

FILED MAR 12 1997

SENATE FILE **430**  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 197)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act restricting the provision of child day care in gambling  
2 establishments, making penalties applicable, and providing an  
3 effective date.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. **430**

1 Section 1. NEW SECTION. 237A.30 GAMBLING ESTABLISHMENTS.

2 1. For the purposes of this section, unless the context  
3 otherwise requires, "gambling establishment" means any  
4 structure, building, or other facility which is owned, leased,  
5 rented, or otherwise operated, used, or controlled by any of  
6 the following:

7 a. A person licensed under chapter 99B to conduct bingo,  
8 raffles, or other games of chance or skill.

9 b. A person licensed under chapter 99D to operate a pari-  
10 mutuel racetrack.

11 c. A person licensed under chapter 99F to operate an  
12 excursion gambling boat or gambling games at a pari-mutuel  
13 racetrack enclosure.

14 2. Child day care may be provided in accordance with this  
15 chapter in a gambling establishment if the care is available  
16 only to the children of persons employed by the gambling  
17 establishment or if the child day care has been authorized to  
18 be provided in a gambling establishment pursuant to an  
19 agreement entered into or exception to policy issued by the  
20 director of human services or the department of human services  
21 which is in existence as of the effective date of this Act.

22 3. Except for child day care provided in accordance with  
23 subsection 2, a family or group day care home or center shall  
24 not be established or operated in or by a gambling  
25 establishment. Establishing or operating a family or group  
26 day care home or center in violation of this section is  
27 subject to penalty under section 237A.19 and injunction under  
28 section 237A.20.

29 Sec. 2. Section 99B.14, unnumbered paragraph 1, Code 1997,  
30 is amended to read as follows:

31 The department shall revoke a license issued pursuant to  
32 this chapter if the licensee or an agent of the licensee  
33 violates or permits a violation of a provision of this  
34 chapter, or a departmental rule adopted pursuant to chapter  
35 17A, or if a cause exists for which the director of the

1 department would have been justified in refusing to issue a  
2 license, or upon the conviction of a person of a violation of  
3 this chapter or a rule adopted under this chapter which  
4 occurred on the licensed premises, or if the licensee or an  
5 agent of the licensee establishes or operates a family or  
6 group day care home or center in violation of section 237A.30.  
7 However, the revocation of one type of gambling license does  
8 not require the revocation of a different type of gambling  
9 license held by the same licensee.

10 Sec. 3. Section 99D.9, Code 1997, is amended by adding the  
11 following new subsection:

12 NEW SUBSECTION. 6A. A licensee or an agent of a licensee  
13 shall not establish or operate a family or group day care home  
14 or center in violation of section 237A.30.

15 Sec. 4. Section 99F.7, subsection 5, paragraph b, Code  
16 1997, is amended by striking the paragraph.

17 Sec. 5. Section 99F.7, Code 1997, is amended by adding the  
18 following new subsection:

19 NEW SUBSECTION. 14A. A licensee or an agent of a licensee  
20 shall not establish or operate a family or group day care home  
21 or center in violation of section 237A.30.

22 Sec. 6. EFFECTIVE DATE. This Act, being deemed of  
23 immediate importance, takes effect upon enactment.

24 EXPLANATION

25 This bill restricts the provision of child day care in  
26 gambling establishments.

27 Code chapter 237A, relating to child day care facilities  
28 regulated by the department of human services, is amended by  
29 adding a new section. Gambling establishments are defined as  
30 a structure, building, or other facility which is owned,  
31 leased, or otherwise under the control of any of the following  
32 persons: a licensee for bingo or other games of skill or  
33 chance under Code chapter 99B, a licensee for pari-mutuel  
34 wagering under Code chapter 99D, or a licensee for excursion  
35 gambling boats or gambling games under chapter 99F.

1 A gambling establishment is authorized to provide child day  
2 care for children of its employees or to provide child day  
3 care if it has been authorized by the applicable state agency  
4 as of the effective date of this bill. Otherwise, the  
5 provision of child day care in a gambling establishment under  
6 Code chapter 237A is prohibited. Provision of child day care  
7 in violation of the prohibition is subject to a penalty as a  
8 serious misdemeanor for a child day care center or a simple  
9 misdemeanor for a family or group day care home.

10 The bill also amends Code section 99B.14, relating to  
11 licenses for bingo, raffles, and other games of skill or  
12 chance; Code section 99D.9, relating to licenses for pari-  
13 mutuel racetracks; and Code section 99F.7, relating to  
14 licenses for excursion gambling boats and gambling games at  
15 pari-mutuel racetrack enclosures. These amendments direct the  
16 department of inspections and appeals and the racing and  
17 gaming commission to revoke licenses for a violation of the  
18 child day care prohibition.

19 The bill also amends section 99F.7, subsection 5, to  
20 eliminate the requirement that a section of a gambling boat be  
21 reserved for activities for persons under 21 years of age.

