Sen. Judiciary 2/10

Senate File 1103
Judiciary
Willits, Chairperson
Coleman
Kelly

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SENATE FILE 1103

By RABEDEAUX

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to gambling and lawful gambling as an
2 exception thereto, and providing a tax and penalties,
3 and providing for licensing, suspensions and revocations,
4 and relating to reporting, profits and injunctions in
5 connection with gambling.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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S.F. 1103 H.F. _____

1 Section 1. Chapter seven hundred twenty-six (726), Code
2 1975, is amended by adding sections two (2) through seventeen
3 (17) of this Act.
4 Sec. 2. NEW SECTION. KEEPING GAMBLING HOUSES. If any
5 person keep a house, shop, or place resorted to for the pur-
6 pose of unlawful gambling, or permit or suffer any person
7 in any house, shop, or other place under his control or care
8 to gamble, whether lawfully or not, except as hereinafter
9 provided, such offender shall be guilty of keeping a gambling
10 house, a misdemeanor, and shall be punished as provided in
11 section fourteen (14) of this Act.
12 Sec. 3. NEW SECTION. UNLAWFUL GAMBLING--PENALTY. If
13 any person play at any game in which he directly or indirectly
14 ventures or hazards any sum of money or other property of
15 value for an opportunity to win a prize or other considera-
16 tion, or make any bet or wager for money or other property
17 of value, except as hereinafter provided, he shall be guilty
18 of unlawful gambling, a misdemeanor, and punished as provided
19 in section fourteen (14) of this Act.
20 Sec. 4. NEW SECTION. LAWFUL GAMBLING. The games or acts
21 enumerated in this section shall be lawful as an exception
22 to unlawful gambling if played or performed in accordance
23 with the provisions of this chapter.
24 1. FAIR, CARNIVAL, CHURCH AND SCHOOL GAMES. The following
25 games which have historically and customarily been played
26 at fairs, carnivals, churches or schools, shall be lawful
27 when the money or other consideration to play does not exceed
28 one dollar per game, the value of the prize does not exceed
29 twenty-five dollars per game and the games are played only
30 between the hours of 9:00 a.m. and 12:00 midnight, and in
31 accordance with the limitations of this chapter.
32 a. "Balloon dart", "darts" or "bow and arrow" games in
33 which the player attempts to break one or more balloons or
34 to hit a target by throwing a dart or other object or by
35 shooting an arrow.

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1 b. "Baseball pitch" games in which the player attempts
2 to hit or knock off a target such as a stuffed animal, bottle
3 or other object by throwing a ball.
4 c. "Basketball shoot" games in which the player attempts
5 to throw a basketball or other ball or object through or into
6 a basket or hoop.
7 d. "Bingo", "lotto", "keno", "tic-tac-toe" or similar
8 games in which two or more players, each with a card or board
9 containing several rows with numbers or holes, attempt to
10 line up, punch out or cover a row of holes or numbers, with
11 corn, balls or markers, or by punching holes in the card,
12 as the numbers are called or chosen by some lottery device
13 or by throwing a ball on signal. The winner is the first
14 person able to completely cover a row or other pattern,
15 horizontally, vertically, diagonally or in another designated
16 pattern, and to shout a designated exclamation.
17 e. "Cakewalk" or "musical chair" games in which several
18 players walk or run around chairs, cakes or prizes arranged
19 so that a winner or loser is determined by a system which
20 stops him in a place related or adjacent to the prize or in
21 a place where he is unable to find a chair in which to sit.
22 f. "Dragline" or "golddigger" games in which the player
23 maneuvers a claw or dragline device to pick up various objects
24 as prizes.
25 g. "Dunk 'em" games in which the player throws a ball
26 at a target, which if hit releases a suspended platform causing
27 the person sitting on the platform to fall into a tank of
28 water.
29 h. "Fishbowl" games in which the player attempts to throw
30 a pingpong ball or a similar object into a fishbowl and, if
31 successful, wins the object located in the fishbowl.
32 i. "Fish pond" or "duck pond" games in which the player
33 angles for a wooden or plastic fish or duck, or some other
34 object.
35 j. "Fool the guesser" games in which a person attempts

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1 to guess another's age or weight or to guess some other
2 physical fact such as the number of beans in a jar.
3 k. "Football throw" games in which the player attempts
4 to throw a football or other object to a target or through
5 the opening of a particular object which target or object
6 may be moving.
7 l. "High striker", "binger" or "hand striker" games in
8 which the player strikes a lever with a hammer or maul, or
9 with his fist or other object, propelling a sliding weight
10 up a track to ring a bell at the top.
11 m. "Hoop-la", "horseshoe" or "ring toss" games in which
12 the player attempts to pitch a horseshoe, ring or hoop onto,
13 around or over a wooden block, stake or peg device, bottle,
14 prize or other object.
15 n. "Huff and puff" balloon games in which two or more
16 contestants attempt to inflate a balloon to the breaking
17 point, regulating the air flow by directing a ball into a
18 fast or slow slot.
19 o. "Penny pitch", "bear pitch" or "glass pitch" games
20 in which the player attempts to pitch coins or objects into
21 or upon designated areas, marked spots, plates, dishes or
22 other objects.
23 p. "Shooting gallery" games in which the player uses a
24 gun in an attempt to hit a target or to shoot out a particular
25 area of a target.
26 q. "Shooting waters" games in which two or more players
27 compete, each attempting to shoot water into a tube, forcing
28 a ball up and out of the tube.
29 2. TOURNAMENTS AND EXHIBITIONS. Athletic or sporting
30 contests, competitions, races or tournaments, or cooking,
31 hobby, livestock, animal, poultry, agricultural, vehicle or
32 machinery exhibitions, in which the players or participants
33 pay an entry fee or other consideration for the opportunity
34 to win a prize, reward or other compensation, shall be lawful
35 provided that no such event is allowed at any amusement park,

