1297, to House File 580 as  
2 follows:

3 1. Page 1, by striking lines 4 through 11 and  
4 inserting the following:

5 "Sec. \_\_\_\_ . Section 99D.9, subsection 6, Code 1997,  
6 is amended to read as follows:

7 6. A licensee ~~may~~ shall not loan to any person  
8 money or any other thing of value or permit a  
9 financial institution, vendor, or other person to loan  
10 money on the basis of a credit card or similar  
11 instrument in person or through an electronic or  
12 mechanical device including but not limited to a  
13 satellite terminal as defined in section 527.2 for the  
14 purpose of permitting that person to wager on any  
15 race. The use of a check or a debit card with  
16 overdraft protection is not prohibited by this  
17 subsection."

18 2. Page 1, by striking lines 14 through 21 and  
19 inserting the following:

20 "Sec. \_\_\_\_ . Section 99F.7, subsection 9, Code 1997,  
21 is amended to read as follows:

22 9. A licensee shall not loan to any person money  
23 or any other thing of value or permit a financial  
24 institution, vendor, or other person to loan money on  
25 the basis of a credit card or similar instrument in  
26 person or through an electronic or mechanical device  
27 including but not limited to a satellite terminal as  
28 defined in section 527.2 for the purpose of permitting  
29 that person to wager on any game of chance. The use  
30 of a check or a debit card with overdraft protection  
31 is not prohibited by this subsection."

By FALLON of Polk  
SUKUP of Franklin  
GARMAN of Story

H-1500 FILED APRIL 1, 1997

Hanson, chair  
Cataldo  
Sipp  
Tynell  
Chiodo

HSB 60

STATE GOVERNMENT  
Succeeded By  
SF (HF) 580

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
INSPECTIONS AND APPEALS  
BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to pari-mutuel racing and excursion boat  
2 gambling, by striking limits on administrative fines and  
3 outdated loan provisions, by providing for the administration  
4 of lasix to race horses, by specifying the age for gambling at  
5 racetrack enclosures, by providing for other properly related  
6 matters and by subjecting violators to a penalty.

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

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1 Section 1. Section 99D.7, subsection 18, Code 1997, is  
2 amended to read as follows:

3 18. To revoke or suspend licenses and impose fines not-to  
4 ~~exceed-one-thousand-dollars.~~

5 Sec. 2. Section 99D.15, subsection 3, paragraph d, Code  
6 1997, is amended by striking the paragraph.

7 Sec. 3. Section 99D.25A, subsections 6, 7, and 8, Code  
8 1997, are amended to read as follows:

9 6. Once a horse has been permitted the use of lasix, it  
10 the horse must be treated with lasix in the horse's stall,  
11 unless the commission provides that the horse must be brought  
12 to the detention barn for treatment not-less-than-four-hours  
13 prior-to-scheduled-post-time-for-the-race-in-which-it-is  
14 entered-to-start. After the lasix treatment, the commission,  
15 by rule, may authorize the release of the horse from the  
16 horse's stall or detention barn before the scheduled post  
17 time. If a horse is brought to the detention barn late, the  
18 commission shall assess a civil penalty of one hundred dollars  
19 against the trainer.

20 7. A horse entered to race with lasix must be treated at  
21 least four hours prior to post time. The lasix shall be  
22 administered intravenously by a veterinarian employed by the  
23 owner or trainer of the horse under-the-visual-supervision-of  
24 the-commission-veterinarian. The commission shall adopt rules  
25 to ensure that lasix is administered as provided in this  
26 section. The commission shall require that the practicing  
27 veterinarian must-deposit-with-the-commission-veterinarian-at  
28 the-detention-barn-an-unopened-supply-of-lasix-and-sterile  
29 hypodermic-needles-and-syringes-to-be-used-for-the  
30 administrations deliver an affidavit signed by the  
31 veterinarian which certifies information regarding the  
32 treatment of the horse. The affidavit must be delivered to a  
33 commission veterinarian within twenty minutes following the  
34 treatment. The statement shall include at least the name of  
35 the practicing veterinarian, the tattoo number of the horse,

