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REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 2450

To the Speaker of the House of Representatives and the  
President of the Senate:

We, the undersigned members of the conference committee  
appointed to resolve the differences between the House of  
Representatives and the Senate on House File 2450, a bill for  
an Act relating to appropriations to the justice system and  
including effective date provisions, respectfully make the  
following report:

1. That the Senate recedes from its amendment, H-8277.
2. That House File 2450, as amended, passed, and reprinted  
by the House, is amended to read as follows:
  1. Page 2, line 14, by striking <6,337,024> and inserting  
<6,734,400>



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2. Page 2, after line 25 by inserting:

<Notwithstanding section 8.33, moneys appropriated in this paragraph "b" that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.>

3. Page 4, line 10, by striking <42,655,684> and inserting <43,021,602>

4. Page 4, line 15, by striking <33,344,253> and inserting <33,668,253>

5. Page 4, line 23, by striking <59,132,786> and inserting <59,408,092>

6. Page 4, line 28, by striking <27,464,108> and inserting <27,572,108>

7. Page 4, line 33, by striking <24,982,135> and inserting <25,360,135>

8. Page 5, line 3, by striking <9,728,353> and inserting <9,836,353>

9. Page 5, line 8, by striking <25,717,430> and inserting <25,933,430>

10. Page 5, line 18, by striking <21,937,970> and inserting <22,045,970>

11. Page 5, line 23, by striking <29,989,648> and inserting <30,097,648>

12. Page 6, after line 35 by inserting:

<c. It is the intent of the general assembly that as a condition of receiving the appropriation provided in this subsection the department of corrections shall not, except as otherwise provided in paragraph "b", enter into a new contract, unless the contract is a renewal of an existing contract, for the expenditure of moneys in excess of \$100,000 during the fiscal year beginning July 1, 2014, for the privatization of services performed by the department using state employees as of July 1, 2014, or for the privatization of new services by

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the department without prior consultation with any applicable state employee organization affected by the proposed new contract and prior notification of the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system.

d. It is the intent of the general assembly that the department of corrections add additional correctional officer positions to the current number of correctional officer positions as of July 1, 2014.>

13. Page 8, line 26, by striking <14,653,677> and inserting <14,753,977>

14. Page 8, after line 26 by inserting:

<It is the intent of the general assembly that the first judicial district department of correctional services maintain the drug courts operated by the district department.>

15. Page 8, line 30, by striking <11,098,361> and inserting <11,500,661>

16. Page 8, after line 30 by inserting:

<It is the intent of the general assembly that the second judicial district department of correctional services establish and maintain two drug courts to be operated by the district department.>

17. Page 9, line 8, by striking <19,817,516> and inserting <20,304,616>

18. Page 9, after line 8 by inserting:

<It is the intent of the general assembly that the fifth judicial district department of correctional services maintain the drug court operated by the district department.>

19. Page 9, after line 12 by inserting:

<It is the intent of the general assembly that the sixth judicial district department of correctional services maintain the drug court operated by the district department.>

20. Page 9, line 16, by striking <7,745,173> and inserting <7,856,873>

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21. Page 9, after line 16 by inserting:

<It is the intent of the general assembly that the seventh judicial district department of correctional services maintain the drug court operated by the district department.>

22. Page 13, line 4, by striking <2,629,623> and inserting <2,229,623>

23. Page 15, line 17, by striking <61,645,291> and inserting <60,920,291>

24. Page 15, after line 23 by inserting:

<It is the intent of the general assembly that the division of state patrol implement the endangered persons advisory alert system.>

25. Page 16, by striking lines 24 through 27.

26. Page 18, line 22, by striking <1,100,105> and inserting <1,260,105>

27. By striking page 19, line 9, through page 21, line 16, and inserting:

<Sec. \_\_\_\_. Section 13.2, subsection 1, Code 2014, is amended by adding the following new paragraph:

NEW PARAGRAPH. o. Submit a report by January 15 of each year to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system, to the executive council, and to the legislative services agency detailing the amount of annual money receipts generated by each settlement or judgment in excess of two hundred fifty thousand dollars collected pursuant to legal proceedings under chapters 455B, 553, and 714. The report shall include the name of the civil or criminal case involved, the court of jurisdiction, the settlement amount including the state's share of the settlement, the name of the fund in which the receipts were deposited, and the planned use of the moneys.

Sec. \_\_\_\_. NEW SECTION. 13.32 **Victim assistance grant programs — annual report.**

1. a. The department of justice shall compile an annual

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report relating to the victim assistance grant programs administered under section 13.31, subsections 1, 3, 4, and 6, which shall include all of the following:

(1) A mission statement and table of organization of the department of justice relating to the victim assistance grant programs, a program summary and statistics, including but not limited to sources and uses of funds and the numbers of victims served.

(2) An itemization of out-of-state travel expenses incurred by an employee of the department of justice and an itemization of such travel paid to a contractor.

(3) An itemization of overtime paid to an employee of the department or a contractor.

(4) An itemization of any bonuses paid to an employee of the department or a contractor.

(5) A summary of expenditures reimbursed through the programs including but not limited to compensation paid to nonprofit organizations for travel and training expenses, utilities, payroll, benefits, equipment repairs and maintenance, rent, communications, advertising, supplies, insurance, and other direct expenses.

b. The report shall be provided to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system, the governor, and the legislative services agency by January 15, 2015, and each January 15 thereafter.

2. The department of justice shall adopt rules to administer claims for victim assistance grants described in subsection 1. The rules shall standardize the claim forms for contractors including designating a place on the form for an itemization of services provided, mileage incurred, and expenses incurred. The rules shall further specify that the department of justice shall process the claims through the grants enterprise management office.

Sec. \_\_\_\_ . Section 80B.5, Code 2014, is amended to read as

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follows:

**80B.5 Administration — director — deputy director.**

1. The administration of this chapter shall be vested in the office of the governor. A Except for the director and deputy director of the academy and such, the staff as may be necessary for it to function shall be employed pursuant to the Iowa merit system.

2. The director of the academy shall be appointed by the governor, subject to confirmation by the senate, to serve at the pleasure of the governor, and the director may employ a deputy director.

Sec. \_\_\_\_\_. Section 97B.49B, subsection 1, paragraph e, Code 2014, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (13) An employee of a judicial district department of correctional services whose condition of employment requires the employee to be certified by the Iowa law enforcement academy and who is required to perform the duties of a parole officer as provided in section 906.2.

Sec. \_\_\_\_\_. CONSUMER EDUCATION AND LITIGATION  
FUND. Notwithstanding section 714.16C, for each fiscal year of the period beginning July 1, 2014, and ending June 30, 2016, the annual appropriations in section 714.16C, are increased from \$1,125,000 to \$1,875,000, and \$75,000 to \$125,000 respectively.

Sec. \_\_\_\_\_. PERSONNEL SETTLEMENT AGREEMENT PAYMENTS. As a condition made to any appropriation provided in this Act, moneys appropriated and any other moneys available for use by the entity to which the appropriation is made under this Act shall not be used for the payment of a personnel settlement agreement between that entity and a state employee that contains a confidentiality provision intended to prevent public disclosure of the agreement or any terms of the agreement.

Sec. \_\_\_\_\_. EFFECTIVE DATE. The following provision of this division of this Act takes effect January 1, 2015:

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House File 2472

H-8303

1 Amend House File 2472 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. CELL SITING REQUIREMENTS AND  
5 REGULATIONS — INTERIM STUDY.

6 1. The legislative council is requested to  
7 establish an interim study committee relating to cell  
8 siting requirements and regulations. The objective  
9 of the study shall be to examine current cell siting  
10 requirements and regulations adopted by the state,  
11 political subdivisions of the state, and any other  
12 agencies, entities, associations, and organizations  
13 authorized by law to make decisions relative to the  
14 construction, installation, modification, or siting  
15 of wireless communications facilities and structures,  
16 and determine and analyze issues associated with those  
17 regulations including but not limited to uniformity,  
18 approval and denial rates, application delays and  
19 requests for application modification, application fee  
20 levels, siting of wireless communications facilities  
21 and structures in rural areas of the state consisting  
22 primarily of cropland, and requirements and regulations  
23 relating to wireless communications facility or  
24 structure placement.

25 2. The committee shall be composed of eight members  
26 of the general assembly. Four members shall be members  
27 of the senate, two of whom shall be appointed by  
28 the majority leader of the senate, and two of whom  
29 shall be appointed by the minority leader of the  
30 senate. Four members shall be members of the house of  
31 representatives, two of whom shall be appointed by the  
32 speaker of the house of representatives, and two of  
33 whom shall be appointed by the minority leader of the  
34 house of representatives. The interim study committee  
35 shall be scheduled for two meeting days.

36 3. The committee shall submit recommendations for  
37 modifications to existing requirements and regulations,  
38 implementation of new requirements and regulations,  
39 and the achievement of increased uniformity in such  
40 requirements and regulations, in a report to the  
41 general assembly by January 1, 2015.>

42 2. Title page, by striking lines 1 through 4 and  
43 inserting <An Act relating to the study of cell siting  
44 requirements and regulations.>

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House File 2472

H-8304

1 Amend House File 2472 as follows:  
 2 1. By striking everything after the enacting clause  
 3 and inserting:  
 4 <Section 1. BROADBAND EXPANSION AND RETENTION —  
 5 INTERIM STUDY.  
 6 1. The legislative council is requested to  
 7 establish an interim study committee relating to the  
 8 expansion and retention of broadband and broadband  
 9 infrastructure in targeted underserved areas of  
 10 the state. Aspects of the study shall include but  
 11 are not limited to reviewing broadband availability  
 12 maps or data sources and identifying and evaluating  
 13 financial and tax-related incentives to encourage and  
 14 facilitate broadband infrastructure installation.  
 15 The committee shall obtain input from a variety of  
 16 stakeholders including but not limited to urban and  
 17 rural communications services providers, businesses  
 18 and residents located in or doing business in targeted  
 19 underserved service areas, federations or organizations  
 20 primarily focused on rural Iowa, school districts, and  
 21 state, county, or municipal governing bodies, boards,  
 22 agencies, offices, and commissions.  
 23 2. The committee shall be composed of eight members  
 24 of the general assembly. Four members shall be members  
 25 of the senate, two of whom shall be appointed by  
 26 the majority leader of the senate, and two of whom  
 27 shall be appointed by the minority leader of the  
 28 senate. Four members shall be members of the house of  
 29 representatives, two of whom shall be appointed by the  
 30 speaker of the house of representatives, and two of  
 31 whom shall be appointed by the minority leader of the  
 32 house of representatives. The interim study committee  
 33 shall be scheduled for two meeting days.  
 34 3. The committee shall issue a report to the  
 35 general assembly containing its findings and  
 36 recommendations by January 1, 2015.  
 37 4. For the purposes of this section, unless the  
 38 context otherwise requires:  
 39 a. "Broadband" means a high-speed, high-capacity  
 40 electronic transmission medium that can carry data  
 41 signals from multiple independent network sources by  
 42 establishing different bandwidth channels and that  
 43 is commonly used to deliver internet services to the  
 44 public.  
 45 b. "Broadband infrastructure" means the physical  
 46 infrastructure used for the transmission of data  
 47 via broadband, including but not limited to any  
 48 equipment, systems, switches, routers, wire, cable,  
 49 satellite, conduits, servers, software, technology,  
 50 base transceiver station sites, or other means

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1 of transmission or communication. "Broadband  
2 infrastructure" does not include land, buildings,  
3 structures, improvements, or equipment not directly  
4 used in the transmission of data.  
5 c. "Targeted underserved service area" means  
6 a United States census bureau census block located  
7 in this state, including any crop operation located  
8 within the census block, within which no communications  
9 service provider offers or facilitates broadband  
10 service at or above twenty-five megabits per second of  
11 download speed and three megabits per second of upload  
12 speed.>  
13 2. Title page, by striking lines 1 through 4 and  
14 inserting <An Act providing for the establishment of  
15 a broadband expansion and retention interim study  
16 committee.>

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House File 2472

H-8305

1 Amend House File 2472 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <DIVISION I

5 LEGISLATIVE INTENT

6 Section 1. SHORT TITLE. This Act shall be known  
7 and may be cited as the "Statewide Broadband Expansion  
8 Act".

9 Sec. 2. LEGISLATIVE INTENT. The general assembly  
10 finds that the availability of broadband access,  
11 and the infrastructure necessary to facilitate that  
12 access, varies to a significant extent from one area  
13 of the state to another, and that increasing access  
14 to broadband throughout the state is vital so that  
15 every citizen, business entity or organization, and  
16 community in this state can be afforded the opportunity  
17 to fully integrate with and utilize modern technology  
18 for educational, economic development and job training,  
19 health care, and other purposes.

20 DIVISION II  
21 STATEWIDE BROADBAND COORDINATION

22 Sec. 3. Section 8B.1, Code 2014, is amended by  
23 adding the following new subsections:

24 NEW SUBSECTION. 01. "Broadband" means a  
25 high-speed, high-capacity electronic transmission  
26 medium that can carry data signals from multiple  
27 independent network sources by establishing different  
28 bandwidth channels and that is commonly used to deliver  
29 internet services to the public.

30 NEW SUBSECTION. 001. "Broadband infrastructure"  
31 means the physical infrastructure used for the  
32 transmission of data via broadband, including but not  
33 limited to any equipment, systems, switches, routers,  
34 wire, cable, satellite, conduits, servers, software,  
35 technology, base transceiver station sites, or other  
36 means of transmission or communication. "Broadband  
37 infrastructure" does not include land, buildings,  
38 structures, improvements, or equipment not directly  
39 used in the transmission of data.

40 NEW SUBSECTION. 0001. "Communications service  
41 provider" means a service provider that provides  
42 broadband service.

43 NEW SUBSECTION. 00001. "Crop operation" means the  
44 same as defined in section 717A.1.

45 Sec. 4. Section 8B.1, subsection 1, Code 2014, is  
46 amended to read as follows:

47 1. "Information technology" means computing and  
48 electronics applications used to process and distribute  
49 information in digital and other forms and includes  
50 information technology devices, information technology

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1 services, infrastructure services, broadband and  
2 broadband infrastructure, and value-added services.  
3 Sec. 5. Section 8B.1, Code 2014, is amended by  
4 adding the following new subsections:  
5 NEW SUBSECTION. 7A. "Targeted underserved service  
6 area" means a United States census bureau census  
7 block located in this state, including any crop  
8 operation located within the census block, within  
9 which communications service providers do not offer or  
10 facilitate broadband service at or above twenty-five  
11 megabits per second of download speed or three megabits  
12 per second of upload speed. This definition may be  
13 adjusted by the office by rule pursuant to section  
14 8B.10.  
15 NEW SUBSECTION. 7B. "Targeted unserved service  
16 area" means a United States census bureau census  
17 block located in this state, including any crop  
18 operation located within the census block, within  
19 which communications service providers do not offer or  
20 facilitate broadband service at or above four megabits  
21 per second of download speed or one megabit per second  
22 of upload speed. This definition may be adjusted by  
23 the office by rule pursuant to section 8B.10.  
24 Sec. 6. Section 8B.3, subsection 1, Code 2014, is  
25 amended to read as follows:  
26 1. The office is created for the purpose of  
27 leading, directing, managing, coordinating, and  
28 providing accountability for the information technology  
29 resources of state government and for coordinating  
30 statewide broadband availability and access.  
31 Sec. 7. Section 8B.4, Code 2014, is amended by  
32 adding the following new subsection:  
33 NEW SUBSECTION. 14A. Streamline, consolidate,  
34 and coordinate the access to and availability of  
35 broadband and broadband infrastructure throughout  
36 the state, including but not limited to the  
37 facilitation of public-private partnerships, ensuring  
38 that all state agencies' broadband and broadband  
39 infrastructure policies and procedures are aligned,  
40 promoting accountability regarding broadband and  
41 broadband infrastructure availability and access,  
42 integrating broadband with cyber security standards  
43 and rules, resolving issues which arise with regard  
44 to implementation efforts, collecting data and  
45 developing metrics or standards against which the data  
46 may be measured and evaluated regarding broadband  
47 infrastructure installation and deployment, and  
48 identifying options regarding the creation of standing  
49 resources for stakeholders such as a fiberoptic  
50 database or a fiberoptic network conduit installation



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1 coordination effort for state-funded construction  
 2 projects.

