

Senate File 2289 - Introduced

SENATE FILE 2289
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 3040)

A BILL FOR

1 An Act relating to matters under the purview of the department of
2 inspections, appeals, and licensing, and including effective
3 date provisions.

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

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DIVISION I
GAMBLING

Section 1. Section 99D.5, subsection 4, Code 2026, is amended to read as follows:

4. Commission members are each entitled to receive an annual salary of ten thousand dollars. Members shall also be reimbursed for actual expenses incurred in the performance of their duties to a maximum of ~~thirty~~ seventy thousand dollars per year for the commission. Each member shall be covered by the blanket surety bond of the state purchased pursuant to section 8A.321, subsection 12.

Sec. 2. Section 99D.7, subsection 25, Code 2026, is amended to read as follows:

25. To take any other action as may be reasonable or appropriate to enforce this chapter and the commission rules, including but not limited to issuing cease and desist orders and obtaining injunctive relief against a person offering pari-mutuel wagering or advance deposit wagering, as defined in section 99D.11, in this state without holding an appropriate license issued by the commission.

Sec. 3. Section 99E.3, subsection 2, paragraph f, Code 2026, is amended to read as follows:

f. To take any other action as may be reasonable or appropriate to enforce this chapter and the commission rules, including but not limited to issuing cease and desist orders and obtaining injunctive relief against a person offering internet fantasy sports contests in this state without holding an appropriate license issued by the commission.

Sec. 4. Section 99F.4, subsection 13, Code 2026, is amended to read as follows:

13. To take any other action as may be reasonable or appropriate to enforce this chapter and the commission rules, including but not limited to issuing cease and desist orders and obtaining injunctive relief against a person offering games of chance, gambling, sports wagering, or illegal sweepstakes in

1 this state without holding an appropriate license issued by the
2 commission or otherwise being specifically authorized by law.

3 Sec. 5. Section 99F.15, subsection 4, unnumbered paragraph 1,
4 Code 2026, is amended to read as follows:

5 A person commits a class "D" felony and, in addition, shall
6 be barred for life from sports wagering, advance deposit sports
7 wagering, as defined in section 99F.9, excursion gambling boats,
8 and gambling structures under the jurisdiction of the commission,
9 if the person does any of the following:

10 Sec. 6. Section 99F.15, subsection 6, paragraph c, Code 2026,
11 is amended to read as follows:

12 c. Two convictions of the offense of unlawful betting as
13 provided in this subsection shall result in the person being
14 barred for life from sports wagering, advance deposit sports
15 wagering, as defined in section 99F.9, excursion gambling boats,
16 and gambling structures under the jurisdiction of the commission.

17 Sec. 7. Section 422.16, subsection 2, paragraph d, Code 2026,
18 is amended to read as follows:

19 d. For the purposes of this subsection, state income tax
20 shall be withheld on winnings in excess of six hundred dollars
21 derived from gambling activities authorized under chapter 99B or
22 99G. State income tax shall be withheld on winnings ~~in excess of~~
23 ~~one thousand dollars~~ from gambling activities authorized under
24 chapter 99D if the winnings are in an amount sufficient to
25 require that an information return be filed under the Internal
26 Revenue Code. State income tax shall be withheld on winnings
27 ~~in excess of one thousand two hundred dollars~~ derived from
28 slot machines authorized under chapter 99F if the winnings are
29 in an amount sufficient to require that an information return
30 be filed under the Internal Revenue Code. State income tax
31 shall be withheld on winnings from sports wagering authorized
32 under chapter 99F whenever federal income tax is required to be
33 withheld from the same winnings in accordance with the Internal
34 Revenue Code.

