

**House Study Bill 552 - Introduced**

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON KAUFMANN)

**A BILL FOR**

- 1 An Act relating to gambling regulation and enforcement
- 2 activities of the division of criminal investigation of the
- 3 department of public safety.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 80.25A, Code 2020, is amended to read as  
2 follows:

3 **80.25A Gaming operations investigation and enforcement.**

4 The commissioner of public safety shall direct the chief  
5 of the division of criminal investigation to establish a  
6 subdivision to be the primary criminal investigative and  
7 enforcement agency for the purpose of enforcement of criminal  
8 violations of chapters 99D, 99E, and 99F. The commissioner  
9 of public safety shall appoint or assign other agents to  
10 the division as necessary to enforce criminal violations  
11 of chapters 99D, 99E, and 99F. All enforcement ~~officers,~~  
12 ~~assistants,~~ and agents of the division are subject to section  
13 80.15 except clerical workers.

14 Sec. 2. Section 99F.4, subsection 18, Code 2020, is amended  
15 to read as follows:

16 18. To provide for the continuous recording of all gambling  
17 activities on an excursion gambling boat. The recording shall  
18 be performed under guidelines set by rule of the ~~division of~~  
19 ~~criminal investigation~~ commission and the rules may require  
20 that all or part of the original recordings be submitted to the  
21 ~~division on a timely schedule~~ commission.

22 Sec. 3. Section 99F.6, subsection 3, Code 2020, is amended  
23 to read as follows:

24 3. The commission shall charge the applicant a fee set  
25 by the department of public safety, division of criminal  
26 investigation, to defray the costs associated with the  
27 search and classification of submitted fingerprints required  
28 in subsection 2 and, if required by the commission under  
29 subsection 4, background or information investigations  
30 conducted by ~~agents of~~ the division of criminal investigation.  
31 ~~This fee is~~ Fees charged to defray the costs associated with  
32 a background or information investigation shall reflect only  
33 actual direct costs incurred by the division of criminal  
34 investigation and shall be itemized and provided to the  
35 commission. Fees charged pursuant to this subsection shall be

1 in addition to any other license fee charged by the commission.

2 Sec. 4. Section 99F.6, subsection 4, paragraph a,  
3 subparagraph (1), Code 2020, is amended by striking the  
4 subparagraph and inserting in lieu thereof the following:

5 (1) Before a license is granted, the commission shall  
6 conduct a background or information investigation in a  
7 manner as determined by the commission. The commission  
8 may consider an applicant's current license status in this  
9 state or other jurisdictions in determining background or  
10 information investigation requirements. In addition, the  
11 commission may require the division of criminal investigation  
12 of the department of public safety or other prescribed entity  
13 performing background services to conduct a thorough background  
14 or information investigation of the applicant for a license  
15 to operate a gambling game operation on an excursion gambling  
16 boat.

17 Sec. 5. Section 99F.10, subsection 4, paragraph a,  
18 subparagraph (1), Code 2020, is amended by striking the  
19 subparagraph.

20 Sec. 6. Section 99F.10, subsection 4, paragraph a,  
21 subparagraph (2), Code 2020, is amended to read as follows:

22 (2) ~~On or after July 1, 2016~~ Prior to July 1, 2023, the  
23 cost of salaries for no more than three special agents for each  
24 excursion gambling boat or gambling structure, plus any direct  
25 and indirect support costs for the agents, for the division of  
26 criminal investigation's excursion gambling boat or gambling  
27 structure activities.

28 Sec. 7. Section 99F.10, subsection 4, paragraph a, Code  
29 2020, is amended by adding the following new subparagraph:

30 NEW SUBPARAGRAPH. (3) On or after July 1, 2023, the  
31 cost, allocated to each excursion gambling boat or gambling  
32 structure, for salaries for special agents, plus any direct  
33 and indirect support costs for the agents, for the division of  
34 criminal investigation's excursion gambling boat or gambling  
35 structure activities. The total number of enforcement

1 assistants and agents who are subject to section 80.15 and who  
2 are appointed or assigned by the division to enforce criminal  
3 violations of this chapter pursuant to section 80.25A shall not  
4 exceed ten full-time equivalent positions.