3 Sec. 8. Section 8B.9, Code 2014, is amended by  
 4 adding the following new subsection:

5 NEW SUBSECTION. 5. An annual report regarding the  
 6 status of broadband expansion and coordination.

7 Sec. 9. NEW SECTION. **8B.10 Targeted unserved and**  
 8 **underserved service areas — determination — criteria**  
 9 **— subdivision.**

10 1. The office may periodically adjust the  
 11 definitions of targeted unserved service area and  
 12 targeted underserved service area contained in  
 13 section 8B.1 by rule. The determination of whether a  
 14 communications service provider offers or facilitates  
 15 broadband service meeting the download or upload speeds  
 16 specified in such definitions shall be determined or  
 17 ascertained by reference to broadband availability maps  
 18 or data sources that are widely accepted for accuracy  
 19 and available for public review and comment and that  
 20 are identified by the office by rule.

21 2. The office shall establish procedures to allow  
 22 challenges to claims that an area meets the definition  
 23 of a targeted unserved service area or targeted  
 24 underserved service area.

25 3. Service areas that have more than one  
 26 communications service provider shall be subdivided  
 27 based on incumbent local telephone exchange areas  
 28 that have been established by the utilities board of  
 29 the utilities division of the department of commerce  
 30 pursuant to section 476.29.

31 Sec. 10. Section 8D.3, subsection 2, paragraph a,  
 32 Code 2014, is amended to read as follows:

33 a. The commission is composed of the chief  
 34 information officer appointed pursuant to section 8B.2  
 35 or the chief information officer's designee and five  
 36 other members who shall be appointed by the governor  
 37 and subject to confirmation by the senate. ~~Members~~  
 38 Appointed members of the commission shall not serve in  
 39 any manner or be employed by an authorized user of the  
 40 network or by an entity seeking to do or doing business  
 41 with the network.

42 (1) The governor shall appoint a member as the  
 43 chairperson of the commission from the five members  
 44 appointed by the governor, subject to confirmation by  
 45 the senate.

46 (2) ~~Members~~ Appointed members of the commission  
 47 shall serve six-year staggered terms as designated by  
 48 the governor and appointments to the commission are  
 49 subject to the requirements of sections 69.16, 69.16A,  
 50 and 69.19. Vacancies shall be filled by the governor



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1 for the duration of the unexpired term.

2 (3) The salary of the appointed members of the  
3 commission shall be twelve thousand dollars per year,  
4 except that the salary of the chairperson shall be  
5 seventeen thousand dollars per year. Members Appointed  
6 members of the commission shall also be reimbursed  
7 for all actual and necessary expenses incurred in the  
8 performance of duties as members. The benefits and  
9 salary paid to the appointed members of the commission  
10 shall be adjusted annually equal to the average of the  
11 annual pay adjustments, expense reimbursements, and  
12 related benefits provided under collective bargaining  
13 agreements negotiated pursuant to chapter 20.

14 Sec. 11. Section 8D.3, subsection 2, paragraph b,  
15 Code 2014, is amended to read as follows:

16 ~~b. In addition to the members appointed by the~~  
17 ~~governor, the~~ The auditor of state or the auditor's  
18 designee shall serve as a nonvoting, ex officio member  
19 of the commission.

20 Sec. 12. Section 8D.4, Code 2014, is amended to  
21 read as follows:

22 **8D.4 Executive director appointed.**

23 The commission, in consultation with the director  
24 of the department of administrative services ~~and the~~  
25 ~~chief information officer~~, shall appoint an executive  
26 director of the commission, subject to confirmation  
27 by the senate. Such individual shall not serve as a  
28 member of the commission. The executive director shall  
29 serve at the pleasure of the commission. The executive  
30 director shall be selected primarily for administrative  
31 ability and knowledge in the field, without regard to  
32 political affiliation. The governor shall establish  
33 the salary of the executive director within range nine  
34 as established by the general assembly. The salary  
35 and support of the executive director shall be paid  
36 from funds deposited in the Iowa communications network  
37 fund.

38 Sec. 13. Section 80.28, subsection 2, Code 2014, is  
39 amended to read as follows:

40 2. The board shall consist of ~~fifteen~~ seventeen  
41 voting members, as follows:

42 *a.* The following members representing state  
43 agencies:

44 (1) One member representing the department of  
45 public safety.

46 (2) One member representing the state department of  
47 transportation.

48 (3) One member representing the department of  
49 homeland security and emergency management.

50 (4) One member representing the department of



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1 corrections.

2 (5) One member representing the department of  
3 natural resources.

4 (6) One member representing the Iowa department of  
5 public health.

6 (7) One member representing the office of the chief  
7 information officer.

8 *b.* The governor shall solicit and consider  
9 recommendations from professional or volunteer  
10 organizations in appointing the following members:

11 (1) Two members who are representatives from  
12 municipal police departments.

13 (2) Two members who are representatives of  
14 sheriff's offices.

15 (3) Two members who are representatives from fire  
16 departments. One of the members shall be a volunteer  
17 fire fighter and the other member shall be a paid fire  
18 fighter.

19 (4) Two members who are law communication center  
20 managers employed by state or local government  
21 agencies.

22 (05) One member who is an emergency medical care  
23 provider as defined in section 147A.1.

24 (5) One at-large member.

DIVISION III  
INCOME TAX INCENTIVES

27 Sec. 14. **NEW SECTION. 422.11C Broadband**  
28 **infrastructure tax credit.**

29 1. For purposes of this section, "*broadband*  
30 *infrastructure*", "*communications service provider*",  
31 "*targeted unserved service area*", and "*targeted*  
32 *underserved service area*" mean the same as defined in  
33 section 8B.1.

34 2. The taxes imposed under this division, less the  
35 credits allowed under section 422.12, shall be reduced  
36 by a broadband infrastructure tax credit equal to seven  
37 percent of the amount expended by a communications  
38 service provider for a new installation of broadband  
39 infrastructure completed on or after July 1, 2014, with  
40 such reduction not to exceed a maximum of two hundred  
41 fifty thousand dollars per United States census bureau  
42 census block or three million dollars per installation.  
43 A taxpayer claiming a credit under this section shall  
44 certify prior to commencement of the installation  
45 that the broadband infrastructure installation will  
46 take place within a targeted unserved service area or  
47 a targeted underserved service area. Any credit in  
48 excess of the tax liability for the tax year shall not  
49 be refunded, but may be credited to the tax liability  
50 for the following ten tax years or until depleted,



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1 whichever is earlier.

2 3. An individual may claim the tax credit allowed a  
3 partnership, limited liability company, S corporation,  
4 estate, or trust electing to have the income taxed  
5 directly to the individual. The amount claimed by the  
6 individual shall be based upon the pro rata share of  
7 the individual's earnings of a partnership, limited  
8 liability company, S corporation, estate, or trust.

9 4. The director of revenue may adopt rules pursuant  
10 to chapter 17A for the interpretation and proper  
11 administration of the credit provided in this section.

12 Sec. 15. Section 422.33, Code 2014, is amended by  
13 adding the following new subsection:

14 NEW SUBSECTION. 31. The taxes imposed under this  
15 division shall be reduced by a broadband infrastructure  
16 tax credit allowed under section 422.11C.

17 Sec. 16. RETROACTIVE APPLICABILITY. This division  
18 of this Act applies retroactively to January 1, 2014,  
19 for tax years beginning on or after that date.

20 DIVISION IV

21 PROPERTY TAX INCENTIVES

22 Sec. 17. Section 427.1, Code 2014, is amended by  
23 adding the following new subsection:

24 NEW SUBSECTION. 40. *Broadband infrastructure.*

25 *a.* Broadband infrastructure shall be entitled  
26 to an exemption from taxation to the extent provided  
27 in this section based upon the actual value added  
28 by broadband infrastructure that is newly installed  
29 and completed. For the purposes of this subsection,  
30 "broadband infrastructure", "targeted unserved service  
31 area", and "targeted underserved service area" mean the  
32 same as defined in section 8B.1.

33 *b.* The exemption shall apply to the new  
34 installation of broadband infrastructure completed on  
35 or after July 1, 2014, in a targeted unserved service  
36 area or a targeted underserved service area. A person  
37 claiming an exemption under this subsection shall  
38 certify prior to commencement of the installation  
39 that the broadband installation will take place  
40 within a targeted unserved service area or a targeted  
41 underserved service area.

42 *c.* If the broadband infrastructure is assessed with  
43 other property as a unit by the department of revenue  
44 pursuant to sections 428.24 through 428.29 or chapter  
45 433, this exemption shall be limited to the value added  
46 by the broadband infrastructure as determined as of  
47 the assessment date and the exemption shall be applied  
48 prior to any other exemption applicable to the unit  
49 value.

50 *d.* The tax exemption shall be a one hundred percent

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rn/nh

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1 exemption from taxation on the actual value added by  
2 the improvements for a period of ten years.  
3 e. (1) A person may submit a proposal to the  
4 governing body of the city or county within which  
5 a broadband infrastructure installation project is  
6 proposed to receive prior approval for eligibility  
7 for a tax exemption for the project pursuant to this  
8 section. The governing body shall, by resolution, give  
9 its prior approval if the project is in conformance  
10 with the requirements of this subsection. Such prior  
11 approval shall not entitle the owner to exemption from  
12 taxation until the improvements have been completed  
13 and found to be qualified real estate. However, if  
14 the proposal is not approved, the person may submit an  
15 amended proposal for the governing body to approve or  
16 reject.  
17 (2) The application for an exemption shall be filed  
18 by the owner of the property with the governing body  
19 of the city or county in which the property is located  
20 by February 1 of the assessment year for which the  
21 exemption is first claimed, but not later than the  
22 year in which the value added pursuant to the project  
23 is first assessed for taxation, or the following  
24 two assessment years, in which case the exemption is  
25 allowed for the total number of years in the exemption  
26 schedule. However, upon the request of the owner at  
27 any time, the governing body of the city or county  
28 may provide by resolution that the owner may file an  
29 application by February 1 of any other assessment  
30 year selected by the governing body in which case the  
31 exemption is allowed for the number of years remaining  
32 in the exemption schedule selected. The application  
33 shall contain but not be limited to the following  
34 information:  
35 (a) The nature of the improvement.  
36 (b) The estimated cost of the improvement.  
37 (c) The estimated or actual date of project  
38 completion.  
39 (d) Certification that the installation was  
40 completed in a targeted unserved service area or a  
41 targeted underserved service area.  
42 (3) The governing body of the city or county shall  
43 forward for review all approved applications to the  
44 appropriate local assessor by March 1 annually. The  
45 assessor shall proceed to determine the actual value  
46 of the newly installed broadband infrastructure and  
47 shall certify the valuation determined to the county  
48 auditor at the time of transmitting the assessment  
49 rolls. After the tax exemption is granted, the local  
50 assessor shall continue to grant the tax exemption

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1 for the remainder of the time period in the exemption  
 2 schedule, and applications for exemption for succeeding  
 3 years shall not be required.

4 *f.* The director of revenue may adopt rules pursuant  
 5 to chapter 17A for the interpretation and proper  
 6 administration of the exemption provided in this  
 7 subsection.

8 DIVISION V

9 SCHOOL INFORMATION TECHNOLOGY INFRASTRUCTURE

10 Sec. 18. Section 423F.3, subsection 6, Code 2014,  
 11 is amended to read as follows:

12 6. *a.* For purposes of this chapter, "*school*  
 13 *infrastructure*" means those activities authorized in  
 14 section 423E.1, subsection 3, Code 2007.

15 *b.* Additionally, "*school infrastructure*" includes  
 16 the payment or retirement of outstanding bonds  
 17 previously issued for school infrastructure purposes  
 18 as defined in this subsection, and the payment or  
 19 retirement of bonds issued under sections 423E.5 and  
 20 423F.4.

21 *c.* Additionally, "*school infrastructure*" includes  
 22 the acquisition or installation of information  
 23 technology infrastructure. "Information technology  
 24 infrastructure" means the basic, underlying physical  
 25 framework or system necessary to deliver technology  
 26 connectivity to a school district and to network school  
 27 buildings within a school district.

28 ~~*c.*~~ *d.* A school district that uses secure an  
 29 advanced vision for education fund moneys for school  
 30 infrastructure shall comply with the state building  
 31 code in the absence of a local building code.

32 DIVISION VI

33 STEM INTERNSHIPS

34 Sec. 19. Section 15.411, subsection 3, Code 2014,  
 35 is amended to read as follows:

36 3. *a.* The authority shall establish and administer  
 37 an innovative businesses internship program with two  
 38 components for Iowa students. For purposes of this  
 39 subsection, "Iowa student" means a student of an Iowa  
 40 community college, private college, or institution of  
 41 higher learning under the control of the state board of  
 42 regents, or a student who graduated from high school in  
 43 Iowa but now attends an institution of higher learning  
 44 outside the state of Iowa.

45 *b.* The purpose of the first component of the  
 46 program is to link Iowa students to small and medium  
 47 sized Iowa firms through internship opportunities. An  
 48 Iowa employer may receive financial assistance in an  
 49 amount of one dollar for every two dollars paid by  
 50 the employer to an intern. The amount of financial

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1 assistance shall not exceed three thousand one hundred  
 2 dollars for any single internship, or nine thousand  
 3 three hundred dollars for any single employer. In  
 4 order to be eligible to receive financial assistance  
 5 under this ~~subsection~~ paragraph, the employer must  
 6 have five hundred or fewer employees and must be an  
 7 innovative business. The authority shall encourage  
 8 youth who reside in economically distressed areas,  
 9 youth adjudicated to have committed a delinquent  
 10 act, and youth transitioning out of foster care to  
 11 participate in the first component of the internship  
 12 program.

13 c. (1) The purpose of the second component of the  
 14 program is to assist in placing Iowa students studying  
 15 in the fields of science, technology, engineering, and  
 16 mathematics into internships that lead to permanent  
 17 positions with Iowa employers. The authority shall  
 18 collaborate with eligible employers, including but not  
 19 limited to innovative businesses, to ensure that the  
 20 interns hired are studying in such fields. An Iowa  
 21 employer may receive financial assistance in an amount  
 22 of one dollar for every dollar paid by the employer to  
 23 an intern. The amount of financial assistance shall  
 24 not exceed five thousand dollars per internship. The  
 25 authority may adopt rules to administer this component.

26 (2) The requirement to administer this component of  
 27 the internship program is contingent upon the provision  
 28 of funding for such purposes by the general assembly.>

29 2. Title page, by striking lines 1 through 4  
 30 and inserting <An Act providing for the expansion  
 31 of the availability of broadband access across the  
 32 state, including income tax credits and property tax  
 33 exemptions for broadband infrastructure installations,  
 34 and including retroactive applicability provisions.>

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PRICHARD of Floyd



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Senate File 2340

H-8306

- 1 Amend Senate File 2340, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 3, by striking ~~<Fifty Sixty>~~ and
- 4 inserting <Fifty>
- 5 2. Page 1, line 5, by striking <25D> and inserting
- 6 ~~<25D~~ 25D(a)(1) and section 25D(a)(2)>
- 7 3. Page 1, line 6, by striking ~~<three five>~~ and
- 8 inserting <three>
- 9 4. Page 1, line 7, by striking ~~<Fifty Sixty>~~ and
- 10 inserting <Fifty>
- 11 5. Page 1, line 8, by striking <48> and inserting
- 12 ~~<48~~ 48(a)(2)(A)(i)(II) and section 48(a)(2)(A)(i)(III)>
- 13 6. Page 1, line 9, by striking ~~<fifteen twenty>~~ and
- 14 inserting <fifteen>
- 15 7. Page 1, by striking line 27 and inserting
- 16 ~~<three million five hundred thousand dollars. Of this~~
- 17 ~~amount,>~~
- 18 8. Page 2, after line 6 by inserting:
- 19 ~~<Sec. \_\_\_\_.~~ Section 422.33, subsection 29, paragraph
- 20 a, Code 2014, is amended to read as follows:
- 21 a. The taxes imposed under this division shall
- 22 be reduced by a solar energy system tax credit
- 23 equal to fifty percent of the federal energy credit
- 24 related to solar energy systems provided in section
- 25 ~~48~~ 48(a)(2)(A)(i)(II) and section 48(a)(2)(A)(i)(III)
- 26 of the Internal Revenue Code, not to exceed fifteen
- 27 thousand dollars.
- 28 Sec. \_\_\_\_ . Section 422.60, subsection 12, paragraph
- 29 a, as enacted by 2014 Iowa Acts, House File 2438,
- 30 section 27, is amended to read as follows:
- 31 a. The taxes imposed under this division shall
- 32 be reduced by a solar energy system tax credit
- 33 equal to fifty percent of the federal energy credit
- 34 related to solar energy systems provided in section
- 35 ~~48~~ 48(a)(2)(A)(i)(II) and section 48(a)(2)(A)(i)(III)
- 36 of the Internal Revenue Code, not to exceed fifteen
- 37 thousand dollars.>
- 38 9. By renumbering as necessary.