22 The bill provides for an immediate effective date.

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Lind, Chair  
Rife  
Fink

SSB 197  
State Government  
Succeeded By  
(SF) HF 430

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON LIND)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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3 otherwise requires, "gambling establishment" means any  
4 structure, building, or other facility which is owned, leased,  
5 rented, or otherwise operated, used, or controlled by any of  
6 the following:

7 a. A person licensed under chapter 99B to conduct bingo,  
8 raffles, or other games of chance or skill.

9 b. A person licensed under chapter 99D to operate a pari-  
10 mutuel racetrack.

11 c. A person licensed under chapter 99F to operate an  
12 excursion gambling boat or gambling games at a pari-mutuel  
13 racetrack enclosure.

14 2. Child day care may be provided in accordance with this  
15 chapter in a gambling establishment if the care is available  
16 only to the children of persons employed by the gambling  
17 establishment.

18 3. Except for child day care provided in accordance with  
19 subsection 2, a family or group day care home or center shall  
20 not be established or operated in or by a gambling  
21 establishment. Establishing or operating a family or group  
22 day care home or center in violation of this section is  
23 subject to penalty under section 237A.19 and injunction under  
24 section 237A.20.

25 Sec. 2. Section 99B.14, unnumbered paragraph 1, Code 1997,  
26 is amended to read as follows:

27 The department shall revoke a license issued pursuant to  
28 this chapter if the licensee or an agent of the licensee  
29 violates or permits a violation of a provision of this  
30 chapter, or a departmental rule adopted pursuant to chapter  
31 17A, or if a cause exists for which the director of the  
32 department would have been justified in refusing to issue a  
33 license, or upon the conviction of a person of a violation of  
34 this chapter or a rule adopted under this chapter which  
35 occurred on the licensed premises, or if the licensee or an

1 agent of the licensee establishes or operates a family or  
2 group day care home or center in violation of section 237A.30.  
3 However, the revocation of one type of gambling license does  
4 not require the revocation of a different type of gambling  
5 license held by the same licensee.

6 Sec. 3. Section 99D.9, Code 1997, is amended by adding the  
7 following new subsection:

8 NEW SUBSECTION. 6A. A licensee or an agent of a licensee  
9 shall not establish or operate a family or group day care home  
10 or center in violation of section 237A.30.

11 Sec. 4. Section 99F.7, Code 1997, is amended by adding the  
12 following new subsection:

13 NEW SUBSECTION. 14A. A licensee or an agent of a licensee  
14 shall not establish or operate a family or group day care home  
15 or center in violation of section 237A.30.

16 Sec. 5. EFFECTIVE DATE -- TEMPORARY PROVISION. This Act,  
17 being deemed of immediate importance, takes effect upon  
18 enactment. Any agreement entered into or exception to policy  
19 issued by the director of human services or the department of  
20 human services authorizing child day care to be provided in a  
21 gambling establishment, as defined in section 1 of this Act  
22 enacting Code section 237A.30, is void and the child day care  
23 in the gambling establishment shall be subject to the  
24 provisions of section 237A.30 commencing sixty days after the  
25 effective date of this Act.

26 EXPLANATION

27 This bill restricts the provision of child day care in  
28 gambling establishments.

29 Code chapter 237A, relating to child day care facilities  
30 regulated by the department of human services, is amended by  
31 adding a new section. Gambling establishments are defined as  
32 a structure, building, or other facility which is owned,  
33 leased, or otherwise under the control of any of the following  
34 persons: a licensee for bingo or other games of skill or  
35 chance under Code chapter 99B, a licensee for pari-mutuel

1 wagering under Code chapter 99D, or a licensee for excursion  
2 gambling boats or gambling games under chapter 99F.

3 A gambling establishment is authorized to provide child day  
4 care for children of its employees. Otherwise, the provision  
5 of child day care in a gambling establishment under Code  
6 chapter 237A is prohibited. Provision of child day care in  
7 violation of the prohibition is subject to a penalty as a  
8 serious misdemeanor for a child day care center or a simple  
9 misdemeanor for a family or group day care home.

10 The bill also amends Code section 99B.14, relating to  
11 licenses for bingo, raffles, and other games of skill or  
12 chance; Code section 99D.9, relating to licenses for pari-  
13 mutuel racetracks; and Code section 99F.7, relating to  
14 licenses for excursion gambling boats and gambling games at  
15 pari-mutuel racetrack enclosures. These amendments direct the  
16 department of inspections and appeals and the racing and  
17 gaming commission to revoke licenses for a violation of the  
18 child day care prohibition.

19 The bill provides for an immediate effective date. Any  
20 agreement entered into or exception to policy issued by the  
21 department of human services allowing for child day care at a  
22 gambling establishment, as defined in the bill, is void 60  
23 days after the effective date of the bill.

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