

CHAPTER 1265
PARI-MUTUEL BETTING
H.F. 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 deems 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 99D.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. 6. 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 692.2, subsection 1, Code Supplement 1983, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. The state racing commission for the purposes of section 99D.8A.

Approved May 11, 1984