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FORRISTALL of Pottawattamie



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Senate File 2318

H-8307

1 Amend Senate File 2318, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking everything after the enacting clause  
 4 and inserting:  
 5 <Section 1. Section 256.7, Code 2014, is amended by  
 6 adding the following new subsection:  
 7 NEW SUBSECTION. 33. Adopt rules incorporating the  
 8 training required by section 272.2, subsection 19, into  
 9 the standards for school district or attendance center  
 10 teacher professional development plans in accordance  
 11 with section 284.6 and school district or attendance  
 12 center administrator professional development plans in  
 13 accordance with section 284A.6.  
 14 Sec. 2. Section 272.2, Code 2014, is amended by  
 15 adding the following new subsection:  
 16 NEW SUBSECTION. 19. *a.* Adopt rules requiring  
 17 all teachers who have regular and substantial contact  
 18 with students to complete training on harassment and  
 19 bullying prevention and response as part of their  
 20 professional development and training plans.  
 21 *b.* Adopt rules requiring all individuals applying  
 22 for or renewing a license, certificate, authorization,  
 23 or statement of recognition issued by the board who  
 24 are responsible for conducting investigations of  
 25 complaints of incidents of harassment or bullying to  
 26 complete training on the provisions of section 280.28,  
 27 conducting impartial investigations with transparency,  
 28 collecting evidence, following up on previous  
 29 investigations, and reporting founded and unfounded  
 30 incidents of harassment and bullying to the department.  
 31 *c.* Adopt rules requiring all individuals applying  
 32 for or renewing an administrator license to complete  
 33 training on implementation of school-wide policies and  
 34 procedures for harassment and bullying identification,  
 35 reporting, response, and prevention.  
 36 Sec. 3. Section 280.28, subsection 2, paragraph a,  
 37 Code 2014, is amended to read as follows:  
 38 *a.* "Electronic" means any communication involving  
 39 the transmission of information by wire, radio,  
 40 optical cable, electromagnetic, or other similar  
 41 means. "Electronic" includes but is not limited to  
 42 communication via electronic mail, internet-based  
 43 communications including social networking sites  
 44 and applications, pager service, cell phones, and  
 45 electronic text messaging, or any other electronic  
 46 communication site, device, or means.  
 47 Sec. 4. Section 280.28, subsection 5, Code 2014, is  
 48 amended to read as follows:  
 49 5. *Immunity.*  
 50 *a.* A school employee, volunteer, or student, or a

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1 student's parent or guardian who promptly, reasonably,  
 2 and in good faith reports an incident of harassment  
 3 or bullying, in compliance with the procedures in  
 4 the policy adopted pursuant to this section, to the  
 5 appropriate school official designated by the school  
 6 district or accredited nonpublic school, shall be  
 7 immune from civil or criminal liability relating to  
 8 such report and to participation in any administrative  
 9 or judicial proceeding resulting from or relating to  
 10 the report.

11 b. A school district, school, or employee thereof  
 12 who reasonably and in good faith follows notification  
 13 procedures established as provided in subsection  
 14 9 shall be immune from civil or criminal liability  
 15 relating to such notification procedures and to  
 16 participation in any administrative or judicial  
 17 proceeding resulting from or relating to such  
 18 notification procedures.

19 Sec. 5. Section 280.28, Code 2014, is amended by  
 20 adding the following new subsection:

21 **NEW SUBSECTION. 9. Parental notification.**

22 *a.* Each school district and accredited nonpublic  
 23 school shall establish notification procedures for  
 24 incidents of harassment or bullying in accordance  
 25 with this subsection. The procedures shall include  
 26 notification of the custodial parent or guardian of any  
 27 student directly involved in any incident of harassment  
 28 or bullying, upon investigation and determination that  
 29 harassment or bullying has occurred, consistent with a  
 30 notification plan made in consultation with the student  
 31 and school guidance staff. The notification shall  
 32 include information on the action that school officials  
 33 have taken regarding the incident and the actions  
 34 school officials will take to prevent further acts  
 35 of harassment or bullying. If such notification is  
 36 delayed, the school district or school shall document  
 37 the reasons for the delay. This paragraph does not  
 38 prohibit a school official from contacting a parent  
 39 or guardian about a report of harassment or bullying  
 40 prior to a determination that harassment or bullying  
 41 has occurred.

42 *b.* The requirements of this subsection shall  
 43 not apply if a school official reasonably believes  
 44 notification would subject a student to abuse, neglect,  
 45 or other physical or mental harm.

46 *c.* Notification pursuant to this subsection  
 47 shall comply with state and federal privacy laws,  
 48 regulations, and rules.>

49 2. Title page, by striking lines 2 through 6 and  
 50 inserting <antibullying policies and providing for



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1 training on harassment and bullying prevention and  
2 response.>

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COMMITTEE ON APPROPRIATIONS  
SODERBERG of Plymouth, Chairperson



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Senate File 2318

H-8308

1 Amend the amendment, H-8307, to Senate File 2318,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. By striking page 1, line 1, through page 3, line  
5 2, and inserting:  
6 <Amend Senate File 2318, as amended, passed, and  
7 reprinted by the Senate, as follows:  
8 \_\_\_\_\_. By striking everything after the enacting  
9 clause and inserting:  
10 <Section 1. Section 256.7, Code 2014, is amended by  
11 adding the following new subsection:  
12 NEW SUBSECTION. 33. Adopt rules incorporating the  
13 training required by section 272.2, subsection 19, into  
14 the standards for school district or attendance center  
15 teacher professional development plans in accordance  
16 with section 284.6 and school district or attendance  
17 center administrator professional development plans in  
18 accordance with section 284A.6.  
19 Sec. 2. Section 272.2, Code 2014, is amended by  
20 adding the following new subsection:  
21 NEW SUBSECTION. 19. *a.* Adopt rules requiring  
22 all teachers who have regular and substantial contact  
23 with students to complete training on harassment and  
24 bullying prevention and response as part of their  
25 professional development and training plans, to the  
26 extent such training is made available by the state  
27 of Iowa at no charge to trainees, schools, or school  
28 districts.  
29 *b.* Adopt rules requiring all individuals applying  
30 for or renewing a license, certificate, authorization,  
31 or statement of recognition issued by the board who  
32 are responsible for conducting investigations of  
33 complaints of incidents of harassment or bullying to  
34 complete training on the provisions of section 280.28;  
35 conducting impartial investigations with transparency;  
36 collecting evidence; following up on previous  
37 investigations; and reporting founded and unfounded  
38 incidents of harassment and bullying to the department;  
39 to the extent such training is made available by the  
40 state of Iowa at no charge to trainees, schools, or  
41 school districts.  
42 *c.* Adopt rules requiring all individuals applying  
43 for or renewing an administrator license to complete  
44 training on implementation of school-wide policies and  
45 procedures for harassment and bullying identification,  
46 reporting, response, and prevention, to the extent such  
47 training is made available by the state of Iowa at no  
48 charge to trainees, schools, or school districts.  
49 Sec. 3. Section 280.28, subsection 2, paragraph a,  
50 Code 2014, is amended to read as follows:

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1     *a. "Electronic" means any communication involving*  
2 *the transmission of information by wire, radio,*  
3 *optical cable, electromagnetic, or other similar*  
4 *means. "Electronic" includes but is not limited to*  
5 *communication via electronic mail, internet-based*  
6 *communications including social networking sites*  
7 *and applications, pager service, cell phones, and*  
8 *electronic text messaging, or any other electronic*  
9 *communication site, device, or means.*

10     Sec. 4. Section 280.28, subsection 5, Code 2014, is  
11 amended to read as follows:

12     5. *Immunity.*

13     *a. A school employee, volunteer, or student, or a*  
14 *student's parent or guardian who promptly, reasonably,*  
15 *and in good faith reports an incident of harassment*  
16 *or bullying, in compliance with the procedures in*  
17 *the policy adopted pursuant to this section, to the*  
18 *appropriate school official designated by the school*  
19 *district or accredited nonpublic school, shall be*  
20 *immune from civil or criminal liability relating to*  
21 *such report and to participation in any administrative*  
22 *or judicial proceeding resulting from or relating to*  
23 *the report.*

24     *b. A school district, school, or employee thereof*  
25 *who reasonably and in good faith follows notification*  
26 *procedures established as provided in subsection*  
27 *9 shall be immune from civil or criminal liability*  
28 *relating to such notification procedures and to*  
29 *participation in any administrative or judicial*  
30 *proceeding resulting from or relating to such*  
31 *notification procedures.*

32     Sec. 5. Section 280.28, Code 2014, is amended by  
33 adding the following new subsection:

34     NEW SUBSECTION. 9. *Parental notification.*

35     *a. Each school district and accredited nonpublic*  
36 *school shall establish notification procedures for*  
37 *incidents of harassment or bullying in accordance*  
38 *with this subsection. The procedures shall include*  
39 *notification of the custodial parent or guardian of any*  
40 *student directly involved in any incident of harassment*  
41 *or bullying, upon investigation and determination that*  
42 *harassment or bullying has occurred, consistent with a*  
43 *notification plan made in consultation with the student*  
44 *and school guidance staff. The notification shall*  
45 *include information on the action that school officials*  
46 *have taken regarding the incident and the actions*  
47 *school officials will take to prevent further acts*  
48 *of harassment or bullying. If such notification is*  
49 *delayed, the school district or school shall document*  
50 *the reasons for the delay. This paragraph does not*

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1 prohibit a school official from contacting a parent  
 2 or guardian about a report of harassment or bullying  
 3 prior to a determination that harassment or bullying  
 4 has occurred.

5     *b.* The requirements of this subsection shall  
 6 not apply if a school official reasonably believes  
 7 notification would subject a student to abuse, neglect,  
 8 or other physical or mental harm.

9     *c.* Notification pursuant to this subsection  
 10 shall comply with state and federal privacy laws,  
 11 regulations, and rules.

12     Sec. 6. Section 282.18, subsection 11, Code 2014,  
 13 is amended to read as follows:

14     11. A pupil who participates in open enrollment  
 15 for purposes of attending a grade in grades nine  
 16 through twelve in a school district other than the  
 17 district of residence is ineligible to participate  
 18 in varsity interscholastic athletic contests and  
 19 athletic competitions during the pupil's first ninety  
 20 school days of enrollment in the district except that  
 21 the pupil may participate immediately in a varsity  
 22 interscholastic sport if the pupil is entering grade  
 23 nine for the first time and did not participate in  
 24 an interscholastic athletic competition for another  
 25 school or school district during the summer immediately  
 26 following eighth grade, if the district of residence  
 27 and the other school district jointly participate  
 28 in the sport, if the sport in which the pupil wishes  
 29 to participate is not offered in the district of  
 30 residence, if the pupil chooses to use open enrollment  
 31 to attend school in another school district because  
 32 the district in which the student previously attended  
 33 school was dissolved and merged with one or more  
 34 contiguous school districts under section 256.11,  
 35 subsection 12, if the pupil participates in open  
 36 enrollment because the pupil's district of residence  
 37 has entered into a whole grade sharing agreement  
 38 with another district for the pupil's grade, ~~or~~ if  
 39 the parent or guardian of the pupil participating  
 40 in open enrollment is an active member of the armed  
 41 forces and resides in permanent housing on government  
 42 property provided by a branch of the armed services,  
 43 or if the district of residence determines that the  
 44 pupil was previously subject to a founded incident of  
 45 harassment or bullying as defined in section 280.28  
 46 while attending school in the district of residence.  
 47 A pupil who has paid tuition and attended school, or  
 48 has attended school pursuant to a mutual agreement  
 49 between the two districts, in a district other than  
 50 the pupil's district of residence for at least one



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1 school year is also eligible to participate immediately  
2 in interscholastic athletic contests and athletic  
3 competitions under this section, but only as a member  
4 of a team from the district that pupil had attended.  
5 For purposes of this subsection, "*school days of*  
6 *enrollment*" does not include enrollment in summer  
7 school. For purposes of this subsection, "*varsity*"  
8 means the same as defined in section 256.46.>  
9 \_\_\_\_\_. Title page, by striking lines 2 through 6 and  
10 inserting <antibullying policies and providing for  
11 training on harassment and bullying prevention and  
12 response.>>  
13 2. By renumbering as necessary.

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STANERSON of Linn

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OURTH of Warren



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House File 2472

H-8309

1 Amend House File 2472 as follows:  
2 1. Page 24, by striking lines 14 through 16 and  
3 inserting <equal to fifty percent of the amount paid by  
4 the employer to an intern, not to exceed five thousand  
5 dollars in assistance per intern. The authority may  
6 adopt>

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ISENHART of Dubuque



Iowa General Assembly  
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House File 2472

H-8310

1 Amend House File 2472 as follows:

2 1. Page 8, line 10, by striking <The amount of a  
3 reduction> and inserting <A credit claimed>

4 2. By striking page 13, line 13, through page 23,  
5 line 13.

6 3. By renumbering, redesignating, and correcting  
7 internal references as necessary.

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COWNIE of Polk

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House File 2475 - Introduced

HOUSE FILE 2475  
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 689)

A BILL FOR

1 An Act extending the duration of county mental health and  
2 disabilities services fund per capita levy provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6197HV (1) 85  
jp/rj



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H.F. 2475

1 Section 1. Section 331.424A, subsection 7, unnumbered  
 2 paragraph 1, Code 2014, is amended to read as follows:  
 3 Notwithstanding subsection 5, for the fiscal years beginning  
 4 July 1, 2013, ~~and July 1, 2014,~~ and July 1, 2015, county  
 5 revenues from taxes levied by the county and credited to  
 6 the county services fund shall not exceed the lower of the  
 7 following amounts:

8 Sec. 2. Section 426B.3, subsection 1, Code 2014, is amended  
 9 to read as follows:

10 1. For the fiscal years beginning July 1, 2013, ~~and July 1,~~  
 11 2014, and July 1, 2015, the state and county funding for the  
 12 mental health and disability services administered or paid for  
 13 by counties shall be provided based on a statewide per capita  
 14 expenditure target amount computed in accordance with this  
 15 section and section 331.424A.

16 EXPLANATION

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

19 This bill extends the duration of county mental health and  
 20 disabilities services fund per capita levy provisions.

21 Code section 331.424A, relating to the county mental health  
 22 and disability services funds and levies, is amended. The  
 23 requirement for counties to levy using a \$47.28 base per capita  
 24 amount or the county's base year expenditures, whichever dollar  
 25 amount is less, applies only for FY 2013-2014 and FY 2014-2015.  
 26 The bill extends this requirement through FY 2015-2016.

27 Code section 426B.3, relating to per capita funding for  
 28 county services funds, is amended. The bill extends the  
 29 \$47.28 per capita levy and statewide expenditure target amount  
 30 provisions to continue through FY 2015-2016.



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House File 2476 - Introduced

HOUSE FILE 2476  
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 667)

A BILL FOR

- 1 An Act relating to funding of unified law enforcement
- 2 districts, and including effective date and applicability
- 3 provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5371HV (2) 85  
tm/sc



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H.F. 2476

1 Section 1. Section 28E.23, subsection 1, Code 2014, is  
2 amended to read as follows:

3 1. The public safety commission, on or before January 10  
4 of each year, shall make an estimate of the total amount of  
5 revenue deemed necessary for operation of the district and,  
6 in conjunction with the county board of supervisors and city  
7 councils in the district, determine the amounts which will be  
8 contributed by the county and by each city in the district  
9 from its general fund which are based upon an average of  
10 revenues raised for law enforcement purposes in the county  
11 or city for the three previous years. As an alternative to  
12 computing average revenues raised for law enforcement purposes  
13 for the three previous years, a public safety commission, in  
14 conjunction with the county board of supervisors and city  
15 councils in the district, may calculate the average by using  
16 the amounts budgeted for the three previous fiscal years.  
17 The average of the amounts budgeted for the three previous  
18 fiscal years may be adjusted by a percentage not to exceed the  
19 percentage increase in the consumer price index for all urban  
20 consumers for the last available twelve-month period published  
21 in the federal register by the federal department of labor,  
22 bureau of labor statistics.

23 Sec. 2. Section 28E.23, subsection 2, Code 2014, is amended  
24 by adding the following new paragraph:

25 NEW PARAGRAPH. *c.* Any other method agreed to by each  
26 city and county member of the district. The public safety  
27 commission shall compute the amount of revenue deemed necessary  
28 for the operation of the district and the amounts to be  
29 contributed by the county and by each city in the district  
30 based upon such agreement. The computation of revenue under  
31 this paragraph shall be certified, deposited, and otherwise  
32 treated the same as an average of revenues under section  
33 28E.24 for all purposes, including determining the source  
34 of additional revenues needed for unified law enforcement  
35 services. If the method of funding allowed in this paragraph

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1 is used, any requirement relating to average revenues raised  
2 for law enforcement purposes for the three previous years in  
3 this section, section 28E.22, subsection 4, or section 28E.24,  
4 shall not apply.