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1 carnival, or on the midway of any fair. This subsection shall
2 not be deemed to include any of the games played at a fair,
3 carnival, church or school, as listed in subsection one (1)
4 of this section.
5 3. SMALL WAGERS. In any golf, bowling or billiards game,
6 tennis match, footrace or other human athletic contest or
7 competition involving muscular coordination, strength, speed,
8 physical stamina, endurance, agility, a keen eye or a steady
9 hand, or in any political contest, nomination or election,
10 amounts not to exceed five dollars per event may be lawfully
11 wagered on the outcome provided:
12 a. The wager is between the players, participants, specta-
13 tors or other persons interested in the outcome, any or all
14 of whom may gain or lose the same amount from the wager, and
15 does not directly or indirectly involve any person, or the
16 employee of any person, required to have a gambling license
17 on the premises, or for the event, upon which the wager is
18 made, and
19 b. No player or participant may wager on any event at
20 which spectators must pay to watch the event, except in golf,
21 bowling and tennis tournaments the players may wager the above
22 limited amounts upon themselves, or the teams of which they
23 are members, to win.
24 An event is the entire match, contest, nomination or elec-
25 tion, including all sequences, phases or games thereof, which
26 are customarily played to complete the competition according
27 to the rules thereof on or within a given day. Five dollars
28 per event, as used herein, shall mean that no person may wager
29 a total in excess of said sum on any single event, although
30 said sum wagered may be fragmented or placed upon any one
31 or more parts, movements, points or contestants of the event.
32 4. CARD AND PARLOR GAMES. Card and parlor games, including
33 but not limited to poker, pinochle, pitch, gin rummy, bridge,
34 euchre, hearts, cribbage, dominos, checkers, chess, backgammon
35 and darts, may be lawfully played for money or other stakes

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1 except that no such games shall be permitted at any amusement
2 park, carnival or on the midway of any fair, and no gambling
3 licensee nor his employee, may play in such games on the
4 licensed premises of the licensee, and provided:
5 a. It shall nevertheless be unlawful gambling for any
6 person to play any punchboard, push card, pull tabs, slot
7 machine, craps, chuck-a-luck, roulette, klondike, blackjack,
8 chemin de fer, baccarat, faro, equality, three-card monte,
9 or any game except poker which is customarily played in
10 gambling casinos and in which the house customarily provides
11 a banker, dealer or croupier to operate the game, or a
12 specially designed table upon which to play same.
13 b. In any game requiring a dealer, the players may choose
14 to take their turn at dealing in a regular order according
15 to the rules of the game.
16 c. Players may flip or match coins, cut cards, or roll
17 dice for a high or low number for a money sum no greater than
18 one dollar per flip, match, cut or roll, and may do so with
19 any gambling licensee, his employee, agent or servant whether
20 on or off the premises covered by a gambling license.
21 d. No player wins or loses more than a total of one hun-
22 dred dollars or equivalent value in all games and activities
23 permitted by this section at any time during any period of
24 twelve consecutive hours, or over that entire period.
25 5. RAFFLES. "Lotteries", "raffles" or "drawings" in which
26 each of several or many participants provides money or other
27 things of value and receives a ticket, token, credit, program,
28 or other device with a number, symbol or name thereon, which
29 is placed in a receptacle and drawn by lot, or retained and
30 selected by some random method, machine or computer, for a
31 prize, shall be lawful provided:
32 a. The participant pays no more than one dollar therefor,
33 or receives the ticket or device as an incidental part of
34 the consideration provided for food, drink, service, deposit,
35 property, attendance or activity, and the value of the prize

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1 does not exceed twenty-five dollars.
2 b. The fair board of any state, county or district fair
3 or agricultural society as defined in chapters one hundred
4 seventy-three (173) and one hundred seventy-four (174) of
5 the Code, may conduct not more than one raffle per calendar
6 year at which a prize or prizes of merchandise or other
7 personal property, except money, may be awarded if the value
8 paid by the fair board therefor does not exceed five thousand
9 dollars, and the participant pays no more than five dollars
10 therefor, or receives the number or name incidentally, as
11 in paragraph a of this subsection.
12 c. Any bona fide nonprofit charitable, veteran's or fra-
13 ternal organization or corporation described in section eleven
14 (11), subsection two (2), of this Act or any bona fide
15 religious or apostolic organization described in section
16 eleven (11), subsection three (3), of this Act may conduct
17 not more than one raffle per calendar year within the same
18 limitations as fairs under paragraph "b" of this subsection.
19 6. POOLS. Betting pools on the outcome of political or
20 athletic contests or tournaments, or other events except
21 races, shall be lawful provided no person wagers more than
22 five dollars on any one event as defined in subsection three
23 (3) of this section, and no person receives any sum or thing
24 of value except as a participant on the same terms as other
25 participants.
26 No other gambling game, contest or event not specifically
27 excepted in this section and played or operated within the
28 conditions and limitations of this chapter, may lawfully be
29 played for money or other thing of value. No system, doubling,
30 building-up or pyramiding of any wager, winnings or prizes,
31 on or in any gambling game, contest or event shall be lawful
32 except as necessary or permissible under the rules of the
33 card games, according to Hoyle, Scarne or other recognized
34 authority, and as provided in section seven (7), subsection
35 one (1), of this Act, pertaining to jackpot bingo.

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1 Sec. 5. NEW SECTION. CHEATING. Every gambling game,
2 contest, or event played or operated for money or other thing
3 of value must be played or operated honestly, fairly and with-
4 out cheating. No concealed numbers or symbols and no conver-
5 sion charts, may be used to play any of said games, except
6 to the extent necessarily required by the rules in the card
7 and parlor games, dominos, lotteries, raffles and bingo games
8 described.
9 No game may be rigged with any control devices, levers,
10 rods, wires, hydraulic, pneumatic, electrical or mechanical
11 connections, which permit manipulation of the game by the
12 operator to prevent or reduce a player's chance of winning
13 or to predetermine who the winner will be. No special lights,
14 beams or substances, and no hidden mirrors, lenses, marked
15 cards or falsely loaded objects shall ever be used in any
16 of said games. No operator or player shall employ any device
17 or substance whatsoever, of any kind, calculated to give him
18 an advantage over any player. In every such game, the goal,
19 target or object of the game shall be attainable. It must
20 be possible for any person permitted to play for money to
21 perform under the rules and to win. No goal or target may
22 be situated so that it cannot be achieved from the physical
23 location or position a player is required to assume, or with
24 the equipment he must use. No prize shall be displayed which
25 cannot be won under the rules, and within the limits, of this
26 Act. A violation of this section shall be cheating, a misde-
27 meanor, and punished under section fourteen (14) of this Act.
28 Sec. 6. NEW SECTION. CARNIVAL GAME RULES AND WELCHING.
29 Any person who conducts, manages or operates any of the fair,
30 carnival, church or school games listed in section four (4),
31 subsection one (1), paragraphs a to q, of this Act, shall
32 install in a place or places observable to any player of the
33 game a sign or signs at least thirty inches by thirty inches,
34 with permanent-type material and lettering, stating at the
35 top in printed letters at least three inches high: "Rules