1 the location of the barn and stall where the treatment  
 2 occurred, the race number of the horse, the name of the  
 3 trainer, and the time that the lasix was administered. Lasix  
 4 shall only be administered in a dose level of two hundred  
 5 fifty milligrams. ~~The-commission-veterinarian-shall-extract-a~~  
 6 ~~test-sample-of-the-horse's-blood,-urine,-or-saliva-to~~  
 7 ~~determine-whether-the-horse-was-improperly-drugged-after-the~~  
 8 ~~race-is-run.~~

9 8. A person found within or in the immediate vicinity of  
 10 the detention barn or horse stall who is in possession of  
 11 unauthorized drugs or hypodermic needles or who is not  
 12 authorized to possess drugs or hypodermic needles shall, in  
 13 addition to any other penalties, be barred from entry into any  
 14 racetrack in Iowa and any occupational license the person  
 15 holds shall be revoked.

16 Sec. 4. Section 99F.9, subsection 5, Code 1997, is amended  
 17 to read as follows:

18 5. A person under the age of twenty-one years shall not  
 19 make a wager on an excursion gambling boat or at a racetrack  
 20 enclosure and shall not be allowed in the area of the  
 21 excursion boat or racetrack enclosure where gambling is being  
 22 conducted. However, a person eighteen years of age or older  
 23 may be employed to work in a gambling area.

24 EXPLANATION

25 This bill authorizes the racing and gaming commission to  
 26 set fines for pari-mutuel violations of chapter 99D consistent  
 27 with its authority under chapter 99F for excursion boat  
 28 gambling violations. The \$1,000 limit is removed.

29 The bill strikes language associated with a state loan to  
 30 the Waterloo greyhound racetrack. The racetrack is no longer  
 31 in operation and the loan has been repaid.

32 The bill also allows a horse to be treated with lasix in  
 33 the horse's stall unless the racing and gaming commission  
 34 requires treatment in a detention barn. The bill also  
 35 requires the commission to adopt rules to ensure the lawful

1 application of the lasix. The veterinarian administering the  
2 lasix shall provide an affidavit relating to the horse's  
3 treatment. The penalty for illegal administration of drugs to  
4 race horses or dogs is a class "D" felony.

5 Finally, the bill provides that persons who are less than  
6 21 years of age shall not place a wager at a parimutuel  
7 racetrack enclosure or be allowed in the area of the racetrack  
8 enclosure where gambling is conducted.

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TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF INSPECTIONS AND APPEALS

KIM D. SCHMETT, DIRECTOR

JOHN T. SCHAFFNER, DEPUTY DIRECTOR

November 27, 1996

TO: Members of the General Assembly

FR: Kim D. Schmett *KDS*

The Racing and Gaming Commission of the Department of Inspections and Appeals is proposing legislation related to regulation of pari-mutuel and excursion boat gambling.

**SECTION 1**

Amends the pari-mutuel wagering chapter (Chapter 99D) to be consistent with the excursion boat chapter (Chapter 99F) regarding the authority of the Racing and Gaming Commission to set fines for violations of Code or rules. Allowing for the Commission to set the fine level gives the Commission appropriate intermediate sanctions in lieu of license suspension or revocation.

**SECTION 2**

Strikes language associated with a state loan given to the Waterloo Greyhound Park. This track is no longer in operation and the loan has been paid back to the state. Therefore, the language is no longer necessary.

**SECTION 3**

Allows a horse to be treated with lasix in the horse's stall, unless the Commission provides that a horse must be brought to a detention barn for treatment. The proposed legislation requires the Commission to adopt rules to ensure that lasix is lawfully administered. The proposed legislation requires the veterinarian administering lasix to provide an affidavit relating to the horse's treatment. Currently, all testing must be performed in a detention barn under the supervision of a Commission veterinarian.

**SECTION 4**

Specifies that persons under the age of 21 years are not allowed to place a wager at a racetrack enclosure or be allowed in the area of the racetrack enclosure where gambling is being conducted. This is in response to a county attorney requesting the Code section being clarified as it relates to the slot machine area of a racetrack enclosure.