35 Sec. 8. EFFECTIVE DATE. The following, being deemed of

1 immediate importance, takes effect upon enactment:

2 The section of this division of this Act amending section
3 422.16, subsection 2, paragraph "d".

4 DIVISION II

5 STATE BUILDING CODE

6 Sec. 9. Section 103A.8C, subsection 1, Code 2026, is amended
7 to read as follows:

8 1. The commissioner, after consulting with and receiving
9 recommendations from the department of ~~public defense~~ homeland
10 security and emergency management and the department of natural
11 resources, shall adopt rules pursuant to chapter 17A specifying
12 standards and requirements for design and construction of safe
13 rooms and storm shelters. In developing these standards, the
14 commissioner shall consider nationally recognized standards. The
15 standards and requirements shall be incorporated into the state
16 building code established in section 103A.7, but shall not be
17 interpreted to require the inclusion of a safe room or storm
18 shelter in a building construction project unless such inclusion
19 is expressly required by another statute or by a federal statute
20 or regulation. However, if a safe room or storm shelter is
21 included in any building construction project which reaches the
22 design development phase on or after January 1, 2011, compliance
23 with the standards developed pursuant to this section shall be
24 required.

25 Sec. 10. Section 103A.23, subsection 2, Code 2026, is amended
26 to read as follows:

27 2. All fees collected by the commissioner shall be deposited
28 in the ~~state treasury to the credit of the general fund of the~~
29 state licensing and regulation fund created in section 10A.507.

30 DIVISION III

31 RESIDENTIAL CARE FACILITIES

32 Sec. 11. Section 135C.2, subsection 6, unnumbered paragraph
33 1, Code 2026, is amended to read as follows:

34 The department shall establish a special classification within
35 the residential care facility category for residential care

1 facilities which have the primary purpose of serving pediatric
2 palliative care patients and that only provides respite care
3 services and the services of a hospice program as defined in
4 section 135J.1. A facility within the special classification
5 established pursuant to this subsection shall be exempt from
6 section 135.62 and may serve any number of individuals, including
7 zero. The department shall adopt rules pursuant to chapter 17A
8 which shall include but not be limited to all of the following:

9 EXPLANATION

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

12 This bill relates to matters under the purview of the
13 department of inspections, appeals, and licensing. The bill is
14 organized in divisions.

15 DIVISION I — GAMBLING. The bill raises the \$30,000-per-year
16 total cap on reimbursements that the state racing and gaming
17 commission (commission) may pay to all commissioners for expenses
18 incurred in the performance of the commissioners' duties to
19 \$70,000 per year. The bill grants the commission explicit
20 authority to issue cease and desist orders and seek injunctive
21 relief against persons who offer gambling services in the state
22 without an appropriate license or authorization.

23 Under current law, a person commits a class "D" felony
24 and is barred for life from excursion gambling boats and
25 gambling structures under the jurisdiction of the commission
26 for committing certain acts listed in Code section 99F.15(4).
27 The bill expands the lifetime ban to include sports wagering
28 and advance deposit sports wagering. The bill also imposes a
29 lifetime ban from sports wagering and advance deposit sports
30 wagering on a person who is convicted twice of unlawful betting.

31 The bill requires state income tax to be withheld on winnings
32 from gambling activities authorized under Code chapter 99D
33 (pari-mutuel wagering) and from slot machines authorized under
34 Code chapter 99F (gambling games and sports wagering regulation)
35 if the winnings are in an amount sufficient to require that an

1 information return be filed under the federal Internal Revenue
2 Code, rather than if the winnings exceed certain amounts. This
3 provision of the bill takes effect upon enactment.

4 DIVISION II — STATE BUILDING CODE. The bill requires the
5 state building code commissioner to consult with the department
6 of homeland security and emergency management, instead of the
7 department of public defense, in adopting rules relating to safe
8 rooms and storm shelters. The bill also requires fees collected
9 by the state building code commissioner to be deposited in the
10 licensing and regulation fund instead of the general fund of the
11 state.

12 DIVISION III — RESIDENTIAL CARE FACILITIES. The bill allows
13 a residential care facility that is a pediatric palliative care
14 center to serve as few as zero individuals. Under current law,
15 an entity must serve at least three individuals to be defined as
16 a residential care facility.