5 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
6 immediate importance, takes effect upon enactment.

7 Sec. 4. APPLICABILITY. The following provision or  
8 provisions of this Act apply to fiscal years beginning on or  
9 after July 1, 2014:

10 1. The section of this Act amending section 28E.23,  
11 subsection 1.

12 2. The section of this Act amending section 28E.23,  
13 subsection 2.

14 EXPLANATION

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

17 This bill relates to funding of unified law enforcement  
18 districts.

19 Currently, a district makes an annual determination of  
20 revenue deemed necessary for operation based on an average of  
21 revenues raised for law enforcement purposes by the county and  
22 cities located in the district for the three previous years.  
23 The bill allows an alternative computation of averaging the  
24 budgeted amount for the three previous fiscal years with a  
25 percentage adjustment not to exceed the percentage increase in  
26 the consumer price index for all urban consumers for the most  
27 recently published 12-month period. This provision applies to  
28 budget years beginning on or after July 1, 2014.

29 Currently, a district making its annual determination of  
30 revenue deemed necessary for operation can make the computation  
31 based on one of two methods. The bill adds a third method  
32 that allows the members of the district to devise their own  
33 computation method provided that each city and county member  
34 of the district agrees to the method. If this new method  
35 is selected and approved by the members of the district,

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1 requirements in Code chapter 28E relating to average revenues  
2 raised for law enforcement purposes for the three previous  
3 years do not apply. This provision applies to budget years  
4 beginning on or after July 1, 2014.  
5 The bill takes effect upon enactment.



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House Amendment to  
Senate File 2344

S-5178

- 1 Amend Senate File 2344, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. By striking page 4, line 27, through page 5,  
4 line 14.  
5 2. Page 5, by striking lines 19 and 20 and  
6 inserting <subsection 11D, as applied through section  
7 422.11Y, apply retroactively to tax years>  
8 3. By striking page 5, line 22, through page 7,  
9 line 2.  
10 4. Page 7, line 15, by striking <2020> and  
11 inserting <2018>  
12 5. Title page, line 4, by striking <renewable fuel  
13 tax credits and>  
14 6. By renumbering as necessary.



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Senate File 2361 - Introduced

SENATE FILE 2361  
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 2254)  
(SUCCESSOR TO SF 2166)

A BILL FOR

1 An Act providing for the regulation of commercial  
2 establishments keeping nonagricultural animals, providing  
3 for fees and appropriations, and making penalties  
4 applicable.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 162.1, subsection 1, paragraph c, Code  
 2 2014, is amended to read as follows:

3 c. Provide that all ~~vertebrate~~ animals consigned to pet  
 4 shops are provided humane care and treatment by regulating the  
 5 transportation, sale, purchase, housing, care, handling, and  
 6 treatment of such animals by pet shops.

7 Sec. 2. Section 162.2, subsections 5, 6, 14, 15, 16, 17,  
 8 18, 23, 25, 26, and 27, Code 2014, are amended by striking the  
 9 subsections.

10 Sec. 3. Section 162.2, subsections 3 and 10, Code 2014, are  
 11 amended to read as follows:

12 3. *“Animal shelter”* means a facility which is used to  
 13 receive, rescue, house or contain dogs or cats, or both, and  
 14 transfer animals and which is owned, operated, or maintained by  
 15 an incorporated humane society, animal welfare society, society  
 16 for the prevention of cruelty to animals, or other nonprofit  
 17 organization devoted to the welfare, protection, and humane  
 18 treatment of such animals.

19 10. a. *“Commercial kennel”* means a kennel which performs  
 20 grooming, boarding, or training services for dogs or cats in  
 21 return for a consideration.

22 b. *“Commercial kennel”* does not include a kennel in which  
 23 a dog or cat remains in the custody of the owner of the dog or  
 24 cat.

25 Sec. 4. Section 162.2, Code 2014, is amended by adding the  
 26 following new subsections:

27 NEW SUBSECTION. 2A. *“Animal”* means vertebrate animal other  
 28 than members of the equine, bovine, ovine, and porcine species,  
 29 and ostriches, rheas, emus, and poultry.

30 NEW SUBSECTION. 16A. *“License”* means an authorization to  
 31 operate a commercial establishment as provided in this chapter  
 32 regardless of whether the authorization is also referred to as  
 33 a permit or certificate of registration.

34 NEW SUBSECTION. 16B. *“Licensee”* means an animal shelter,  
 35 boarding kennel, commercial breeder, commercial kennel, dealer,



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1 pet shop, pound, or public auction who must operate pursuant  
 2 to a license issued and renewed by the department pursuant to  
 3 section 162.2A.

4 NEW SUBSECTION. 16C. "Local authority" means the same as  
 5 defined in section 717B.1.

6 Sec. 5. Section 162.2, subsection 19, Code 2014, is amended  
 7 to read as follows:

8 19. "Pet shop" means an establishment where a dog, cat,  
 9 rabbit, rodent, nonhuman primate, fish other than live bait,  
 10 bird, or other vertebrate animal is bought, sold, exchanged,  
 11 or offered for sale. However, a pet shop does not include an  
 12 establishment if one of the following applies:

13 a. The establishment receives less than five hundred dollars  
 14 from the sale or exchange of vertebrate animals during a  
 15 twelve-month period.

16 b. The establishment sells or exchanges less than six  
 17 animals during a twelve-month period.

18 Sec. 6. Section 162.2A, subsections 1, 2, 4, and 5, Code  
 19 2014, are amended to read as follows:

20 1. The department shall provide for the ~~operation of~~  
 21 issuance or renewal of a license to operate a commercial  
 22 establishment by issuing or renewing an authorization,  
 23 ~~including any of the following:~~

24 a. ~~A certificate of registration for a pound, animal~~  
 25 ~~shelter, or research facility.~~

26 b. ~~A state license for a boarding kennel, commercial kennel,~~  
 27 ~~or pet shop.~~

28 c. ~~A state license or permit for a commercial breeder,~~  
 29 ~~dealer, or public auction. A federal licensee must apply for~~  
 30 ~~and be issued either a permit or a state license in lieu of a~~  
 31 ~~permit.~~

32 2. a. A person must be issued a separate license for  
 33 each class of commercial establishment, including for one or  
 34 more animal shelters, boarding kennels, commercial breeders,  
 35 commercial kennels, dealers, pet shops, pounds, public

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1 auctions, or research facilities.

2 b. A person must be issued a ~~separate state license,~~  
3 ~~certificate of registration, or permit for each~~ all commercial  
4 ~~establishment~~ establishments of the same class owned or  
5 operated by the person.

6 4. The ~~authorization~~ license expires on an annual basis  
7 as provided by the department, and must be renewed by the  
8 commercial establishment on an annual basis on or before the  
9 ~~authorization's~~ license's expiration date.

10 5. ~~a.~~ ~~A commercial establishment applying for the issuance~~  
11 ~~or renewal of a permit shall provide the department with proof~~  
12 ~~that the person is a federal licensee.~~

13 ~~b.~~ ~~The department shall not require that it must enter onto~~  
14 ~~the premises of a commercial establishment in order to issue a~~  
15 ~~permit. The department shall not require that it must enter~~  
16 ~~onto the premises of a commercial establishment in order to~~  
17 ~~renew a permit, unless it has reasonable cause to monitor the~~  
18 ~~commercial establishment as provided in section 162.10C. The~~  
19 department may deny an application for the issuance or renewal  
20 of a license, if the department determines that the applicant  
21 is in violation of this chapter or has not demonstrated that  
22 the applicant will comply with the provisions of this chapter.

23 Sec. 7. Section 162.2A, subsection 3, unnumbered paragraph  
24 1, Code 2014, is amended to read as follows:

25 A person must apply for the issuance or renewal of ~~an~~  
26 ~~authorization~~ a license on forms and according to procedures  
27 required by rules adopted by the department. The application  
28 shall contain information required by the department, including  
29 but not limited to all of the following:

30 Sec. 8. Section 162.2A, subsection 3, paragraph c, Code  
31 2014, is amended to read as follows:

32 c. The name, address, and type of establishment covered by  
33 the ~~authorization~~ license.

34 Sec. 9. Section 162.2B, Code 2014, is amended by striking  
35 the section and inserting in lieu thereof the following:

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1     **162.2B Fees.**

2     1. The department shall establish, assess, and collect  
3 fees for issuing or renewing a license as provided in section  
4 162.2A. The fee assessed under this section shall include a  
5 base amount plus any applicable scheduled amount.

6     2. *a.* For an animal shelter, the base amount equals  
7 seventy-five dollars.

8     *b.* An animal shelter shall not be assessed a scheduled  
9 amount.

10    *c.* A single base amount shall be assessed for all locations  
11 owned or operated by the animal shelter.

12    3. *a.* For a pound, the base amount equals seventy-five  
13 dollars.

14    *b.* A pound shall not be assessed a scheduled amount.

15    *c.* A single base amount shall be assessed for all locations  
16 owned or operated by the pound.

17    4. *a.* For a research facility, the base amount equals  
18 seventy-five dollars.

19    *b.* A research facility shall not be assessed a scheduled  
20 amount.

21    *c.* A single base amount shall be assessed for all locations  
22 owned or operated by the research facility.

23    5. *a.* For a commercial breeder whose license is a special  
24 type of license reserved for small breeders, competitive show  
25 breeders, or specialized breeders, the base amount equals one  
26 hundred dollars.

27    *b.* A commercial breeder whose license is reserved as a  
28 special type of license as described in paragraph "a" shall not  
29 be assessed a scheduled amount.

30    *c.* A single base amount shall be assessed for all locations  
31 owned or operated by the commercial breeder whose license is  
32 reserved as a special type of license as described in paragraph  
33 "a".

34    6. *a.* For a commercial breeder whose license is not  
35 reserved as a special type of license as provided in subsection

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1 5, the base amount equals one hundred seventy-five dollars and  
2 the scheduled amount is computed by calculating the number of  
3 dogs and cats kept by the commercial breeder as follows:

4 (1) For not more than fifty dogs and cats, seventy-five  
5 dollars.

6 (2) For more than fifty dogs and cats but not more than  
7 seventy-five dogs and cats, two hundred fifty dollars.

8 (3) For more than seventy-five dogs and cats but not more  
9 than one hundred dogs and cats, eight hundred dollars.

10 (4) For more than one hundred dogs and cats but not more  
11 than two hundred fifty dogs and cats, two thousand five hundred  
12 dollars.

13 (5) For more than two hundred fifty dogs and cats but not  
14 more than four hundred dogs and cats, five thousand dollars.

15 (6) For more than four hundred dogs and cats, seven thousand  
16 five hundred dollars.

17 *b.* A dog or cat is included in the calculation under  
18 paragraph "a" if the dog or cat is recorded as an adult on  
19 hand for breeding during the most recent inspection of the  
20 commercial breeder by the department of agriculture and land  
21 stewardship or the United States department of agriculture.

22 *c.* Notwithstanding paragraph "b", a greyhound dog owned,  
23 kept, bred, or transported by a commercial breeder for  
24 pari-mutuel wagering at a racetrack as provided in chapter 99D  
25 is not included in the calculation. Rather the commercial  
26 breeder shall pay a different fee for the issuance or renewal  
27 of a license as provided in rules adopted by the department.

28 *d.* A base amount shall be assessed for each location owned  
29 or operated by the commercial breeder. The scheduled amount  
30 shall be assessed for the total number of dogs or cats kept at  
31 all locations owned or operated by the commercial breeder.

32 7. *a.* For a pet shop, the base amount equals one hundred  
33 seventy-five dollars and the scheduled amount is computed by  
34 calculating the number of dogs and cats kept by the pet shop as  
35 follows:

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1 (1) For at least one dog or cat but not more than twenty  
2 dogs and cats, one hundred dollars.  
3 (2) For more than twenty dogs and cats but not more than  
4 forty dogs and cats, two hundred fifty dollars.  
5 (3) For more than forty dogs and cats, five hundred dollars.  
6 *b.* A dog or cat is included in the calculation under  
7 paragraph *a* if the dog or cat is recorded as on hand for sale  
8 to the general public during the most recent inspection of the  
9 pet shop by the department.  
10 *c.* A base amount shall be assessed for each location owned  
11 or operated by the pet shop. The scheduled amount shall be  
12 assessed for the total number of dogs or cats kept at all  
13 locations owned or operated by the pet shop.  
14 8. *a.* For a boarding kennel, commercial kennel, or public  
15 auction, the base amount equals one hundred seventy-five  
16 dollars.  
17 *b.* A boarding kennel, commercial kennel, or public auction  
18 shall not be assessed a scheduled amount.  
19 *c.* A single base amount shall be assessed for all locations  
20 owned or operated by the boarding kennel, commercial kennel,  
21 or public auction.  
22 9. *a.* For a dealer, the base amount equals one hundred  
23 dollars.  
24 *b.* A dealer shall not be assessed a scheduled amount.  
25 *c.* A single base amount shall be assessed for all locations  
26 owned or operated by the dealer.  
27 10. The moneys collected by the department under this  
28 section shall be credited to the commercial establishment fund  
29 created in section 162.2C.  
30 11. The fees provided in this section shall be considered  
31 repayment receipts as defined in section 8.2. The general  
32 assembly shall appropriate moneys to the department each fiscal  
33 year necessary for the administration and enforcement of this  
34 chapter.  
35 Sec. 10. Section 162.2C, subsection 3, Code 2014, is amended

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1 An animal shelter shall only operate pursuant to a  
2 ~~certificate of registration~~ license issued or renewed by the  
3 department as provided in section 162.2A. An animal shelter  
4 may sell dogs or cats if sales are allowed by the department.  
5 The animal shelter facility shall maintain records as required  
6 by the department in order for the department to ensure  
7 the animal shelter's compliance with the provisions of this  
8 chapter.

9 Sec. 13. Section 162.4A, Code 2014, is amended to read as  
10 follows:

11 **162.4A Operation of a research facility — ~~certificate of~~**  
12 **~~registration~~ license.**

13 A research facility shall only operate pursuant to a  
14 ~~certificate of registration~~ license issued by the department  
15 as provided in section 162.2A. The research facility shall  
16 maintain records as required by the department in order for  
17 the department to ensure the research facility's compliance  
18 with the provisions of this chapter. A research facility shall  
19 not purchase a dog or cat from a commercial establishment that  
20 does not have a valid authorization license issued or renewed  
21 under this chapter or a similar authorization license issued or  
22 renewed by another state.

23 Sec. 14. Section 162.5, Code 2014, is amended to read as  
24 follows:

25 **162.5 Operation of a pet shop — ~~state~~ license.**

26 A pet shop shall only operate pursuant to a ~~state~~ license  
27 issued or renewed by the department pursuant to section  
28 162.2A. The pet shop shall maintain records as required by the  
29 department in order for the department to ensure the pet shop's  
30 compliance with the provisions of this chapter. A pet shop  
31 shall not purchase a dog or cat from a commercial establishment  
32 that does not have a valid authorization license issued or  
33 renewed under this chapter or a similar authorization license  
34 issued or renewed by another state.

35 Sec. 15. Section 162.5A, Code 2014, is amended to read as

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1 follows:

2 **162.5A Operation of a boarding kennel — ~~state~~ license.**

3 A boarding kennel shall only operate pursuant to a ~~state~~  
4 license issued by the department as provided in section 162.2A.  
5 The boarding kennel shall maintain records as required by  
6 the department in order for the department to ensure the  
7 boarding kennel's compliance with the provisions of this  
8 chapter. A boarding kennel shall not purchase a dog or cat  
9 from a commercial establishment that does not have a valid  
10 ~~authorization~~ license issued or renewed under this chapter or  
11 a similar ~~authorization~~ license issued or renewed by another  
12 state.

13 Sec. 16. Section 162.6, Code 2014, is amended to read as  
14 follows:

15 **162.6 Operation of a commercial kennel — ~~state~~ license.**

16 A commercial kennel shall only operate pursuant to a ~~state~~  
17 license issued or renewed by the department as provided in  
18 section 162.2A. A commercial kennel shall maintain records  
19 as required by the department in order for the department to  
20 ensure the commercial kennel's compliance with the provisions  
21 of this chapter. A commercial kennel shall not purchase a  
22 dog or cat from a commercial establishment that does not have  
23 a valid ~~authorization~~ license issued or renewed under this  
24 chapter or a similar ~~authorization~~ license issued or renewed  
25 by another state.

