

99D.9A Dog racetrack licensure — discontinuance of live racing requirement — fees.

1. Upon written notification to the commission by September 1, 2014, and agreement to comply with the requirements of [this section](#), a licensee authorized to conduct pari-mutuel wagering at a dog racetrack and to conduct gambling games pursuant to [section 99F.6](#) as of January 1, 2014, may, as of the live racing cessation date, continue to maintain a license as provided in [this section](#) for purposes of conducting gambling games and pari-mutuel wagering on simultaneously telecast horse or dog races without the requirement of scheduling performances of live races at the dog racetrack. For purposes of [this section](#), the “live racing cessation date” is October 31, 2014, for the licensee of the pari-mutuel dog racetrack located in Dubuque county, and December 31, 2015, for the licensee of the pari-mutuel dog racetrack located in Pottawattamie county.

2. Upon the live racing cessation date of a licensee, all of the following shall occur:

a. The commission shall determine what portion of the unexpended moneys in the dog racing promotion fund created in [section 99D.12](#) is attributable to the licensee as of the live racing cessation date of the licensee and shall transfer those moneys to the Iowa greyhound pari-mutuel racing fund created in [section 99D.9B](#).

b. Any agreement which was approved by the commission for dog purse supplement payments for live racing by the licensee shall be terminated.

c. Within thirty days after the live racing cessation date of the licensee of the pari-mutuel dog racetrack located in Pottawattamie county, the kennel owners and operators and greyhound owners shall, at their expense, remove all of their property including the greyhounds from the racetrack.

3. a. To maintain a license under [this chapter](#) to conduct gambling games and pari-mutuel wagering on simultaneously telecast horse or dog races without the requirement of scheduling performances of live dog races, or to maintain a license under [section 99F.4A, subsection 9](#), the licensee as of the date a payment under [this subsection](#) is due shall ensure payment of the live racing cessation fee to the commission for deposit in the Iowa greyhound pari-mutuel racing fund created in [section 99D.9B](#), as required by [this subsection](#).

b. Except as provided in paragraph “c”, the live racing cessation fee shall be paid and determined as follows:

(1) For the licensee authorized to conduct gambling games in Dubuque county pursuant to a license issued pursuant to [section 99F.4A, subsection 9](#), the payment of one million dollars by January 1, 2015, and one million dollars each succeeding January 1 for six consecutive calendar years.

(2) For the pari-mutuel dog racetrack located in Pottawattamie county, the payment of nine million two hundred eighty-five thousand eight hundred dollars by January 1, 2016, and nine million two hundred eighty-five thousand seven hundred dollars each succeeding January 1 for six consecutive calendar years. Payments required under this subparagraph shall be made by the manager of the pari-mutuel racetrack located in Pottawattamie county for deposit in the Iowa greyhound pari-mutuel racing fund created in [section 99D.9B](#), as required by [this subsection](#).

c. (1) If the licensee at the pari-mutuel racetrack located in Pottawattamie county as of January 1, 2014, fails to have the licensee’s license renewed, the licensee’s obligation and any obligation of the manager of the racetrack to make any further payments as provided in [this subsection](#) shall cease. However, the commission shall not issue a license to a subsequent or successor licensee at the pari-mutuel racetrack located in Pottawattamie county until all remaining unpaid installments of the live racing cessation fee required under [this subsection](#) are paid.

(2) If the licensee issued a license under [section 99F.4A, subsection 9](#), fails to have the license renewed, the licensee’s obligation to make any further payments as provided in [this subsection](#) shall cease. However, the commission shall not issue a license to a subsequent or successor licensee under [section 99F.4A, subsection 9](#), until all remaining installments of the live racing cessation fee required under [this subsection](#) are paid.

(3) If the manager of the pari-mutuel racetrack located in Pottawattamie county as of January 1, 2014, pursuant to a management contract with the licensee, ceases to be the

manager of the racetrack, the licensee's obligation and any obligation of the manager of the racetrack to make any further payments as provided in [this subsection](#) shall cease. However, the commission shall not approve a management contract with the licensee for a subsequent or successor manager until all remaining installments of the live racing cessation fee required under [this subsection](#) are paid.

4. Upon written notification to the commission by the licensee of the pari-mutuel dog racetrack located in Dubuque county as provided in [subsection 1](#), all of the following shall occur:

a. The licensee shall be authorized to maintain a license issued to the licensee by the commission to conduct gambling games pursuant to the requirements of [section 99F.4A, subsection 9](#).

b. The licensee shall maintain a license under [this chapter](#) until December 31, 2014. The licensee shall, until the live racing cessation date of the licensee, conduct pari-mutuel wagering on live dog races and shall, until December 31, 2014, be authorized to simultaneously telecast horse or dog races as provided by an agreement to conduct live racing during the 2014 calendar year.

5. a. The licensee of the pari-mutuel dog racetrack located in Pottawattamie county who is not required to conduct live racing pursuant to the requirements of [this section](#) shall do all of the following:

(1) Remain licensed under [this chapter](#) and pursuant to [section 99F.4A](#) as a pari-mutuel dog racetrack licensed to conduct gambling games and pari-mutuel wagering on simultaneously telecast horse or dog races.

(2) Continue to pay the annual license fee and regulatory fee as a pari-mutuel dog racetrack licensed to conduct gambling games pursuant to the requirements of [section 99F.4A](#).

(3) Comply with all other applicable requirements of [this chapter](#) and [chapter 99F](#) except for those requirements concerning live dog racing.

b. However, nothing in [this chapter](#) shall require the licensee of the pari-mutuel dog racetrack in Pottawattamie county to conduct pari-mutuel wagering on simultaneously telecast horse or dog races to remain licensed under [this chapter](#) or to conduct gambling games without the requirement of scheduling performances of live dog races.

6. a. Compliance with the requirements of [this section](#) and the establishment of the Iowa greyhound pari-mutuel racing fund in [section 99D.9B](#) shall constitute a full satisfaction of and discharge from any and all liability or potential liability of a licensee authorized to conduct gambling games in Dubuque county pursuant to [section 99F.4A, subsection 9](#), the licensee of the pari-mutuel dog racetrack located in Pottawattamie county, and the Iowa greyhound association which may arise out of either of the following:

(1) The discontinuance of live dog racing or simulcasting.

(2) Distributions made or not made from the Iowa greyhound pari-mutuel racing fund created in [section 99D.9B](#) or the purse escrow fund created in the arbitration decision issued in December 1995 with regard to the purse supplements to be paid at the pari-mutuel dog racetrack in Pottawattamie county.

b. Compliance with the requirements of [this section](#) and establishment of the Iowa greyhound pari-mutuel racing fund in [section 99D.9B](#) shall immunize a licensee authorized to conduct gambling games in Dubuque county pursuant to a license issued pursuant to [section 99F.4A, subsection 9](#), the licensee of the pari-mutuel dog racetrack located in Pottawattamie county, and the Iowa greyhound association and their respective officers, directors, employees, board members, and agents against claims of liability as described in paragraph "a" made by any person or entity.

[2014 Acts, ch 1126, §2](#)

Referred to in [§99D.2, 99D.9, 99D.9B, 99D.9C, 99D.10, 99D.11, 99F.1, 99F.4A, 99F.6](#)