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of the Game". Thereunder there shall be set forth in large, easily readable print, the name of the game, the price to play the game, the complete rules for the game and the name and permanent address of the owner of the game. No part of any such sign shall be altered or covered over with tape, paint or other substance, so as to allow the rules to be easily changed from time to time. No person shall be prevented or precluded from playing any game merely because of his skill or success therein. A violation of this section shall be welching, a misdemeanor, and punished under section fourteen (14) of this Act.

This section shall not apply to such games when played by churches, schools or parent-teacher associations on school or church premises without the services or assistance of an outside or independent lessor, carnival, amusement business or contractor.

Sec. 7. NEW SECTION. PRIZES. Merchandise prizes only, and no cash prizes, checks or instruments readily converted to cash, shall be awarded by the operators, sponsors or promoters, their employees, agents and subcontractors, in any lawfully operated gambling game, contest or event for the profit or fund raising purposes of any licensed person or organization, except:

1. Cash or other prizes, or a combination thereof, may be awarded in bingo games lawfully played at places other than at carnivals or amusement parks or on the midway of any fair, provided that the actual retail value of the prize or prizes in any game does not exceed, in the aggregate, one hundred dollars. In addition, one "jackpot" bingo game based on a system of building, doubling or pyramiding, when there are no winners after a fixed number of calls, or based on covering every number on a card, shall be permitted once each day in a licensed establishment provided the cost of play per game does not increase and the actual retail value of the prize or prizes does not exceed, in the aggregate, five

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1 hundred dollars.
2 2. Cash or other prizes, or a combination thereof, may
3 be awarded without limit in any contest, race, tournament
4 or exhibition described in section four (4), subsection two
5 (2), of this Act provided that the percentage of total receipts
6 from the entry fees to be returned to the participants in
7 prizes is publicly announced prior to the event and subse-
8 quently reported to the Iowa department of revenue in the
9 reports required in this chapter.
10 3. Cash or other prizes, or a combination thereof, may
11 be awarded in any lottery, raffle or drawing lawfully conducted
12 at places other than carnivals, amusement parks or on the
13 midway of any fair, according to the provisions of section
14 four (4), subsection five (5), of this Act.
15 4. In "penny pitch", "bear pitch" and "glass pitch" games
16 described in section four (4), subsection one (1), paragraph
17 "o", of this Act, wherever lawfully played, the prize may
18 be a coin or amount in cash equal to or greater than the coin
19 pitched.
20 Sec. 8. NEW SECTION. GAMBLING LICENSE NOT REQUIRED.
21 No gambling license shall be required of the following who
22 conduct, suffer, permit, play or participate in lawful gambling
23 as follows:
24 1. Any player or participant, himself, who receives no
25 profit, remuneration or compensation, directly or indirectly,
26 from or related to his own play, participation, bets or wagers,
27 besides his winnings as a player or participant on the same
28 basis as other players or participants, and who does not play
29 or participate on premises owned or rented by him, his
30 employees or employers, except as provided in subsections
31 five (5) and six (6) of this section.
32 2. Any state, district, or county fair board or agricul-
33 tural society recognized under chapter one hundred seventy-
34 three (173) or one hundred seventy-four (174) of the Code
35 which employs or contracts with a licensed carnival or outdoor

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1 amusement business as specified in section eleven (11), sub-
2 section four (4), of this Act.
3 3. Any bona fide public or private school or college,
4 library or historical society either recognized in or subject
5 to the regulations of chapters two hundred fifty-seven (257)
6 to three hundred four (304), inclusive, of the Code, or any
7 bona fide parent-teacher's association of such a public or
8 private school.
9 4. Any county, city, or any bona fide city chamber of
10 commerce which employs or contracts with a licensed carnival
11 or outdoor amusement business specified in section eleven
12 (11), subsection four (4), of this Act or a lessor or
13 independent contractor as specified in section eleven (11),
14 subsection six (6), of this Act.
15 5. Any person in his private home, apartment or living
16 quarters, provided there is no direct access through any door,
17 entranceway, stairway or window, whether or not locked, bolted
18 or barred, connecting said dwelling to the licensed premises
19 of any beer or liquor licensee, or to the licensed premises
20 of a gambling licensee, or unless two or more persons in addi-
21 tion to the immediate residents and tenants thereof are per-
22 mitted to use said dwelling for gambling more frequently than
23 during six days of each month.
24 6. Any person, firm or corporation for an occasional bet-
25 ting pool between personnel, employers, employees, or patrons
26 of any business or organization on the premises thereof, and
27 subject to the provisions of section four (4), subsection
28 six (6), of this Act, and provided that the entire pool is
29 distributed to the winners.
30 7. Any service club or other group which meets regularly
31 or occasionally, but not more often than six times per cal-
32 endar month, for breakfast, lunch, supper or dinner and con-
33 ducts a lottery, raffle or drawing as described in and sub-
34 ject to the limitations of section four (4), subsection five
35 (5), of this Act, and provided that all money paid to enter