26 Sec. 17. Section 162.7, Code 2014, is amended to read as  
27 follows:

28 **162.7 Operation of a dealer — ~~state license or permit.~~**

29 A dealer shall only operate pursuant to a ~~state license,~~  
30 ~~or a permit,~~ issued or renewed by the department as provided  
31 in section 162.2A. A dealer ~~who is a state licensee~~ shall  
32 maintain records as required by the department in order for the  
33 department to ensure compliance with the provisions of this  
34 chapter. ~~A dealer who is a permittee may but is not required~~  
35 ~~to maintain records.~~ A dealer shall not purchase a dog or cat

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1     3. a. A commercial breeder shall not own or operate an  
 2 animal shelter or maintain a controlling interest in an animal  
 3 shelter.

4     b. Paragraph "a" shall not apply to a commercial breeder  
 5 whose license is a special type of commercial breeder's license  
 6 as provided in subsection 2.

7     4. A commercial breeder offering to sell a dog to a person  
 8 shall provide the person with a copy of the most recent  
 9 inspection report completed by the department of agriculture  
 10 and land stewardship or the United States department of  
 11 agriculture. The report shall include the recorded number of  
 12 adult dogs on hand. The report must be signed by the person  
 13 prior to finalizing the sale. One copy of the signed report  
 14 shall be maintained for one year by the commercial breeder as  
 15 part of the commercial breeder's records and one copy of the  
 16 report shall be filed with the department.

17     Sec. 19. Section 162.9A, Code 2014, is amended to read as  
 18 follows:

19     **162.9A Operation of a public auction — ~~state license or~~**  
 20 **~~permit.~~**

21     1. A public auction shall only operate pursuant to a state  
 22 license, ~~or a permit,~~ issued or renewed by the department  
 23 as provided in section 162.2A. A public auction ~~which is~~  
 24 ~~a state licensee~~ shall maintain records as required by the  
 25 department in order for the department to ensure the public  
 26 auction's compliance with the provisions of this chapter. A  
 27 ~~public auction which is a permittee may but is not required to~~  
 28 ~~maintain records.~~

29     2. A public auction shall not purchase a dog or cat  
 30 from a commercial establishment that does not have a valid  
 31 ~~authorization~~ license issued or renewed under this chapter or  
 32 a similar ~~authorization~~ license issued or renewed by another  
 33 state.

34     Sec. 20. **NEW SECTION. 162.10 Records.**

35     1. A commercial establishment shall maintain all records

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1 required in this chapter. The department shall adopt rules  
 2 regarding the types of records required to be kept and the  
 3 format for keeping such records.

4 2. A commercial establishment shall maintain inspection  
 5 reports conducted by the department of agriculture and land  
 6 stewardship or the United States department of agriculture.  
 7 A commercial breeder shall maintain a signed copy of an  
 8 inspection report as required in section 162.8.

9 3. A commercial establishment shall maintain all records  
 10 necessary to assess a fee imposed for the issuance or renewal  
 11 of a license pursuant to section 162.2A.

12 Sec. 21. Section 162.10A, Code 2014, is amended to read as  
 13 follows:

14 **162.10A Commercial establishments — standard of care.**

15 1. a. A commercial establishment shall provide for a  
 16 standard of care that ensures that an animal in its possession  
 17 or under its control is not lacking any of the following:

18 (1) Adequate feed, adequate water, housing facilities,  
 19 sanitary control, or grooming practices, if such lack causes  
 20 adverse health or suffering.

21 (2) Veterinary care.

22 b. A commercial establishment, other than a research  
 23 facility or pet shop, shall provide for the standard of care  
 24 for dogs and cats in its possession or under its control, and a  
 25 research facility or pet shop shall provide for the standard  
 26 of care for ~~vertebrate~~ animals in its possession or under its  
 27 control.

28 2. A commercial breeder shall provide for the general care  
 29 of its dogs or cats by providing all of the following:

30 a. Access to adequate quantities and quality of food  
 31 provided at suitable times and according to the dietary  
 32 requirements of the species and age of the animal in order to  
 33 maintain a reasonable level of nutrition. The food must be  
 34 served in a clean receptacle, dish, or container.

35 b. Access to a regular supply of clean, fresh, potable water



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1 provided in a sanitary manner provided at suitable times and  
2 according to the dietary requirements of the species and age of  
3 the animal. The water shall not be frozen.  
4 c. Protection from extremes in weather conditions.  
5 3. A commercial breeder shall only keep dogs or cats in a  
6 primary enclosure that complies with all of the following:  
7 a. Includes a solid surface area sufficient to allow an  
8 animal with sufficient space to rest in a recumbent position.  
9 b. On or after the effective date of this Act, shall not be  
10 constructed to use wire strand flooring.  
11 c. Provides proper ventilation.  
12 d. (1) The size of the primary enclosure shall not be less  
13 than two times the size for the primary enclosure for that  
14 species as required pursuant to 9 C.F.R. §3.6.  
15 (2) Subparagraph (1) takes effect January 1, 2015.  
16 4. a. A commercial breeder with more than ten breeding  
17 dogs on hand shall only keep dogs in a primary enclosure that  
18 allows each dog to exercise twelve hours per day by accessing  
19 an outdoor run.  
20 b. Paragraph "a" does not apply to any of the following:  
21 (1) A commercial breeder issued or renewed a special type  
22 of commercial breeder's license reserved for small breeders,  
23 competitive show breeders, or specialized breeders as provided  
24 in section 162.8.  
25 (2) A dog less than seven months of age.  
26 (3) A dog suffering from physical distress, to the extent  
27 that outdoor conditions would not improve the dog's condition.  
28 (4) A period when outdoor conditions would cause the dog  
29 discomfort or injury.  
30 5. A commercial breeder shall provide for the health of its  
31 dogs or cats as follows:  
32 a. Have all breeding dogs and breeding cats under its  
33 possession or control examined at least once each year by a  
34 licensed veterinarian.  
35 b. Provide for the prompt treatment by a licensed

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1 veterinarian of any serious illness or injury suffered by a dog  
2 or cat.

3 c. Provide euthanasia when required by a licensed  
4 veterinarian.

5 d. Provide its dogs with regular exercise of a type and  
6 amount sufficient to comply with an exercise plan that has  
7 been approved by a licensed veterinarian, and developed in  
8 accordance with rules adopted by the department of agriculture.  
9 The exercise plan must afford a dog a maximum opportunity for  
10 outdoor exercise as weather permits.

11 ~~2. 6. a. Except as provided in paragraph "b" or "c",~~  
12 ~~a commercial establishment shall comply with rules that the~~  
13 ~~department adopts to implement subsection 1. A commercial~~  
14 ~~establishment shall be regulated under this paragraph "a"~~  
15 ~~unless the person is a state licensee as provided in paragraph~~  
16 ~~"b" or a permittee as provided in paragraph "c".~~

17 ~~b. A state licensee who is a commercial breeder owning,~~  
18 ~~breeding, transporting, or keeping a greyhound dog for~~  
19 ~~pari-mutuel wagering at a racetrack as provided in chapter 99D~~  
20 ~~may be required to comply with different rules adopted by the~~  
21 ~~department in administering and enforcing subsection 1. In~~  
22 ~~addition, such a commercial breeder is not required to comply~~  
23 ~~with subsections 2 through 5.~~

24 ~~c. A permittee is not required to comply with rules that the~~  
25 ~~department adopts to implement a standard of care as provided~~  
26 ~~in subsection 1 for state licensees and registrants. The~~  
27 ~~department may adopt rules regulating a standard of care for~~  
28 ~~a permittee, so long as the rules are not more restrictive~~  
29 ~~than required for a permittee under the Animal Welfare Act.~~  
30 ~~However, the department may adopt prescriptive rules relating~~  
31 ~~to the standard of care. Regardless of whether the department~~  
32 ~~adopts such rules, a permittee meets the standard of care~~  
33 ~~required in subsection 1 if it voluntarily complies with rules~~  
34 ~~applicable to state licensees or registrants. A finding by~~  
35 ~~the United States department of agriculture that a permittee~~

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1 ~~complies with the Animal Welfare Act is not conclusive when~~  
2 ~~determining that the permittee provides a standard of care~~  
3 ~~required in subsection 1.~~

4 7. A commercial establishment fails to provide for a  
5 standard of care as provided in ~~subsection 1~~ this section if  
6 the commercial establishment commits abuse as described in  
7 section 717B.2, neglect as described in section 717B.3, or  
8 torture as provided in section 717B.3A.

9 Sec. 22. Section 162.10B, Code 2014, is amended to read as  
10 follows:

11 **162.10B Commercial establishments — ~~inspecting state~~**  
12 **~~licensees and registrants~~ inspections.**

13 1. As a condition of issuing or renewing a license, the  
14 premises of an applicant shall be open for inspection during  
15 normal business hours.

16 2. The department shall conduct at least an annual  
17 inspection of a commercial establishment. The department ~~may~~  
18 shall inspect the commercial establishment of a ~~registrant or~~  
19 state licensee by entering onto its business premises at any  
20 time during normal ~~working~~ business hours. The department ~~may~~  
21 shall inspect records required to be maintained by the ~~state~~  
22 licensee or registrant commercial establishment as provided  
23 in this chapter. If the owner or person in charge of the  
24 commercial establishment refuses admittance, the department may  
25 obtain an administrative search warrant issued under section  
26 808.14. The department shall report a potential violation of  
27 chapter 717B to the local authority which has jurisdiction over  
28 the matter.

29 3. A person who has been issued a special type of commercial  
30 breeder's license reserved for small breeders, competitive show  
31 breeders, or specialized breeders as provided in section 162.8  
32 is exempt from the inspection requirements of this section for  
33 the period of that license as follows:

34 a. The person is partially exempt from inspection  
35 requirements without further action. The department shall



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1 only inspect the person's commercial establishment at a time  
 2 agreed to by the person and the department. However, this  
 3 paragraph does not apply if the department determines any of  
 4 the following applies:

5     (1) The person is obstructing an inspection.

6     (2) One or more dogs kept by the person are in immediate  
 7 need of care.

8     b. The person is fully exempt from inspection requirements,  
 9 by submitting evidence to the department that each dog kept by  
 10 the person complies with all of the following:

11     (1) Has been examined by a licensed veterinarian within the  
 12 twelve months prior to applying for the issuance or renewal of  
 13 the special type of commercial breeder's license.

14     (2) Received all vaccinations as prescribed by the  
 15 department based on recommendations of the American veterinary  
 16 medical association or American animal hospital association.

17     Sec. 23. Section 162.10D, subsections 1 and 2, Code 2014,  
 18 are amended to read as follows:

19     1. a. The department may take disciplinary action against  
 20 a person by suspending or revoking the person's ~~authorization~~  
 21 license for violating a provision of this chapter or chapter  
 22 717B, or against a person who commits an unlawful practice  
 23 under section 714.16.

24     b. The department may suspend or revoke the special type  
 25 of commercial breeder's license reserved for small breeders,  
 26 competitive show breeders, or specialized breeders issued or  
 27 renewed under section 162.8, subsection 2, without suspending  
 28 or revoking the commercial breeder's license generally issued  
 29 or renewed under section 162.8, subsection 1.

30     c. The department may take disciplinary action as it applies  
 31 to one or more locations owned or operated by a person without  
 32 taking the same or any disciplinary action as it applies to  
 33 another location owned or operated by such person.

34     2. The department may require an owner, operator, or  
 35 employee of a commercial establishment subject to disciplinary

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1 action under subsection 1 to complete a continuing education  
 2 program as a condition for retaining ~~an authorization~~  
 3 a license. This section does not prevent a person from  
 4 voluntarily participating in a continuing education program.  
 5 However, a voluntary continuing education program completed  
 6 prior to the department's disciplinary action shall not be part  
 7 of such disciplinary action.

8 Sec. 24. Section 162.11, Code 2014, is amended to read as  
 9 follows:

10 **162.11 Exceptions.**

11 ~~1. This chapter does not apply to a federal licensee except~~  
 12 ~~as provided in the following:~~

13 ~~a. Section 162.1, subsection 2, and sections 162.2, 162.2A,~~  
 14 ~~162.2B, 162.7, 162.8, 162.9A, 162.10A, 162.10C, 162.10D,~~  
 15 ~~162.12A, and 162.13.~~

16 ~~b. Section 162.1, subsection 1, but only to the extent~~  
 17 ~~required to implement sections described in paragraph "a".~~

18 ~~c. Section 162.16 but only to the extent required to~~  
 19 ~~implement sections described in paragraph "a".~~

20 ~~2. 1.~~ This chapter does not apply to a place or  
 21 establishment which operates under the immediate supervision  
 22 of a duly licensed veterinarian as a hospital where animals  
 23 are harbored, hospitalized, and cared for incidental to the  
 24 treatment, prevention, or alleviation of disease processes  
 25 during the routine practice of the profession of veterinary  
 26 medicine. However, if animals are accepted by such a place,  
 27 establishment, or hospital for boarding or grooming for a  
 28 consideration, the place, establishment, or hospital is subject  
 29 to the licensing ~~or registration~~ requirements applicable to a  
 30 boarding kennel or commercial kennel under this chapter and the  
 31 rules adopted by the secretary.

32 ~~3. 2.~~ This chapter does not apply to a noncommercial kennel  
 33 at, in, or adjoining a private residence where dogs or cats are  
 34 kept, ~~for the hobby of the householder,~~ if the dogs or cats  
 35 are used for hunting, for practice training, for exhibition

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1 at shows or field or obedience trials, or for guarding or  
 2 protecting the householder's property. However, the dogs  
 3 or cats must not be kept for breeding if a person receives  
 4 consideration for providing the breeding.

5 Sec. 25. Section 162.12, Code 2014, is amended by striking  
 6 the section and inserting in lieu thereof the following:

7 **162.12 Departmental action.**

8 1. The department may take administrative action against a  
 9 commercial establishment if the department finds the housing  
 10 facilities or primary enclosures are inadequate under the  
 11 provisions of this chapter or if the feeding, watering,  
 12 cleaning, and housing practices are not in compliance with this  
 13 chapter or with the rules adopted pursuant to this chapter.

14 2. The premises of each licensee shall be subject to  
 15 inspection as provided in section 162.10B.

16 3. A person may contest an agency action taken by the  
 17 department under this chapter, including rules adopted by the  
 18 department under this chapter, pursuant to chapter 17A.

19 Sec. 26. Section 162.12A, subsection 1, paragraph a, Code  
 20 2014, is amended to read as follows:

21 a. A commercial establishment that operates pursuant to ~~an~~  
 22 ~~authorization~~ a license issued or renewed under this chapter  
 23 is subject to a civil penalty of not more than five hundred  
 24 dollars, regardless of the number of animals possessed or  
 25 controlled by the commercial establishment, for violating this  
 26 chapter. Except as provided in paragraph "b", each day that a  
 27 violation continues shall be deemed a separate offense.

28 Sec. 27. Section 162.12A, subsection 2, Code 2014, is  
 29 amended to read as follows:

30 2. A commercial establishment that does not operate  
 31 pursuant to ~~an authorization~~ a license issued or renewed under  
 32 this chapter is subject to a civil penalty of not more than one  
 33 thousand dollars, regardless of the number of animals possessed  
 34 or controlled by the commercial establishment, for violating  
 35 this chapter. Each day that a violation continues shall be

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1 deemed a separate offense.

2 Sec. 28. Section 162.13, Code 2014, is amended to read as  
 3 follows:

4 **162.13 Criminal penalties — confiscation.**

5 1. A person who operates a commercial establishment without  
 6 ~~an authorization~~ a license issued or renewed by the department  
 7 as required in section 162.2A is guilty of a simple misdemeanor  
 8 and each day of operation is a separate offense.

9 2. The failure of a person who owns or operates a commercial  
 10 establishment to meet the standard of care required in section  
 11 162.10A, subsection 1, is a simple misdemeanor. The animals  
 12 are subject to seizure and impoundment and may be sold or  
 13 destroyed as provided by rules which shall be adopted by the  
 14 department pursuant to chapter 17A or by a local authority  
 15 pursuant to chapter 717B. The department's rules shall provide  
 16 for the destruction of an animal by ~~a humane method, including~~  
 17 by euthanasia as provided by rules which shall be adopted by  
 18 the department pursuant to chapter 17A.

19 3. The failure of a person who owns or operates a commercial  
 20 establishment to meet the requirements of this section is  
 21 also cause for the suspension or revocation of the person's  
 22 ~~authorization~~ license as provided in section 162.10D.

