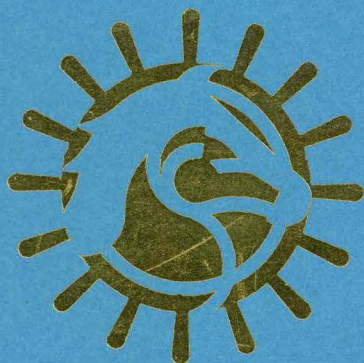


**RULES** AUG 13 1993  
**OF**  
**EXCURSION**  
**BOAT GAMBLING**



***IOWA RACING***  
***AND GAMING***  
***COMMISSION***

**1992 Edition**

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AUG 13 1993

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# Iowa Racing and Gaming Commission

Lucas State Office Building  
Des Moines, Iowa 50319  
(515) 281-7352

L. C. "BUD" PIKE .....	CHAIRMAN
LEO MONAGHAN .....	VICE-CHAIRMAN
RICHARD CANELLA .....	COMMISSIONER
RITA SEALOCK .....	COMMISSIONER
LORRAINE MAY .....	COMMISSIONER
MICK LURA .....	ADMINISTRATOR

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## CHAPTER 1 ORGANIZATION AND OPERATION

**491-1.1(99D,99F) Function.** The Iowa racing and gaming commission was created by Iowa Code chapter 99D, and is charged with the administration of the Iowa Pari-Mutuel Wagering Act and Excursion Boat Gambling Act. Iowa Code chapter 99D and 99F mandates that the commission shall have full jurisdiction over and shall supervise all race meetings and gambling excursions governed by Iowa Code chapter 99D and 99F.

**491-1.2(99D,99F) Organization and operations.**

**1.2(1)** The Iowa racing and gaming commission is located at Lucas State Office Building, Des Moines, Iowa 50319; phone 515/281-7352. Office hours are 8 a.m. to 4:30 p.m. Monday through Friday.

**1.2(2)** The Iowa racing and gaming commission consists of five members. The membership shall elect a chairperson and vice-chairperson in July of each year.

**1.2(3)** The commission meets periodically throughout the year and will meet in July of each year. Notice of a meeting is published at least five days in advance of the meeting or will be mailed to interested persons upon request. The notice will contain the specific date, time, and place of the meeting. Agendas are available to any interested persons not less than five days in advance of the meeting. All meetings will be open to the public, unless a closed session is voted by four members or all members present for the reasons specified in Iowa Code section 21.5. The operation of commission meetings will be governed by the following rules of procedure:

a. A quorum shall consist of three members.

b. When a quorum is present, a position is carried by an affirmative vote of the majority of the entire membership of the commission.

c. Persons wishing to appear before the commission should submit a written request to the commission office not less than seven days prior to the meeting. The administrator or commission may place a time limit on presentations after taking into consideration the number of presentations requested.

d. Special or electronic meetings may be called by the chair only upon a finding of good cause and shall be held in strict accordance with Iowa Code section 21.4 or 21.8.

e. The presiding officer may exclude any person from the meeting for behavior that disrupts or obstructs the meeting.

f. Cases not covered by these rules shall be governed by Robert's Rules of Orders Revised (1981 edition).

**1.2(4)** Minutes of commission meetings are prepared and are available at the commission office for inspection during business hours. Copies may be obtained without charge by contacting the office.

**491-1.3(99D,99F) Administration of the commission.** The commission shall appoint an administrator for the Iowa racing and gaming commission.



who is responsible for the day-to-day administration of the commission's activities.

**491-1.4(68) Open records.** Except as provided in Iowa Code sections 22.7 and 17A.2(7)"f" all public records of the commission are available for public inspection during business hours. Requests to obtain records may be made either by mail, telephone or in person. Minutes of commission meetings, forms and other records routinely requested by the public may be obtained without charge. Other records requiring more than ten copies may be obtained upon payment of the actual cost for copying. This charge may be waived by the administrator.

**491-1.5(17A,100) Forms.** All forms utilized in the conduct of business with the Iowa racing and gaming commission are available from the commission upon request.

## **CHAPTER 2 RULE MAKING AND DECLARATORY RULINGS**

**491-2.1(99D,99F) Commission rule making.** The commission shall make rules in accordance with Iowa Code section 17A.4.

**491-2.2(99D,99F) Oral presentations.** When requested by the persons or groups enumerated in Iowa Code section 17A.4(1)"b," an opportunity for an oral presentation shall be scheduled on the agenda of the next regularly scheduled commission meeting held not less than 35 days after the publication of notice. The request must be presented at the commission office within 21 days of the publication of the Notice of Intended Action and must identify the proposed rules subject to the request by ARC number and by the specific citation of the proposed rule upon which presentations are to be made.

**2.2(1) Notice.** When so requested under the provisions of rule 2.2(99D,99F), the administrator shall use discretion in scheduling an opportunity for oral presentations by publishing a notice of the opportunity in the Iowa Administrative Bulletin, which shall refer to the ARC number and citation of the proposed rule, and which shall give the public not less than 20 days' notice of the date, time and place of the meeting. Additional notice shall be mailed to all persons who have requested the opportunity for an oral presentation.

**2.2(2) Conduct of meetings.** The acting chairperson of the commission shall serve as the presiding officer at the meetings. At the commencement of the meeting, any person wishing to make an oral presentation shall advise the presiding officer of the person's name, address and affiliation. The meetings shall be conducted in the same manner as any commission meeting and be governed by Robert's Rules of Order.

**491-2.3(99D,99F) Conferences or consultations.** In addition to the required

rule-making procedures, the commission or designee may obtain viewpoints or advice concerning proposed rule making through informal conferences or consultations as the commission or designee may deem desirable.

**491-2.4(99D,99F) Adoption.** After all oral and written presentations and discussion have been completed, the commission shall consider final action on the proposed rule or defer final action to a subsequent meeting. Once the proposed rule has been adopted by the commission in final form, it shall then be made effective pursuant to the provisions of Iowa Code section 17A.5. Adoption of the rule must not be less than 35 days after the publication of Notice of the Intended Action.

**491-2.5(99D,99F) Petition for rule making.** Any interested person may petition the commission to request the promulgation, amendment, or repeal of a rule. The petition for rule making shall be filed in the commission office, Lucas State Office Building, Des Moines, Iowa 50319. The petition shall either be mailed certified, return receipt requested, or may be delivered in person. An additional copy may be provided if the petitioner wishes to retain a filed stamped copy of the petition. The petition may be either typewritten or legibly printed in ink and must substantially conform to the following form:

**IOWA RACING AND GAMING COMMISSION**  
**Lucas State Office Building**  
**Des Moines, Iowa 50319**

---

Petition by _____ (Name) _____ )		
to (Amend, Adopt, or Repeal) _____ )	)	PETITION FOR RULE
Rules Relating to (state _____ )	)	MAKING
subject matter) _____ )	)	

---

(petition must state in separate numbered paragraph)

1. Petitioner's name and address and phone number.
2. The nature of petitioner's interest in the matter.
3. The text or substance of any requested rule adoption, amendment or repeal including the text and citation for any current rule in effect.
4. The reasons for seeking the requested action, including any statute, rule, data, evidence or arguments which are relevant to the request. Copies of any statute, rule, evidence, etc. should be attached to the petition.

---

Petitioner's signature

**2.5(1) Procedure after petition is filed.** Upon filing of the petition, the administrator shall inspect the petition to ensure substantial compliance with the recommended form. If the petition does not contain the tex



or substance of the proposed amendment or fails to include copies of any cited statute, rule, or evidence, the administrator may reject the petition and return it to the petitioner along with the reasons for the rejection. Petitioner may then correct the reasons for rejection and refile the petition. A petition in substantial compliance with the recommended form shall be filed, stamped, and copies promptly sent to the commission members for further study.

**2.5(2) Commission action.** Within 60 days of the filing of a petition, the commission shall meet to consider the petition. The petitioner shall be given 20 days' notice of the meeting and, at the discretion of the commission, may appear at the meeting and speak to the merits of the petition. The commission shall either grant the petition and commence rule making, or deny the petition and notify the petitioner in writing of the grounds for the denial.

**491-2.6(17A) General.** Any interested person may solicit oral or written advice from the administrator concerning the application or interpretation of any statute or administrative rule dealing with the racing and gaming commission. However, unless the request is made pursuant to Iowa Code, section 17A.9, petition for declaratory ruling, any such advice is not binding upon the commission. Petitioners for a declaratory ruling must have a real and direct interest in a specific fact situation which may affect their legal rights, duties or responsibilities under statutes or regulations administered by the commission.

**491-2.7(17A) Petition for declaratory rulings.** A petition for a declaratory ruling shall be filed in the office of the Administrator, Iowa Racing and Gaming Commission, Lucas State Office Building, Des Moines, Iowa 50319. The petition shall either be mailed certified, return receipt requested, or may be delivered in person. An additional copy may be provided if the petitioner wishes to retain a filed stamped copy of the petition. The petition shall be typewritten and must substantially conform to the following:

**IOWA RACING AND GAMING COMMISSION**  
**Lucas State Office Building**  
**Des Moines, Iowa 50319**

---

Petition by _____ (Name) _____ )	PETITION
For a Declaratory Ruling on _____ )	FOR
(state statute, rule citation _____ )	DECLARATORY
to be ruled on) _____ )	RULING

---

(petition must state in separate numbered paragraphs)

1. Petitioner's name, address and phone number.
2. A clear, concise and complete statement of all relevant facts on which the ruling is requested.

3. A clear and concise statement of the controversy or uncertainty.
4. Reference to the statutory authority or rules in question, along with attached copies.
5. The reasons for prompting the petition and a full disclosure of petitioner's interest.
6. Whether petitioner is currently a party to a contested case, rulemaking or judicial proceeding involving the controversy or uncertainty.
7. The names and addresses, when known, of other persons who may be affected by the declaratory ruling.

---

Petitioner's signature

#### **491-2.8(17A) Procedure after petition is filed.**

**2.8(1)** Initial review. Upon filing of the petition the administrator shall inspect the petition for substantial compliance with the recommended form, and may reject a petition which fails to contain one or more of the required statements.

a. The administrator shall conduct an initial review of the petition and may request the petitioner to provide additional facts or provide greater specificity and detail in the questions posed. A request shall be made within ten days of the filing of the petition. If the requested information is not provided within 30 days of receipt of the request, the petitioner will be deemed to have withdrawn the petition.

b. The administrator shall then draft a proposed ruling or declination to rule within 20 days of the receipt of additional information or of the filing of the petition, whichever is later. The petition for a declaratory ruling, the proposal by the administrator and copies of all evidence and arguments shall then be forwarded to the commission members for final action.

**2.8(2)** Commission action. Within 30 days of the receipt of the petition or additional information, whichever is later, the commission shall meet to consider the petition. Petitioner shall be given ten days' notice of the meeting and, at the discretion of the commission, may appear at the meeting and speak to the merits of the petition. After due consideration, the commission may:

- a. Adopt the proposed ruling of the administrator.
- b. Modify the proposed rule and adopt the modification.
- c. Instruct the administrator to obtain additional information pursuant to subrule 2.8(1).
- d. Instruct the administrator to prepare an alternate proposed ruling to be considered at the next meeting, if petitioner agrees to an extension of the time period.
- e. Decline to issue a ruling based upon one or more of the following:
  - (1) The issue in question is currently involved in a rule making, contested case or judicial proceeding.
  - (2) The petition does not contain sufficient facts to demonstrate that the petitioner will be aggrieved or adversely affected by failure to issue



a declaratory ruling.

(3) The petitioner presents issues or facts which are unclear, overbroad or otherwise inappropriate as a basis upon which to issue a declaratory ruling.

(4) The petition indicates the petitioner seeks to obtain approval to engage in activities so borderline as to be of dubious legality, although perhaps marginally proper.

(5) The issue in question has been rendered moot by a change in circumstances, fact, or law.

(6) The issue in question depends upon peculiar facts which cannot be predicted or accurately described in advance.

(7) Other good and sufficient reasons, which shall be detailed in writing.

**2.8(3) Effect of declaratory ruling.** A declaratory ruling adopted by the commission is binding upon both the commission and the petitioner on the questions of law dealt with in the ruling to the fact situation set out in the petition including such additional facts required by the administrator or commission in accordance with these rules.

### **CHAPTER 3 PUBLIC RECORDS AND FAIR INFORMATION PRACTICES**

The racing and gaming commission adopts, with the following exceptions and amendments, rules of the Governor's Task Force on Uniform Rules of Agency Procedure relating to public records and fair information practices which are printed in Volume I of the Iowa Administrative Code.

**491-3.1(17A,22) Definitions.** As used in this chapter:

"Agency." In lieu of the words "(official or body issuing these rules)", insert "racing and gaming commission".

**491-3.3(17A,22) Requests for access to records.**

**3.3(1) Location of record.** In lieu of the words "(insert agency head)", insert "Administrator". In lieu of the words "(insert agency name and address)", insert "Racing and Gaming Commission, Lucas State Office Building, Des Moines, Iowa 50319".

**3.3(2) Office hours.** In lieu of the words "(insert customary office hours, and, if agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4)", insert "8 a.m. to 4:30 p.m. Monday thru Friday, except legal holidays".

**491-3.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records.** In lieu of the words "(designate office)", insert "racing and gaming commission".

**491-3.9(17A,22) Disclosures without the consent of the subject.**

**3.9(1) Open records** are routinely disclosed without the consent of the subject.

**3.9(2)** To the extent allowed by law, disclosure of confidential records

may occur without the consent of the subject. Following are instances where disclosure, if lawful, will generally occur without notice to the subject:

a. For a routine use as defined in rule 3.10 or in the notice for a particular record system.

b. To a recipient who has provided the agency with advance written assurance that the record will be used solely as a statistical research or reporting record, provided that the record is transferred in a form that does not identify the subject.

c. To another government agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if an authorized representative of such government agency or instrumentality has submitted a written request to the agency specifying the record desired and the law enforcement activity for which the record is sought.

d. To an individual pursuant to a showing of compelling circumstances affecting the health or safety of any individual if a notice of the disclosure is transmitted to the last known address of the subject.

e. To the legislative fiscal bureau under Iowa Code section 2.52.

f. Disclosures in the course of employee disciplinary proceedings.

g. In response to a court order or subpoena.

**491-3.10(17A,22) Routine use.** "Routine use" means the disclosure of a record without the consent of the subject or subjects, for a purpose which is compatible with the purpose for which the record was collected. It includes disclosures required to be made by statute other than the public records law, Iowa Code chapter 22.

**3.10(1)** To the extent allowed by law, the following uses are considered routine uses of all agency records:

a. Disclosure to those officers, employees, and agents of the agency who have a need for the record in the performance of their duties. The custodian of the record may upon request of any officer, employee, or on the custodian's own initiative, determine what constitutes legitimate need to use confidential records.

b. Disclosure of information indicating an apparent violation of the law to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

c. Transfers of information within the agency, to other state agencies, or to local units of government as appropriate to administer the program for which the information is collected.

d. Information released to staff of federal and state entities for audit purposes or for purposes of determining whether the agency is operating a program lawfully.

e. Any disclosure specifically authorized by the statute under which the record was collected or maintained.

f. Information transferred to any originating agency when racing and gaming commission has completed the authorized audit, investigation, or inspection.



### **3.10(2) Reserved.**

#### **491-3.11(17A,22) Consensual disclosure of confidential records.**

**3.11(1)** Consent to disclosure by a subject individual. To the extent permitted by law, the subject may consent in writing to agency disclosure of confidential records as provided in rule 3.7(17A,22).

**3.11(2)** Complaints to public officials. A letter from a subject of a confidential record to a public official which seeks the official's intervention on behalf of the subject in a matter that involves the agency may to the extent permitted by law be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.

#### **491-3.12(17A,22) Release to subject.**

**3.12(1)** A written request to review confidential records may be filed by the subject of the record as provided in rule 3.6(17A,22). The commission need not release the following records to the subject:

a. The identity of a person providing information to the agency need not be disclosed directly or indirectly to the subject of the information when the information is authorized to be held confidential pursuant to Iowa Code section 22.7(18) or other provision of law.

b. Records need not be disclosed to the subject when they are the work product of an attorney or otherwise privileged.

c. Investigative reports may be withheld from the subject, except as required by the Iowa Code. (See Iowa Code section 22.7(5).

d. As otherwise authorized by law.

**3.12(2)** Where a record has multiple subjects with interest in the confidentiality of the record, the commission may take reasonable steps to protect confidential information relating to another subject.

#### **491-3.13(17A,22) Availability of records.**

**3.13(1)** Agency records are open for public inspection and copying unless otherwise provided by rule or law.

**3.13(2)** Confidential records. The following records may be withheld from public inspection. Records are listed by category, according to the legal basis for withholding them from public inspection.

a. Sealed bids received prior to the time set for public opening of bids. (Iowa Code section 72.3)

b. Tax records made available to the agency. (Iowa Code sections 422.20, 422.72)

c. Exempt records under Iowa Code section 22.7.

d. Minutes of closed meetings of a government body. (Iowa Code section 21.5(4)

e. Identifying details in final orders, decisions and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets under Iowa Code section 17A.3(1)"d".

f. Those portions of division staff manuals, instructions or other statements issued which set forth criteria or guidelines to be used by commission staff in auditing, in making inspections, in settling commercial disputes or negotiating commercial arrangements, or in the selection or

handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution or settlement of cases, when disclosure of these statements would:

- (1) Enable law violators to avoid detection;
- (2) Facilitate disregard of requirements imposed by law; or
- (3) Give a clearly improper advantage to persons who are in an adverse position to the agency. (See Iowa Code sections 17A.2 and 17A.3)

g. Records which constitute attorney work product, attorney-client communications, or which are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11, Iowa R.C.P. 122.11, the rules of evidence, the Code of Professional Responsibility, and case law.

h. Criminal investigative reports (Iowa Code section 22.7(5))

i. Personnel files. Information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code 22.7(11).

**491-3.14(17A,22) Personally identifiable information.** The commission maintains systems of records which contain personally identifiable information.

**3.14(1) Stewards' hearings and contested case records.** Records are maintained in paper and computer files and contain names and identifying numbers of people involved. Evidence and documents submitted as a result of a hearing are contained in the stewards' hearing or contested case records as well as summary lists of enforcement activities.

Records are collected by authority of Iowa Code chapter 99D and 99F. None of the information stored in a data processing system is compared with information in any other data processing system.

**3.14(2) Occupational licensing.** Records associated with occupational licensing conducted under Iowa Code chapter 99D and 99F, are maintained by this commission. The licensing system of records includes numerous files and crossfiles which include but are not limited to: computer storage of licensing records, fingerprint cards, license applications, photos of licensees and photo cards. The records associated with occupational licenses, which do not contain personally identifiable information, are open for public inspections only upon the approval of the administrator or the administrator's designee. The information stored in a data processing system is not compared with information in any other data processing system.