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1 is distributed to the winners.
2 8. Any organization or association which conducts, not
3 more frequently than once each calendar year, a "Las Vegas"
4 or fun night starting after 7:00 p.m., using "toy money" or
5 tokens for which no player or participant is permitted to
6 venture, hazard or pay money or other consideration to a value
7 totaling in excess of five dollars, during the entire evening,
8 provided that all money paid by all participants to play is
9 reconverted to cash or prizes and distributed to the winning
10 players by the following 2:00 a.m. In such "Las Vegas" or
11 fun nights, there shall be no limit upon the amount any player
12 can win and, notwithstanding any other provision, blackjack
13 and craps may be played if no unlawful gambling device or
14 specially designed tables or equipment are used.
15 Sec. 9. NEW SECTION. GAMBLING LICENSE REQUIRED. Any
16 person, firm, corporation or organization not excluded under
17 section eight (8) of this Act must acquire a gambling license
18 in order to operate, conduct, or knowingly suffer or permit
19 lawful gambling on premises owned or rented by such person,
20 firm, corporation or organization.
21 Except as hereinafter provided, the department of revenue
22 shall issue the license for a fee of ten dollars, and for
23 one year, to any applicant of good reputation. A gambling
24 license heretofore issued pursuant to chapter ninety-nine
25 B (99B) of the Code as amended, shall remain in effect until
26 one year from the date it was issued, unless suspended or
27 revoked for cause, and no new license shall be required for
28 the single premises where it is used until it has expired.
29 If such existing license is used for or on multiple premises,
30 however, the licensee must elect and designate to the
31 department of revenue the single premises on which it is to
32 be used.
33 A gambling license must be acquired for each separate
34 building, business or premises in or upon which any person,
35 firm or corporation required to be licensed operates, con-

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1 ducts, suffers or permits lawful gambling. Said license shall
2 not be transferable, sold, assigned or used by any other
3 person, firm or corporation but it shall cover the agents,
4 servants, landlords, tenants, employees and employers of the
5 licensee on the licensed premises. Any person, organization
6 or independent contractor in the business of leasing, renting
7 or operating lawful gambling games to or for another, must
8 acquire a license for each premises upon which such are leased,
9 rented or operated, whether the other is required to be
10 licensed or not.
11 To acquire a license, an application blank on an affidavit
12 form prescribed by the department of revenue must be filed
13 with or mailed to the department of revenue, gambling license
14 division, together with the fee, and must show under oath
15 and penalty of perjury such information as the department
16 requires, including the full name, age, sex, marital status,
17 spouse's full name, address, telephone number, permanent resi-
18 dence and signature of the applicant and all partners, offi-
19 cers and business associates who will share responsibility
20 for the license with him, all of whom shall hereinafter be
21 referred to as the applicant. If the license is not to be
22 issued in the applicant's name, applicant must request that
23 the license be issued in the name of a company, organization,
24 partnership or corporation of which applicant is an owner,
25 manager, partner or officer authorized to make the applica-
26 tion.
27 No license shall be issued to a corporation unless it is
28 duly authorized to do business in Iowa. Applicant must show
29 the location and a description of the premises to be licensed,
30 and the mailing address thereof. If the premises are leased
31 or rented from another, applicant must show the name and
32 address of the owner and whether the owner has a gambling
33 license for the premises.
34 Applicant must state whether he has ever been convicted
35 of a felony or a gambling violation and, to the best of his

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1 knowledge, whether any of his partners, business associates,
2 landlords or employees connected with the premises to be
3 licensed have been so convicted; and furnish a summary of
4 the known facts pertaining to the convictions, including the
5 name of the crime and date and place of conviction.
6 Applicant must state the purpose for which the license
7 is sought and the kind and quantity of gambling which is
8 expected to be conducted, suffered or permitted; the day or
9 days of each week or month and the hours when it is expected
10 to be conducted. Applicant must state whether he, his firm,
11 organization, partnership or corporation, or the premises
12 for which the gambling license is to be issued, is licensed
13 for the sale of liquor or beer upon the same premises and,
14 if so, the name and address of the licensee. If applicant
15 has ever been refused, or had suspended or revoked, a gam-
16 bling, beer or liquor permit in Iowa or any other state, he
17 must so state and set forth the dates, places and reasons
18 therefor.
19 Applicant must state that he is familiar with the gam-
20 bling laws of Iowa and agrees that no moneys or other things
21 of value will be unlawfully received, expended or used there-
22 from, either directly or indirectly. If applicant is a non-
23 resident the secretary of state must be designated by appli-
24 cant as agent for the service of notice and process.
25 No gambling license shall be issued to any applicant who
26 does not fully and honestly complete the application form;
27 who has ever been convicted of a felony unless he has been
28 fully pardoned; whose Iowa gambling license issued after June
29 1, 1975, is under suspension or revocation; or who would be
30 unable to qualify for a beer or liquor permit under the
31 requirements of chapter one hundred twenty-three (123) of
32 the Code.
33 Once a gambling license has been issued to a licensee,
34 it may be renewed annually upon payment of the ten dollar
35 fee and upon filing a renewal application, in affidavit form

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1 prescribed by the department of revenue, and showing all or
2 any such of the foregoing information as the department may
3 require. Said renewal application must be signed under oath
4 and subject to penalty of perjury by such of the original
5 applicants or partners as the department may require.
6 Sec. 10. NEW SECTION. PROFITS PROHIBITED. Except as
7 provided in section four (4), subsection two (2), of this
8 Act, and in section four (4), subsection four (4), paragraph
9 c, of this Act, and except as provided in section eleven (11)
10 of this Act, no gambling licensee, nor the agents, employees
11 or contractors of such, may charge any cover charge or
12 admission for, accept any tip or gratuity from, play or
13 participate in, or take any drag, percentage or cut out of,
14 any gambling game, pot, pool or wager, conducted, ventured
15 or staked on a licensee's licensed premises, or otherwise
16 directly profit from such as an operator, dealer, banker,
17 shill, waiter, servant or in any other capacity whatsoever.
18 Nor may any player or participant do any of the foregoing
19 things, or make any special profit, prohibited to a gambling
20 licensee except play, participate and win or lose on the same
21 basis as any other participant or player.
22 No gambling licensee, nor the agents, employees or con-
23 tractors of such may receive, directly or indirectly, any
24 profit whatsoever from the sale or rental of cards, chips,
25 numbers, tokens or gambling paraphenalia, or rent from pri-
26 vate rooms for gambling purposes, all of which if furnished
27 by the gambling licensee must be furnished at the same cost
28 to the players as to the licensee. A fair and reasonable
29 charge may nevertheless be assessed the players for the use
30 of any billiards or pool tables, bowling alleys, golf courses,
31 tennis courts, shuffle boards, ping-pong tables, lawful pin-
32 ball machines, or other devices or services not essentially
33 of a gambling nature, if the charge is the same whether such
34 are used by the players for gambling purposes or not. Noth-
35 ing herein shall prevent the licensee from indirect profits