5 Sec. 8. Section 99F.10, subsection 4, paragraph b, Code  
6 2020, is amended to read as follows:

7 b. Notwithstanding sections 8.60 and 99F.4, the portion  
8 of the fee paid pursuant to paragraph "a" relating to the  
9 costs of special agents ~~and officers~~ plus any direct and  
10 indirect support costs for the agents ~~and officers~~, for the  
11 division of criminal investigation's excursion gambling boat  
12 or gambling structure activities, shall be deposited into the  
13 gaming enforcement revolving fund established in section 80.43.  
14 However, the department of public safety shall transfer, on an  
15 annual basis, the portion of the regulatory fee attributable  
16 to the indirect support costs of the special agents ~~and gaming~~  
17 ~~enforcement officers~~ to the general fund of the state.

18 Sec. 9. REPEAL. Section 99F.4B, Code 2020, is repealed.

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#### EXPLANATION

20 The inclusion of this explanation does not constitute agreement with  
21 the explanation's substance by the members of the general assembly.

22 This bill relates to gambling regulation and enforcement  
23 activities of the division of criminal investigation of the  
24 department of public safety.

25 Code section 80.25A, concerning gaming operation  
26 investigation and enforcement by the department of public  
27 safety, is amended to provide that the subdivision of  
28 the division of criminal investigation established for  
29 investigation and enforcement purposes shall be for the purpose  
30 of enforcement of criminal violations of Code chapters 99D,  
31 99E, and 99F.

32 Code section 99F.4, concerning powers of the racing and  
33 gaming commission, is amended to provide that the recording  
34 of gambling activities on an excursion gambling boat shall be  
35 performed under guidelines set by rule of the racing and gaming

1 commission and not the division of criminal investigation.

2 Code section 99F.6(3), concerning fees charged an applicant  
3 for a license, is amended to provide that the fee shall include  
4 costs associated with a background or information investigation  
5 conducted by the division of criminal investigation only if  
6 the division is required to conduct the investigation by the  
7 racing and gaming commission. The subsection is further  
8 amended to provide that the fee charged to defray the costs  
9 associated with a background or information investigation shall  
10 reflect only actual direct costs incurred by the division of  
11 criminal investigation and shall be itemized and provided to  
12 the commission.

13 Code section 99F.6(4), concerning the requirement to  
14 conduct a background investigation, is amended by striking  
15 the requirement that before a license is granted, the  
16 division of criminal investigation shall conduct a background  
17 investigation. Instead, the bill provides that before a  
18 license is granted, the commission shall conduct a background  
19 or information investigation in a manner as determined by  
20 the commission. In conducting this investigation, the bill  
21 provides that the commission may consider an applicant's  
22 current license status in this state or other jurisdictions  
23 in determining background or information investigation  
24 requirements and may require the division of criminal  
25 investigation of the department of public safety or other  
26 prescribed entity performing background services to conduct a  
27 thorough background or information investigation.

28 Code section 99F.10, concerning regulatory fees, is amended.  
29 The bill provides that the current requirement that the  
30 amount of revenue to be raised from regulatory fees shall be  
31 calculated based on the cost of salaries for no more than three  
32 special agents of the division of criminal investigation for  
33 each excursion gambling boat or gambling structure shall end  
34 July 1, 2023. The bill then provides that, beginning on and  
35 after July 1, 2023, the regulatory fee to be allocated to

1 each gambling boat or gambling structure shall be determined  
2 based on the costs of special agents for the division of  
3 criminal investigation's excursion gambling boat or gambling  
4 structure activities and limits the total number of enforcement  
5 assistants and agents to 10 full-time equivalent positions.  
6 Code section 99F.4B, concerning the requirement that the  
7 department of inspections and appeals cooperate to the maximum  
8 extent possible with the division of criminal investigation  
9 in adopting rules relating to the gaming operations in Code  
10 chapters 99D, 99E, and 99F, is repealed.