**3.14(3) List of contested cases and stewards' hearings.** The commission utilizes a listing of contested case and stewards' hearings furnished by the Association of Racing Commissioners, International and provide individually identifiable information to that organization. The list is used for purposes delineated in Iowa Code chapter 99D and 99F.



**CHAPTER 4**  
**PRACTICE AND PROCEDURE**  
**BEFORE THE RACING AND GAMING COMMISSION**

**491-4.1(99D,99F) Definitions.** As used in these rules, unless the context otherwise requires, the following definitions apply:

“Administrator” means the administrator of the commission.

“Board” means either the board of stewards or riverboat board, as appointed by the administrator, whichever is appropriate. The administrator may serve as a board of one.

“Bookmaker” means a person engaged in bookmaking as defined in Iowa Code section 725.13.

“Commission” means the Iowa racing and gaming commission.

“Commissioner” means any member of the Iowa racing and gaming commission.

“Contested case” means a proceeding, including licensing, in which the legal rights, duties or privileges of a party are required by constitution or statutes to be determined by the commission after an opportunity for an evidentiary hearing.

“Gaming Official” means any person authorized by the administrator to perform regulatory functions related to riverboat gambling.

“License” means the whole or any part of any permit, certificate, approval, registration, charter, or similar form of permission to engage in any occupation or activity related to racing or gaming required by the commission.

“Pari-mutuel license” means a license issued to a nonprofit corporation or association for the operation of pari-mutuel racing.

“Party” means any person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party, including intervenors.

“Person” means any individual, estate, trust, fiduciary, partnership, corporation, association, government subdivision or agency, or public or private organization of any character or any other covered by the Iowa administrative procedure Act other than an agency.

“Steward” means one of three individuals appointed as a steward or judge at a racetrack in accordance with the rules of the commission.

“Tout” means a person other than a licensed tip sheet concessionaire who obtains for or sells to others information on horses, dogs, stables, kennels, jockeys, or others information on horses, dogs, stables, kennels, jockeys, or other aspects of a race meeting of potential use to bettors.

**491-4.2(99D,99F) Computation of time, filing of documents.** In computing any period of time prescribed or allowed by these rules or by an applicable statute, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next

day which is not a Saturday, Sunday, or legal holiday. Legal holidays are prescribed in the Code.

4.2(1) All documents or papers required to be filed with the commission shall be delivered to any commission office within such time limits as prescribed by law or by rules or orders of the commission. No papers shall be considered filed until actually received by the commission.

4.2(2) In all cases where the time for the filing of a protest or an appeal or the performance of any other act shall be fixed by law, the time so fixed by law shall prevail over the time fixed in these rules.

**491-4.3(99D, 99F) Board meetings.** Whenever the board has reasonable cause to believe that the holder of a license has committed an act or engaged in conduct in violation of statute or rules of the commission, the following procedures will apply:

1. The license holder shall be immediately subject to such intermediate conditions, limitations, and restrictions as the board decides necessary to protect the public safety, health, and welfare and to insure the integrity of racing or gaming.

2. Within seven days of the matter coming to the attention of the board, the board shall schedule a meeting to which the license holder shall be summoned for the purpose of investigating suspected or alleged misconduct by the license holder at which all board members or their appointed representatives shall be present in person or by teleconference; however, the license holder may request a continuance for good cause and the continuance need not necessarily stay any intermediate sanction.

3. The summons given to the license holder shall give adequate notice of the time, place and purpose of the board's meeting, and shall specify by number the statutes or rules allegedly violated.

4. Every person called to testify before the board is entitled to have counsel or an observer of the person's choosing present at the meeting; however, the counsel or observer may only participate under conditions or in a manner the board directs. The board is not required to permit cross-examination of witnesses appearing before the board.

5. If a license holder, after receiving adequate notice of a board meeting, fails to appear as summoned, the license holder will be deemed to have waived any right to appear and present evidence to the board.

6. No special announcement of the meeting or of the alleged infraction of rules shall be made until after the board meeting, when the board shall transmit a signed written decision to the commission office and to the license holder containing the board's findings and the penalty imposed.

7. Duty of disclosure. It is the duty and obligation of every licensee to make full disclosure to the commission, at a meeting before the commission, or to the board, at a meeting before the board, of any knowledge possessed regarding the violation of any rule, regulation or law concerning racing and gaming in Iowa. No person may refuse to testify before the board or the commission at any hearing on any relevant matter within the authority of the board or the commission, except in the proper



exercise of a legal privilege. No person shall falsely testify before the board or the commission.

8. Persons who are not holders of a license or occupational license and who have allegedly violated commission rules, orders, or final orders, or the Iowa pari-mutuel wagering act, or whose presence at a track or on a licensed riverboat is allegedly undesirable are subject to the authority of the board and the commission, to the procedures and rights accorded to a license holder under this chapter, and to the sanctions allowed by law including a fine and expulsion from all tracks or licensed riverboats in the state.

**491-4.4(99D, 99F) Penalties.** The board may eject the license holder either from the racetrack or riverboat under its jurisdiction, suspend the license of the holder for up to one calendar year or season, whichever is greater, or impose a fine of up to \$1000, or both. In addition, the board may order a redistribution of a racing purse or the payment of or the withholding of a gaming payoff.

**491-4.5(99D, 99F) Stays of board decisions.** An appeal of a board's decision will not automatically stay the decision. A party may request the administrator to stay the decision. The administrator or designated representative may order a stay unless the public welfare dictates a contrary result. It is the position of the commission that any situation which impugns the integrity of racing or gaming or the pari-mutuel system or brings that integrity into question has a serious adverse effect on the public welfare.

**491-4.6(99D, 99F) Effect of another jurisdiction's orders.** The commission or board may take appropriate action against a license holder or other person who has been ruled off a track or gaming establishment in another jurisdiction to exclude that person from any track or gaming establishment under the commission's jurisdiction. Proceedings shall be conducted in the same manner as prescribed by these rules for determining misconduct on Iowa tracks or gaming establishments and shall be subject to the same appeal procedures.

**491-4.7(99D, 99F) Hearings before the commission.** The following types of hearings may be heard by the commission.

1. Contested cases.
2. Any hearing initiated by the racing and gaming commission upon its own motion, pursuant to any matter within its jurisdiction.
3. Any hearing initiated by any person upon written request received by the commission, pursuant to any matter within its jurisdiction.

**491-4.8(99D, 99F) Contested case proceedings before the commission-general.** These rules on contested cases shall apply to the following types of proceedings:

1. A ruling by the board referring a matter to the commission for any additional sanctions the commission may deem necessary.



2. An appeal by the license holder, either in whole or in part, of a ruling by the board.

3. A proceeding instituted by the commission to review a board's decision or to take up any other matter on its own motion or complaint of the administrator.

4. Any other situation in which an evidentiary hearing is required by constitution or statute before commission action.

All hearings before the commission will be de novo in accordance with the requirements of the Iowa administrative procedure Act and these rules for contested cases.

**491-4.9(99D, 99F) Appeal from board's decisions.** License holders adversely affected by a decision of the board may seek review of the decision by filing a notice of appeal within 72 hours of the decision. The notice of appeal shall contain numbered paragraphs and set forth the name of the person seeking review, the decision to be reviewed, separate assignments of error, clear and concise statement of relevant facts, reference to applicable statutes, rules or other authority, prayer setting forth relief sought and signature, name, address, and telephone number of the person seeking review or that person's representative, or shall be on a form prescribed by the commission.

**491-4.10(99D, 99F) Refusal by a board to approve license.** Whenever the board or administrator's designee refuses to approve an application for a license the person to whom a license has been denied may request a hearing before the commission. The request should be in writing, and should be made within 72 hours of the decision.

The board may also refuse to grant a license or summarily suspend a license of an association employee for failing to return a division of criminal investigation background form in a timely manner as determined by the administrator.

**491-4.11(99D, 99F) Subpoenas.** The administrator is authorized to issue subpoenas, including subpoenas duces tecum, requiring witnesses at contested case proceedings before the commission.

**491-4.12(99D, 99F) Notice of hearing.** Upon receipt of a notice of appeal, or upon action initiated by a complaint of the administrator or by a motion of the commission, the administrator shall by certified mail with return receipt requested, or in accordance with the rules regarding actual or personal service of original notice in a civil action, serve a notice of hearing upon all parties to a contested case. If the case involves an appeal from a board's decision, a copy of the notice of hearing, with required attachments, shall be delivered to the board. The notice of hearing shall comply with the Iowa administrative procedure Act. A copy of the notice of appeal or complaint by the administrator where applicable, shall be attached to the notice of hearing. When action is initiated by a motion of the commission, a statement setting forth the nature and grounds of

the motion shall be attached.

**491-4.13(99D, 99F) Discovery.** Generally, the rules of discovery applicable to civil actions in Iowa district court are applicable to contested case proceedings before the commission. The administrator is permitted to lengthen or shorten times for discovery and to make any reasonable modification of normal discovery procedures when time or other circumstances require.

**491-4.14(99D, 99F) Time of hearing.** Contested case proceedings regarding granting or the suspension of occupational licenses may be conducted at the next regular meeting of the commission or at a special meeting, but in any event no later than 30 days after filing of the application with the administrator, unless the parties agree to a continuance.

Contested case proceedings on appeal from the board's decisions may be conducted after the next regular meeting of the commission or at a special meeting, but in any event shall be conducted as expeditiously as possible after receipt by the commission of a notice of appeal.

Contested case proceedings on complaint of the administrator or motion of the commission may be conducted at any regular or special meeting of the commission in its discretion.

The commission may delegate to an administrative law judge its authority under the Iowa administrative procedure Act and these rules to conduct contested case proceedings and other hearings to the extent and manner provided by Iowa Code sections 17A.11 to 17A.15. The administrative law judge shall have the authority granted under these rules to the commission, the chair, the vice chair and administrator in regard to the conduct of proceedings and decision making to the extent permitted by the Iowa administrative procedure Act unless specifically limited by the commission. A decision by the administrative law judge shall be treated in the manner prescribed by Iowa Code section 17A.15. Further review by the commission of an administrative law judge's decision may be requested in writing by any party, or the administrator, or by the commission. A request for further consideration of an administrative law judge's decision shall be filed with the commission's principal office no later than 10 days from the date of the administrative law judge's decision. A request for further consideration of an administrative law judge's decision by a party or the administrator shall specify those portions of the decision which are to be reviewed and the reasons for disagreement with the decision.

In all of the above contested case proceedings, continuances may be granted for good cause shown.

**491-4.15(99D, 99F) Conduct of proceedings.** A proceeding shall be conducted by the chair or vice-chair who, among other things, shall:

1. Open the record and receive appearances;
2. Administer oaths, and issue subpoenas;
3. Enter the notice of hearing into the record;
4. Receive testimony and exhibits presented by the parties;



5. In the officer's discretion, interrogate witnesses;
6. Rule on objections and motions;
7. Issue an order containing findings of fact and conclusions of law.

**4.15(1)** Evidentiary proceedings shall be oral and open to the public and shall be recorded either by mechanical means or by certified shorthand reporters. Parties requesting that the hearing be recorded by certified shorthand reporters shall bear the appropriate costs. The record of the oral proceedings or transcription shall be filed with and maintained by the department for at least five years from the date of the decision.

**4.15(2)** If a party fails to appear in a contested case proceeding after proper service of notice, the chair or vice-chair may, upon the officer's own motion or upon the motion of the party who has appeared, adjourn the hearing or proceed with the hearing and make a decision in the absence of the party.

**4.15(3)** Contemptuous conduct by any person appearing at a hearing shall be grounds for that person's exclusion from the hearing by the chair or vice-chair.

**4.15(4)** Commission hearings reviewing a decision of an administrative law judge or designated hearing officer shall be based upon the record made before the administrative law judge or hearing officer and such other evidence as the commission in its discretion agrees to hear. Commission hearings are considered to be de novo hearings.

**491-4.16(99D, 99F) Rules of evidence.** In evaluating evidence, the commission's experience, technical competence, and specialized knowledge may be utilized.

**491-4.17(99D, 99F) Oath.** All testimony presented before the commission shall be given under oath which the chair or vice-chair has authority to administer.

**491-4.18(99D, 99F) Evidence having probative value.** Although the commission is not bound to follow the technical common law rules of evidence, a finding shall be based upon the kind of evidence on which reasonably prudent persons are accustomed to rely for the conduct of their serious affairs, and may be based upon such evidence even if it would be inadmissible in a jury trial.

**4.18(1)** Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The commission shall give effect to the rules of privilege recognized by law.

**4.18(2)** Evidence not provided to a requesting party by subpoena, through discovery or during any informal procedures shall not be admissible at the hearing.

**4.18(3)** Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be required to be submitted in verified written form by the commission.

**4.18(4)** Objections to evidentiary offers may be made at the hearing.



**491-4.19(99D, 99F) Copies of evidence.** A copy of any book, record, paper, or document may be offered directly in evidence in lieu of the original, if the original is not readily available or if there is no objection. Upon request, the parties shall be given an opportunity to compare the copy with the original, if available. When an original is admitted in evidence, a copy may be substituted later for the original or such part as may be material or relevant upon leave granted in the discretion of the chair or vice-chair.

**491-4.20(99D, 99F) Official notice.** The commission may take official notice of all facts of which judicial notice may be taken and of other facts within the specialized knowledge of the commission. Parties shall be notified at the earliest practicable time, either before or during the hearing, or by reference in preliminary reports, preliminary decisions or otherwise, of the facts proposed to be noticed and their source, including any staff memoranda or data. The parties shall be afforded an opportunity to contest such facts prior to the issuance of the decision in the contested case proceeding unless the commission determines as a part of the record or decision that fairness to the parties does not require an opportunity to contest such facts.

**491-4.21(99D, 99F) Presentation of evidence and testimony.** In any hearing, each party shall have the right to present evidence and testimony of witnesses and to cross-examine any witness who testified on behalf of an adverse party. A person whose testimony has been submitted in written form, if available, shall also be subject to cross-examination by an adverse party. Opportunity shall be afforded each party for redirect examination and recross-examination and to present evidence and testimony as rebuttal to evidence presented by another party, except that unduly repetitious evidence shall be excluded.

**491-4.22(99D, 99F) Offer of proof.** An offer of proof may be made through the witness or by statement of counsel. The party objecting may cross-examine the witness without waiving any objection.

**491-4.23(99D, 99F) Motions.** After commencement of contested case proceedings, appropriate motions may be filed by any party with the administrator should facts requiring such motion come to the knowledge of the party. All motions shall state the relief sought and the grounds upon which the motions are based.

**4.23(1)** Motions made prior to a hearing shall be in writing and a copy served on all parties and attorneys of record. Such motions may be ruled on by the administrator. The administrator shall rule on the motion by issuing an order. A copy of the motion with the ruling noted shall be mailed to the parties and attorneys of record. Motions may be made orally during the course of a hearing; however, the hearing officer may request that it be reduced to writing and filed.

**4.23(2)** To avoid a hearing on a motion, it is advisable to secure the

consent of the opposite party prior to filing the motion. If consent of the opposite party to the motion is not obtained, a hearing on the motion may be scheduled and the parties notified. The burden will be on the party filing the motion to show good cause why the motion should be granted.

**4.23(3)** The party making the motion may attach affidavits deemed essential to the disposition of the motion, which shall be served with the motion and to which the opposite party may reply with counter affidavits. Types of motions include but are not limited to:

- a. Motion for continuance.
- b. Motion for dismissal.
- c. Motion for judgment.
- d. Motion to delete confidential matter in the decision.

**491-4.24(99D, 99F) Briefs.** At any time, whether upon the request of any party or not, the commission may require the filing of briefs on any of the issues prior to or at the time of hearing or at a subsequent time. If briefs have been filed prior to a hearing, the parties should be prepared to make oral arguments as to the law set forth in the briefs at the conclusion of a hearing if the hearing officer so directs. Two copies of all briefs shall be filed.

**491-4.25(99D, 99F) Service.** All papers or documents required by law or these rules to be filed with the administrator, with the opposing party or other person shall be served by personal service or by certified mail return receipt requested unless another rule specifically refers to another method. All notices required by law or these rules to be served on parties or persons by the commission shall be served by personal service or certified mail return receipt requested.

**491-4.26(99D, 99F) Standards of conduct.** All persons appearing in any proceeding before the commission in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Iowa. If any person does not conform, the commission may decline to permit that person to appear in a representative capacity in any future proceeding before the commission.

**491-4.27(99D, 99F) Alcohol and drug testing rule.**

**4.27(1) Alcohol prohibition/Breathalyzer test.** A licensee or employees of any entity associated with the conduct of racing and gaming on duty or in a restricted area while on the premises of a licensed racetrack or riverboat shall not have present within their system any amount of alcohol in excess of .05 percent. Acting with reasonable cause, the stewards or a designated commission representative may direct any licensee or employee to submit to a breathalyzer test. The licensee or employee shall, when so directed, submit to examination. If the results show a reading of .10 percent alcohol content or more, the licensee or employee is subject to fine or suspension by the administrator's designee. For a subsequent



violation the licensee or employee may be subject to procedures following positive chemical analysis (below).

Licensees or employees, of any entity associated with the conduct of racing or gaming while on duty or in a restricted area on the grounds of a licensed racetrack or riverboat shall not have present within their system any amount of alcohol which would constitute legal impairment (.05%). Acting with reasonable cause, a designated commission representative may direct any licensee or employee to submit to a breathalyzer test. The licensee or employee shall, when so directed, submit to examination. If the results show a reading of .05 percent alcohol content or more, the licensee or employee shall not be permitted to continue duties for that day. For a second violation, the licensee or employee shall not be permitted to continue duties for that day and then be subject to fine or suspension by the stewards or commission. For a subsequent violation the licensee or employee may be subject to procedures following positive chemical analysis (below).

**4.27(2) Drug prohibition/body fluid test.** Licensees or employees of any entity associated with the conduct of racing or gaming while on the grounds of a licensed racetrack or riverboat shall not have present within their system any controlled substance as listed in Schedules I to V of the U.S. Code Title 21 (Food and Drug Section 812), Iowa Code chapter 204 or any prescription legend drug unless it was obtained directly or pursuant to valid prescription or order from a duly licensed physician who is acting in the course of professional practice. Acting with reasonable cause a designated commission representative may direct the licensees or employees to deliver a specimen of urine in the presence of a physician or subject themselves to the taking of a blood sample or other body fluids by a physician appointed by the commission. In these cases the designated commission representative may prohibit the licensee or employee from participating in racing or gaming until the licensee or employee evidences a negative test result. Sufficient sample should be collected to ensure a quantity for a split sample when possible. A licensee or employee who refuses to provide the samples herein described shall be in violation of these rules and shall be subject to disciplinary action by the commission. All testing shall be at the expense of the commission.