23 4. Dogs, cats, and other ~~vertebrate~~ animals upon which  
 24 euthanasia is permitted by law may be destroyed by a person  
 25 subject to this chapter or chapter 169, by ~~a humane method,~~  
 26 ~~including~~ euthanasia, as provided by rules which shall be  
 27 adopted by the department pursuant to chapter 17A.

28 5. ~~It is unlawful for a A dealer to~~ shall not knowingly  
 29 ship a diseased animal. A dealer violating this subsection  
 30 is subject to a fine not exceeding one hundred dollars. Each  
 31 diseased animal shipped in violation of this subsection is a  
 32 separate offense.

33 Sec. 29. NEW SECTION. **162.13A Criminal actions.**

34 The attorney general or a county attorney may bring criminal  
 35 action in order to enforce the provisions of this chapter.



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1     Sec. 30. NEW SECTION. 162.13B Penalties — injunctive  
 2 relief.

3     The courts of this state may prevent and restrain violations  
 4 of this chapter through the issuance of an injunction. The  
 5 attorney general or a county attorney shall institute suits on  
 6 behalf of the state to prevent and restrain violations of this  
 7 chapter.

8     Sec. 31. Section 162.20, subsection 4, paragraph c, Code  
 9 2014, is amended to read as follows:

10    c. A pound or animal shelter which knowingly fails to  
 11 provide for the sterilization of a dog or cat is subject to a  
 12 civil penalty of up to two hundred dollars. The department  
 13 may enforce and collect civil penalties according to rules  
 14 which shall be adopted by the department. Each violation shall  
 15 constitute a separate offense. Moneys collected from civil  
 16 penalties shall be deposited into the general fund of the state  
 17 and are appropriated on July 1 of each year in equal amounts  
 18 to each track licensed to race dogs to support the racing dog  
 19 adoption program as provided in section 99D.27. Upon the third  
 20 offense, the department may suspend or revoke a ~~certificate~~  
 21 ~~of registration~~ license issued to the pound or animal shelter  
 22 pursuant to this chapter. The department may bring an action  
 23 in district court to enjoin a pound or animal shelter from  
 24 transferring animals in violation of this section. In bringing  
 25 the action, the department shall not be required to allege  
 26 facts necessary to show, or tending to show, a lack of adequate  
 27 remedy at law, that irreparable damage or loss will result  
 28 if the action is brought at law, or that unique or special  
 29 circumstances exist.

30    Sec. 32. Section 717B.1, Code 2014, is amended by adding the  
 31 following new subsection:

32    NEW SUBSECTION. 3A. “*Commercial establishment*” means the  
 33 same as defined in section 162.2.

34    Sec. 33. Section 717B.4, subsection 3, paragraph a, Code  
 35 2014, is amended to read as follows:

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1     *a.* The court may order the responsible party to pay an  
2 amount which shall not be more than the dispositional expenses  
3 incurred by the local authority. The court may also award  
4 the local authority court costs, reasonable attorney fees and  
5 expenses related to the investigation and prosecution of the  
6 case, which shall be taxed as part of the costs of the action.  
7 The amount shall be paid to the animal rescue remediation fund  
8 created in section 717B.13 to the extent that moneys from the  
9 fund were expended to pay for dispositional expenses.

10     Sec. 34. Section 717B.5, Code 2014, is amended by adding the  
11 following new subsection:

12     **NEW SUBSECTION.** 3A. The local authority may apply to the  
13 department for reimbursement of expenses incurred by the local  
14 authority in providing for the maintenance of the animal.

15     Sec. 35. **NEW SECTION.** **717B.13 Animal rescue remediation**  
16 **fund.**

17     1. An animal rescue remediation fund is created as a  
18 separate fund in the state treasury under the control of the  
19 department of agriculture and land stewardship. The general  
20 fund of the state is not liable for claims presented against  
21 the fund.

22     2. The fund consists of moneys appropriated to the fund,  
23 moneys transferred from the commercial establishment fund as  
24 provided in section 162.2C, sums collected on behalf of the  
25 fund through legal action or settlement, or moneys contributed  
26 to the fund from other sources.

27     3. The moneys in the fund are appropriated to the department  
28 to reimburse a local authority for expenses incurred for the  
29 rescuing of an animal from a commercial establishment as  
30 provided in section 717B.5, for the maintenance of an animal  
31 as provided in section 717B.5, and for the disposition of an  
32 animal as provided in section 717B.4.

33     4. The department shall utilize moneys from the fund only to  
34 the extent that the department determines that expenses cannot  
35 be timely paid by utilizing the available provisions of section

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1 717B.4.

2 5. The department shall provide payment to a local authority  
3 upon a claim submitted by the local authority to the department  
4 according to procedures required by the department. Upon  
5 a determination that the claim is eligible for payment,  
6 the department shall reimburse the local authority for that  
7 amount. However, if the department determines that only  
8 a portion of the claim is eligible, the department shall  
9 only pay the eligible portion. If the department determines  
10 that insufficient moneys are available to make payment of  
11 all claims, the department may defer paying all or part of  
12 specified claims. The department shall hold deferred claims  
13 for payment when the department determines that the fund again  
14 contains sufficient moneys.

15 6. Moneys in the fund shall not be subject to appropriation  
16 or expenditure for any other purpose than provided in this  
17 section and section 162.2C.

18 7. Notwithstanding section 12C.7, interest earned on  
19 amounts deposited in the fund shall be credited to the fund.  
20 Notwithstanding section 8.33, any unexpended or unencumbered  
21 moneys remaining in the fund at the end of the fiscal year  
22 shall not revert to the general fund of the state, but the  
23 moneys shall remain available for expenditure by the authority  
24 in succeeding fiscal years.

25 Sec. 36. CERTIFICATE OF REGISTRATION. A certificate of  
26 registration issued by the department under section 162.2A  
27 prior to the effective date of this Act shall remain valid  
28 until it expires according to its terms when issued.

29 Sec. 37. REPEAL. Section 162.10C, Code 2014, is repealed.

30

EXPLANATION

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

33 CURRENT LAW — GENERAL. Code chapter 162 provides for the  
34 regulation of commercial establishments that possess or control  
35 animals, other than animals used for an agricultural purpose

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1 (Code section 162.1), by the department of agriculture and land  
2 stewardship (DALs). This includes animal shelters, pounds, or  
3 research facilities which are required to obtain a certificate  
4 of registration; a boarding kennel, commercial kennel, or pet  
5 shop required to obtain a state license; and a commercial  
6 breeder, dealer, or public auction required to obtain either  
7 a state license or a permit if licensed by the United States  
8 department of agriculture (USDA). A permit, state license, or  
9 certificate of registration is referred to as an authorization  
10 (Code section 162.2A).

11 CURRENT LAW — FINANCES. A commercial establishment must  
12 pay a fee for obtaining or renewing an authorization. The fee  
13 for the issuance or renewal of a certificate of registration is  
14 \$75 and the fee for the issuance or renewal of a state license  
15 or permit is \$175, except for a commercial breeder who keeps  
16 greyhounds for racing who is subject to a separate fee (Code  
17 section 162.2B). The fees are deposited into a commercial  
18 establishment fund dedicated for use by DALs in administering  
19 the Code chapter (Code section 162.2C).

20 CURRENT LAW — INSPECTIONS AND RECORDS. Generally,  
21 different requirements apply to permittees, including  
22 inspection requirements. DALs may inspect the commercial  
23 establishment of a registrant or state licensee by entering  
24 onto its business premises at any time during normal working  
25 hours (Code section 162.10B). Alternatively, the department  
26 monitors a permittee to determine whether the permittee is  
27 complying with required standard of care requirements (Code  
28 section 162.10C). A registrant or state licensee must maintain  
29 records.

30 CURRENT LAW — STANDARD OF CARE. A commercial establishment  
31 must operate by providing a standard of care to its animals.  
32 The commercial establishment must ensure that an animal in its  
33 possession or under its control is not lacking adequate feed,  
34 adequate water, housing facilities, sanitary control, grooming  
35 practices affecting the health of the animal, and veterinary

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1 care (Code section 162.10A). A registrant or state licensee  
2 must comply with DALs' rules, with one exception. DALs may  
3 adopt different rules that apply to state licensees who keep  
4 greyhounds for racing.

5 CURRENT LAW — DISCIPLINARY ACTIONS. DALs may take  
6 disciplinary action against a commercial establishment  
7 by suspending or revoking the commercial establishment's  
8 authorization. DALs may require that an owner, operator, or  
9 employee of a commercial establishment complete a continuing  
10 education program (Code section 162.10D).

11 CURRENT LAW — CRIMINAL PENALTIES AND SEIZURE. A person who  
12 operates a commercial establishment without an authorization  
13 or who fails to meet a standard of care is guilty of a simple  
14 misdemeanor. The department may provide for the animals'  
15 seizure and impoundment and they may be sold or destroyed  
16 (Code section 162.13). A simple misdemeanor is punishable by  
17 confinement for no more than 30 days or a fine of at least \$65  
18 but not more than \$625, or by both.

19 BILL'S PROVISIONS — LICENSING. The bill requires all  
20 commercial establishments to obtain a license. It replaces  
21 the term "state license" with "license". It provides that a  
22 commercial kennel does not include a kennel in which a dog or  
23 cat remains in the custody of the owner or the dog or cat. The  
24 bill creates a special type of commercial breeder's license  
25 reserved for a small breeder, competitive show breeder, or  
26 specialized breeder.

27 BILL'S PROVISIONS — FEES. The bill replaces the current  
28 fee assessed on commercial establishments with a system  
29 consisting of a base amount which depends on the type of  
30 commercial establishment obtaining a license. A single  
31 base amount is imposed on an animal shelter, pound, research  
32 facility, commercial breeder holding a special type of license,  
33 boarding kennel, commercial kennel, public auction, and dealer,  
34 regardless of locations owned or operated by the commercial  
35 establishment. A base amount is imposed on each location owned

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1 or operated by any other commercial breeder or a pet shop. A  
2 scheduled amount applies to a commercial breeder, other than a  
3 commercial breeder who holds a special type of license reserved  
4 for a small breeder, competitive show breeder, or specialized  
5 breeder. A separate scheduled amount applies to a pet shop.  
6 The scheduled amount is computed according to a formula which  
7 increases the amount due based on the number of dogs or cats  
8 kept on hand by the commercial establishment. In the case of  
9 a commercial breeder, the fee is based on the total number of  
10 dogs or cats used for breeding. In the case of a pet shop, the  
11 fee is based on the number of dogs or cats kept.

12 BILL'S PROVISIONS — FUNDS. The moneys from fees are still  
13 deposited into the commercial establishment fund. However, up  
14 to \$20,000 a year is to be transferred to a new animal rescue  
15 remediation fund also under the control of DALs. The purpose  
16 of this fund is to reimburse a city or county, referred to as  
17 a local authority (Code section 717B.1), when rescuing and  
18 maintaining a threatened animal (Code section 717B.5) from a  
19 commercial establishment or disposing of such animal pursuant  
20 to court order (Code section 717B.4). DALs may suspend the  
21 transfer or resume a transfer based on the balance in the  
22 animal rescue remediation fund.

23 BILL'S PROVISIONS — INSPECTIONS AND RECORDS. The bill  
24 provides for inspections of commercial establishments. One  
25 exception applies to a commercial breeder holding the special  
26 type of license reserved for a small breeder, competitive show  
27 breeder, or specialized breeder. The bill also provides that  
28 any commercial breeder offering to sell a dog to a person must  
29 provide the person with a copy of the last inspection report  
30 completed by DALs or USDA. The bill requires a commercial  
31 establishment to maintain all records required for the  
32 administration and enforcement of the Code chapter.

33 BILL'S PROVISIONS — STANDARD OF CARE FOR ANIMALS KEPT BY  
34 COMMERCIAL BREEDERS. The bill provides a general standard of  
35 care for a commercial breeder, including access to food and a

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1 regular supply of clean water, and protection from extremes in  
2 weather conditions. It regulates the health of a dog or cat  
3 kept by a commercial breeder, including by requiring minimum  
4 cage size and construction specifications. The commercial  
5 breeder with more than 10 breeding dogs at hand must also  
6 provide a dog with access to an outdoor run. An exception  
7 applies to a commercial breeder issued a special type of  
8 license, dog of a certain age or suffering from physical  
9 distress, or during severe weather conditions. The bill also  
10 requires certain health requirements, including veterinary  
11 care. An exception applies to a commercial breeder keeping  
12 greyhounds used for pari-mutuel racing.

13 BILL'S PROVISIONS — DISCIPLINARY ACTION. The bill provides  
14 that any continuing education program voluntarily undertaken  
15 by a person operating a commercial establishment prior to a  
16 disciplinary action is not considered part of such action.

17 CRIMINAL AND CIVIL ACTIONS. The bill provides that the  
18 attorney general or a county attorney may bring a criminal  
19 action in order to enforce the provisions of the Code  
20 chapter. It also provides that courts may prevent and  
21 restrain violations of the Code chapter through the issuance of  
22 injunctions. The attorney general or a county attorney shall  
23 institute suits on behalf of the state to prevent and restrain  
24 such violations.



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**Senate File 2362 - Introduced**

SENATE FILE 2362  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3223)

**A BILL FOR**

1 An Act relating to pari-mutuel racetracks, including by  
2 providing for live dog racing at pari-mutuel dog racetracks,  
3 providing for alternative licensure for dog racetracks, and  
4 establishing fees, and including effective date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 99D.2, subsection 9, Code 2014, is  
 2 amended to read as follows:

3 9. *"Racetrack enclosure"* means all real property utilized  
 4 for the conduct of a race meeting, including the racetrack,  
 5 grandstand, concession stands, offices, barns, kennels and  
 6 barn areas, employee housing facilities, parking lots, and  
 7 any additional areas designated by the commission. *"Racetrack*  
 8 *enclosure"* also means all real property utilized by a licensee  
 9 under this chapter who is not required to conduct live racing  
 10 pursuant to the requirements of section 99D.9A, on which  
 11 pari-mutuel wagering on simultaneously telecast horse or dog  
 12 races may be conducted and lawful gambling is authorized and  
 13 licensed as provided in this chapter and chapter 99F.

14 Sec. 2. **NEW SECTION. 99D.9A Dog racetrack licensure —**  
 15 **discontinuance of live racing requirement — fees.**

16 1. Upon written notification to the commission by September  
 17 1, 2014, and agreement to comply with the requirements of this  
 18 section, a licensee authorized to operate a pari-mutuel dog  
 19 racetrack and to conduct gambling games pursuant to section  
 20 99F.6 as of January 1, 2014, may, as of the live racing  
 21 cessation date, continue to maintain a license as provided  
 22 in this section for purposes of conducting gambling games  
 23 and pari-mutuel wagering on simultaneously telecast horse or  
 24 dog races without the requirement of scheduling performances  
 25 of live races at the dog racetrack. For purposes of this  
 26 section, the "live racing cessation date" is October 31, 2014,  
 27 for the licensee of the pari-mutuel dog racetrack located in  
 28 Dubuque county, and December 31, 2015, for the licensee of the  
 29 pari-mutuel dog racetrack located in Pottawattamie county.

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

32 a. The commission shall determine what portion of the  
 33 unexpended moneys in the dog racing promotion fund created in  
 34 section 99D.12 is attributable to the licensee as of the live  
 35 racing cessation date of the licensee and shall transfer those

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1 moneys to the Iowa greyhound pari-mutuel racing fund created  
2 in section 99D.9B.

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

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

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

20 *b.* Except as provided in paragraph "c", the live racing  
21 cessation fee shall be paid and determined as follows:

22 (1) For the licensee authorized to conduct gambling games in  
23 Dubuque county pursuant to a license issued pursuant to section  
24 99F.4A, subsection 9, the payment of one million dollars by  
25 January 1, 2015, and one million dollars each succeeding  
26 January 1 for six consecutive calendar years.

27 (2) For the pari-mutuel dog racetrack located in  
28 Pottawattamie county, the payment of nine million two hundred  
29 eighty-five thousand eight hundred dollars by January 1, 2016,  
30 and nine million two hundred eighty-five thousand seven hundred  
31 dollars each succeeding January 1 for six consecutive calendar  
32 years.

33 *c.* (1) If the licensee at the pari-mutuel racetrack located  
34 in Pottawattamie county as of January 1, 2014, fails to have  
35 the licensee's license renewed, the licensee's obligation to

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1 make any further payments as provided in this subsection shall  
2 cease. However, the commission shall not issue a license to a  
3 subsequent or successor licensee at the pari-mutuel racetrack  
4 located in Pottawattamie county until all remaining unpaid  
5 installments of the live racing cessation fee required under  
6 this subsection are paid.

