

House Amendment 8232

PAG LIN

1 1 Amend Senate File 2330, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking everything after the enacting
1 4 clause and inserting the following:
1 5 <Section 1. Section 99G.9, Code 2005, is amended
1 6 by adding the following new subsection:
1 7 NEW SUBSECTION. 4A. To establish a process to
1 8 allow a person to be voluntarily excluded for life
1 9 from purchasing a lottery ticket or share for lottery
1 10 games authorized by this chapter. The process
1 11 established shall require that the authority
1 12 disseminate information regarding persons voluntarily
1 13 excluded to all retailers under this chapter and, if
1 14 applicable, to licensees under chapters 99D and 99F.
1 15 The state, the authority, retailers under this
1 16 chapter, and, if applicable, any licensee under
1 17 chapter 99D or 99F shall not be liable to any person
1 18 for any claim which may arise from this process. In
1 19 addition to any other penalty provided by law, any
1 20 money or thing of value that has been obtained by, or
1 21 is owed to, a voluntarily excluded person by the
1 22 authority as a result of playing any lottery game by
1 23 the person after the person has been voluntarily
1 24 excluded shall not be paid to the person but shall be
1 25 deposited into the gambling treatment fund created in
1 26 section 135.150. The authority shall coordinate with
1 27 the racing and gaming commission to establish a
1 28 unified process for allowing persons to be excluded
1 29 for life under this chapter and chapters 99D and 99F,
1 30 and to establish a statewide database of persons
1 31 excluded under this process and those excluded under
1 32 the process for racetrack enclosures and all other
1 33 licensed facilities under chapters 99D and 99F.
1 34 Sec. 2. Section 99G.30, subsection 4, Code 2005,
1 35 is amended to read as follows:
1 36 4. Except for the authority, a retailer shall only
1 37 sell lottery products on the licensed premises and not
1 38 through the mail or by technological means except as
1 39 the authority may provide or authorize and subject to
1 40 the requirements of section 99G.30A.
1 41 Sec. 3. Section 99G.30, Code 2005, is amended by
1 42 adding the following new subsection:
1 43 NEW SUBSECTION. 8. Lottery products or shares
1 44 shall only be sold by a person at least eighteen years
1 45 of age.
1 46 Sec. 4. NEW SECTION. 99G.30A MONITOR VENDING
1 47 MACHINES == RESTRICTIONS.
1 48 1. It shall be lawful for a retailer to sell
1 49 lottery products or tickets by means of a monitor
1 50 vending machine pursuant to the requirements of the
2 1 authority, but only if all of the following conditions
2 2 are met:
2 3 a. A monitor vending machine shall only be
2 4 permitted or offered for use by a retailer that is a
2 5 fraternal or charitable organization in any single
2 6 location or premises for which a class "A" or class
2 7 "C" liquor control license has been issued pursuant to
2 8 chapter 123.
2 9 b. A monitor vending machine shall not be located
2 10 on the premises of a retailer within twenty feet of an
2 11 automated teller machine.
2 12 c. A retailer may locate no more than four monitor
2 13 vending machines at the retailer's premises.
2 14 d. The authority shall not advertise or promote
2 15 the availability of monitor vending machines to the
2 16 public. In addition, a person or retailer shall not
2 17 advertise or promote the availability of a monitor
2 18 vending machine to the public as anything other than a
2 19 monitor vending machine dispensing lottery products or
2 20 tickets pursuant to rules adopted by the authority.
2 21 e. A monitor vending machine offered to the public
2 22 shall be designed so as to be inaudible and with a
2 23 blank video monitor screen until the machine is
2 24 activated by a player. To activate a machine, a

2 25 player shall be required to obtain a code or similar
2 26 activating device from the retailer each time a player
2 27 wishes to activate and play a machine. In addition,
2 28 each machine shall be designed to require each player
2 29 to affirmatively respond to questions on the machine
2 30 as determined by the authority prior to playing the
2 31 machine. The questions shall require responses
2 32 related to the minimum age required to play the
2 33 machine, the consequences if a person excluded from
2 34 purchasing lottery products plays the machine, and the
2 35 availability of gambling treatment programs.

2 36 f. The minimum cost for a person to activate and
2 37 play a game on a monitor vending machine shall be no
2 38 less than one dollar.

2 39 g. A retailer with a monitor vending machine shall
2 40 make brochures concerning available gambling treatment
2 41 information readily available to players of the
2 42 machine.