**4.27(3) Procedures following positive chemical analysis.**

a. After professional evaluation, if the licensee's or employee's condition proves nonaddictive and not detrimental to the best interest of racing or gaming and the licensee or employee can produce a negative test result and agrees to further testing at the discretion of the designated commission representative to ensure unimpairment, the licensee or employee may be allowed to participate in racing or gaming.

b. After professional evaluation, should the licensee's or employee's condition prove addictive or detrimental to the best interest of racing or gaming, the licensee or employee shall not be allowed to participate in racing or gaming until the licensee or employee can produce a negative test result and show documented proof of successful completion of a



certified alcohol/drug rehabilitation program approved by the administrator. The licensee or employee must also agree to ensure unimpairment.

c. For a second violation, a licensee or employee shall be suspended and allowed to enroll in a certified alcohol/drug rehabilitation program approved by the administrator and to apply for reinstatement only at the discretion of the administrator.

**CHAPTER 20**  
**APPLICATION PROCESS FOR**  
**EXCURSION GAMBLING BOATS**

**20.1 to 20.9 Reserved**

**491-20.10(99F) Application-general.**

**20.10(1) Qualified applicant.** The term "applicant" as used in 491-Chapters 20 and 21 shall refer to the qualified nonprofit corporation and the boat operator if different than the qualified nonprofit corporation.

a. Any qualified nonprofit corporation may apply to the commission for a license to conduct casino gambling on qualified excursion gambling boats. The application shall be filed with the administrator of the commission at least 60 days before the first day of casino gambling which the nonprofit corporation or association proposes to conduct.

b. Any boat operator that enters into a management contract or operation agreement with a qualified nonprofit corporation may apply to the commission for a license to operate an approved excursion gambling boat. The operator shall be subject to the same conditions of licensing, statutory provisions and administrative rules as the qualified nonprofit applicant and licensee. An application submitted by a qualified nonprofit corporation in conjunction with a boat operator shall be considered to be one application.

**20.10(2) Licensing condition.** Every license to conduct casino gambling or to operate a gambling boat is granted upon the condition that the license holder shall accept, observe and enforce the applicable laws of the state of Iowa, including the rules and orders of the commission, as well as all applicable federal and local statutes, ordinances and regulations. Applicants are hereby put on notice that license holders are accountable for the conduct of their officers, agents and employees. The commission reserves the right to impose penalties, up to and including license revocations, against the license holder or its officer, agent, or employee, or both as the commission determines is appropriate in the circumstances of a given situation.

**20.10(3) Construction of rules.** These rules shall be construed in accordance with generally accepted rules of construction, and

a. Nothing contained in these rules shall be construed to conflict with any provision of the Excursion Gambling Boat Act or any applicable statute.

b. If any provision of these rules be held invalid, it shall not invalidate any other provisions of these rules.

**20.10(4) Granting a privilege.** An application for a casino gambling license on excursion gambling boats is seeking the granting of a privilege. The burden of proving qualifications for the privilege to receive any license is on the applicant at all times. An applicant must accept all risks of adverse public notice, public opinion, embarrassment, criticism, or financial loss which may result from action with respect to an application. An applicant, its officers, directors, shareholders, partners and personnel

members, expressly waive any claim for loss, expense or damage, against the Iowa racing and gaming commission, its members, staff and personnel, resulting from the application process. Applicants further covenant and agree to hold harmless and indemnify the Iowa racing and gaming commission from any claim arising from any action of the commission in connection with that application.

**20.10(5) Application criteria.** An application for excursion boat gambling shall be filed using forms provided by the commission. The proposals of the applicant shall conform to Chapter 99F and the following operational criteria:

a. Each fiscal year, beginning July 1, 1990, the commission shall collect an admission fee in accordance with commission policy.

b. The casino shall be limited to 30 percent of the total accessible area of the boat including, but not limited to: patron areas, administrative areas, kitchens, engine rooms, crew areas, open top decks, surveillance areas and walkways.

c. Dice, roulette, twenty-one and big six (roulette) will be allowed as table games. Slot machines, progressive slot machines, video poker and all other video games of chance will be allowed as machine games subject to approval of individual game prototypes.

d. A minimum of one table game will be offered for every 20 machine games offered.

e. The minimum payout on each machine game shall be 80 percent. A weighted average payout of all machine games shall be posted at the point of ticket sales.

f. Wagering is allowed to exceed \$5 per hand on twenty-one when traditional insurance, doubling or splitting of hands occur. Each wager at dice shall be considered a separate play when enforcing the wagering limit of \$5. A wagering limit of \$6 shall apply to individual place bets on the numbers six and eight at the dice table.

g. There will not be a mandated minimum admission fee.

h. The acceptance of personal checks and credit cards will be allowed.

i. Qualified excursions, during all seasons, shall consist of a passenger embarkation period and a minimum two and one-half hour period during which admissions from that port of call are prohibited during the excursion season. During the excursion season, a maximum period of one and one-half hours will be allowed for embarking or disembarking passengers. Qualified excursions shall actually be in transit for a minimum of two hours during the regular excursion season. The number of excursions per day is not limited. An excursion gambling boat must operate a qualified excursion for 120 days during the excursion season to operate during the off-season, although a waiver may be granted by the commission in the first year of a boat's operation, if construction of the boat was not completed in time for the boat to qualify.

j. The minimum capacity necessary for an excursion gambling boat to be eligible for licensure is 500 persons with a ticket of admission.

k. A qualified sponsoring organization may apply for a license for more



than one boat with identical or different operators. Each request for a boat will be considered a separate application for purposes of these rules.

l. Licenses will be issued for an original three-year period and subject to annual renewals thereafter.

m. An on line computer system to track slot machine data will be required.

**20.10(6) Terms.** For purposes of these rules, the terms "stock" and "stockholder" shall also be defined as meaning "members" and "membership interest in" for nonprofit corporations organized under Iowa Code, chapters 504A and 504B.

**20.10(7) Confidentiality.** Applicants shall designate those portions of the application which they wish the commission to keep confidential. The commission staff will review any request for confidentiality and shall only grant the request if it complies with Iowa Code chapter 22.7. Nothing in this rule shall be construed as to limit access to public records as defined in Iowa Code Chapter 22.

**20.10(8) Commission action on application.** The commission may grant a license to conduct excursion gambling conditioned upon specific performance within specific time periods of actions or involvement as proposed. If performance required by the commission has not occurred within the time frame established, the commission may revoke the license.

**20.10(9) Notice of Hearing.** Notice of hearing will be given by letter to all applicants for excursion gambling boat licenses. This notice will identify the time and place when their applications will come before the commission for review and consideration. The applicants are required to attend the meeting of the commission. They may be represented at the meetings by an attorney or agent. The commission will notify the applicant in writing of the disposition of the application.

**20.10(10) All applicants shall sign and verify the application.** It is grounds for denial of an application for a license, for the imposition of a fine, or for the suspension or revocation of a license for any person to make or fail to make any statement of material fact in any application, notice, statement or report filed with the commission, if the presence or absence of the statement could confuse or mislead the commission.

#### **491-20.11(99F) Items included in application.**

**20.11(1) Balance sheets and profit and loss statements.** The applicant shall attach to the application, balance sheets and profit and loss statements for each of the three fiscal years immediately preceding the application, or for the period of organization if less than three years. If the applicant has not completed a full fiscal year since its organization or if it acquires or is to acquire the majority of its assets from a predecessor within the current fiscal year, the financial information shall be given for the current fiscal year. If the applicant is a subsidiary organization, the applicant shall submit the appropriate balance sheets and profit and loss statements for all subsidiary organizations of the applicant. Balance sheets, profit and loss statements, and all other financial statements required herein shall be prepared, audited and certified by independent, certified public

accountants in accordance with generally accepted accounting procedures and practices accepted on a consistent basis. Any report containing exceptions of a material nature will not be considered to be certified.

**20.11(2) Loans and legal actions.** The applicant shall state all loans by applicant and describe fully the name of the borrower, amount of the loan, collateral, and terms. The applicant shall briefly describe any pending legal proceedings to which the applicant or any of its subsidiaries, partners or parent corporation is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, and the principal parties thereto.

**20.11(3) Owning an interest.** State if the applicant, its directors, officers, policy-making manager, partners or stockholders have owned an interest in any firm, partnership, association, or corporation previously licensed by the Iowa racing and gaming commission or are now or have been engaged in the business of racing or gaming outside of the state of Iowa.

**20.11(4) Contracts.**

a. Management contracts between a proposed or licensed qualified organization and another organization, including a for-profit organization, are permitted. Such contracts must contain the following provisions:

(1) The contract and any future amendments thereto must be subject to the approval of the Iowa racing and gaming commission.

(2) The contract must preclude the operator, its officers, directors, partners and shareholders from having a share, percentage or proportion of the money received for admissions to the excursion gambling boat.

(3) The contract must state that both parties jointly accept the responsibility for compliance with the laws of Iowa and the rules of the commission.

(4) The contract must contain a provision allowing the full verification of contract compliance for both parties and remedies if either party is not in compliance.

(5) The contract must prohibit the subcontracting of any duty related to casino gambling.

b. The applicant shall state all contracts by the applicant entered into within the year preceding the date of application and all executory contracts not otherwise described pursuant to these rules in which the annual consideration exceeds \$50,000 and describe fully, including the duration, the names of the parties to the contract, amount of consideration and terms.

**20.11(5) Direct remuneration.** As used in this paragraph, direct remuneration shall include salary, retirement benefits, dividends, automobiles furnished, expenses reimbursed, and all other sums paid for the benefit of the officer, director or other recipient. The applicant shall list all direct remuneration paid by the applicant and its subsidiaries, or parent corporation if any, during the applicant's last fiscal year to:

a. Each director and officer of the applicant whose aggregate direct remuneration exceeded \$10,000 naming each person;

b. All directors of the applicant as a group naming each person;



c. All officers of the applicant as a group naming each person;

d. All other persons whose aggregate remuneration, related to excursion boat gambling, exceeds \$10,000 naming each person.

**20.11(6)** Distribution of receipts. The qualified sponsoring organization shall provide a certification describing how all receipts, after deductions allowed in Iowa Code section 99F.6(4), will be distributed. The certification shall be subscribed and sworn to in the presence of a licensed notary public.

**491-20.12(99F) Proposed excursion route and docking facilities.**

**20.12(1)** Every application to become a license holder shall contain the following information about the number of excursions, docking locations and physical plants:

a. State the county or counties and docking locations.

b. State whether or not applicants' docking locations are in counties that have conducted a referendum with an affirmative vote pursuant to Iowa Code section 99F.7(10), and state the percentage of the affirmative vote.

c. Give actual boat blueprints, including a layout of each deck stating the projected use of each area.

d. State whether the excursion gambling boat has been or will be certified by the United States Coast Guard.

e. Set forth the proposed route to be taken during the excursion, identifying the body of water, and include any relevant Army Corps of Engineer data or Iowa department of natural resources data on that body of water. Set forth the dates, number of excursions per day, and include proposed length of the excursions and estimated time that the boat will be in transit along the proposed route. If applicable, the applicant shall demonstrate compliance with Iowa Code section 99F.7(14).

f. State the total estimated cost of construction or renovation of the excursion gambling boat and shore and dock facilities, proposed by this application, distinguishing between known costs and projections, and separately identify:

(1) Facility design expense;

(2) Land acquisition costs;

(3) Site preparation costs;

(4) Excursion gambling boat construction cost or renovation cost;

(5) Equipment acquisition cost;

(6) Cost of interim financing;

(7) Organization, administrative and legal expenses;

(8) Projected permanent financing costs.

g. Set forth the construction schedule proposed for completion of the facility; include therein an estimated date of project completion. Indicate whether the construction contract includes a performance bond.

h. State the source or sources of funds for the construction of the facility proposed by this application. Identify and document the following:

(1) Each source of equity contribution and the amount of such



contribution and the present commitment, if any, received for each funding contribution;

(2) Each source of debt contribution, and the amount of such contribution and the present commitment, if any, received for such financing.

i. State the number of miles from the nearest population center, and describe briefly the transportation facilities serving that population's center.

j. Names and addresses of all persons holding an equity interest in the boat, shore and docking facilities, all personal property or equipment on the boat and docking facilities.

k. Describe the casino size and configuration of slot machines, video games of chance and table games.

l. Describe the on-shore facilities and type of construction. Submit at least one copy of architect's plans or renderings showing detail of any proposed construction, or existing structure to be used.

m. Describe the space set aside in both the shore location and the excursion gambling boat designated as office space for commission staff and the division of criminal investigation office. This space should be adequate to accommodate both agencies.

n. State the availability of fire protection and the adequacy of law enforcement on the boat, both at the docking facilities and along the proposed excursion route.

o. Indicate the parking lot capacity and describe the construction and type of parking facilities.

p. Describe the arrangements for food and drink concessions, indicating the names and addresses of concessionaires and the terms of the concession contracts.

q. Indicate the type of slot machines and video games of chance to be used; also, indicate the proposed distributors and manufacturers of this equipment.

r. Provide evidence that the proposed excursion gambling boat, as nearly as practicable, resembles Iowa's riverboat history.

s. Describe the physical location, size and floor plan of the section of the excursion gambling boat reserved for patrons under 18 years of age. Provide plans for activities and staffing of this section.

t. Describe the physical location, size and floor plan of the section reserved for the promotion and sale of Iowa arts, crafts and gifts native to Iowa.

#### **20.12(2) Reserved**

#### **491-20.13(99F) Excursion gambling boat and casino operation.**

**20.13(1)** Every application to become a license holder shall contain the following information about the excursion gambling boat and casino operations:

a. Indicate by actual date the excursion days and times requested by the applicant, and periods of time that the casino will be in operation.

b. Indicate the kind of games to be conducted in the casino.

c. Describe the proposed management of the facility, management personnel by function and, with respect to personnel, furnish persona

history resumes on forms provided by the commission. Information for background investigations must be submitted to department of criminal investigation on department of criminal investigation forms. Attach a copy of any written contract or describe the terms of any oral agreement between applicant and the employee.

d. Provide financial projections reflecting the development period and the first five succeeding years. Show the number of excursion days needed to break even and the optimum number of operation days the applicant seeks. Include any and all known feasibility studies made available to the applicant which have been done on the type of gaming in the particular locale where the applicant intends to conduct excursion boat gambling.

e. Describe plans for the drug testing of pilots, captains, and physical operators of the excursion gambling boat.

f. Provide documentation describing the coordination with department of economic development to promote tourism throughout Iowa. Describe specific plans and resources to be devoted to such promotion.

g. Describe procurement policies that emphasize the utilization of Iowa employees, resources, goods and services in the operation of the excursion gambling boat.

#### 20.13(2) Reserved

#### 491-20.14(99F) Economic, demographic and other.

20.14(1) Every application to become a license holder shall contain the following economic, demographic, and miscellaneous information:

a. Describe briefly climatic conditions prevalent during the proposed excursion and off-season, that may affect boat operation.

b. Indicate the population of the local area and the growth trend. Indicate potential markets including tourists, transients, and patrons from neighboring areas.

c. Indicate the principal sources of local income, showing the percentage from farming and ranching, industrial, professional and services, and military and other governmental sources.

d. Indicate the effect of competition in and out of state, with pari-mutuel tracks, casino operations, Indian gaming and other sports or recreational facilities in the area. State in detail what effect the competition from other excursion gambling boats will have on the availability of personnel and economic success of the operation.

e. Indicate what effect opposition from area residents will have on the economic outlook for the proposed excursion gambling casino boat operation.

f. Commission approval of sale. In the event any ownership interest, whether majority or less, of any corporation or partnership holding a license for excursion boat gambling from the commission is to be conveyed, no sale or conveyance shall take effect until approval is obtained from the Iowa racing and gaming commission. The application of the purchaser for the permission and approval of the racing and gaming commission shall contain, where applicable, the same information as is required to



be furnished under Iowa Code chapter 99F and these rules.

g. Application after denial or revocation. Any application for a excursion gambling boat license which has been denied or revoked is not eligible to apply again for licensing until after expiration of one year from the date of such denial or revocation, unless the commission advises that the denial is without prejudice.

20.14(2) Reserved

#### **491-20.15(99F) Duties and obligations of nonprofit applicant and proposed operators**

20.15(1) Gratuities prohibited. For purposes of this rule, the term "lineal heir" means parent, child or grandchild. No applicant, officer, director, or stockholder of the applicant, nor any director of any corporation which is a stockholder of the applicant, nor any spouse or lineal heir of any such person, nor any corporation in which the applicant or an officer, director, or stockholder of the applicant holds stock, shall directly or indirectly, in the name of or on behalf of the applicant, promise or offer to give or cause or procure to be promised, offered or given, any money, goods, present, or reward, or any promise, contract, undertaking obligation or security for the payment or delivery of any goods, money, present, or reward or any other thing of value whatsoever with the intent to influence the action or decision of any such person on any question, matter, cause or proceeding concerning the applicant, which may be pending or which may in the future be brought before any such person in an official capacity. This includes but is not limited to:

- a. Any member of the commission,
- b. Any officer, agent or employee of the state of Iowa or a political subdivision of the state,
- c. Any person who is a candidate for public office in the state of Iowa.
- d. Any spouse, lineal heir, or employee of any of the persons listed in paragraph "a," "b," or "c" of this subrule.

20.15(2) Powers of the commission. Without in any way limiting the powers of the commission, the commission may provide:

- a. That a time period be accelerated or extended; or
- b. That the processing of an application or to the granting of an approval, subject to such conditions as the commission may deem appropriate.

20.15(3) Evidence of character and reputation. The commission will not issue a license to an applicant if there is substantial evidence that the officers, directors, partners or shareholders of the applicant are not of good repute and moral character. Any evidence concerning an officer's, director's, partner's or shareholder's current or past conduct, dealings, habits, or associations which is otherwise relevant to that individual's character and reputation may be considered. The commission may consider all relevant facts surrounding alleged criminal or wrongful conduct resulting in the filing of criminal charges, a conviction, nolo contendere, no contest or Alford pleas entered by the applicant or operator in any court or administrative proceedings. A criminal conviction of an individual will



be conclusive evidence that the individual committed the offense for which the individual was convicted, but this does not preclude the commission from considering evidence that the individual committed additional offenses. The commission will decide what weight and effect evidence about an officer, director, partner or shareholders should have in the determination of whether there is substantial evidence that the individual is not of good reputation and character. Officers, directors, partners and shareholders who have a significant interest in the management, ownership, operation, or success of an application may be held to a more stringent standard of conduct and reputation than others with a less significant interest or role in such matters.