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

15 (3) If the manager of the pari-mutuel racetrack located  
16 in Pottawattamie county as of January 1, 2014, pursuant to  
17 a management contract with the licensee, ceases to be the  
18 manager of the racetrack, the licensee's obligation to make any  
19 further payments as provided in this subsection shall cease.  
20 However, the commission shall not approve a management contract  
21 with the licensee for a subsequent or successor manager until  
22 all remaining installments of the live racing cessation fee  
23 required under this subsection are paid.

24 4. Upon written notification to the commission by the  
25 licensee of the pari-mutuel dog racetrack located in Dubuque  
26 county as provided in subsection 1, all of the following shall  
27 occur:

28 a. The licensee shall be authorized to maintain a license  
29 issued to the licensee by the commission to conduct gambling  
30 games pursuant to the requirements of section 99F.4A,  
31 subsection 9.

32 b. The licensee shall maintain a license under this chapter  
33 until December 31, 2014. The licensee shall, until the live  
34 racing cessation date of the licensee, conduct pari-mutuel  
35 wagering on live dog races and shall, until December 31, 2014,

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1 be authorized to simultaneously telecast horse or dog races as  
 2 provided by an agreement to conduct live racing during the 2014  
 3 calendar year.

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

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

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

15 (3) Comply with all other applicable requirements of  
 16 this chapter and chapter 99F except for those requirements  
 17 concerning live dog racing.

18 b. However, nothing in this chapter shall require the  
 19 licensee of the pari-mutuel dog racetrack in Pottawattamie  
 20 county to conduct pari-mutuel wagering on simultaneously  
 21 telecast horse or dog races to remain licensed under this  
 22 chapter or to conduct gambling games without the requirement of  
 23 scheduling performances of live dog races.

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

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

34 (2) Distributions made or not made from the Iowa greyhound  
 35 pari-mutuel racing fund created in section 99D.9B or the purse

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1 escrow fund created in the arbitration decision issued in  
2 December 1995 with regard to the purse supplements to be paid  
3 at the pari-mutuel dog racetrack in Pottawattamie county.

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

14     Sec. 3. NEW SECTION. **99D.9B Iowa greyhound pari-mutuel**  
15 **racing fund.**

16     1. An Iowa greyhound pari-mutuel racing fund is created in  
17 the state treasury under the control of the racing and gaming  
18 commission.

19     2. The fund shall consist of all of the following:

20     *a.* Moneys in the dog racing promotion fund created in  
21 section 99D.12 that were deposited in the fund from a dog  
22 racetrack licensee that is no longer required to conduct live  
23 dog races pursuant to section 99D.9A.

24     *b.* Moneys deposited in the fund from the live racing  
25 cessation fee established in section 99D.9A.

26     3. *a.* Fifty percent of the moneys deposited in the fund  
27 shall first be distributed to the Iowa greyhound association  
28 for deposit in the escrow account established by the Iowa  
29 greyhound association pursuant to the requirements of section  
30 99D.9C, provided the Iowa greyhound association is licensed  
31 under this chapter to conduct pari-mutuel wagering on live dog  
32 races or simultaneously telecast horse or dog races pursuant to  
33 the requirements of section 99D.9C, by December 15, 2014.

34     *b.* Moneys remaining in the fund following distribution to  
35 the Iowa greyhound association as provided in this subsection

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1 shall be under the sole control of the commission. The  
 2 commission shall determine the method by which moneys remaining  
 3 in the fund will be distributed. The commission may consider  
 4 objective evidence, including purse payments to greyhound  
 5 industry participants for the period beginning January 1, 2010,  
 6 and ending December 31, 2014, in determining the method of  
 7 distribution. The commission may hire an expert to assist  
 8 in the task of making distributions from the fund. The  
 9 commission may distribute moneys from the fund to greyhound  
 10 industry participants, to no-kill animal adoption agencies  
 11 to facilitate care for and adoption of greyhounds no longer  
 12 racing as a result of the discontinuance of live racing,  
 13 and to kennel owners and operators and greyhound owners for  
 14 costs incurred in removing property from the dog racetrack  
 15 located in Pottawattamie county as required by section 99D.9A,  
 16 subsection 2, paragraph "c". Prior to adoption of any formula  
 17 for distribution, the commission shall allow for input from  
 18 greyhound industry participants. The distribution decisions of  
 19 the commission shall be final. The commission may use moneys  
 20 in the fund to pay its direct and indirect administrative  
 21 expenses incurred in administering the fund, including the  
 22 hiring of experts to assist in the commission's distribution  
 23 determination.

24 4. Section 8.33 does not apply to moneys in the fund.  
 25 Notwithstanding section 12C.7, subsection 2, interest or  
 26 earnings on moneys deposited in the fund shall be credited to  
 27 the fund.

28 5. The commission shall adopt rules to administer this  
 29 section.

30 **Sec. 4. NEW SECTION. 99D.9C Alternative dog racetrack and**  
 31 **simulcasting licensure — live racing — lease agreement with**  
 32 **gambling games licensee.**

33 1. a. The Iowa greyhound association may submit an  
 34 application to the commission for a license under this  
 35 chapter to conduct pari-mutuel wagering on live dog races

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1 or simultaneously telecast horse or dog races, subject  
2 to the requirements of this section. Unless inconsistent  
3 with the requirements of this section, the Iowa greyhound  
4 association shall comply with all requirements for submitting  
5 an application for a license under this chapter. If an  
6 application is submitted by October 1, 2014, the commission  
7 shall, subject to the requirements of section 99D.9 and this  
8 section, determine whether to approve the application for a  
9 license by December 1, 2014.

10 *b.* If the commission approves an application for a license  
11 submitted by the Iowa greyhound association pursuant to section  
12 99D.9 and this section, the terms and conditions of the license  
13 shall, notwithstanding any provision of law to the contrary,  
14 authorize the licensee to conduct pari-mutuel wagering on  
15 live dog races or simultaneously telecast horse or dog races  
16 conducted at a racetrack enclosure located in Dubuque county  
17 subject to the requirements of a lease agreement entered into  
18 pursuant to the requirements of this section. The terms and  
19 conditions of the license shall also authorize the licensee  
20 to conduct pari-mutuel wagering on simultaneously telecast  
21 horse or dog races at the facility of a licensee authorized  
22 to conduct gambling games under chapter 99F pursuant to an  
23 agreement with the licensee of that facility as authorized by  
24 this section. A licensee issued a license pursuant to this  
25 section shall comply with all requirements of this chapter  
26 applicable to licensees unless otherwise inconsistent with the  
27 provisions of this section.

28 *2. a.* The Iowa greyhound association shall establish an  
29 escrow fund under its control for the receipt and deposit  
30 of moneys transferred to the Iowa greyhound association  
31 pursuant to section 99D.9B. The Iowa greyhound association  
32 shall use moneys in the escrow fund to pay all reasonable  
33 and necessary costs and fees associated with conducting live  
34 racing and pari-mutuel wagering on simultaneously telecast  
35 horse or dog races, including but not limited to regulatory and

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1 administrative fees, capital improvements, purse supplements,  
2 operational costs, obligations pursuant to any purse supplement  
3 agreement as amended and approved by the commission, payment  
4 of rents for leased facilities and costs of maintenance of  
5 leased facilities, payment for products and services provided  
6 by the licensee authorized to conduct gambling games in Dubuque  
7 county pursuant to section 99F.4A, subsection 9, costs to  
8 maintain the license, costs for posting a bond as required by  
9 section 99D.10, and administrative costs and fees incurred  
10 in connection with the pursuit of the continuation of live  
11 greyhound racing.

12 *b.* However, if the Iowa greyhound association is not  
13 licensed to conduct pari-mutuel wagering on live dog races  
14 or simultaneously telecast horse or dog races subject to the  
15 requirements of this section or fails to conduct live dog  
16 racing during any calendar year beginning on or after January  
17 1, 2015, the Iowa greyhound association shall transfer any  
18 unused moneys in the escrow fund to the commission for deposit  
19 in the Iowa greyhound pari-mutuel racing fund created in  
20 section 99D.9B and shall receive no further distributions from  
21 the fund created in section 99D.9B. The commission shall  
22 require that an annual audit be conducted and submitted to  
23 the commission, in a manner determined by the commission,  
24 concerning the operation of the escrow fund.

25 *3. a.* A license issued pursuant to this section shall  
26 authorize the licensee to enter into an agreement with any  
27 licensee authorized to conduct gambling games under chapter  
28 99F to conduct, without the requirement to conduct live  
29 horse or dog races at the facility, pari-mutuel wagering on  
30 simultaneously telecast horse or dog races at the facility of  
31 the licensee authorized to conduct gambling games under chapter  
32 99F. A licensee under this section shall enter into no more  
33 than one agreement per county to conduct pari-mutuel wagering  
34 on simultaneously telecast horse or dog races with a licensee  
35 authorized to conduct gambling games under chapter 99F.

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1     *b.* If a lease agreement entered into with the city of  
2 Dubuque pursuant to this section is terminated or is not  
3 renewed or extended, the licensee authorized to conduct  
4 gambling games in Dubuque county pursuant to a license issued  
5 pursuant to section 99F.4A, subsection 9, shall be authorized  
6 to enter into an agreement with a licensee issued a license  
7 pursuant to this section to conduct pari-mutuel wagering on  
8 simultaneously telecast horse or dog races at the facility of  
9 the licensee as provided by this subsection.

10    *c.* If the Iowa greyhound association is licensed as provided  
11 in this section and ceases to conduct live dog racing, all  
12 revenue generated from an agreement to simultaneously telecast  
13 horse or dog races as authorized by this subsection shall be  
14 used solely for the purpose of supplementing Iowa-whelped dogs  
15 racing at out-of-state facilities.

16    4. *a.* Upon written request by the Iowa greyhound  
17 association to the city of Dubuque by July 8, 2014, the city of  
18 Dubuque shall be authorized to enter into an initial five-year  
19 lease agreement with a single option to renew the lease for  
20 an additional five years with the Iowa greyhound association  
21 beginning January 1, 2015, to permit the Iowa greyhound  
22 association to conduct pari-mutuel wagering on live dog races  
23 and simultaneously telecast horse or dog races at the dog  
24 racetrack located in Dubuque county. The lease agreement shall  
25 be contingent upon the Iowa greyhound association obtaining a  
26 license pursuant to the requirements of this section.

27    *b.* The lease agreement shall provide for the following:

28     (1) An annual lease payment of one dollar during the initial  
29 five-year lease for the racetrack enclosure, which includes the  
30 racetrack, kennels, grandstand, and space for a new simulcast  
31 facility, and one five-year renewal of the lease agreement at a  
32 fair market rental rate.

33     (2) Employees at the racetrack enclosure involved in  
34 pari-mutuel wagering as of the live racing cessation date, as  
35 provided in section 99D.9A, shall be offered employment by the

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1 Iowa greyhound association at the racetrack.

2 (3) Existing collective bargaining agreements concerning  
3 employees at the racetrack shall be honored.

4 (4) Live dog racing requirements. The requirements shall  
5 provide that the Iowa greyhound association conduct, for  
6 calendar year 2015, no fewer than sixty live race days with  
7 nine live races per day during the racing season, and for  
8 calendar year 2016 and subsequent calendar years covered by the  
9 lease agreement, no fewer than ninety-five live race days with  
10 nine live races per day during each racing season. However,  
11 upon mutual agreement by the parties subject to approval by  
12 the commission, the number of race days for one or more live  
13 racing seasons may be reduced so long as the Iowa greyhound  
14 association conducts a minimum number of live races and racing  
15 days during that season.

16 (5) Termination provisions, to include termination of the  
17 agreement on January 1 of the year following the calendar year  
18 in which live dog racing as required by the agreement was not  
19 conducted by the Iowa greyhound association.

20 (6) Terms concerning contracts entered into for the conduct  
21 of pari-mutuel wagering at the racetrack prior to the live  
22 racing cessation date, as provided in section 99D.9A, at the  
23 racetrack.

24 (7) Any other related items concerning the conduct of  
25 pari-mutuel wagering at the dog racetrack and the operation of  
26 the dog racetrack facility.

27 *c.* (1) If the parties are unable to reach agreement on  
28 any of the terms of the initial lease agreement by October 1,  
29 2014, or to reach agreement on the fair market rental rate  
30 for purposes of the one five-year lease renewal by June 30,  
31 2018, if the Iowa greyhound association requests arbitration  
32 concerning the renewal by June 18, 2018, the disputed terms  
33 of the lease shall be determined by binding arbitration  
34 in accordance with the rules of the American arbitration  
35 association as of the date for arbitration. A request for

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1 arbitration shall be in writing and a copy of the request  
2 shall be delivered to the other party. The parties shall each  
3 select one arbitrator and the two arbitrators shall choose  
4 a third arbitrator to complete the three-person arbitration  
5 panel. Each party shall deliver its final offer on each of  
6 the disputed items to the other party within fourteen days  
7 after the request for arbitration. After consultation with  
8 the parties, the arbitrators shall set a time and place for an  
9 arbitration hearing. The parties may continue to negotiate  
10 all offers until an agreement is reached or a decision is  
11 rendered by the arbitrators. For purposes of determining the  
12 fair market rental rate for purposes of the one five-year  
13 lease renewal, either party may argue, and present arguments  
14 and evidence, that the renewal lease rental rate should be  
15 based upon the market value of similarly situated undeveloped  
16 land, or upon its use as a greyhound track. The submission  
17 of the disputed items to the arbitrators shall be limited to  
18 those items upon which the parties have not reached agreement.  
19 However, the arbitrators shall have no authority to extend the  
20 term of the lease agreement beyond the initial five-year term  
21 or the one five-year renewal.

22 (2) The arbitrators shall render a decision within  
23 fifteen days after the hearing. The arbitrators shall give  
24 written explanation for the decision and the decision of the  
25 arbitrators shall be final and binding on the parties, and any  
26 decision of the arbitrators may be entered in any court having  
27 competent jurisdiction. The decision by the arbitrators and  
28 the items agreed upon by the parties shall be deemed to be  
29 the lease agreement between the parties and such final lease  
30 agreement shall not be subject to the approval of the governing  
31 body of the city of Dubuque, the Iowa greyhound association,  
32 the commission, or any other government body. Each party to  
33 the arbitration shall bear its own expenses, including attorney  
34 fees, and the parties shall share equally the filing and other  
35 administrative fees of the American arbitration association and

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1 the expenses of the arbitrators.

2 Sec. 5. Section 99D.10, Code 2014, is amended to read as  
 3 follows:

4 **99D.10 Bond of licensee.**

5 A licensee licensed under section 99D.9, including a  
 6 licensee issued a license subject to the requirements of  
 7 section 99D.9C, shall post a bond to the state of Iowa before  
 8 the license is issued in a sum as the commission shall fix,  
 9 with sureties to be approved by the commission. The bond shall  
 10 be used to guarantee that the licensee faithfully makes the  
 11 payments, keeps its books and records and makes reports, and  
 12 conducts its racing in conformity with sections 99D.6 through  
 13 99D.23 and the rules adopted by the commission. The bond  
 14 shall not be canceled by a surety on less than thirty days'  
 15 notice in writing to the commission. If a bond is canceled  
 16 and the licensee fails to file a new bond with the commission  
 17 in the required amount on or before the effective date of  
 18 cancellation, the licensee's license shall be revoked. The  
 19 total and aggregate liability of the surety on the bond is  
 20 limited to the amount specified in the bond.

21 Sec. 6. Section 99D.11, subsection 6, paragraph b, Code  
 22 2014, is amended to read as follows:

23 b. (1) The commission may authorize the licensee to  
 24 simultaneously telecast within the racetrack enclosure or at  
 25 the facility of a licensee authorized to conduct gambling games  
 26 under chapter 99F, for the purpose of pari-mutuel wagering, a  
 27 horse or dog race licensed by the racing authority of another  
 28 state. It is the responsibility of each licensee to obtain  
 29 the consent of appropriate racing officials in other states as  
 30 required by the federal Interstate Horseracing Act of 1978,  
 31 15 U.S.C. § 3001 - 3007, to televise races for the purpose of  
 32 conducting pari-mutuel wagering.

33 (2) A licensee may also obtain the permission of a person  
 34 licensed by the commission to conduct horse or dog races in  
 35 this state to televise races conducted by that person for the



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1 purpose of conducting pari-mutuel ~~rac~~ing waging. However,  
 2 arrangements made by a licensee to televise any race for the  
 3 purpose of conducting pari-mutuel waging are subject to the  
 4 approval of the commission, and the commission shall select the  
 5 races to be televised. The races selected by the commission  
 6 shall be the same for all licensees approved by the commission  
 7 to televise races for the purpose of conducting pari-mutuel  
 8 waging. The Except for a licensee that is not obligated to  
 9 schedule performances of live races pursuant to section 99D.9A,  
 10 or a licensee issued a license subject to the requirements  
 11 of section 99D.9C, the commission shall not authorize the  
 12 simultaneous telecast or televising of and a licensee shall  
 13 not simultaneously telecast or televise any horse or dog race  
 14 for the purpose of conducting pari-mutuel waging unless the  
 15 simultaneous telecast or televising is done at the racetrack of  
 16 a licensee that schedules no less than sixty performances of  
 17 nine live races each day of the season.