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1 resulting from the sale of additional food, beverages or other
2 legally salable merchandise not directly connected to gam-
3 bling, which might not be sold but for said gambling.
4 Sec. 11. NEW SECTION. PROFITS ALLOWED. In addition to
5 the ordinary winnings allowed to players and participants
6 from lawful gambling, the following persons and organizations
7 may directly profit or raise funds from conducting, suffer-
8 ing or permitting those fair, carnival, church and school
9 games, including bingo, enumerated in section four (4), subsec-
10 tion one (1), of this Act:
11 1. Any state, district or county fair board or agricul-
12 tural society, school, parent-teacher association, college,
13 library, historical society, county, city, or municipal cham-
14 ber of commerce specified in section eight (8), subsections
15 two (2), three (3) and four (4), of this Act.
16 2. Any bona fide nonprofit charitable, bona fide nation-
17 ally chartered fraternal or military veterans' corporation
18 or organization which was in existence and operating a club-
19 room, post, dining room or dance hall, as long as it continues
20 to operate such and has a valid gambling license for the prem-
21 ises on which the gambling is conducted.
22 3. Any bona fide religious or apostolic organization main-
23 taining an established office or place of worship in this
24 state prior to July 1, 1976, and which has a valid gambling
25 license for the premises on which the gambling is conducted.
26 4. Any bona fide organized traveling carnival or outdoor
27 amusement business maintaining no fewer than five rides and
28 operating under written contract with any organization listed
29 in subsection one (1), two (2) or three (3) of this section,
30 provided said carnival or business has a valid gambling license
31 for each location and operates at no one location in this
32 state for more than ten days each year.
33 5. Any permanently located and bona fide amusement park
34 maintaining no fewer than five rides and similar amusement
35 devices and which has a valid gambling license.

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1 6. Any person, firm, or corporation in the business of
2 renting, leasing or operating lawful gambling games or equip-
3 ment, as a lessor or independent contractor, to or upon the
4 premises of another, and who acquires a license for those
5 premises whether the person employing him is licensed or not.
6 Any person, firm or corporation, except carnivals, outdoor
7 amusement businesses and amusement parks, licensed to gamble
8 in this state may conduct for profit or fund-raising purposes
9 any of the contests, competitions, races, tournaments or
10 exhibitions lawful under section four (4), subsection two
11 (2), of this Act, by charging an entry fee to players or par-
12 ticipants, or an admission fee to spectators, or both.
13 Any organization listed in subsections one (1), two (2)
14 and three (3) of this section may conduct for profit or fund-
15 raising purposes any of the raffles, lotteries or drawings
16 described in section four (4), subsection five (5), of this
17 Act, but subject to the limitations therein contained.
18 Sec. 12. NEW SECTION. ADDITIONAL PROHIBITIONS. No per-
19 son or organization not enumerated in section eleven (11)
20 of this Act shall operate, conduct, suffer or permit any bingo
21 or other fair, church, carnival or school games enumerated
22 in section four (4), subsection one (1), of this Act, or any
23 raffles, lotteries or drawings described in section four (4),
24 subsection five (5), of this Act, whether or not for profit
25 or fund-raising purposes, on any licensed premises.
26 Sec. 13. NEW SECTION. REPORTING GAMBLING PROFITS. All
27 persons, firms or corporations licensed to gamble in this
28 state must, on or before July 15 following the date of issuance
29 of any gambling license during the year before that date,
30 file with the department of revenue, gambling license division,
31 a gambling profit return for each separate gambling license
32 issued to the licensee. The return shall cover the period
33 from the date of issuance of the license to and including
34 May 31 following its issuance and any period not previously
35 reported during which a gambling license was in effect for

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1 the premises, and shall state the period or periods covered.
2 Said return shall be typed or printed on a form prescribed
3 by said department, signed by the licensee and all partners
4 thereof, or by the duly authorized officer of a licensed
5 corporation, under oath and subject to the penalty of perjury.
6 It must show the name of the corporation or the name or names
7 and addresses of all persons to whom the license was issued,
8 the date the license was issued, the license number issued
9 by the department, the address, location or premises for which
10 the license was issued and the license numbers of any other
11 licenses issued to the same licensee for other premises.
12 The return shall report the gross receipts directly
13 attributable to any gambling on the licensed premises since
14 the date of its issuance, including all entry and admission
15 fees, an itemization of deductions claimed from said gross
16 receipts, including the amounts distributed to employers,
17 landlords or others, their names and addresses, and the net
18 profit, income or funds raised. If there are no gross
19 receipts, or no deductions, or if there is no net income,
20 or if there is a net loss, the licensee must nevertheless
21 file the return for the license and state the facts and amounts
22 pertaining thereto.
23 The name and address of every winner, and the amount of
24 the winnings, of every contest, competition, race, tourna-
25 ment, or exhibition described in section four (4), subsection
26 two (2), of this Act, or any pool described in section four
27 (4), subsection six (6), of this Act, which is conducted by
28 a gambling licensee or his agent on the licensee's licensed
29 premises, must be reported.
30 The return shall report each date on which gambling was
31 conducted for profit or fund-raising purposes on the licensed
32 premises during the period or periods reported, the total
33 cost to the licensee of all prizes, if any, and what part
34 thereof was cash, awarded to winners on each of said dates,
35 and all such other and further information as the department