**491-20.16(99F) Commission approval of contracts.** No applicant or licensee shall enter into any contract in which the annual consideration exceeds \$50,000 without first submitting advance written notice thereof to the commission and obtaining approval as required by written commission policy.

**491-20.17(99F) Availability of minutes.** Minutes of the meetings of partners, stockholders and directors of the applicant or thereafter licensee shall be made available to the commissioners, but copies thereof need not be filed as a matter of record in the office of the commission.

**491-20.18(99F) Leased facilities.** If any applicant for a license will lease an excursion gambling boat facility from another entity, the lessor shall be required to provide the same information required by these rules to the commission including copies of all leases, agreements and contracts of any nature between the lessor entity and the applicant.

**491-20.19(99F) Additional information as required.** The commission may require any additional information it deems necessary from the applicant for the purpose of ruling on the license application.

**491-20.20(99F) Distribution of applications and fees.** The original and five copies of all applications, notices and other matters required by these rules, shall be filed with the Racing and Gaming Commission Office, Lucas State Office Building, Des Moines, Iowa 50319. One additional copy shall be submitted to each commissioner at the address of record on file in the office of the commission. The applicant shall pay a nonrefundable application fee to offset the commission cost for processing the application in the amount of \$25,000; however, the fee shall be \$5,000 for the second application involving the same operator and the same qualified sponsoring organization. Additionally, the applicant will remit an investigative fee of \$15,000 to the department of public safety to do background investigations as required by the commission. The department of public safety shall bill the applicant/licensee for additional fees as appropriate and refund any unused portion of the investigative fee within 90 days after the denial or excursion gambling boat begins operation. Customarily

used documentation by department of public safety will be the basis determining cost of background investigation. All applications, notices and other matters shall be verified, under oath, and all copies shall be manually signed in ink.

## CHAPTER 21 CRITERIA FOR GRANTING AN EXCURSION GAMBLING BOAT LICENSE

### 21.1 to 21.9 Reserved

**491-21.10(99F) In general.** This chapter sets forth criteria which the commission will consider when deciding whether to issue a license to conduct casino gambling on an excursion gambling boat on Iowa jurisdiction bodies of water. The various criteria set forth may not have the same importance in each instance and other factors may present themselves in the consideration of an application or applications for a license. The criteria are not listed in any order of priority.

**21.10(1) Compliance with Iowa Code section 99F.4.** The commission will consider whether or not the applicant is and has been in compliance with the terms and conditions specified in Iowa Code section 99F.4.

**21.10(2) Revenue provided by facility.** The commission will consider the amount of revenue to be provided by the proposed facility to the state and local communities through direct taxation on its operation and indirect revenues from tourism, ancillary businesses, creation of new industry, and taxes on employees and patrons.

**21.10(3) Boat viable and properly financed.** The commission will consider whether the proposed boat is economically viable and properly financed.

**21.10(4) Adequate security.** The commission will consider whether the proposed boat is planned in a manner which provides adequate security for all aspects of its operation and for the people working, visiting, or traveling on the boat.

**21.10(5) Efficient and safe operation.** The commission will consider whether the proposed boat is planned in a manner which promotes efficient and safe operation of all aspects of its facility including, but not limited to, docking facilities, all areas of boat concession areas, and casino management areas.

**21.10(6) Efficient, safe and enjoyable for patrons.** The commission will consider whether the proposed boat is planned in a manner which promotes efficient, safe, and enjoyable use by patrons including, but not limited to, boat structure, parking facilities, concessions, the casino, access to cashier windows, and restrooms.

**21.10(7) Compliance with applicable state and local laws.** The commission will consider whether the proposed boat is in compliance with applicable state and local laws regarding fire, health, construction, zoning, and other similar matters.

**21.10(8) Employ appropriate persons.** The commission will consider whether the applicant will employ the persons necessary to operate the



boat in a manner consistent with the needs, safety, and interests of all persons who will be on the boat.

**21.10(9) Population of area boat will serve.** The commission will consider the population of the area to be served by a boat together with location of other boats within and without the state of whatever nature.

**21.10(10) Community support.** The commission will consider support within the community in which a proposed excursion gambling boat is to be located for the promotion and continuation of excursion gambling boat gambling.

**21.10(11) Character and reputation.** The commission will consider the character and reputation of all persons identified with the ownership and operation of the excursion gambling boat or licensed business, and their capability to comply with the rules of the commission and the Iowa Code.

**21.10(12) Promote gaming industry.** The commission will consider whether the proposed operation would serve to promote the gaming industry in Iowa and provide high gaming integrity in Iowa.

**21.10(13) Economic development.** The commission will consider whether the proposed operation will maximize economic development.

**21.10(14) Tourism.** The commission will consider whether the proposed operation is beneficial to Iowa tourism.

**21.10(15) Employment opportunities.** The commission will consider the number and quality of employment opportunities for Iowans created and promoted by the proposed operation.

**21.10(16) Sale of Iowa products.** The commission will consider how the proposed operation will promote the development and sale of Iowa products.

**21.10(17) Shore development.** The commission will consider the amount and type of shore developments associated with the excursion gambling boat project.

**21.10(18) Miscellaneous.** The commission will consider such other factors as may arise in the circumstances presented by a particular application.

**491-21.11(99F) Limited number of licenses.** If the commission receives applications for excursion gambling boat casinos, all of which cannot be granted in the best interests in the state of Iowa, it will consider which of the applications best promotes the considerations set forth in rule 491-21.10(99F)

**21.11(1) Affirmative responsibility to establish qualifications.** It shall be the affirmative responsibility and continuing duty of each applicant and licensee to produce such information, documentation and assurances as may be required to establish by clear and convincing evidence the applicant's qualifications are in accordance with the Act and commission rules. No application shall be granted to any applicant who fails to prove qualifications for an application.

**21.11(2) Duty to disclose and cooperate.** It shall be the affirmative responsibility and continuing duty of each applicant, licensee, boat operator, and person required to be qualified to provide all information,



documentation and assurances pertaining to qualifications required or requested by the commission and to cooperate with the commission in the performance of its duties. Any refusal by any person or corporate entity to comply with a request for information from the commission or its staff, evidence or testimony shall be a basis for denial, revocation or disqualification. No license shall be granted to any applicant who fails to provide information, documentation and assurances required by or requested by the commission or who fails to reveal any factual material to qualification.

#### **491—21.12(99F) Rescinded**

These rules are intended to implement Iowa Code supplement chapter 99F.

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### **CHAPTER 22 MANUFACTURER'S, DISTRIBUTOR'S, VENDOR'S AND OCCUPATIONAL LICENSES**

#### **22.1 to 22.9 Reserved**

**491-22.10(99F) Applicability.** It is unlawful for any person or entity to be involved in operating, carrying on, conducting or maintaining any form of manufacture, sale or distribution of any gambling device for use or play in Iowa without having first procured and maintained all required federal and state licenses.

**22.10(1) Licenses required.** For purposes of these rules, the term "excursion gambling boat" includes shore facilities under the jurisdiction of the Iowa racing and gaming commission. The term "administrator" means the administrator of the Iowa racing and gaming commission. This rule specifies licensing requirements for:

a. All manufacturers and distributors of gambling devices, use of which is authorized under Iowa Code chapter 99F, within the state of Iowa. A "gambling device" is defined as any electronic, electrical or mechanical contrivance or machine used in connection with gambling or any game.

This rule also specifies licensing requirements for manufacturers and distributors of associated gambling equipment doing business with excursion gambling boat licensees within the state of Iowa. "Associated gambling equipment" means any equipment or mechanical electromechanical or electronic contrivance, component or machine used remotely or directly in connection with gambling or any game that would not otherwise be classified as a gambling device including, but not limited to, dice, playing cards, lines which connect to progressive slot machine or video games of chance, slot machines or video games of chance equipment which affects the proper reporting of revenue, computerized systems for monitoring slot machines or video games of chance and device

for weighing or counting money.

b. All vendors doing business on an excursion gambling boat licensed by the state of Iowa.

c. All persons employed on an excursion gambling boat under the jurisdiction of the state of Iowa.

**22.10(2) Manufacturer's license.** A manufacturer's license is required of any entity that is the primary designer, assembler, fabricator, producer, constructor or preparer of a product, or a component part of a product, or any implement of gambling usable in the lawful conduct of gambling games pursuant to this chapter. A separate distributor's license shall be required if a manufacturer distributes gambling devices or associated gambling equipment to excursion gambling boat licensees within the state of Iowa.

**22.10(3) Distributor's license.** A distributor's license is required of any entity that sells, markets or otherwise distributes gambling devices or associated gambling equipment which is usable in the lawful conduct of gambling games pursuant to this chapter to a licensee authorized to conduct gambling games pursuant to this chapter.

**22.10(4) Vendor's license.** A vendor's license is required of any entity which provides, on a regular and continuing basis, goods or services which are utilized by excursion boats in a nongaming capacity and has periodic access to excursion gambling boats.

**22.10(5) Occupational license.** An occupational license is required for all persons employed on an excursion gambling boat or who are employed by or operate an entity which provides, on a regular and continuing basis, goods or services which are utilized by excursion boats in a non-gaming capacity and has periodic access to excursion gambling boats. (The administrator may require other related employees to obtain occupational licenses.)

#### **491-22.11(99F) Licensing procedure and policy.**

**22.11(1) Licensing policy.** It is the declared policy of the state of Iowa that the inspection of gambling devices and associated gambling equipment is essential to better protect the welfare of the inhabitants of the state of Iowa.

**22.11(2) Revocable license.** Any license issued under this chapter shall be deemed a revocable privilege. No person holding such a license is deemed to have acquired any vested rights therein.

**22.11(3)** An applicant for a license governed by this chapter is seeking the granting of a privilege. The burden of proving qualifications to receive any license is on the applicant at all times. An applicant must accept any risk of adverse public notice, embarrassment, criticism, or other action, as well as any financial loss which may result from action with respect to an application. An applicant also expressly waives any claim against the state of Iowa or its employees as well as against any individual or entity which furnishes information to the state of Iowa or its employees in any manner related to licensing, the licensing procedure and any



application or request for license for damages as a result thereof.

**22.11(4) Confidentiality.** Applicants shall designate those portions of the application which they wish the commission to keep confidential. The commission staff will review any request for confidentiality and shall grant the request if it complies with Iowa Code section 22.7. Nothing in this rule shall be construed to limit access to public records as defined in Iowa Code chapter 22.

**22.11(5) Economic impact.** In considering whether a new device will be licensed, the commission shall give due consideration to the economic impact of the new device and whether its revenue potential warrants the investigative time and effort required to maintain effective control over the device.

**22.11(6) Licensing standards.** Standards which may be considered when determining the qualifications of an applicant may include, but are not limited to: financial stability, business ability and experience, good character and reputation of the applicants, as well as all directors, officers, partners and employees, integrity of financial backers and any effect on the Iowa economy.

**491-22.12(99F) Waiver of privilege.** An applicant may claim a privilege afforded by the Constitution of the United States or of the state of Iowa in refusing to answer questions of the commission. However, a claim of privilege with respect to any testimony or evidence pertaining to an application may constitute sufficient grounds for denial.

**491-22.13(99F) Manufacturers and distributors.**

**22.13(1) Application procedure.** Application for manufacturer's or distributor's license shall be made to the commission. In addition to the application, the following must be completed and presented when the application is filed:

a. A background form supplied by the division of criminal investigation for each individual owner, partner, joint venturer, trustee or any other person who has any beneficial interest of 5 percent or more, direct or indirect, in the business entity.

b. Two sets of fingerprint cards for each individual owner, partner, corporate officer or director on forms provided by the commission.

c. A bank or cashier's check made payable to the Iowa racing and gaming commission annually for the license fee period April through March as follows:

(1) A manufacturer's license shall be \$250.

(2) A distributor's license shall be \$1,000.

d. A copy of each of the following:

(1) Articles of incorporation and certificate of incorporation, if the applicant is a corporation.

(2) Partnership agreement, if the business entity is a partnership.

(3) Trust agreement, if the business entity is a trust.

(4) Joint venture agreement, if the business entity is a joint venture.



(5) List of employees who may have contact with persons within the state of Iowa, of the aforementioned.

e. A copy of each of the following where applicable:

(1) Purchase agreement(s).

(2) Lease agreement(s).

**22.13(2)** Owners of entities applying for license under this chapter.

a. Corporation.

(1) Duly licensed. The corporation shall be duly licensed and authorized to do business within this state.

(2) Individuals. In a corporation the following individuals must be licensed, complete a background form provided by the division of criminal investigation and submit it with a release of confidential information form and two sets of fingerprint cards:

1. The chief executive officer.

2. All stockholders owning a beneficial interest of 5 percent or more. For purposes of all licensing rules, beneficial interest includes all direct and indirect forms of ownership or control, voting power, or investment power held through any contract, lien, lease, partnership, stockholding, syndication, joint venture, understanding, relationship (including family relationship), present or reversionary right, title or interest, or otherwise.

(3) Corporate changes. Any and all changes in either the corporation structure or the respective interest of stockholders as described in 22.13(2)"a"(2)"2" must be notarized and promptly filed with the commission.

(4) Authorized agent. A corporation, in lieu of the executive officer, must appoint an authorized agent for the purposes of representing the corporation to the commission.

(5) License eligibility. The administrator may deny, suspend or revoke the license of a corporation in which a beneficial interest includes or involves any person or entity which would be, or is, ineligible in any respect, such as through want of character, moral fitness, financial responsibility, professional qualifications or due to failure to meet other criteria employed by this commission, to be licensed or to participate in gaming regardless of the percentage of ownership interest involved.

(6) Beneficial interest. Any stockholder holding beneficial interest of 5 percent or more of a corporation must list any interest owned in all gaming enterprises in which any beneficial interest is owned.

(7) Stockholders. The corporation stockholders owning less than 5 percent of the stock of a corporation need not provide background forms, release forms or fingerprint cards. However, a list of these stockholders may be requested by the administrator of the commission. The list shall include names, percentages owned, addresses, social security numbers and dates of birth. These stockholders need not be licensed and will not have free access to the riverboat. The administrator of the commission may request a release of confidential information form and submission of fingerprint cards; and the administrator of the commission may assess costs, as required for criminal history checks. This information shall be

supplied to the racing and gaming commission within 30 days of the date of the request.

(8) Disclosure. Disclosure of the full nature and extent of all beneficial interests may be requested by the commission and shall include the names of individuals and entities, the nature of their relationships, and the exact nature of their beneficial interest.

(9) Public disclosure. Disclosure is made for the benefit of the public, and all documents pertaining to the ownership or lease of gaming facilities filed with the commission shall be available for public inspection.

b. General partnership.

(1) Duly licensed. Each partner in a general partnership and the general partner must obtain a license. The commission shall deny, suspend or revoke the license of any partnership in which a member whose interest is qualified or limited by rights or interests held or controlled by any individual or entity which would be ineligible to be licensed.

(2) Partnership documents. The administrator of the commission may request a partnership to have on file with the commission an agreement whereby one member of the partnership shall be designated to be responsible for the partnership. This agreement must be notarized and must be signed by all partners.

(3) Authorized agent. An authorized agent must be appointed to represent the partnership in all matters and be responsible for all obligations. The authorized agent may also be a partner.

(4) Partnership changes. Any alteration in a partnership structure or percentage of ownership must be reported promptly to the commission. The report must be in writing, notarized and signed by all members of the partnership.

c. Limited partnership.

(1) Duly licensed. A limited partnership and the general partner must supply to the commission certified copies of their proof of compliance with filing or registration requirements.

(2) Individuals licensed. The general partner(s) in a limited partnership must be licensed by the commission. Any member of the limited partnership with a beneficial interest of 5 percent or more of the limited partnership will be required to provide a completed background form, release of information form, and two sets of fingerprint cards. It is the responsibility of the limited partnership to ensure that every member of the limited partnership is eligible to be licensed.

(3) Authorized agent. An authorized agent must be appointed to represent the limited partnership in all matters and be responsible for obligations. The general partner or other member may be the authorized agent.

(4) Partnership changes. Any alteration in the structure or percentage of ownership of the limited partnership must be promptly reported in writing to the commission.

(5) Ineligibility. The administrator may deny, suspend, or revoke the license of a limited partnership in which a member whose interest is qualified or limited by rights or interests held or controlled by an individual or



entity which would be ineligible to be licensed, regardless of percentage of interest.

(6) Nonlicensed partners. All members of a limited partnership owning less than 5 percent must be listed with the commission. All beneficial interests may be requested by the commission and shall include names, addresses, portion owned, social security number and date of birth. The list shall be supplied to the commission by the general partner. Members owning less than 5 percent need not be licensed and will not have free access to the riverboat and may be required to submit additional information as requested by the administrator who may assess additional fees for the purpose of criminal history check.

(7) Disclosure. The general partner shall be held responsible for making a full disclosure of the entire ownership.

#### **491-22.14(99F) Occupational license.**

**22.14(1)** License required. Every person participating in riverboat gambling, whether as a nonprofit board member or employee, concessionaire, contract holder, representative of the boat operator or employee, and all other persons whose duties require them to be present on or regularly visit a riverboat are required to have an occupational license from the commission authorizing them to be employed on the riverboat. When the person is on the boat the license must be worn so as to be visible above any table or obstruction at their normal work place. License applicants may be required to furnish to the commission a set of fingerprints and may be required to be refingerprinted or photographed periodically as the commission may require.

**22.14(2)** Age requirements. The commission will not ordinarily grant an occupational license to an individual under 18 years of age, if the job duties applied for are directly related to gaming activities, or if the person is employed near areas where alcohol is served.

**22.14(3)** Types of employee occupational licenses and fees. There is a distinction between excursion gambling boat employees whose job duties are directly related to gaming activities and those whose job duties are not so related. The fee schedule established for excursion gambling boat employees recognizes the distinction and the difference in effort generally required to monitor and investigate the employees. The department of public safety may set fees to defray the cost of background investigations.

a. Managers, supervisors, vendors and key employees who are directly involved in the casino operation shall pay an annual fee of \$50. Key employees are individual employees of a licensee empowered to procure or purchase or contract for any goods or services whatsoever, or those so designated by the administrator.

b. A person whose position is directly related to casino gambling shall pay an annual fee of \$20.

c. A person employed on an excursion gambling boat with a casino whose position is not directly related to gaming shall pay an annual fee of \$10.



d. A person shall be required to obtain the license requiring the most extensive background review to perform any portion of their responsibilities that correspond with that licensing level.

e. The commission shall charge the applicant a fee set by the Federal Bureau of Investigation to cover the cost associated with the search and classification of fingerprints. This fee is in addition to any other license fee charged by the commission.

