

# Senate Study Bill 197

## Bill Text

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1 1 Section 1. NEW SECTION. 237A.30 GAMBLING ESTABLISHMENTS.  
1 2 1. For the purposes of this section, unless the context  
1 3 otherwise requires, "gambling establishment" means any  
1 4 structure, building, or other facility which is owned, leased,  
1 5 rented, or otherwise operated, used, or controlled by any of  
1 6 the following:  
1 7 a. A person licensed under chapter 99B to conduct bingo,  
1 8 raffles, or other games of chance or skill.  
1 9 b. A person licensed under chapter 99D to operate a pari-  
1 10 mutuel racetrack.  
1 11 c. A person licensed under chapter 99F to operate an  
1 12 excursion gambling boat or gambling games at a pari-mutuel  
1 13 racetrack enclosure.  
1 14 2. Child day care may be provided in accordance with this  
1 15 chapter in a gambling establishment if the care is available  
1 16 only to the children of persons employed by the gambling  
1 17 establishment.  
1 18 3. Except for child day care provided in accordance with  
1 19 subsection 2, a family or group day care home or center shall  
1 20 not be established or operated in or by a gambling  
1 21 establishment. Establishing or operating a family or group  
1 22 day care home or center in violation of this section is  
1 23 subject to penalty under section 237A.19 and injunction under  
1 24 section 237A.20.  
1 25 Sec. 2. Section 99B.14, unnumbered paragraph 1, Code 1997,  
1 26 is amended to read as follows:  
1 27 The department shall revoke a license issued pursuant to  
1 28 this chapter if the licensee or an agent of the licensee  
1 29 violates or permits a violation of a provision of this  
1 30 chapter, or a departmental rule adopted pursuant to chapter  
1 31 17A, or if a cause exists for which the director of the  
1 32 department would have been justified in refusing to issue a  
1 33 license, or upon the conviction of a person of a violation of  
1 34 this chapter or a rule adopted under this chapter which  
1 35 occurred on the licensed premises, or if the licensee or an  
2 1 agent of the licensee establishes or operates a family or  
2 2 group day care home or center in violation of section 237A.30.  
2 3 However, the revocation of one type of gambling license does  
2 4 not require the revocation of a different type of gambling  
2 5 license held by the same licensee.  
2 6 Sec. 3. Section 99D.9, Code 1997, is amended by adding the  
2 7 following new subsection:  
2 8 NEW SUBSECTION. 6A. A licensee or an agent of a licensee  
2 9 shall not establish or operate a family or group day care home  
2 10 or center in violation of section 237A.30.  
2 11 Sec. 4. Section 99F.7, Code 1997, is amended by adding the  
2 12 following new subsection:  
2 13 NEW SUBSECTION. 14A. A licensee or an agent of a licensee  
2 14 shall not establish or operate a family or group day care home  
2 15 or center in violation of section 237A.30.  
2 16 Sec. 5. EFFECTIVE DATE - TEMPORARY PROVISION. This Act,  
2 17 being deemed of immediate importance, takes effect upon  
2 18 enactment. Any agreement entered into or exception to policy  
2 19 issued by the director of human services or the department of  
2 20 human services authorizing child day care to be provided in a  
2 21 gambling establishment, as defined in section 1 of this Act

2 22 enacting Code section 237A.30, is void and the child day care  
2 23 in the gambling establishment shall be subject to the  
2 24 provisions of section 237A.30 commencing sixty days after the  
2 25 effective date of this Act.

2 26 EXPLANATION

2 27 This bill restricts the provision of child day care in  
2 28 gambling establishments.

2 29 Code chapter 237A, relating to child day care facilities  
2 30 regulated by the department of human services, is amended by  
2 31 adding a new section. Gambling establishments are defined as  
2 32 a structure, building, or other facility which is owned,  
2 33 leased, or otherwise under the control of any of the following  
2 34 persons: a licensee for bingo or other games of skill or  
2 35 chance under Code chapter 99B, a licensee for pari-mutuel  
3 1 wagering under Code chapter 99D, or a licensee for excursion  
3 2 gambling boats or gambling games under chapter 99F.

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

3 10 The bill also amends Code section 99B.14, relating to  
3 11 licenses for bingo, raffles, and other games of skill or  
3 12 chance; Code section 99D.9, relating to licenses for pari-  
3 13 mutuel racetracks; and Code section 99F.7, relating to  
3 14 licenses for excursion gambling boats and gambling games at  
3 15 pari-mutuel racetrack enclosures. These amendments direct the  
3 16 department of inspections and appeals and the racing and  
3 17 gaming commission to revoke licenses for a violation of the  
3 18 child day care prohibition.

3 19 The bill provides for an immediate effective date. Any  
3 20 agreement entered into or exception to policy issued by the  
3 21 department of human services allowing for child day care at a  
3 22 gambling establishment, as defined in the bill, is void 60  
3 23 days after the effective date of the bill.

3 24 LSB 1126XC 77

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