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1 of revenue may require; except that profits from flipping,
2 matching, etc., under section four (4), subsection four (4),
3 paragraph c, of this Act and profits not directly related
4 to gambling need not be reported hereunder. Nor shall any
5 person or organization not required to have a gambling license
6 in order to conduct, suffer, permit, play or participate in
7 gambling, be required to file a gambling profit return.
8 Any licensee failing to file a return as herein required
9 shall be guilty of a misdemeanor and shall be fined in a sum
10 not to exceed one thousand dollars, or imprisoned in the
11 county jail for a period not to exceed six months, or both,
12 and his gambling license shall be suspended for a period not
13 to exceed one year. Reports filed hereunder shall not excuse
14 the licensee from filing any other report required by law.
15 Sec. 14. NEW SECTION. PENALTIES. A violation of any
16 provision of this chapter for which punishment is not otherwise
17 prescribed, shall constitute a misdemeanor and the violator
18 shall be punished by a fine not to exceed five thousand dol-
19 lars, or imprisonment in the county jail for a period not
20 to exceed one year, or by both such fine and imprisonment.
21 In addition, upon conviction, any or all state licenses issued
22 to a licensee for any or all of the licensee's licensed
23 premises, may be temporarily or permanently suspended or
24 revoked by the license-issuing authority or by the hearing
25 board thereof, if any.
26 Sec. 15. NEW SECTION. RULES. The department of revenue
27 shall, subject to the provisions of chapter seventeen A (17A)
28 of the Code, make such rules as necessary to administer all
29 provisions within the guidelines of this chapter.
30 Sec. 16. NEW SECTION. SUSPENSION OR REVOCATION OF GAMBLING
31 LICENSE. Any gambling license issued under this chapter may,
32 after notice in writing to the licensee and reasonable
33 opportunity for hearing, be temporarily or permanently
34 suspended or revoked by the director of the department of
35 revenue or majority action of any city council, or board of

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1 supervisors of any county if outside a city, in which the
2 licensed premises of a gambling licensee are located, for
3 any of the following causes:
4 1. Conviction of a violation of this chapter.
5 2. Misrepresentation of any material fact in the applica-
6 tion for such license.
7 3. Violation of any provisions of this chapter.
8 4. Any change in the ownership or interest in a business
9 operated on the premises licensed pursuant to this chapter.
10 5. An event which would have resulted in disqualification
11 from receiving such license when originally issued.
12 6. Any sale, hypothecation, or transfer of such license.
13 7. The failure or refusal on the part of any licensee
14 to render any report or remit any taxes to the department
15 under this chapter when due.
16 8. One or more violations of this chapter upon any licensed
17 premises on three or more separate days, within any period
18 of ninety days, by any person or persons whether or not said
19 person or persons, or their unlawful activities hereunder,
20 are known to the licensee or his agents.
21 Cities or counties shall have the power to suspend or
22 revoke any gambling license for a violation of any ordinance
23 adopted by such local authorities. Such local authorities
24 are empowered to adopt ordinances or regulations within their
25 respective jurisdictions for the location of premises upon
26 which lawful gambling may be conducted and are empowered to
27 adopt ordinances, not in conflict with the provisions of this
28 chapter and that do not diminish the hours specified herein
29 during which lawful gambling may be conducted, and ordinances
30 governing any other matters which may affect the practice
31 of lawful gambling and the health, welfare and morals of the
32 community involved. The action of any local authorities
33 suspending or revoking a gambling license under this section
34 may be appealed to the hearing board established in section
35 seventeen (17) of this Act within thirty days by notice in

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1 writing filed with the director of revenue.
2 Any peace officer or any employee or agent of the depart-
3 ment of revenue may enter upon any licensed premises of any
4 gambling licensee without a search warrant at any time said
5 premises are being operated for business, and whether gambling
6 is occurring or not, and may inspect said premises and the
7 books and equipment therefor, for the purpose of enforcing
8 any provision of this chapter. A refusal by the licensee,
9 or any officer, agent or servant of the licensee, to permit
10 such inspection, shall be cause for temporary or permanent
11 suspension or revocation of any or all gambling licenses of
12 the licensee after notice and opportunity for hearing as
13 prescribed in this section, above, and such peace officer
14 or agent may forthwith command immediate temporary suspension
15 of the gambling license and all gambling on the licensed
16 premises shall cease and desist at once and until such time
17 as inspection is permitted.
18 Sec. 17. NEW SECTION. HEARING BOARD AND APPEALS. There
19 is hereby created a three-member hearing board for the purpose
20 of conducting hearings relating to controversies concerning
21 the suspension, or revocation of gambling licenses by state
22 or local authorities.
23 Two members shall be appointed by the director of the
24 department of revenue from the personnel of the department
25 and one member shall be appointed by the director of the Iowa
26 beer and liquor control department from the three-member hear-
27 ing board of that department. The hearing board shall have
28 the power to review de novo any suspension or revocation and
29 to reverse, vacate, modify or affirm any action in which a
30 gambling license is suspended or revoked. Said decision may
31 be reviewed by the district court on application of the
32 licensee, director of revenue or other suspending authority,
33 by writ of certiorari under division fourteen (XIV) of the
34 rules of civil procedure. The hearing board shall establish
35 and adopt rules and procedures for conducting departmental

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hearings under this chapter.

Sec. 18. Section four hundred twenty-two point forty-three (422.43), unnumbered paragraphs two (2) and three (3), Code 1975, are amended to read as follows:

There is hereby imposed a tax of three percent upon the gross receipts derived from the operation of all forms of amusement devices and ~~games-of-skill,-games-of-chance,-raffles and-bingo-games-as-defined-in-chapter-99B,-and~~ upon the gross receipts derived from gambling conducted for profit by any gambling licensee in Iowa, and upon the gross receipts from any commercial amusement enterprises operated or conducted within the state of Iowa, such tax to be collected from the operator in the same manner as is provided for the collection of taxes upon the gross receipts of tickets or admission as provided in this section.