**22.14(4) Misuse of license.** No person shall exercise or attempt to exercise any of the powers, privileges, or prerogatives of a license unless and until the appropriate licensing form has been executed and filed with the commission. The commission shall exercise the power to regulate the conduct of all persons holding licenses or who are participating in gaming by the use or exercise of any rights, powers, privileges, or prerogatives of a license.

**22.14(5) Unlicensed employees.** The employment of any unlicensed person is prohibited. Upon discharge of any licensed employee by any licensed employer for violation of rules or laws within the jurisdiction of the commission, the employer must report that fact in writing to the commission, including the name and occupation of the discharged licensee and the reasons for the discharge. A licensed employer shall make every attempt to obtain the license of employees no longer employed by them for whatever reason and deliver the license to the commission.

**22.14(6) Applications endorsed.** A license may not be issued to any employee unless the application includes the prior endorsement of the employee's department head. The responsibility of licensing an employee rests with the employer. Employment of a nonlicensed individual without reporting to the commission and immediately obtaining a license for the employee may be cause for suspension or fine or both.

**22.14(7) Ineligible license applicants.** The administrator's designee may find an applicant ineligible for a license and deny, suspend or recommend for revocation the license of any applicant who:

a. Has been convicted of any of the offenses below, if the commission determines that the circumstances of the offense giving rise to the conviction make the applicant's presence a hazard to the regulation and conduct of gaming or may reasonably undermine the public confidence in the integrity of gaming.

(1) Offenses related to bookmaking; or

(2) Offenses related to cheating, or to any fraud or deception while participating in gaming activities.

b. Is ineligible to participate in gaming in another state or gaming jurisdiction whose regulatory agency is recognized by and reciprocates in the actions of this state.

c. Is employed in any part- or full-time employment with a government or private employer in any work in which a conflict exists with the interests and objectives of licensed employment.

d. Has been denied privileges by order of this commission and no reinstated.

e. Is not of good moral character (refer to subrule 5.7(4)).

f. Is unqualified, by experience or otherwise, to perform the duties required.

g. Has engaged in conduct in Iowa or elsewhere in connection with gaming that has been objectionable, obnoxious, or detrimental to the best interest of gaming.

h. A license shall be denied and, if already issued, shall be subject to fine, suspension or revocation, if the applicant does not qualify under the following screening policy:

(1) Use of alias. A license shall be denied if an alias was used in connection with a fraud within the last five years.

(2) Conviction of a felony or drug related offense. If a conviction occurred within the last five years, the license shall be denied. If conviction occurred within the last ten years, a license may be issued if the administrator's designee determines that sufficient evidence of rehabilitation exists.

(3) The conviction of a serious or aggravated misdemeanor or the equivalent. If conviction occurred within the last ten years, a license may be issued if the administrator's designee determines that sufficient evidence of rehabilitation exists.

(4) Conviction of simple misdemeanors and alcohol related offenses. A license may be issued if the administrator's designee determines that sufficient evidence of rehabilitation exists. In making that determination, the number of violations will be considered.

(5) Existence of pending charges. A license shall be temporarily denied until the outcome is known of any pending charges if conviction of those charges would disqualify the applicant upon conviction, otherwise a probationary license may be issued.

(6) Current addiction. A license shall be denied if any applicant has a current addiction to alcohol or controlled substance; has a history of mental illness, without sufficient evidence of rehabilitation; or has a history of repeated acts of violence, without sufficient evidence of rehabilitation.

(7) Falsifications. If the applicant falsifies the application and would be ineligible for licensure in 22.14(7)"h"(1) to (8), the license shall be denied and evidence shall be forwarded to the county attorney for prosecution under Iowa Code section 99D.8A(4). In the case of other falsifications, a license may be issued and the applicant shall be subject to a fine.

(8) Multiple convictions. A license may be denied if the applicant has been convicted of multiple criminal offenses. Such a determination shall be at the discretion of the administrator's designee.

(9) Waivers. The provisions of 22.14(7)"h"(1) to (8) above may be waived with written approval of the administrator.

(10) Outstanding obligations. A license may be temporarily denied or a probationary license may be issued until outstanding overdue legal obligations are satisfied. These include, but are not limited to, criminal or civil fines, state or federal taxes, or conditions imposed upon a person by a court of law, where the applicant has failed to meet those conditions in a timely manner.



**491-22.15(99F) Probationary license.** The administrator's designee may grant a probationary license. Any licensee who by an overt act of commission or omission violates any of the rules of the commission while holding a probationary license shall be subject to fine, suspension or denial.

**491-22.16(99F) Worker's compensation.** Every excursion gambling boat operator must carry workers' compensation insurance covering all employees in accordance with Iowa law.

**491-22.17(99F) Prohibited practices - grounds for denial, suspension, revocation, or other disciplinary measures related to a license.**

**22.17(1)** In addition to the criteria in 22.14(7), a license shall be subject to denial, suspension, revocation or other disciplinary measures for the following:

a. Giving or offering, directly or indirectly, to any person licensed by the commission a bribe in any form to violate these rules or the laws of this state related to gaming.

b. Soliciting or offering to accept, directly or indirectly, by a person licensed by the commission a bribe in any form to violate these rules of the laws of this state related to gaming.

c. Failing as a licensee to report any bribe or solicitation as in 22.17(1)"a" or "b" above.

d. Bookmaking, which is the taking or receiving of wagers, except for those wagers for which the facility is licensed.

e. The giving under oath of any false, misleading or inaccurate information or refusing to testify after proper notice to the commission about any matter regulated by the commission, except in the exercise of a recognized application legal privilege.

f. In addition to any of the foregoing prohibited practices, any person who commits an act on the premises of any licensee which is patently contrary to the best interest of gaming or which is in violation of a criminal statute of the United States of America or this state and classified as a felony or aggravated misdemeanor shall be subject to administrative action including license revocation, suspension, fine or deprivation of patron privileges.

g. Disorderly or offensive conduct that breaches the public peace or use of profane, obscene or indecent language so as to be heard by another or other prohibited conduct or interference with a commissioner, a member of the commission staff or gaming official while they are discharging their duties.

h. Possession, carrying of or exhibiting a deadly weapon, or otherwise disturbing the peace on the premises of any licensee. This paragraph does not prohibit the carrying of a weapon by any person duly authorized under provisions of 491 IAC 24.17(1)

i. Failure to comply with any order or ruling of the commission or gaming officials pertaining to a gaming matter.

j. Employment or harboring of an unlicensed person required by these

rules to be licensed.

k. Discontinuance of or ineligibility for an activity for which the license was issued.

l. The applicant or licensee is or has been suspended or ruled ineligible in another state or gaming jurisdiction whose regulatory agency is recognized by and reciprocated in the action of this state.

m. Violation of any rule of the commission or aiding or abetting any person in violation of any rule.

#### **22.17(2) Rescinded.**

**491-22.18(99F) License duration and renewal.** All licenses shall be renewed annually. Vendor and occupational licenses shall be issued with an expiration date of December 31 of the calendar year in which they are issued. Manufacturer's and distributor's shall be valid for one calendar year and shall bear the expiration date of March 31 of the following year on the license certificate. The cost of a duplicate license shall be \$5.

#### **491-22.19(99F) Temporary emergency license certificates.**

**22.19(1)** A temporary license certificate may be issued at the discretion of the administrator.

**22.19(2)** Temporary licenses-period valid. Upon submission of reasons why a temporary license certificate should be issued, the administrator may grant the certificate. Any certificate issued at the discretion of the administrator shall only be valid for a maximum of 30 calendar days from the date of issue.

Failure to obtain a permanent license within the designated time may result in the automatic revocation of the license eligibility, and may result in a fine or suspension for the affiant that has failed to comply.

**491-22.20(99F) Background investigations.** All licenses are temporary until completion of necessary background investigations, including fingerprint processing through the division of criminal investigation and the FBI, and research and review of records on file with the courts, law enforcement agencies and the commission. Any licensed person who allows another person use of the license badge for the purpose of transferring any of the benefits may be suspended and fined, or have the license revoked, or both. No license shall be transferable and no duplicate cards shall be issued except upon payment of a fee.

**491-22.21(99F) Iowa representative.** A manufacturer or distributor of gambling devices or associated gambling equipment who has been granted a license under this chapter shall have a representative within this state to take delivery of gambling devices or associated gambling equipment prior to delivery to a licensee. The manufacturer or distributor shall provide the commission with a copy of the bill of lading. When received, the gambling devices or associated gambling equipment shall be stored in a public warehouse in this state until delivered to the licensee. This representative shall be subject to a background investigation.



**491-22.22(99F) Inspection, investigation of gambling devices.**

**22.22(1) Approval of gambling devices.** Prior to offering to distribute, operate or sell a gambling device in the state of Iowa, a manufacturer or distributor must request the administrator to inspect, investigate and approve the gambling device. The request for inspection, investigation and approval must include the following:

a. One copy each of prints, schematics, block diagram, circuit analysis and a complete explanation of the method of operation, pay procedure, odds determination and all or any other pertinent information of the device.

b. Three copies each of the following, where applicable:

(1) Purchase agreement(s).

(2) Lease agreement(s).

(3) Bill(s) of sale.

(4) Management agreement(s).

(5) Participation agreement(s).

Prototype testing in other jurisdictions may be accepted as meeting the provisions of this subrule. However, the administrator reserves the right to require prototype testing.

**22.22(2) Transportation of gambling devices for testing.** The administrator may require transportation of the gambling device to the offices of the Iowa racing and gaming administrator or to such other location as the administrator might direct for inspection or investigation. This inspection or investigation may include the entire dismantling of the device. The cost of any inspection, testing or investigation, including the time and material required to make the inspection, test or investigation, shall be borne by the applicant. The administrator may designate some place other than the administrator's offices to inspect the device and may designate a third party receive the payment for inspection and investigation costs.

**22.22(3) Trial period.** Upon completing inspection and investigation of a gambling device, the administrator may require up to a 180-day trial period to test the gambling device in a licensed gaming establishment. During the trial period minor changes in the operation or design of the gambling device may be made with prior approval of the administrator. During the trial period the manufacturer shall not be entitled to receive revenue of any kind whatsoever from the operation of that gambling device.

**491-22.23(99F) Supplementary information.** Each applicant shall promptly furnish the commission with all additional information pertaining to the application, or the applicant, which the commission may require. Failure to supply the information requested within five days after the request has been received by the applicant shall constitute grounds for delaying consideration of the application.

**491-22.24(99F) Investigative fees.**

**22.24(1) Advance payment.** The department of public safety may request payment of the investigative fee in advance as a condition precedent to beginning investigation.

**22.24(2) Payment required.** The commission will not take final action with respect to any application until all investigative fees have been paid in full. Remittances shall be made payable to the department of public safety. In the event the department of public safety has obtained an investigative fee which is in excess of the amount expended for investigation, the amount shall be refunded to the applicant.

**491-22.25(99F) Methods of operation.**

**22.25(1) Responsibility for assembly.** The responsibility for final assembly and initial operation of a gambling device in the manner approved by the administrator rests either with the manufacturer or distributor. Changes in the manner of final assembly or initial operation of a gambling device will be deemed unsuitable unless prior to the institution of the change the manufacturer or distributor has obtained approval from the administrator in accordance with the following procedures:

a. Any request for changes to be made in gambling devices shall be submitted to the administrator for prior approval. Accompanying the request for a change, where appropriate, or when requested, must be a print schematic, block diagram or machine analysis which contains details of the proposed change. Further, a reason for the change must be set forth.

b. In emergency cases, when a change is deemed necessary to prevent cheating or malfunction, verbal approval may be requested of the administrator prior to making the change. This approval must be followed within 15 days by a written request noting the verbal approval and containing the additional material as described in paragraph 22.25(1)"a."

**22.25(2) Public notice.** All gaming devices, which include any mechanical, electrical, electronic device or machines used in connection with gaming, shall clearly represent its rules of play and payoff schedule to the playing public.

Each device shall operate and play in accordance with the representation made to the commission and the public at all times.

**491-22.26(99F) Appearance of applicant.** The administrator may appoint a board which has the authority to summon any person named in an application to appear and testify at such time and place as may be designated. All such testimony must be under oath and embrace any matter which the board may deem relevant to the application. Failure to so appear and testify fully at the time and place designated, unless excused, shall constitute grounds for denial of the application without further consideration by the commission.

**491-22.27(99F) Record keeping.**

**22.27(1) Record storage required.** Distributors, manufacturers, and vendors shall maintain in a place secure from theft, loss or destruction, adequate records of business operations which shall be made available to the commission upon request. These records shall include:

a. All correspondence with the commission and other governmental



agencies on the local, state, and federal level.

b. All correspondence between the licensee and any of its customers who are applicants or licensees under Iowa Code chapter 99F.

c. Copies of all promotional material and advertising.

d. A personnel file on each employee of the licensee, including sales representatives.

e. Financial records of all transactions with excursion gambling boat licensees and all other licensees under these regulations.

**22.27(2) Records retention.** The records listed in 22.27(1) above shall be held for at least five years. A permanent personnel file shall be maintained for each employee for ten years following the separation of the employee from employment, unless a claim is filed which identifies the state as liable, in which case the file will be maintained until the claim is settled.

#### **491-22.28(99F) Disciplinary procedures.**

**22.28(1) Unauthorized modifications.** Any changes or modifications found in a gambling device or its circuitry that have not been approved by the commission will be cause for sealing or seizing any or all of the gambling devices manufactured or distributed by a licensee and, further, will be cause for inviting disciplinary penalties which include limiting, conditioning, restricting, suspending or revoking the license, fining the licensee, or a combination of any of the above.

**22.28(2) Before all machines of a manufacturer or distributor are seized,** the commission shall make a reasonable effort to determine if the change has occurred in all or in part of the machines and provide the opportunity for an investigative hearing.

**22.28(3) Investigative hearing.** Efforts will be made to provide an opportunity for an investigative hearing as soon as possible when devices are sealed or seized. If no cause is found, devices will be unsealed or returned to the licensee immediately.

**491-22.29(99F) Violation of laws or regulations.** Violation of any provision of any laws of the state of Iowa or of the United States of America or of any administrative rules of the commission may constitute an unsuitable method of operation, subjecting the licensee to limiting, conditioning, restricting, revoking, suspending the license, fining the licensee or any combination of the above.

**491-22.30(99F) Competition.** The commission shall have the power and the duty to regulate, control and prevent economic concentration in riverboat operations and in riverboat service industries so as to encourage and preserve competition.

**491-22.31(99F) Consent to inspections, searches and seizures.** Each manufacturer, distributor, vendor, or employee licensed under this chapter shall consent to inspections, searches or seizures deemed necessary by the administrator and authorized by law in order to enforce licensing requirements.

**491-22.32(99F) Withdrawal of application.** A written notice of withdrawal of application may be filed by an applicant at any time prior to final

action. No application shall be permitted to be withdrawn unless the administrator determines the withdrawal to be in the public interest. No fee or other payment relating to any application shall become refundable by reason of withdrawal of the application.

**491-22.33(99F) Labor organization registration required.** Each labor organization, union or affiliate representing or seeking to represent employees licensed by the commission and employed by a licensed excursion boat operator, shall register with the commission annually.

**22.33(1) Registration exemption.** The administrator may exempt any labor organization, union, or affiliate from registration requirements where it is found that such labor organization, union or affiliate:

a. Is not the certified bargaining representative of any employee licensed under this chapter or employed by a licensed excursion boat operator; and

b. Is neither involved nor seeking to be involved actively, directly, or substantially in the control or direction of the representation of any such employee.

Such exemption shall be subject to revocation upon disclosure of information which indicates that the affiliate does not or no longer meets the standards for exemption.

**22.33(2) Registration statement.** In order to register, a labor organization, union or affiliate shall file with the commission a "labor organization registration statement." These requirements shall be completed and approved by the administrator prior to the labor organization becoming the certified bargaining representative for employees occupationally licensed to work for an excursion boat gambling entity.

Said statement shall be in the form prescribed by the commission and shall include, without limitation, the following:

a. The names of all labor organizations affiliated with the registrant;

b. Information as to whether the registrant is involved or seeking to be involved actively, directly, or substantially in the control or direction of the representation of any employee licensed by the commission and employed by a licensed excursion boat operator;

c. Information as to whether the registrant holds, directly or indirectly, any financial interest whatsoever in the licensed excursion boat whose employees it represents;

d. The names of any pension and welfare systems maintained by the registrant and all officers and agents of such systems;

e. The names of all officers, agents, and principal employees of the registrant; and

f. All written assurances, consents, waivers, and other documentation required of a registrant by the commission.

**22.33(3) Registration renewal.** A labor organization registration shall be effective for one year. Any such registration may be renewed upon filing of an updated "labor organization registration statement" no later than 120 days prior to the expiration of the current registration. The



commission shall act upon such application for renewal no later than 30 days prior to the date of expiration of the current registration.

**22.33(4) Continuing duty to disclose.** Every registered labor organization shall be under a continuing duty to promptly disclose any change in the information contained in the "labor organization registration statement" or otherwise requested by the commission.

**22.33(5) Federal reports exception.** Notwithstanding the reporting requirements imposed by this chapter and the regulations of the commission, no labor organization, union, affiliate or person shall be required to furnish any information which is included in a report filed by any labor organization, union, affiliated or person with the Secretary of Labor, pursuant to 29 U.S.C., section 431, et seq. (Labor-Management Reporting and Disclosure Act) or 29 U.S.C., section 1001 et seq. (Employee Retirement Income Security Act) if a copy of such report, or if the portion thereof containing such information, is furnished to the commission pursuant to the aforesaid Federal provisions.

**22.33(6) Qualification of officers, agents, and principal employees.** Every officer, agent, and principal employee of a labor organization, union or affiliate required to register with the commission pursuant to this chapter and the regulations of the commission shall be qualified in accordance with criteria contained in administrative rules 491-22.14(7) and 491-22.17.

**22.33(7) Qualification procedure.**

a. In order to be qualified, every officer, agent and principal employee of a labor organization, union, or affiliate required to register with the commission pursuant to the regulations of the commission shall file with the commission a "labor organization individual disclosure form," which shall be completed, signed, and filed in accordance with the requirements of this chapter, provided, however, that such a form need not be filed by an officer of a national or international labor organization where that officer exercises no authority, discretion or influence over the operation of such labor organization with regard to any employment matter relating to employees licensed under the act and employed by an excursion boat or boat operator; and provided, further, that any such officer of a national or international labor organization may be directed by the commission to file a "labor organization individual disclosure form" or to provide any other information in the same manner and to the same extent as may be required of any other officer of a labor organization which is required to register under this chapter.

b. Each officer, agent or principal employee required to file, a "labor organization individual disclosure form" shall do so initially at the time the pertinent labor organization, union, or affiliate applies or should apply for registration or at the time the individual is elected, appointed or hired, whichever is later.

c. Following an initial finding of qualification, each qualified individual who has filed an initial "labor organization individual disclosure form" shall annually file with the commission a properly completed, updated "labor organization individual disclosure form."