18 (3) For purposes of the taxes imposed under this chapter,  
 19 races televised by a licensee for purposes of pari-mutuel  
 20 waging shall be treated as if the races were held ~~at the~~  
 21 ~~racetrack of~~ by the licensee. Notwithstanding any contrary  
 22 provision in this chapter, the commission may allow a licensee  
 23 to adopt the same deductions as those of the pari-mutuel  
 24 racetrack from which the races are being simultaneously  
 25 telecast.

26 Sec. 7. Section 99D.20, Code 2014, is amended to read as  
 27 follows:

28 **99D.20 Audit of licensee operations.**

29 Within ninety days after the end of each calendar year,  
 30 the licensee, including a licensee issued a license subject  
 31 to the requirements of section 99D.9C, shall transmit to  
 32 the commission an audit of the financial transactions and  
 33 condition of the licensee's operations conducted under this  
 34 chapter. Additionally, within ninety days after the end of  
 35 the licensee's fiscal year, the licensee shall transmit to



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1 the commission an audit of the licensee's total racing and  
2 gaming operations, including an itemization of all expenses and  
3 subsidies. All audits shall be conducted by certified public  
4 accountants authorized to practice in the state of Iowa under  
5 chapter 542 who are selected by the board of supervisors of the  
6 county in which the licensee operates.

7 Sec. 8. Section 99F.1, subsection 21, Code 2014, is amended  
8 to read as follows:

9 21. "Racetrack enclosure" means all real property utilized  
10 for the conduct of a race meeting, including the racetrack,  
11 grandstand, concession stands, offices, barns, kennels and  
12 barn areas, employee housing facilities, parking lots, and  
13 any additional areas designated by the commission. "Racetrack  
14 enclosure" also means all real property utilized by a licensee  
15 under chapter 99D who is not required to conduct live racing  
16 pursuant to the requirements of section 99D.9A, on which  
17 pari-mutuel wagering on simultaneously telecast horse or dog  
18 racetrack may be conducted and lawful gambling is authorized and  
19 licensed as provided in this chapter.

20 Sec. 9. Section 99F.4A, Code 2014, is amended by adding the  
21 following new subsection:

22 NEW SUBSECTION. 9. a. Upon application, the commission  
23 shall issue a license to the licensee of the pari-mutuel  
24 dog racetrack located in Dubuque county as of the effective  
25 date of this provision of this Act to conduct gambling games  
26 at a gambling structure subject to the provisions of this  
27 chapter and rules adopted pursuant to this chapter relating  
28 to gambling. The licensee shall not be required to pay  
29 any additional fees or be assessed any additional costs  
30 for issuance of the license pursuant to this subsection and  
31 shall be exempt, for purposes of the initial issuance of a  
32 license under this subsection, from further investigation and  
33 examination for a license to conduct gambling games pursuant to  
34 this chapter.

35 b. To maintain a license pursuant to this subsection on

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1 or after July 1, 2014, the licensee shall provide written  
2 notification to the commission by September 1, 2014, as  
3 provided in section 99D.9A, subsection 1, pay the live racing  
4 cessation fee as provided in section 99D.9A, and otherwise  
5 comply with the requirements of section 99D.9A applicable to  
6 the licensee. In addition, the licensee shall pay the annual  
7 license fee as specified in section 99F.5 and regulatory fee as  
8 a licensee authorized to conduct gambling games on a gambling  
9 structure and shall otherwise be required to comply with all  
10 requirements of this chapter applicable to a gambling games  
11 licensee not otherwise inconsistent with the requirements of  
12 this subsection.

13 Sec. 10. Section 99F.6, subsection 4, paragraph b, Code  
14 2014, is amended to read as follows:

15 b. (1) The commission shall authorize the licensees  
16 licensee of the pari-mutuel dog racetracks racetrack located  
17 in Dubuque county and Black Hawk county to conduct gambling  
18 games as provided in section 99F.4A if the licensees schedule  
19 licensee schedules at least one hundred thirty performances  
20 of twelve live races each day during a season of twenty-five  
21 weeks. For the pari-mutuel dog racetrack located in  
22 Pottawattamie county, the commission shall authorize the  
23 licensee to conduct gambling games as provided in section  
24 99F.4A if the licensee schedules at least two hundred ninety  
25 performances of twelve live races each day during a season  
26 of fifty weeks. The However, the requirement to schedule  
27 performances of live races for purposes of conducting gambling  
28 games under this chapter shall not apply to a licensee as of  
29 the live racing cessation date of the licensee as provided in  
30 section 99D.9A.

31 (2) If a pari-mutuel dog racetrack authorized to conduct  
32 gambling games as of January 1, 2014, is required to schedule  
33 performances of live races for purposes of conducting gambling  
34 games under this chapter during any calendar year, the  
35 commission shall approve an annual contract to be negotiated

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1 between the annual recipient of the dog racing promotion fund  
 2 and each dog racetrack licensee to specify the percentage or  
 3 amount of gambling game proceeds which shall be dedicated to  
 4 supplement the purses of live dog races. The parties shall  
 5 agree to a negotiation timetable to insure no interruption  
 6 of business activity. If the parties fail to agree, the  
 7 commission shall impose a timetable. If the two parties cannot  
 8 reach agreement, each party shall select a representative and  
 9 the two representatives shall select a third person to assist  
 10 in negotiating an agreement. The two representatives may  
 11 select the commission or one of its members to serve as the  
 12 third party. Alternately, each party shall submit the name  
 13 of the proposed third person to the commission who shall then  
 14 select one of the two persons to serve as the third party. All  
 15 parties to the negotiations, including the commission, shall  
 16 consider that the dog racetracks were built to facilitate the  
 17 development and promotion of Iowa greyhound racing dogs in this  
 18 state and shall negotiate and decide accordingly.

19 Sec. 11. TRANSITION PROVISIONS — PURSE SUPPLEMENTS. The  
 20 annual contract under section 99F.6, subsection 4, paragraph  
 21 "b", specifying the percentage or amount of gambling game  
 22 proceeds which shall be dedicated to supplement the purses of  
 23 live dog races conducted during the calendar year beginning  
 24 January 1, 2014, at the pari-mutuel dog racetrack located in  
 25 Pottawattamie county shall be extended to apply to live dog  
 26 races conducted at the dog racetrack located in Pottawattamie  
 27 county during the calendar year beginning January 1, 2015.

28 Sec. 12. EFFECTIVE UPON ENACTMENT. The following  
 29 provision or provisions of this Act, being deemed of immediate  
 30 importance, take effect upon enactment:

31 1. The section of this Act amending section 99F.4A.

32 EXPLANATION

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

35 This bill relates to the conduct of live dog racing at

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1 pari-mutuel dog racetracks authorized to conduct gambling  
2 games.

3 Code section 99D.2, which provides definitions for  
4 pari-mutuel wagering, is amended to provide that a racetrack  
5 enclosure also includes real property utilized for purposes  
6 of conducting pari-mutuel wagering on simultaneously telecast  
7 horse or dog races and for lawful gambling authorized and  
8 licensed as provided by Code chapters 99D and 99F.

9 New Code section 99D.9A allows a licensee authorized to  
10 operate a pari-mutuel dog racetrack and to conduct gambling  
11 games as of January 1, 2014, to, upon written notification  
12 to the racing and gaming commission by September 1, 2014,  
13 discontinue performances of live dog races as of the live  
14 racing cessation date of the licensee and to maintain a license  
15 for purposes of conducting gambling games and, if applicable,  
16 pari-mutuel wagering on simultaneously telecast horse or dog  
17 races. The bill provides that the live racing cessation  
18 date is October 31, 2014, for the licensee of the racetrack  
19 in Dubuque county, and December 31, 2015, for the licensee  
20 of the racetrack in Pottawattamie county. Upon the live  
21 racing cessation date, the racing and gaming commission shall  
22 transfer any unexpended moneys in the dog racing promotion fund  
23 attributable to the licensee to an Iowa greyhound pari-mutuel  
24 racing fund created in the bill, and any agreement for dog  
25 purse supplement payments for live racing shall be terminated.  
26 In addition, the bill provides that greyhound and kennel owners  
27 shall, within 30 days of the live racing cessation date,  
28 remove all of their property including the greyhounds from the  
29 racetrack located in Pottawattamie county. The bill provides  
30 that each licensee, upon the applicable live racing cessation  
31 date, shall commence paying a new live racing cessation fee for  
32 deposit in the Iowa greyhound pari-mutuel racing fund. The  
33 new Code section sets the total live racing cessation fee for  
34 the pari-mutuel dog racetrack located in Dubuque county at \$7  
35 million, payable in \$1 million installments each January 1 for



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1 seven consecutive years beginning January 1, 2015. For the  
2 pari-mutuel dog racetrack located in Pottawattamie county, the  
3 total live racing cessation fee is \$65 million, payable in  
4 installments over seven consecutive years beginning January 1,  
5 2016. The bill provides that the obligation to pay the fee  
6 ceases if either licensee, or the manager of the facility in  
7 Pottawattamie county, who was the licensee or manager as of  
8 January 1, 2014, is no longer the licensee or manager of the  
9 facility, and that prior to issuing a license to a successor  
10 licensee or entering into a new management agreement, all  
11 remaining unpaid installments of the fee shall be paid.

12 The bill provides that the licensee of the racetrack  
13 located in Dubuque county shall be authorized to maintain a  
14 license under Code section 99F.4A, as provided in the bill, to  
15 conduct gambling games on a gambling structure and to conduct  
16 simulcast wagering until December 31, 2014. The licensee of  
17 the racetrack located in Pottawattamie county shall remain  
18 licensed under Code chapter 99D, shall not be required to  
19 conduct live dog racing for purposes of conducting gambling  
20 games, and shall be authorized, but not required, to conduct  
21 pari-mutuel wagering on simultaneously telecast horse or dog  
22 races without a live racing requirement. The new Code section  
23 further provides that compliance with the requirements of  
24 the Code section and the establishment of the Iowa greyhound  
25 pari-mutuel racing fund constitute a full satisfaction of and  
26 discharge from any liability of the licensees and the Iowa  
27 greyhound association arising out of the discontinuance of live  
28 dog racing as provided in the bill.

29 New Code section 99D.9B establishes an Iowa greyhound  
30 pari-mutuel racing fund under the control of the racing  
31 and gaming commission. The fund shall consist of moneys  
32 transferred from the dog racing promotion fund, and moneys  
33 from the live racing cessation fee established in new Code  
34 section 99D.9A. Of the moneys deposited in the fund, 50  
35 percent shall be distributed to the Iowa greyhound association

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1 if the association is licensed and conducts live dog racing as  
2 authorized by the bill. Moneys remaining in the fund may be  
3 distributed by the commission to applicable greyhound industry  
4 participants, to no-kill animal adoption agencies to facilitate  
5 care for and adoption of greyhounds, and to kennel owners and  
6 operators and greyhound owners for costs incurred in removing  
7 property from the dog racetrack located in Pottawattamie  
8 county.

9 New Code section 99D.9C authorizes the Iowa greyhound  
10 association to apply for a license to conduct pari-mutuel  
11 wagering on live dog races or simultaneously telecast horse  
12 or dog races. The bill provides that if an application  
13 is submitted by October 1, 2014, the racing and gaming  
14 commission shall make a decision on the application by December  
15 1, 2014. The license shall authorize the Iowa greyhound  
16 association to conduct pari-mutuel wagering on live dog races  
17 or simultaneously telecast horse or dog races conducted at a  
18 racetrack enclosure located in Dubuque county, subject to the  
19 requirements of a lease agreement entered into pursuant to the  
20 Code section. The license shall also authorize the licensee  
21 to conduct pari-mutuel wagering on simultaneously telecast  
22 horse or dog races at the facility of a licensee authorized  
23 to conduct gambling games under Code chapter 99F pursuant to  
24 an agreement with the licensee of that facility as authorized  
25 by the new Code section. The new Code section provides that  
26 the Iowa greyhound association shall establish an escrow fund  
27 for moneys received from the racing and gaming commission from  
28 the Iowa greyhound pari-mutuel racing fund created in the bill  
29 and provides for the allowable uses of the moneys. The bill  
30 requires an annual audit of the fund and provides that any  
31 moneys remaining in the fund if the Iowa greyhound association  
32 is not licensed or does not conduct live dog racing be returned  
33 to the Iowa greyhound pari-mutuel racing fund. The new Code  
34 section limits the number of agreements to conduct pari-mutuel  
35 wagering on simultaneously telecast horse or dog races at

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1 the facility of a licensee authorized to conduct gambling  
2 games under Code chapter 99F to one per county, establishes  
3 requirements for entering into an agreement with a facility  
4 located in Dubuque county, and requires that revenue generated  
5 by the Iowa greyhound association from conducting pari-mutuel  
6 wagering on simultaneously telecast horse or dog races be  
7 utilized to supplement Iowa-whelped dogs racing out of state if  
8 the association ceases to conduct live dog racing.

9 The bill further provides that, upon written request by the  
10 Iowa greyhound association to the city of Dubuque by July 8,  
11 2014, the city of Dubuque shall be authorized to enter into an  
12 initial five-year lease agreement with a single option to renew  
13 the lease for an additional five years with the Iowa greyhound  
14 association beginning January 1, 2015, to permit the Iowa  
15 greyhound association to conduct pari-mutuel wagering on live  
16 dog races and simultaneously telecast horse or dog races at the  
17 dog racetrack located in Dubuque county. The bill provides  
18 for specific lease payment and live racing requirements, and  
19 provides that if the parties are unable to reach agreement on  
20 the terms of the lease agreement, the disputed terms will be  
21 determined by binding arbitration.

22 Code section 99D.10, concerning bonding requirements, is  
23 amended to be applicable to the Iowa greyhound association if  
24 issued a license as provided by the bill.

25 Code section 99D.11, concerning pari-mutuel wagering on  
26 simultaneously telecast horse or dog races, is amended to  
27 allow such wagering at the facility of a licensee authorized  
28 to conduct gambling games under Code chapter 99F and to allow  
29 the licensee of the racetrack located in Pottawattamie county  
30 that has complied with the requirements of new Code section  
31 99D.9A, and the Iowa greyhound association, if licensed, to  
32 conduct pari-mutuel wagering on simultaneously telecast horse  
33 or dog races without the requirement of also conducting live  
34 dog races.

35 Code section 99D.20, concerning auditing requirements, is

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1 amended to be applicable to the Iowa greyhound association if  
2 issued a license as provided by the bill.

3 Code section 99F.1, which provides definitions for gambling  
4 game licensees, is amended to provide that a racetrack  
5 enclosure also includes real property utilized for purposes  
6 of conducting pari-mutuel wagering on simultaneously telecast  
7 horse or dog races and for lawful gambling authorized and  
8 licensed as provided by Code chapters 99D and 99F.

9 Code section 99F.4A, concerning gambling games at  
10 racetracks, is amended by adding a new subsection requiring the  
11 racing and gaming commission to issue, upon request, a license  
12 to the licensee of the pari-mutuel dog racetrack located in  
13 Dubuque county as of the effective date of this provision of  
14 the bill to conduct gambling games at a gambling structure  
15 subject to the provisions of Code chapter 99F relating to  
16 gambling without payment of any additional licensure fees or  
17 further examination by the commission for purposes of the  
18 initial issuance of the license. The new provision requires  
19 the licensee to comply with the requirements of new Code  
20 section 99D.9A that apply to the licensee. The bill provides  
21 that this new subsection takes effect upon enactment.

22 Code section 99F.6, concerning live racing requirements for  
23 dog racetrack licensees authorized to conduct gambling games  
24 under Code chapter 99F, is amended to eliminate the live racing  
25 requirement upon the live racing cessation date as provided  
26 in new Code section 99D.9A if the licensee provides written  
27 notification to the racing and gaming commission as provided  
28 in Code section 99D.9A.

29 The bill also includes a transition provision that provides  
30 that the percentage or amount of gambling game proceeds which  
31 shall be dedicated to supplement the purses of live dog races  
32 conducted during the calendar year beginning January 1, 2014,  
33 at the pari-mutuel dog racetrack located in Pottawattamie  
34 county shall be extended to apply to live dog races conducted  
35 at the racetrack during the calendar year beginning January 1,

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