The tax thus imposed shall cover all receipts from the operation of ~~games-of-skill,-games-of-chance,-raffles-and bingo-games-as-defined-in-chapter-99B,~~ gambling and musical devices, weighing machines, shooting galleries, billiard and pool tables, bowling alleys, pinball machines, slot-operated devices selling merchandise not subject to the general sales taxes and on all receipts from devices or systems where prizes are in any manner awarded to patrons and upon the receipts from fees charged for participation in any game or other form of amusement, and generally upon the gross receipts from any source of amusement operated for profit not specified herein, and upon the gross receipts from which no tax is collected for tickets or admission, but no tax shall be imposed upon any activity exempt from sales tax under the provision of section 422.45, subsection 4. Every person receiving gross receipts from the sources as defined in this section shall be subject to all provisions of this division relating to retail sales tax and such other provisions of this chapter as may be applicable.

Sec. 19. Section one hundred twenty-three point forty-

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nine (123.49), subsection two (2), paragraph a, Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter ninety-nine (99), section sixteen (16), is amended to read as follows:

a. Knowingly permit any gambling, except in accordance with chapter ~~ninety-nine-B-(99B)~~ seven hundred twenty-six (726) of the Code, or knowingly permit solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

Sec. 20. Section ninety-nine point one (99.1), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Whoever shall erect, establish, continue, maintain, use, own, or lease any building, erection, or place used for the purpose of lewdness, assignation, prostitution or unlawful gambling, or pool selling ~~as-defined-by-section-726.6~~ is guilty of a nuisance, and the building, erection, or place, or the ground itself, in or upon which such lewdness, assignation, prostitution, or unlawful gambling, or pool selling ~~as-defined-by-section-726.6~~ is conducted, permitted, or carried on, continued, or exists, and the furniture, fixtures, musical instruments, and movable property used in conducting or maintaining such nuisance, are also declared a nuisance and shall be enjoined and abated as hereinafter provided.

Sec. 21. Section ninety-nine A point one (99A.1), subsection one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter ninety-nine (99), section one (1), is amended by striking the subsection and inserting in lieu thereof the following:

1. "Gambling devices" means roulette wheels, klondike tables, punchboards, faro layouts, slot machines, craps tables, blackjack tables, any ticket, sheet, or writing of any kind used or designed to be used for unlawful gambling purposes, and all machines and devices used for unlawful gambling, and all machines and devices of any nature whatsoever adapted,

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1 devised and designed for the purpose of unlawful gambling.
2 Nothing in this definition shall be construed to include dice
3 or ordinary playing cards or any other device or machine which
4 can be used for lawful gambling. And it shall be lawful for
5 any person to own, operate, or play mechanical or electronic
6 amusement devices even though the machine or device awards
7 free games or one or more additional balls or shots upon
8 attaining a certain score. But such machines and devices
9 shall be unlawful gambling devices if they award or are played
10 for cash or merchandise prizes or if the machines or devices
11 are equipped with a push button or other device for releasing
12 free games which are not played off and a meter for measuring
13 the games released or a device by which a person may increase
14 his chances of winning free games by inserting additional
15 coins.
16 Sec. 22. Section seven hundred twenty-six point five
17 (726.5), Code 1975, as amended by Acts of the Sixty-sixth
18 General Assembly, 1975 Session, chapter ninety-nine (99),
19 section twenty (20), is amended by striking the section and
20 inserting in lieu thereof the following:
21 726.5 POSSESSION OF GAMBLING DEVICES PROHIBITED. No one
22 shall, in any manner or for any purpose whatever, except under
23 proceeding to destroy the same, have, keep, or hold in
24 possession or control any gambling device as defined in section
25 ninety-nine A point one (99A.1) of the Code. A violation
26 of this section by a gambling licensee or other person required
27 to have a gambling license shall be punishable under section
28 fourteen (14) of this Act. A violation by any person not
29 required to have a gambling license shall be punished by a
30 fine of not to exceed one hundred dollars or imprisonment
31 in the county jail for not more than thirty days. In either
32 case, an unlawful gambling device shall be forfeited to the
33 state as contraband and the court shall order its destruction.
34 Sec. 23. Section five hundred thirty-seven A point four
35 (537A.4), unnumbered paragraph one (1), Code 1975, is amended

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1 to read as follows:
2 All promises, agreements, notes, bills, bonds, or other
3 contracts, mortgages or other securities, when the whole or
4 any part of the consideration thereof is for money or other
5 valuable thing won or lost, laid, staked, or bet, at or upon
6 any game of any kind or on any wager, are absolutely void
7 and of no effect except that the lawful promise of a gambling
8 licensee or his agents conducting any lawful gambling game
9 or activity under said license shall be valid and enforceable
10 according to the law of contracts.
11 Sec. 24. Section five hundred thirty-seven A point four
12 (537A.4), Code 1975, unnumbered paragraph two (2), as amended
13 by Acts of the Sixty-sixth General Assembly, 1975 Session,
14 chapter ninety-nine (99), section seventeen (17), is amended
15 by striking the paragraph.
16 Sec. 25. Acts of the Sixty-sixth General Assembly, 1975
17 Session, chapter ninety-nine (99), section twenty-four (24),
18 is amended to read as follows:
19 SEC. 24. Chapter seven hundred twenty-six (726), Code
20 1975, is amended by adding the following new section:
21 NEW SECTION. PROTECTION MONEY PROHIBITED. Any officer
22 or employee of this state, or of a county, city, or judicial
23 district who asks for, receives or collects any money or other
24 consideration for and with the understanding that the officer
25 or employee will aid, exempt, or otherwise protect another
26 person from detection, arrest or conviction of any violation
27 of this chapter ~~or chapter ninety-nine B (99B) of the Code~~
28 commits a felony punishable by a fine not to exceed five
29 thousand dollars or by imprisonment for a term not to exceed
30 two years, or by both fine and imprisonment.
31 Sec. 26. Chapter ninety-nine B (99B), as amended by Acts
32 of the Sixty-sixth General Assembly, 1975 Session, chapter
33 ninety-nine (99), and sections seven hundred thirteen point
34 twenty-nine (713.29), seven hundred thirteen point thirty
35 (713.30), seven hundred thirteen point thirty-one (713.31),