**22.33(8)** Waiver of disqualification criteria. Notwithstanding the qualification requirements as to any such officer, agent or principal employee, the commission may waive any disqualification criteria upon a finding that the interests of justice so require.

**22.33(9)** Interest in an excursion gambling boat or excursion gambling boat license prohibited. Neither a labor organization, union, or affiliate nor its officers, and agents not otherwise individually licensed under the act and employed by an excursion gambling boat licensee may hold any financial interest whatsoever in the licensee whose employees they represent.

**22.33(10)** Failure to comply; consequences.

a. No labor organization, union, or affiliate required to register with the commission shall receive any dues from or on behalf of or administer any pension, welfare funds from or on behalf of any licensed employee and employed by an excursion boat or its agent:

(1) If the said labor organization, union, or affiliate shall fail to properly register with the commission or provide all information requested by the commission in accordance with the provisions of this chapter or the regulations of the commission;

(2) If any officer, agent or principal employee of such labor organization, union, or affiliate shall fail to qualify in accordance with the provisions of this chapter or the regulations of the commission; or

(3) If the said labor organization, union, affiliate or any officer or agent thereof shall hold a prohibited interest in an excursion gambling boat or an excursion gambling boat licensee.

b. Nothing herein shall be construed to limit the right of the commission to impose any sanctions or take any action authorized by this chapter or Iowa Code, Chapter 99F.

## **CHAPTER 23**

### **CLOSED CIRCUIT VIDEOTAPE SURVEILLANCE SYSTEMS ON EXCURSION GAMBLING BOATS**

#### **661-23.1(99F) Definitions.**

"Administrator" means the administrator of the Iowa racing and gaming commission.

"Applicant" means any person applying for an occupational license or applying for a license to operate an excursion gambling boat, or the officers and members of the board of directors of a qualified sponsoring organization located in Iowa.

"Casino" means all areas of an excursion gambling boat where gaming is conducted.

"Commission" means the Iowa racing and gaming commission.

"DCI" means the division of criminal investigation, Iowa department of public safety.

"Gangplank" means the walkways that passengers use to embark and disembark from the excursion gambling boat.

"Land-based facility" means the licensee's operation where the soft count



room is located, if other than on an excursion gambling boat.

"Licensee" means a qualified sponsoring organization conducting gambling games on an excursion gambling boat licensed by the Iowa racing and gaming commission under Iowa Code section 99F.7.

"Operator" means an entity licensed to operate an excursion gambling boat by the Iowa racing and gaming commission.

**661-23.2(99F) Minimum standards** This chapter sets forth the minimum standards that must be followed by a licensee with respect to casino surveillance systems. The director of the DCI or the administrator may, at the director or administrator's absolute discretion, require a licensee to comply with casino surveillance system requirements that are more stringent than those set forth by these rules.

**661-23.3(99F) Closed circuit television.** Every licensee shall install, maintain and operate a closed circuit television system according to specifications set forth in these rules and shall provide access at all times to the system or its signal to the commission and the DCI.

**661-23.4(99F) Required equipment.** The closed circuit television system shall include, but shall not be limited to, the following equipment:

1. Camera - Pan, tilt, zoom, commonly referred to as P.T. Z. cameras, that are light sensitive and capable of being placed behind a dome or one-way mirror which conceals the P.T. Z. cameras from view. Each camera shall have the capability to distinguish a clear, unobstructed view of the table number of the gaming table or slot machine.

2. Video printers - Capable of adjustment and must possess the capability to generate instantaneously upon command a clear, still copy of the image depicted on a videotape recording with a minimum of 128 shades of gray.

3. Video monitors - Each screen must be at least 12 inches measured diagonally and all controls must be front mounted. Solid state circuitry is required.

4. Date and time generators - Each shall be capable of recording both time and date of the recorded events without obstructing the recorded view. This must be in military time.

5. Universal power supply - The system and its equipment must be directly and securely wired in a way to prevent tampering with the system.

6. Domes for cameras - Made of sufficient quality and size to accommodate P.T.Z. cameras, and capable of accommodating clear, unobstructed views.

7. Video switchers - Capable of both manual and automatic sequential switching, for the entire surveillance system.

8. Videotape recorders - Capable of producing high quality, first generation pictures with a horizontal resolution of a minimum of 300 lines nonconsumer, professional grade, and recording standard 1/2 inch, VHS tape with high-speed scanning and flickerless playback capability in real time. Also, time and date insertion capabilities for taping what

is being viewed by any camera in the system. A minimum of one video recorder for every eight video cameras is required.

**661-23.5(99F) Required surveillance.** Every licensee or operator shall conduct and record as required by either the commission or the DCI surveillance which allows clear, unobstructed views in the following areas of the excursion boats and the land-based facilities:

1. Overall views of the casino pit areas.
2. All gaming or card table surfaces, including table bank trays, with sufficient clarity to permit identification of all chips, cash, and card values, and the outcome of the game. Each gaming table shall have the capability of being viewed by no less than two cameras.
3. Dice in craps games, with sufficient clarity to read the dice in their stopped position after each roll.
4. All roulette tables and wheels, capable of being recorded on a split screen to permit views of both the table and the wheel on one monitor screen.
5. All areas within cashier cages and booths, including, but not limited to, customer windows, employee windows, cash drawers, vaults, safes, counters, chip storage and fill windows. Every transaction occurring within or at the casino cashier cages must be recorded with sufficient clarity to permit identification of currency, chips, tokens, fill slips, paperwork, employees and patrons.
6. All entrance and exit doors to the casino area shall be monitored by the surveillance system if they are utilized for the movement of uncounted moneys, tokens, or chips. Also, elevators, stairs, gangplanks, and loading and unloading areas shall be monitored if they are utilized for the movement of uncounted moneys, chips, or tokens.
7. All areas within a hard count room and any area where uncounted coin is stored during the drop and count process, including walls, doors, scales, wrapping machines, coin sorters, vaults, safes, and general work surfaces.
8. All areas within a soft count room, including solid walls, doors, solid ceilings, stored drop boxes, vaults, safes, and counting surfaces which shall be transparent.
9. Overall views of patrons, dealers, spectators, and pit personnel, with sufficient clarity to permit identification thereof.
10. Overall views of the movement of cash, gaming chips and tokens, drop boxes and drop buckets.
11. All areas on the general casino floor with sufficient clarity to permit identification of all players, employees, patrons, and spectators.
12. Every licensee who exposes slot machines for play shall install, maintain, and operate at all times a casino surveillance system that possesses the capability to monitor and record clear, unobstructed views of the following:
  - All slot change booths, including their cash drawers, countertops, counting machines, customer windows, and employee windows, recorded



with sufficient clarity to permit identification of all transactions, cash, and paperwork therein.

- The slot machine number.

- All areas, recorded with sufficient clarity to permit identification of all players, employees, patrons, and spectators.

13. The DCI may require surveillance coverage of any other operation or game on either an excursion gambling boat or a land-based facility.

**661-23.6(99F) Equipment in DCI offices.** Excursion boat and land-based offices assigned to the DCI shall be equipped with a minimum of two 12-inch monochrome video monitors with control capability of any video source in the surveillance system. The following shall be additional mandatory equipment for said room or rooms:

1. Video printer.
2. Video recorders.
3. Audio pickup of soft count room.
4. Time and date generators, if not in the master surveillance system.
5. Total override surveillance system capabilities.

**661-23.7(99F) Camera lenses.** All closed circuit cameras shall be equipped with lenses of sufficient quality to allow clarity of the value of gaming chips, tokens, and playing cards. These cameras shall be capable of black and white recording and viewing except those covering exits and entrances of the casino area and gangplank areas, which shall be capable of recording in color.

**661-23.8(99F) Lighting.** Adequate lighting shall be present in all areas of the casino and count rooms to enable clear video reproductions.

**661-23.9(99F) Surveillance room.** There shall be provided on each excursion gambling boat a room or rooms specifically utilized to monitor and record activities on the casino floor, count room, cashier cages, gangplank area, and slot cages. These rooms shall have a trained surveillance person present during casino operation hours. The following are requirements for the operation of equipment in the surveillance room:

**23.9(1) Surveillance equipment location.** All equipment that may be utilized to monitor or record views obtained by a casino surveillance system must remain located in the room used exclusively for casino surveillance security purposes, except for equipment which is being repaired or replaced. The entrance to the casino surveillance room must be locked or secured at all times.

**23.9(2) Override capability.** Casino surveillance equipment must have total override capability over any other satellite monitoring equipment in other casino offices, with the exception of the DCI rooms.

**23.9(3) Access.** DCI and commission employees shall at all times be provided immediate access to the casino surveillance room and other casino surveillance areas. Also, all DCI and commission employees shall have access to all records and areas of such rooms.

**23.9(4) Surveillance logs.** Entry in the log shall be required when requested

y the DCI or the commission, whenever surveillance is conducted on anyone, or whenever any activity that appears unusual, irregular, illegal or in violation of commission rules is observed. Also, all telephone calls shall be logged.

**23.9(5) Blueprints.** A copy of the configuration of the casino floor shall be posted and updated immediately upon any change. Also included shall be the location of any change, and the location of surveillance cameras, gaming tables and slot machines by assigned numbers. Copies shall also be made available to the DCI room.

**23.9(6) Storage and retrieval.** Surveillance personnel will be required to (label and file all videotape recordings. The date, time, and signature of the person making the recording is required. All videotape recordings shall be retained for at least seven days after recording unless a longer period is required by the DCI, the commission, or court order. Original audio tapes and original video tapes shall be released to a DCI agent upon demand.

**23.9(7) Malfunctions.** Each malfunction of surveillance equipment must be repaired within 24 hours of the malfunction. If, after 24 hours, activity in the affected area cannot be monitored, the game or machine shall be closed until such coverage can be provided. A record of all malfunctions shall be kept and reported to the DCI each day.

**23.9(8) Security.** Entry to the surveillance room is limited to persons approved by the DCI or the administrator. A log of personnel entering and exiting the surveillance room shall be maintained and submitted to the DCI every 30 days.

**23.9(9) Playback station.** An area is required to be provided within the DCI room that will include, but is not limited to, a video monitor and a video recorder with the capability of producing first generation videotape copies.

**23.9(10) Additional requirements.**

a. Audio and videotape monitoring will be continuous in the DCI and security detention areas, when someone is being detained. These recordings must be retained for 30 days after the recorded event, unless directed otherwise by the administrator, DCI or court order.

b. The commission, its employees, and DCI agents shall, at all times, be provided immediate access to the surveillance room and all areas of the casino.

**23.9(11) Written plans and alterations.**

a. Every operator or applicant for licensing shall submit to the commission for approval by the administrator and to the DCI for approval by the director of the DCI, a written casino surveillance system plan no later than 60 days prior to the start of gaming operations.

b. A written casino surveillance system plan must include a casino



floor plan that shows the placement of all casino surveillance equipment in relation to the locations required to be covered, and a detailed description of the casino surveillance system and its equipment. In addition, the plan may include other information that indicates compliance with these rules by the licensee, operator or applicant.

c. The operator may change the location of table games, slot machines, and other gaming devices. The surveillance system must also be adjusted, if necessary, to provide the coverage required by these rules. A DCI agent must approve the change in surveillance system before the relocated table games, slot machines, or other gaming devices may be placed into operation. The operator must submit any change to the surveillance system showing the change in the location of the gaming devices and related security and surveillance equipment within seven days to the administrator and the director of the DCI.

**661-23.10(99F) Nongambling hours.** Security surveillance will be required during nongambling hours as follows:

**23.10(1) Cleanup and removal time.** At any time cleanup operations or money removal is being conducted in the casino area, the security surveillance room must be staffed with a minimum of one trained surveillance person.

**23.10(2) Locked down mode.** Anytime the casino is closed and in a locked down mode, sufficient surveillance coverage must be conducted to monitor and record the casino, in general, so that security integrity is maintained. During this period it is not required that a trained security surveillance person be present.

**661-23.11(99F) Waivers from requirements.** Upon request of an applicant, licensee, or operator, the director may, for just cause, waive any requirement of these rules.

## CHAPTER 24 ACCOUNTING AND CASH CONTROL

**24.1 to 24.9** Reserved.

**491-24.10(99F) Accounting records.**

**24.10(1)** Each licensee shall maintain complete and accurate records of all transactions pertaining to the revenues and costs for each excursion gambling boat.

**24.10(2)** General accounting records shall be maintained on a double entry system of accounting with transactions recorded on

an accrual basis.

**24.10(3)** Detailed, supporting, and subsidiary records shall be maintained. These records include, but are not necessarily limited to:

- a. Statistical game records to reflect drop and win amounts by table for each game, by each excursion day.
- b. Records of all investments, advances, loans and receivable balances, due to the licensee.
- c. Records related to investments in property and equipment.
- d. Records which identify the handle, payout, win amounts and percentages, theoretical win amounts and percentages, and differences between theoretical and actual win amounts and percentages, for each slot machine or video game of chance on a week-to-date, month-to-date, and year-to-date basis.
- e. Records of all loans and other amounts payable by the licensee.
- f. Records which identify the purchase, receipt and destruction of gaming chips and tokens.

**491-24.11(99F) Licensee's system of internal control.**

**24.11(1)** Each licensee shall submit to the commission a description of its system of internal procedures and administrative and accounting controls. Such submission shall be made at least 90 days before gaming operations are to commence unless otherwise directed by the administrator.

**24.11(2)** The administrator shall review each submission required by 24.11(1) and shall determine whether it conforms to the requirements of Iowa Code chapter 99F and to these rules and whether the system submitted provides adequate and effective controls for the operations of the licensee. If the administrator finds any insufficiencies, they shall be specified in writing to the licensee, who shall make appropriate alterations. No licensee shall commence gaming operations unless and until such system of controls is approved.

**24.11(3)** Each licensee shall submit to the commission any changes to the system of internal procedures and administrative and accounting controls previously determined to be adequate in all respects at least 15 days before the changes are to become effective unless otherwise directed by the administrator. The proposed changes shall be submitted to the commission and such changes may be approved or disapproved by the administrator. No licensee shall alter its internal controls unless and until such changes are approved.

**491-24.12(99F) Records regarding ownership.**

**24.12(1)** In addition to other records and information required by these rules, each licensee shall maintain the following records



regarding the equity structure and owners:

a. If a corporation:

(1) A certified copy of articles of incorporation and any amendments thereto.

(2) A copy of bylaws and amendments thereto.

(3) A current list of officers and directors.

(4) Minutes of all meetings of stockholders and directors.

(5) A current list of all stockholders and stockholders of affiliates, including their names and the names of beneficial owners of shares.

(6) A complete record of all transfers of stock.

(7) A record of amounts paid to the corporation for issuance of stock and other capital contributions and dates thereof.

(8) A record, by stockholder, of all dividends distributed by the corporation.

(9) A record of all salaries, wages, and other remuneration (including perquisites), direct, and indirect, paid during the calendar or fiscal year, by the corporation, to all officers, directors, and stockholders with an ownership interest at any time during the calendar or fiscal year, equal to or greater than 5 percent of the outstanding stock of any class of stock.

b. If a partnership:

(1) A schedule showing the amounts and dates of capital contributions, the names and addresses of the contributors, and percentage of interest in net assets, profits and losses held by each.

(2) A record of the withdrawals or partnership funds or assets.

(3) A record of salaries, wages, and other remuneration (including perquisites), direct and indirect, paid to each partner during the calendar or fiscal year.

(4) A copy of the partnership agreement and certificate of limited partnership, if applicable.

c. If a sole proprietorship:

(1) A schedule showing the name and address of the proprietor and the amount and date of their original investment.

(2) A record of dates and amounts of subsequent additions to the original investment and withdrawals therefrom.

(3) A record of salaries, wages, and other remuneration (including perquisites), direct or indirect, paid to the proprietor during the calendar or fiscal year.

24.12(2) All records regarding ownership shall be located in a place approved by the commission.

#### **491-24.13(99F) Forms, records and documents.**

24.13(1) All information required by this chapter to be recorded shall be recorded in a permanent form.

24.13(2) Whenever duplicate or triplicate copies of a form, record,

or document are required by these rules:

a. The original, duplicate, and triplicate copies shall be color coded and have the destination of the original copy identified on the duplicate and triplicate copies.

b. Whenever forms or serial numbers are required to be accounted for or copies of forms are required to be compared for agreement and exceptions are noted, such exceptions shall be reported immediately and in writing to the commission.

**491-24.14(99F) Standard financial and statistical reports.**

**24.14(1)** Each licensee shall file monthly reports indicating adjusted gross receipts received from gambling games and total number and amount of money received from admissions.

These reports will be by calendar month and will be filed within 15 calendar days following the end of each month.

**24.14(2)** Each licensee shall file annual financial statements covering all financial activities of the licensee's operation for each fiscal year.

If the licensee's fiscal year does not correspond to the calendar year, a supplemental schedule indicating financial activities on a calendar year basis shall be included in the report.

The licensee shall engage certified public accountants registered or licensed in the state of Iowa under Iowa Code chapter 116 to examine the statements in accordance with generally accepted auditing standards.

Reports shall be filed within 90 calendar days following the end of the fiscal year.

If the licensee's fiscal year does not correspond to the calendar year, a supplemental schedule indicating financial activities on a calendar year basis shall be included in the report.

**24.14(3)** The reports shall be signed by the chief executive officer, financial vice president, treasurer, or controller if the boat operator is a corporation; by a general partner or the financial director if the operator is a partnership; or by the proprietor if the operator is a sole proprietorship; by the chief executive officer if the operator is any other form of business association.

**24.14(4)** In the event of a license termination, change in business entity, or material change in ownership, the commission may at its discretion require the filing of an interim report, as of the date of occurrence of the event. Any such request shall be made in writing to the licensee. The filing due date shall be the later of 30 calendar days after notification to the licensee or 30 calendar days after the date of occurrence of the event, unless an extension is granted.

**24.14(5)** In those circumstances where the licensee is not currently an active operator, the commission may either revise or eliminate



the standard reports to be filed by the licensee.

**24.14(6)** Any adjustments resulting from the annual audit shall be recorded in the accounting records of the year to which the adjustment relates. In the event the adjustments were not reflected in the licensee's annual report and the commission concludes the adjustments are significant, a revised annual report may be required from the licensee. The revised filing shall be due within 30 calendar days after written notification to the licensee.

**24.14(7)** Notwithstanding other provisions of the commission rules requiring submission of contracts, all contracts entered into by an operator must be approved by the commission if the contract:

a. Exceeds the value of \$50,000 in any 12-month period.

b. Is a contract in which the licensee or any officer or director of the operator has either a direct or indirect economic interest.

c. If any officer or director of the operator has any economic or beneficial ownership interest in any other party to the contract.