2 43 h. A retailer offering a monitor vending machine
2 44 to the public shall require that all employees
2 45 authorized to provide the code or similar activating
2 46 device to persons prior to activating and playing a
2 47 monitor vending machine shall be at least eighteen
2 48 years of age.

2 49 i. The number of monitor vending machines
2 50 authorized by the authority and offered to the public
3 1 shall not exceed the number of monitor vending
3 2 machines that had been authorized and either located
3 3 on the licensed premises of a retailer or ordered by a
3 4 retailer from an authorized manufacturer as of January
3 5 7, 2006.

3 6 2. For purposes of this section, "monitor vending
3 7 machine" means a machine or other similar electronic
3 8 device that includes a video monitor and audio
3 9 capabilities that dispenses to a purchaser lottery
3 10 tickets that have been determined to be winning or
3 11 losing tickets by a predetermined pool drawing machine
3 12 prior to the dispensing of the tickets.

3 13 Sec. 5. NEW SECTION. 99G.30B AGE RESTRICTIONS ==
3 14 PENALTIES.

3 15 1. A person under the age of twenty-one years
3 16 shall not purchase or attempt to purchase a lottery
3 17 ticket or share. A person who violates this
3 18 subsection commits a scheduled violation under section
3 19 805.8C, subsection 5.

3 20 2. If any retailer, or employee of a retailer, is
3 21 convicted or found in violation of section 99G.30,
3 22 subsection 3, the authority shall, in addition to
3 23 criminal penalties fixed for violation of that
3 24 subsection, assess a civil penalty as follows:

3 25 a. A first violation shall subject the retailer to
3 26 a civil penalty in the amount of five hundred dollars.

3 27 b. A second violation within two years shall
3 28 subject the retailer to a thirty-day suspension of the
3 29 retailer's license and a civil penalty in the amount
3 30 of one thousand five hundred dollars.

3 31 c. A third violation within three years shall
3 32 subject the retailer to a sixty-day suspension of the
3 33 retailer's license and a civil penalty in the amount
3 34 of one thousand five hundred dollars.

3 35 d. A fourth violation within three years shall
3 36 result in revocation of the retailer's license.

3 37 e. For purposes of this subsection:

3 38 (1) The date of any violation shall be used in
3 39 determining the period between violations.

3 40 (2) Suspension shall be limited to the specific
3 41 license for the premises found in violation.

3 42 Sec. 6. Section 99G.33, Code 2005, is amended to
3 43 read as follows:

3 44 99G.33 LAW ENFORCEMENT INVESTIGATIONS.

3 45 The department of public safety, division of
3 46 criminal investigation, shall be the primary state
3 47 agency responsible for investigating criminal
3 48 violations under this chapter. The chief executive
3 49 officer shall contract with the department of public
3 50 safety for investigative services, including the
4 1 employment of special agents and support personnel,
4 2 and procurement of necessary equipment to carry out
4 3 the responsibilities of the division of criminal
4 4 investigation under the terms of the contract and this
4 5 chapter. The contract shall provide, at a minimum,

~~4 6 for random checks of retailers at all hours for
4 7 compliance with the provisions of this chapter,
4 8 especially as it relates to the purchase of lottery
4 9 products or access to monitor vending machines by a
4 10 person who has not reached the age of twenty-one.~~

4 11 Sec. 7. Section 99G.39, subsection 1, paragraph a,
4 12 Code 2005, is amended to read as follows:

4 13 a. An amount equal to one-half of one percent of
4 14 the gross lottery revenue for the year shall be
4 15 deposited in the gambling treatment fund created in
4 16 section 135.150. However, an amount equal to one
4 17 percent of the gross lottery revenue for the year
4 18 derived from monitor vending machines shall be
4 19 deposited in the gambling treatment fund created in
4 20 section 135.150.

4 21 Sec. 8. Section 805.8C, subsection 5, Code
4 22 Supplement 2005, is amended to read as follows:

4 23 5. GAMBLING VIOLATIONS. For violations of legal
4 24 age for gambling wagering under section 99D.11,
4 25 subsection 7, section 99F.9, subsection 5, section
4 26 99G.30B, subsection 1, and section 725.19, subsection
4 27 1, the scheduled fine is five hundred dollars.
4 28 Failure to pay the fine by a person under the age of
4 29 eighteen shall not result in the person being detained
4 30 in a secure facility.>

4 31 #2. Title page, by striking lines 1 and 2 and
4 32 inserting the following: <An Act concerning the Iowa
4 33 lottery, including provisions on authorized lottery
4 34 games and machines, and providing penalties.>

4 35 #3. By renumbering as necessary.

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4 39 D. TAYLOR of Linn

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