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1 seven hundred thirteen point thirty-two (713.32), seven hundred
2 thirteen point thirty-three (713.33), seven hundred twenty-
3 six point one (726.1), as amended by Acts of the Sixty-sixth
4 General Assembly, 1975 Session, chapter ninety-nine (99),
5 section eighteen (18), seven hundred twenty-six point two
6 (726.2), seven hundred twenty-six point three (726.3), as
7 amended by Acts of the Sixty-sixth General Assembly, 1975
8 Session, chapter ninety-nine (99), section nineteen (19),
9 seven hundred twenty-six point six (726.6), seven hundred
10 twenty-six point eight (726.8) as amended by Acts of the
11 Sixty-sixth General Assembly, 1975 Session, chapter ninety-
12 nine (99), section twenty-one (21), seven hundred twenty-six
13 point nine (726.9), seven hundred twenty-six point ten
14 (726.10), seven hundred twenty-six point eleven (726.11) as
15 amended by Acts of the Sixty-sixth General Assembly, 1975
16 Session, chapter ninety-nine (99), section twenty-two (22),
17 Code 1975, and Acts of the Sixty-sixth General Assembly, 1975
18 Session, chapter ninety-nine (99), section twenty-three (23),
19 are repealed. However, prosecutions for violations of any
20 of those sections which occurred prior to the effective date
21 of this repeal, and any appeals therefrom, may be contin-
22 ued and shall not be held or rendered moot by any court.
23 EXPLANATION
24 This is a complete and comprehensive gambling law for Iowa.
25 It amends Chapter 726 and other sections of the Code, and
26 legalizes the most common gambling, much of which has been
27 openly engaged in in Iowa throughout most of this century.
28 But it attempts to impose reasonable limits and regulations.
29 "Lawful gambling" is carefully enumerated under six broad
30 general categories designated as follows:
31 1. Fair, carnival, church and school games.
32 2. Contests, competitions, races, tournaments and exhibi-
33 tions.
34 3. Small wagers.
35 4. Card and parlor games.

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1 5. Lotteries, raffles and drawings.
2 6. Betting pools.
3 While it is impossible to specifically define each lawful
4 gambling game or practice in any comprehensive statute, lawful
5 gambling as enumerated under the six broad general categories
6 of this bill is carefully enough described as to be easily
7 recognized and construed. Lawful gambling is lawful only
8 as an exception to "unlawful gambling" as defined in this
9 bill in terms of our traditional gambling statute and dozens
10 of decisions of our Iowa Supreme Court.
11 Law enforcement officers insist that a careful enumeration
12 of what is lawful gambling, as an exception to unlawful gam-
13 bling, is essential to the enforceability of any gambling
14 law. This is true because doubts are always resolved in favor
15 of a defendant in a criminal prosecution. But an exception,
16 even to a criminal statute, is strictly construed against
17 the exception and doubts are resolved in favor of the general
18 prohibition. Wood Bros. Thresher Co. v. Eicher, 1942, 231
19 Iowa 550, 1 N.W. 2d 655. Accordingly, this law can be strictly
20 applied to a gambler, or a gambling house, and any doubt as
21 to whether gambling is lawful under the law would be resolved
22 against its being lawful.
23 Not only is any gambling which is not enumerated and played
24 according to the terms of the Act unlawful, but certain "hard
25 core" fast action gambling games are specifically prohibited
26 so as to leave no question. Thus, games such as craps, rou-
27 lette, black jack and other common casino-type games, as well
28 as games readily adopted by swindlers, such as three card
29 monte, are expressly forbidden. So are one-armed bandit-type
30 slot machines, punchboards and the like. On the other hand,
31 pinball machines which award free games, or extra balls, are
32 lawful exactly as they were in Senate File 108, 1973 Session,
33 the best features of which have been preserved. Literally
34 hundreds of harmless carnival games have been made lawful
35 by description, but others, easily rigged or "gaffed", and

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criticized by Scarne (see, "Complete Guide to Gambling" by John Scarne, Simon and Schuster, 1961. Mr. Scarne is widely considered one of the world's foremost authorities on gambling.) as "flat joints" or con games are not legalized simply because they have not been described with those enumerated as lawful.

Throughout the bill there are limits as to what can be wagered and what can be won. For example, at the fair, the cost of playing a game may not exceed $1.00 and only merchandise prizes not exceeding $25.00 in value may be awarded. But in bingo games played at churches, cash prizes of up to $100.00, and in jackpot bingo, $500.00, may be won. The limit on small wagers is $5.00 per event, a term defined in the bill. In card games, like poker, no player may win or lose more than $100.00 at any time within any period of 12 hours, or over the entire period. There is no limit on what a person can win in certain athletic contests and exhibitions, such as golf tournaments, or in Las Vegas or fun nights conducted annually.

The bill contains detailed provisions covering cheating. It carefully enumerates when a gambling license is required and when it is not, who may profit from gambling and who may not, who must report gambling profits and the details which must be reported. It imposes a tax on gambling receipts and section 12 even prohibits certain licensees from conducting or permitting some kinds of lawful gambling. (Not every gambling licensee may conduct all forms of lawful gambling. For example bingo may not be played at taverns. And tournaments or card games may not be conducted by carnivals.) No age limitations have been included.

Such common games as poker, gin rummy and bridge may be played as gambling games in private dwellings and in licensed establishments, but no one can take a rake-off or cut, or make any profit except as a player.

As a practical matter, every beer or liquor licensee must

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1 acquire a $10.00 gambling license annually from the department
2 of revenue or, failing to do so, would have to take extra-
3 ordinary measures to see that no gambling of any kind occurred
4 on his premises. But a school or PTA would not be required
5 to get a gambling license or report gambling profits for its
6 fund-raising purposes.
7 Ordinarily, a violation is a misdemeanor punishable under
8 section 14 by a fine not to exceed $5,000.00 or imprisonment
9 in the county jail for a period not to exceed one year, or
10 by both such fine and imprisonment. Provisions for suspension
11 and revocation of licenses by a hearing board are modeled
12 after those in the liquor law. The department of revenue
13 is given power to make rules within the guidelines of the
14 Act and, within limits, cities and counties are given ordi-
15 nance making powers by which to regulate gambling within their
16 respective jurisdictions.
17 The following listing of the 26 sections of this bill is
18 an index and table of contests, as well as a general overview,
19 of its provisions:
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