The operator shall submit information concerning the contracts on a form provided by commission staff within 15 calendar days after the end of the month in which the transaction occurred. If in writing, the contract shall be readily available for inspection by commission staff and will be submitted to commission staff upon request.

**24.14(8)** The financial statements required by this rule shall include a footnote reconciling and explaining any differences between the financial statements included in the licensee's annual report and the audited financial statements. Such footnote shall disclose the effect of such adjustments on:

a. Casino revenues.

b. Revenues net of complimentary services.

c. Total costs and expenses.

d. Income before extraordinary items.

e. Net income.

**24.14(9)** Each licensee shall require, in its annual report, an independently certified public accountant to render the following additional reports:

a. Report whether material weaknesses in internal accounting control exist.

b. Report whether licensee has followed the system of internal accounting control approved by the administrator.

**24.14(10)** The licensee shall prepare a written response to the independent certified public accountant's reports required by 24.14(9)"a" and "b." The response shall indicate corrective actions taken. Such response shall be submitted to the commission within 90 days from receipt of the independent certified public accountant's reports.

**24.14(11)** If the license is publicly held, the licensee shall submit to the commission one copy of any report including Forms S-1, 8-K, 10-Q, 10-K, required to be filed by such licensee or affiliates with the Securities and Exchange Commission or other domestic or foreign securities regulatory agency, at the time of filing with such commission or agency.

**491-24.15(99F) Retention, storage and destruction of books, records and documents.**

**24.15(1)** Except as otherwise provided in this rule, all original books, records and documents pertaining to the casino licensee's operations shall be:

- a. Prepared and maintained in a complete and accurate form.
- b. Retained on a site approved by the administrator until audited.
- c. Held immediately available for inspection by the commission during business hours of operation.
- d. Organized and indexed in such a manner to provide immediate accessibility to the commission.

**24.15(2)** For the purpose of this rule, "books, records and documents" shall be defined as any book, record or document pertaining to, prepared or generated by the licensee including, but not limited to, all forms, reports, accounting records, ledgers, subsidiary records, computer-generated data, internal audit records, correspondence and personnel records.

**24.15(3)** All original books, records and documents may be copied and stored on a microfilm, microfiche or other suitable media system approved by the administrator.

**24.15(4)** No original book, record or document may be destroyed by a licensee without the prior approval of the administrator, unless the particular book, record or document has first been copied and stored on microfilm, microfiche or other suitable media in accordance with the provision of 24.15(3).

**491-24.16(99F) Licensee's organization.**

**24.16(1)** Each licensee shall have a system of internal control that includes the following:

a. Administrative control which includes, but is not limited to, the plan of organization and the procedures and records that are concerned with the decision processes leading to management's levels of authorization of transactions.

b. Accounting control which includes the plan of organization and the procedures and records that are concerned with the safeguarding of assets and the reliability of financial records and are consequently designed to provide reasonable assurance that:

- (1) Transactions are executed in accordance with management's



general and specific authorization which shall include the requirements of this chapter.

(2) Transactions are recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles and to maintain accountability for assets.

(3) Access to assets is permitted only in accordance with management authorization which shall include requirements of this chapter.

(4) The recorded accountability for assets is compared with existing assets at reasonable intervals and appropriate action is taken with respect to any differences.

**24.16(2)** The licensee's system of internal control shall provide for:

a. Competent personnel with integrity and an understanding of prescribed procedures.

b. The segregation of incompatible functions so that no employee is in a position to perpetrate and conceal errors or irregularities in the normal course of their duties.

#### **491-24.17(99F) Firearms-possession within casino.**

**24.17(1)** No patron or employee of the licensee, including the security department members, shall possess or be permitted to possess any pistol or firearm within a casino without the express written approval of the administrator.

**24.17(2)** Each casino licensee shall post in a conspicuous location at each entrance to the casino a sign that may be easily read stating "Possession of any firearm within the casino without the express written permission of the Iowa racing and gaming commission is prohibited."

**24.17(3)** Each licensee shall place on file with the commission the names of all persons authorized to enter the cashier's cage, those who possess the combination or keys to the locks securing the entrance to the cage and those who possess the ability to operate alarm systems.

#### **491-24.18(99F) Accounting controls within the cashier's cage.**

**24.18(1)** The assets for which the cage cashiers are responsible shall be maintained on an impress basis. At the end of each shift, the cashiers assigned to the outgoing shift shall record on a cashier's count sheet the face value of each cage inventory item counted and the total of the opening and closing cage inventories and shall reconcile the total closing inventory with the total opening inventory.

**24.18(2)** At the conclusion of gaming activity each day, a copy of the cashiers' count sheets and related documentation shall be forwarded to the accounting department for agreement of opening

and closing inventories, agreement of amounts thereon to other forms, records, and documents required by this chapter, and recording of transactions.

**491-24.19(99F) Drop boxes and drop buckets.**

**24.19(1)** Each gaming table in a casino shall have attached to it a metal container known as a "drop box" in which shall be deposited all cash, coupons authorizing chip purchases exchanged with cash for gaming chips and plaques, duplicate fill and credit slips, requests for fill forms, and table inventory forms. Each drop box shall have:

a. A lock, the key to which shall be maintained by security to be checked out by the drop crew.

b. A separate lock securing the drop box to the gaming tables, the key to which shall be different from each of the keys to locks securing the contents of the drop box.

c. A slot opening through which currency, forms, records, and documents can be inserted into the drop box.

d. A mechanical device that will close and lock the slot opening upon removal of the drop box from the gaming table.

**24.19(2)** The key utilized to unlock the drop boxes from the gaming tables shall be maintained and controlled by the security department.

**491-24.20(99F) Drop boxes, transportation to and from gaming tables-storage in count room.**

**24.20(1)** Each licensee shall place on file with the commission a schedule setting forth the specific times at which the drop boxes will be brought to or removed from the gaming tables.

**24.20(2)** All drop boxes removed from the gaming tables shall be transported by one security department member and one casino supervisor directly to, and secured in, the count room or on a secure area on the boat until they can be transferred to the count room.

**24.20(3)** Drop boxes, when not in use, may be stored on the gaming tables provided that there is adequate security, as approved by the commission. If adequate security is not provided during this time, the drop boxes shall be stored in the count room or an enclosed storage cabinet.

**491-24.21(99F) Procedure for accepting cash or prepaid vouchers at gaming tables.** Whenever cash and a coupon or prepaid voucher are presented by a patron at a gaming table for exchange for gaming chips, the following procedures and requirements shall be observed:

**24.21(1)** The cash and a coupon authorizing the purchases, or a prepaid voucher, shall be spread on the top of the gaming table by the dealer or boxperson accepting it in full view of the patron who presented it and the casino supervisor assigned to such gaming



table.

**24.21(2)** The cash value amount shall be verbalized by the dealer or boxperson accepting it in a tone of voice calculated to be heard by the patron and the casino supervisor assigned to such gaming table.

**24.21(3)** Immediately thereafter, the cash and a coupon authorizing the purchase, or a prepaid voucher, shall be taken from the top of the gaming table and placed by the dealer or boxperson into the drop box attached to the gaming table.

**491-24.22(99F) Procedure for distributing gaming chips to gaming tables.**

**24.22(1)** A request for fill ("request") shall be prepared by an individual approved by the administrator to authorize the preparation of a fill slip ("fill") for the distribution of gaming chips to gaming tables. The request shall be a two-part form, and access to the request shall, prior to use, be restricted authorized users.

**24.22(2)** On the original and duplicate request, the following information shall be recorded:

a. The date and time, or shift, of preparation.

b. The denomination of gaming chips to be distributed to the gaming tables.

c. The total amount of each denomination of gaming chips to be distributed to the gaming tables.

d. The game and table number to which the gaming chips are to be distributed.

e. The signature of the casino supervisor.

**24.22(3)** After preparation of the request the original copy of such request shall be transported directly to the cashier's cage.

**24.22(4)** The duplicate copy of the request shall be placed by the dealer or boxperson in public view on the gaming table to which the gaming chips are to be received. Such duplicate request shall not be removed until the chips are received, at which time the request and fill are deposited in the drop box.

**24.22(5)** If fills are computer prepared and the input data required for preparation complies with 24.22(2), subrules 24.22(3) and 24.22(4) may be ignored.

**24.22(6)** A fill shall be prepared by a cashier.

**24.22(7)** Fills shall be serially prenumbered forms, each series of fills shall be used in a sequential order, and the series numbers of all fills received by a casino shall be accounted for by employees with no incompatible functions. All original and duplicate void fills shall be marked "void" and shall require the signature of the preparer.

**24.22(8)** For boats in which fills are manually prepared, the following procedures and requirements shall be observed:

a. Each fill form shall be a three-part form, and shall be inserted in a locked dispenser that will discharge the original and duplicate while the triplicate remains in a continuous, unbroken form in the dispenser.

b. Access to the triplicates shall be maintained and controlled at all times by employees responsible for controlling and accounting for the unused supply of fills, placing fills in the dispenser, and removing from the dispenser, each day, the triplicates remaining therein. These employees shall have no incompatible functions.

**24.22(9)** For boats in which fills are computer-prepared, each series of fills shall be a two-part form, and shall be inserted in a printer that will simultaneously print an original and a duplicate and store, in machine-readable form, all information printed on the original and duplicate. The stored data shall not be susceptible to change or removal by any personnel after preparation of a fill.

**24.22(10)** On original, duplicate, and triplicate copies of the fill, or in stored data, the preparer shall record the following information:

a. The denomination of the gaming chips being distributed.

b. The total amount of each denomination of gaming chips being distributed.

c. The total amount of all denominations of gaming chips being distributed.

d. The game and table number to which the gaming chips are being distributed.

e. The date and shift during which the distribution of gaming chips occurs.

f. The signature of the preparer or, if computer prepared, the identification code of the preparer.

**24.22(11)** The time of preparation of the fill shall be recorded on the original and duplicate upon preparation.

**24.22(12)** All gaming chips distributed to the gaming tables from the cashier's cage shall be transported to the gaming tables from the cashier's cage by a security department member who shall compare the request to the fill and sign the original copy of the request, maintained at the cashier's cage, before transporting the gaming chips and the original and duplicate copies of the fill signatures.

**24.22(13)** Signatures attesting to the accuracy of the information contained on the fills shall be of the following personnel at the following times:

The original and the duplicate.

a. The cashier upon preparation.

b. The security department member transporting the gaming chips to the gaming table upon receipt from the cashier of gaming chips to be transported.



c. The dealer or boxperson assigned to the gaming table upon receipt at such table from the security department member of gaming chips at such table.

d. The casino supervisor assigned to the gaming table upon receipt of the gaming chips at such table.

**24.22(14)** Upon meeting the signature requirements as described in 24.22(13), the security department member that transported the gaming chips and the original and duplicate copies of the fill to the table shall observe the immediate placement by the dealer or boxperson of the original fill and the duplicate request in the drop box attached to the gaming table to which the gaming chips were transported and return or observe the return of the duplicate fill to the cashier's cage where the duplicate fill and original request shall be maintained together and controlled by the cashier.

**24.22(15)** The original and duplicate void fills, void and error reports, fill requests, and the original fill slip, maintained and controlled in conformity with 24.22(14), shall be forwarded using one of the following alternatives:

a. Forwarded to the accounting department for agreement with the duplicate fill and duplicate request, and the original and duplicate fill shall be forwarded to the accounting department for agreement, on a daily basis, with the triplicate or stored data.

b. Forwarded to the accounting department for agreement, on a daily basis, with the duplicate fill and duplicate request removed from the drop box and the triplicate or stored data.

**491-24.23(99F) Procedure for removing gaming chips from gaming tables.**

**24.23(1)** A request for credit ("request") shall be prepared by a casino supervisor, or a casino clerk, to authorize the preparation of a credit slip ("credit") for the removal of gaming chips from gaming tables to the cashier's cage. The request shall be a two-part form and access to such form shall, prior to use, be restricted to casino supervisors and casino clerks.

**24.23(2)** On the original and the duplicate request, the following information shall be recorded:

a. The date and time, or shift, of preparation.

b. The denomination of gaming chips to be removed from the gaming table.

c. The total amount of each denomination of gaming chips to be removed from the gaming table.

d. The game and table number from which the gaming chips are to be removed.

e. The signature of the casino supervisor and dealer or boxperson assigned to the gaming table from which the gaming chips are to

be removed.

**24.23(3)** Immediately upon preparation of a request and transfer of gaming chips to a security department member, a casino supervisor shall obtain on the duplicate the signature of the security department member to which the gaming chips were transferred and the dealer or boxperson shall place the duplicate request in public view on the gaming table from which the gaming chips were removed and such request shall not be removed until a credit is received from the chip bank at which time the request and credit are deposited in the drop box.

**24.23(4)** The original request shall be transported directly to the cashier's cage by the security department member who shall at the same time transport the gaming chips removed from the gaming table.

**24.23(5)** Credit shall be prepared by a chip bank cashier or, if computer prepared, by a chip bank cashier, a casino supervisor, or a casino clerk whenever gaming chips are returned from the gaming tables to the cashier's cage.

**24.23(6)** Credits shall be serially prenumbered forms, each series of credits shall be used in sequential order, and the series numbers of all credits received by a casino shall be accounted for by employees with no incompatible functions. All original and duplicate void credits shall be marked "void" and shall require the signature of the preparer.

**24.23(7)** For boats in which credits are manually prepared, the following procedures and requirements shall be observed:

a. Each series of credits shall be a three-part form and shall be inserted in a locked dispenser that will permit an individual slip in the series and its copies to be written upon simultaneously while still locked in the dispenser, and that will discharge the original and duplicate while the triplicate remains in a continuous, unbroken form in the dispenser.

b. Access to the triplicates shall be maintained and controlled at all times by employees responsible for controlling and accounting for the unused supply of credit, placing credits in the dispensers, and removing from the dispensers, each day, the triplicates remaining therein. These employees shall have no incompatible functions.

**24.23(8)** For boats in which credits are computer prepared, each series of credits shall be a two-part form and shall be inserted in a printer that will simultaneously print an original and a duplicate and store, in machine-readable form, all information printed on the original and duplicate and discharge in the cashier's cage the original and duplicate. The stored data shall not be susceptible to change or removal by any personnel after preparation of a credit.

**24.23(9)** On originals, duplicates, and triplicates, or in stored data, the preparer shall record the following information:



- a. The denomination of the gaming chips being returned.
- b. The total amount of each denomination of gaming chips being returned.
- c. The total amount of all denominations of gaming chips being returned.
- d. The game and table number from which the gaming chips are being returned.
- e. The date and shift during which the removal of gaming chips occurs.
- f. The signature of the preparer or, if computer prepared, the identification code of the preparer.

**24.23(10)** The time of preparation of the credit shall be recorded on the original and duplicate upon preparation.

**24.23(11)** Signatures attesting to the accuracy of the information contained on the credits shall be of the following personnel at the following times:

The original and the duplicate.

- a. The chip bank cashier upon preparation.
- b. The security department member returning the gaming chips to the cashier's cage.
- c. The dealer or boxperson assigned to the gaming table upon receipt at such table from the security department member.
- d. The casino supervisor assigned to the gaming table upon receipt at such table.

**24.23(12)** Upon meeting the signature requirements as described in 24.23(11), the security department member must return the original and duplicate copies of the credit to the gaming table or an individual approved by the administrator. The individual receiving the original and duplicate copies of the credit shall observe the immediate placement by the dealer or boxperson of the duplicate credit and request in the drop box attached to the gaming table from which the gaming chips were removed. The security department member or the pit clerk shall expeditiously return the original credit to the cashier where the original credit and request shall be maintained and controlled by employees independent of the casino department.

**24.23(13)** The original and duplicate of void credit, and the original request for credit, maintained and controlled in conformity with 24.23(12), shall be forwarded using one of the following alternatives:

- a. Forwarded to the count team for agreement with the duplicate credit and the duplicate request removed from the drop box, after which the requests and the original and duplicate credit shall be forwarded to the accounting department for agreement, on a daily basis, with the triplicate or stored data.

- b. Forwarded to the accounting department for agreement, on a daily basis, with the duplicate credit and the request removed

from the drop box and the triplicate or stored data.

**491-24.24(99F) Procedure for closing gaming tables.**

**24.24(1)** Whenever a gaming table is dropped, or closed at the end of a day, the gaming chips remaining at the gaming table shall be counted by the dealer or boxperson assigned to the gaming table and observed by a casino supervisor assigned to the gaming table.

**24.24(2)** The gaming chips counted shall be recorded on a table inventory slip by the casino supervisor assigned to the gaming table.

**24.24(3)** The table inventory slips shall be two-part forms and on the original copy of the slip ("closer") and the duplicate of the slip ("opener"), the casino supervisor shall record the following:

a. The date and identification of the shift ended.

b. The game and table number.

c. The total value of each denomination of gaming chips remaining at the gaming table.

d. The total value of all denominations of gaming chips remaining at the gaming table.

**24.24(4)** Signatures attesting to the accuracy of the information recorded on the table inventory slips at the time of closing gaming tables shall be of the dealer or boxperson and the casino supervisor assigned to the gaming table who observed the dealer or boxperson count the contents of the table inventory.

**24.24(5)** Upon meeting the signature requirements described in 24.24(4), the closer shall be deposited in the drop box attached to the gaming table immediately prior to the closing of the table.

**24.24(6)** Upon meeting the signature requirements described in 24.24(4), the opener and the gaming chips remaining at the table shall be placed in a container, which shall then be locked.

**491-24.25(99F) Count room-characteristics**

**24.25(1)** Each casino shall have a room or rooms specifically designated for counting the contents of drop boxes and drop buckets which shall be known as the "count room."

**24.25(2)** The count room shall be designed and constructed to provide maximum security for materials housed in and the activities conducted therein.

The security department shall establish a sign-out procedure for all count room keys. An alarm device shall be connected to the entrance of the count room that causes a signaling to the monitors of the closed circuit television system and to the commission office on the boat whenever the door to the count room is opened.

**24.25(3)** Located within the soft count room shall be a table constructed of clear glass or similar material for the emptying, counting and recording of the contents of drop boxes which shall



be known as the soft "count table."

**491-24.26(99F) Procedure for opening, counting and recording contents of drop boxes.**

**24.26(1)** Each licensee shall place on file with the commission the specific times during which the contents of drop boxes removed from gaming tables are to be counted and recorded.

**24.26(2)** The opening, counting and recording of the contents of drop boxes shall be performed in the presence of a gaming official or videotaped by employees with no incompatible functions ("count team"). To gain entrance to a count room, the gaming official shall present an official identification card containing photograph issued by the commission.

**24.26(3)** All persons present in the count room during the counting process, unless expressly exempted by the administrator, shall wear as outer garments only a full-length, one-piece pocketless garment with openings only for the arms, feet, and neck that extends over any footwear.

**24.26(4)** Persons shall not:

- a. Carry a pocketbook or other container, unless it is transparent.
- b. Remove their hands from or return them to a position on or above the count table unless the backs and palms of the hands are first held straight out and exposed to the view of other members of the count team and the closed circuit television camera.

**24.26(5)** Procedures and requirements for conducting the count shall be the following:

a. Immediately prior to counting the contents of the drop boxes, the doors to the count room shall be locked and no person shall be permitted to enter or leave the count room except during an emergency or on scheduled breaks until the entire counting, recording and verification process is completed.

b. As each drop box is placed on the count table, one count team member shall verbalize in a tone of voice to be heard by all persons present and to be recorded by the audio recording device, the game, table number and shift marked thereon for drop boxes.

c. The contents of each drop box shall be emptied on the count table and either manually counted separately on the count table or counted on an approved currency counting machine located in a conspicuous location on, near or adjacent to the count table which procedures shall at all times be conducted in full view of the closed circuit television cameras located in the count room.

d. Immediately after the contents of a drop box are emptied onto the count table, the inside of the drop box shall be held up to the full view of a closed circuit television camera and shall be shown to at least one other count team member and the commission auditor

to assure all contents of the drop box have been removed, after which the drop box shall be locked and placed in the storage area for drop boxes.

e. The contents of each drop box shall be separated by a count team member into separate stacks on the count table by denominations of coin and currency and by type of form, record or document except that a machine may be used to automatically sort currency by denomination.

f. Each denomination of coin and currency shall be counted separately by one count team member who shall place individual bills and coins of the same denomination on the count table in full view of a closed circuit television camera after which the coin and currency shall be counted by a second count team member who is unaware of the result of the original count and who, after completing this count, shall confirm the accuracy of the total, either orally or in writing, with that reached by the first count team member except that the commission may permit a licensee to perform an aggregate count by denomination of all currency collected in substitution of the second count by drop box if the commission is satisfied that the original count is being performed automatically by a machine that counts and automatically records the amount of currency and that the accuracy of the machine has been suitably tested and proven.

g. As the contents of each drop box are counted, one count team member shall record on a master game report or supporting documents by game, table number and shift the following information:

- (1) The amount of each denomination of currency counted.
- (2) The amount of all denominations of currency counted.
- (3) The amount of coin counted.
- (4) The total amount of currency and coin counted.
- (5) The amount of the opener.
- (6) The amount of the closer.
- (7) The serial number and amount of each fill.
- (8) The amount of all fills.
- (9) The serial number and amount of each credit.
- (10) The amount of all credits.
- (11) The win or loss.
- (12) The amount of coupons authorizing chip purchases.

h. After the contents of each drop box are counted and recorded, one member of the count team shall record by game on the master game report the total amounts of currency and coin table inventory slips, fills, credits and win or loss together with such additional information as may be required on the master game report by the commission or the establishment.



i. Notwithstanding the requirements of 24.26(5)“g” and “h” if the licensee’s system of internal accounting control provides for the recording on the master game report or supporting documents of fills, credits, and table inventory slips by cashiers prior to commencement of the count a count team member shall compare for agreement the totals of the amounts recorded thereon to the fills, credits, table inventory slips removed from the drop boxes.

j. Notwithstanding the requirements of 24.26(5)“g” and “h” if the licensee’s system of internal accounting control provides for the count team functions to be conducted only by accounting department employees with no incompatible functions they shall perform all other counting, recording and comparing duties herein.

k. After preparation of the master game report each count team member shall sign the appropriate report attesting to the accuracy of the report.

**24.26(6)** Procedures and requirements at the conclusion of the count for each gaming shift shall be the following:

a. All cash removed from the drop boxes or slot cash storage boxes shall be immediately presented in the count room by a count team member to a cashier who, prior to having access to the information recorded on the master game report and in the presence of a count team member, shall recount either manually or mechanically the cash received and attest by signature on the master game report, if applicable, the amount of cash received, after which the cashier and one count team member will sign the reports indicating the fact that both the cashier and count team have agreed on the total amount of cash counted

b. After the master game report has been signed, and the requests for fills, the fills, the request for credits, the credits, and the table inventory slips removed from drop boxes have been attached to the master game report, it shall be transported directly to the accounting department and shall not be available to any cashier’s cage personnel, or shall be maintained in a locked place until they can be delivered to the accounting department.

c. If the licensee’s system of internal accounting control does not provide for the forwarding from the cashier’s cage of the originals of the fills, credits, requests for credit and requests for fills directly to the accounting department, the originals of all such slips recorded or to be recorded on the master game report shall be transported from the count room directly to the accounting department.

**24.26(7)** The originals and copies of the master game report, requests for fills, fills, requests for credit, credits, table inventory slips and the test receipts from the currency counting equipment shall on a daily basis in the accounting department be:

a. Compared for agreement with each other on a test basis if

the originals are received from the count room by persons with no recording responsibilities and if applicable to triplicates or stored data.

b. Reviewed for the appropriate number and propriety of signatures on a test basis.

c. Accounted for by series numbers if applicable.

d. Tested for proper calculation, summarization and recording.

e. Subsequently recorded.

f. Maintained and controlled by the accounting department as a permanent accounting record.

#### **491-24.27(99F) Slot machines-keys**

**24.27(1)** Each slot machine located in a casino shall have the following slot token containers:

a. A container, known as a payout reserve container ("hopper") in which slot tokens are retained by the slot machine to automatically pay jackpots.

b. A container known as a drop bucket to collect slot tokens that are retained by the slot machine and not used to make change or automatic jackpot payouts. Each drop bucket shall be identified at time of removal by a number corresponding to the casino number of the slot machine from which removed.

**24.27(2)** The drop bucket of each slot machine shall be housed in a locked compartment separate from any compartment of the slot machine.

**24.27(3)** The key to the compartment securing the drop bucket shall be maintained and controlled by the security department in a secure area within the security department, access to which may be gained only by a security supervisor. The security department shall establish a sign-out procedure for all keys removed from the security department.

**24.27(4)** Keys to each slot machine or any device connected thereto which may affect the operation of the slot machine with the exception of the keys to the compartment housing the drop bucket shall be maintained in a secure place and controlled by the slot department.

#### **491-24.28(99F) Slot machines-identification-signs-meters**

**24.28(1)** Unless otherwise authorized by the administrator, each slot machine in a casino shall have the following identifying features:

a. A manufacturer's serial number in conformity with regulations on slot machines.

b. A casino number at least two inches in height permanently imprinted, affixed or impressed on the outside of the machine, so that the number may be observed by the surveillance camera.

c. A display located conspicuously on the slot machine that



automatically illuminates when a player has won a jackpot not paid automatically and totally by the slot machine and which advises the player to see an attendant to receive full payment.

d. A display on the front of the slot machine that clearly represents its rules of play, character combinations requiring payouts, and the amount of the related payouts. In addition, a licensee shall display on the slot machine a clear description of any merchandise or thing of value offered as a payout including the cash equivalent value of the merchandise or thing of value offered, the dates the merchandise or thing of value will be offered if the licensee establishes a time limit upon initially offering the merchandise or thing of value and the availability or unavailability to the patron of the optional cash equivalent value.

e. A mechanical, electrical or electronic device that automatically precludes a player from operating the slot machine after winning a jackpot requiring a manual payout. The device must require an attendant to reactivate the machine.

f. A light on the pedestal above the slot machine that automatically illuminates when the door to the slot machine, or any devices connected which may affect the operation of the slot machine, is opened.

**24.28(2)** Each slot machine in a casino shall have such test connections as may be specified and approved by the administrator for the on-site inspection, examination and testing of such machine.

**24.28(3)** Each slot machine in a casino shall have devices, equipment, features and capabilities as may be required by the commission for that particular model of slot machine after the prototype model is approved by the commission.

#### **491-24.29(99F) Jackpot payouts**

**24.29(1)** Whenever a patron wins a jackpot that is not totally and automatically paid directly from the slot machine, a cashier shall prepare a jackpot payout slip ("payouts").

**24.29(2)** Payouts shall be serially prenumbered forms, each series of payouts shall be used in sequential order and the series of numbers of all payouts received by a casino shall be accounted for by employees independent of the cashier's cage and the slot department. All original and duplicate void payouts shall be marked "void" and shall require the signature of the preparer. Notwithstanding the above, a serially prenumbered combined jackpot payout/hopper fill form may be utilized as approved by the administrator provided that the combined form shall be used in a manner which otherwise complies with the procedures and requirements established by this rule.

**24.29(3)** For establishments in which payouts are manually prepared the following procedures and requirements shall be

observed:

a. Each series of payouts shall be a three-part form and shall be inserted in a locked dispenser that will permit an individual slip in the series and its copies to be written upon simultaneously while still locked in the dispenser and that will discharge the original and duplicate while the triplicate remains in a continuous unbroken form in the dispenser.

b. Access to the triplicates shall be maintained and controlled at all times by employees responsible for controlling and accounting for the unused supply of payouts, placing payouts in the dispenser and removing from the dispenser each day the triplicates remaining therein. These employees shall have no incompatible functions.

**24.29(4)** For establishments in which payouts are computer prepared, each series of payouts shall be a two-part form and shall be inserted in a printer that will simultaneously print an original and a duplicate and store in a machine-readable form all information printed on the original and duplicate and discharge the original and duplicate. The stored data shall not be susceptible to change or removal by any personnel after the preparation of a payout.

**24.29(5)** On originals, duplicates, triplicates or in stored data the preparer shall record the following information:

a. The casino number of the slot machine on which the jackpot was registered.

b. The winning combination of reel characters constituting the jackpot.

c. The date and shift during which the jackpot occurred.

d. The amount to be paid from cashier's cage or slot booth funds.

e. The slot booth number if applicable from which the amount is to be paid.

f. The signature or, if computer prepared, identification code of the preparer.

**24.29(6)** The time of preparation of the payouts shall be recorded on the original and duplicate upon preparation.

**24.29(7)** All remuneration paid to a patron as a result of winning a jackpot shall be:

a. Distributed by the cashier directly to the patron.

b. Disbursed by cashier to a slot attendant or slot supervisor and, if the jackpot is \$1,200 or more, to a slot supervisor who shall transport the winnings directly to the patron.

**24.29(8)** Signatures attesting to the accuracy of the information contained on the original shall be of the following personnel at the following times:

a. The original:

(1) The cashier upon preparation.

(2) A slot attendant or supervisor after observing the reel characters



of the slot machine or, if the jackpot is \$1,200 or more, a supervisor after observing the reel characters of the slot machine.

(3) The security department member who observes the payout,  
b. The duplicate:

(1) The slot cashier upon preparation.

(2) A slot attendant or supervisor after observing the reel characters of the slot machine or, if the manual jackpot is \$1,200 or more, a supervisor after observing the reel characters of the slot machine.

(3) The shift manager after observing the reel characters of the slot machine if the amount of the jackpot is in excess of \$10,000.

(4) The security department member who observes the payout.

24.29(9) Upon meeting the signature requirements as described in 24.29(8)"a" and "b," the security department members shall maintain and control the duplicate and the cashier shall maintain and control the original.

24.29(10) At the end of the gaming activity each day the original and duplicate of the jackpot payout slip shall be forwarded as follows:

a. The original shall be forwarded to the accounting department for agreement with the triplicate or stored data.

b. The duplicate jackpot payout slip shall be forwarded directly to the accounting department for recording on the slot win sheet and for agreement with the meter reading stored on the slot meter sheet and agreement with the triplicate or stored data.

#### **491-24.30(99F) Procedure for filling payout reserve containers of slot machines**

24.30(1) Whenever a slot supervisor, attendant or mechanic requests to fill a payout reserve container ("hopper") of a slot machine, a cashier shall prepare a hopper fill slip ("hopper fills").

24.30(2) Hopper fills shall be serially prenumbered forms, each series of hopper fills shall be used in sequential order and the series numbers of all hopper fills received by a casino shall be accounted for by employees independent of the cashier's cage and the slot department. All originals and duplicate void hopper fills shall be marked "void" and shall require the signature of the preparer. A serially prenumbered combined jackpot payout/hopper fill form may be utilized as approved by the commission provided that the combined form shall be used in a manner which otherwise complies with the procedures and requirements established by this rule.

24.30(3) For establishments in which hopper fills are manually prepared, the following procedures and requirements shall be observed:

a. Each series of hopper fills shall be a three-part form and shall be inserted in a locked dispenser that will permit an individual slip in the series and its copies to be written upon simultaneously while

still locked in the dispenser and that will discharge the original and duplicate while the triplicate remains in a continuous unbroken form in the dispenser.

b. Access to the triplicates shall be maintained and controlled at all times by employees responsible for controlling and accounting for the unused supply of hopper fills, placing hopper fills in the dispensers and removing from the dispensers the triplicates remaining therein. These employees shall have no incompatible functions.

**24.30(4)** For establishments in which hopper fills are computer prepared, each series of hopper fills shall be a two-part form and shall be inserted in a printer that will simultaneously print an original and a duplicate and store in a machine-readable form all information printed on the original and duplicate and discharge the original and duplicate. The stored data shall not be susceptible to change or removal by any personnel after the preparation of a hopper fill.

**24.30(5)** On originals, duplicates and triplicates or in stored data the preparer shall record the following information:

a. The casino number of the slot machine to which the tokens are to be distributed.

b. The date and shift during which the tokens are distributed.

c. The denomination of tokens to be distributed.

d. The amount of tokens to be distributed.

e. The signature or, if computer prepared, identification code of the preparer.

**24.30(6)** The time of preparation of the hopper fill shall be recorded on the original and duplicate upon preparation.

**24.30(7)** All tokens distributed to a slot machine shall be transported directly to the slot machine by a security department member or supervisor who shall at the same time transport the duplicate hopper fill for signature. The security department member or supervisor shall observe the deposit of the tokens in the slot machine and the closing and locking of the slot machine by the slot mechanic or slot attendant before obtaining the signature of the slot mechanic or slot attendant on the duplicate copy of the hopper fill.

**24.30(8)** A slot mechanic who participates in hopper fill transactions shall inspect the slot machine and determine if the empty hopper resulted from a machine malfunction. If the empty hopper is a result of machine malfunction, the slot mechanic will repair the machine before play of the machine is resumed.

**24.30(9)** Signatures attesting to the accuracy of the information contained on the hopper fill shall be of the following personnel at the following times:

a. The original:

(1) The cashier upon preparation.



(2) The security department member transporting the tokens to the slot machine upon receipt from the cashier of the tokens to be transported.

b. The duplicate:

(1) The cashier upon preparation.

(2) The security department member transporting the tokens to the slot machine upon receipt from the cashier of tokens to be transported.

(3) The slot mechanic or attendant after depositing the tokens in the slot machine and closing and locking the slot machine.

**24.30(10)** Upon meeting the signature requirements as described in 24.30(9)"a" and "b," the security department member shall maintain and control the duplicate and the cashier shall maintain and control the original.

**24.30(11)** At the end of the gaming activity each day, the original and duplicate hopper fill slip shall be forwarded as follows:

a. The original hopper fill slip shall be forwarded to the cage. Once per day they will be forwarded to the accounting department for agreement with the triplicate or stored data.

b. The duplicate hopper fill slip shall be forwarded directly to the accounting department for recording on the slot win sheet for agreement with the meter readings recorded on the slot meter sheet and agreement with the triplicate or stored data.

#### **491-24.31(99F) Slot count-procedure for counting and recording contents of drop buckets.**

**24.31(1)** Each licensee shall file with the commission the specific times and procedures for removing and counting the contents of slot drop buckets.

**24.31(2)** The counting and recording of the contents of slot drop buckets shall be performed in the presence of a gaming official or videotaped by employees with no incompatible function (count team). To gain entrance to a count room, gaming officials shall present an official identification card containing a photograph issued by the commission.

**24.31(3)** All persons present in the count room during the counting process, unless expressly exempted by the administrator, shall wear as outer garments only a full-length, one-piece pocketless garment with openings only for the arms, feet and neck.

**24.31(4)** No persons present shall carry a pocketbook or other container into the count room unless it is transparent.

**24.31(5)** Immediately prior to counting the contents of the drop buckets, the doors to the count room shall be locked and no person shall be permitted to enter or leave the count room except during an emergency or breaks as scheduled until the entire counting,

recording and verification process is completed.

**24.31(6)** Immediately prior to the commencement of the count, one count team member shall notify the person assigned to the surveillance room that the count is about to begin, after which such person shall make a video recording with the time and date inserted thereon of the entire counting process.

**24.31(7)** Coin shall not be removed from the slot count room after commencement of the count until the coin has been recounted and accepted by a cashier.

**24.31(8)** Procedures and requirements at the conclusion of the count shall be the following:

a. The wrapped tokens removed from the drop bucket shall be counted in the count room in the presence of a count team member by a cashier prior to the recording of information on the slot drop sheet. The cashier shall attest by signature on the slot drop sheet to the accuracy of the amount of tokens received from the slot machines; after which a count team member shall sign the slot drop sheet evidencing the fact that both the cashier and count team have agreed on the total amount of coin and currency counted. The tokens thereafter shall remain in the custody of cashiers.

b. The slot drop sheet and supporting documents shall be transported directly to the accounting department or to locked storage until accounting representatives are available and shall not be available except for signing to any cashier's cage or slot personnel.

c. The preparation of the slot drop sheet shall be completed by accounting department employees as follows:

(1) Compare for agreement for each slot machine the dollar value of tokens counted to the drop meter reading.

(2) Record for each machine the hopper fills to each slot machine.

(3) Record for each slot machine the payouts and compare for agreement payouts to the manual jackpot meter reading recorded on the slot meter sheet.

(4) Calculate and record the win or loss for each slot machine.

(5) Explain and report for corrections of apparent meter malfunctions to the slot department all significant differences between meter readings and amounts recorded.

(6) Calculate statistics by slot machine.

d. The slot drop sheet, the slot meter sheet, payouts and hopper fills shall be:

(1) Compared for agreement with each other and to triplicates or stored data on a test basis.

(2) Reviewed for the appropriate number and propriety of signatures on a test basis.

(3) Accounted for by series numbers.

(4) Tested for proper calculation, summarization and recording.

(5) Subsequently recorded.

(6) Maintained and controlled by accounting department employees.



**491-24.32(99F) Computer recording requirements and monitoring of slot machines**

**24.32(1)** A licensee will have a computer connected to slot machines in the casino to record and monitor the activities of such machine.

**24.32(2)** The computer required by 24.32(1) shall be designed and operated to automatically perform the function relating to slot machine meters in the casino as follows:

a. Record the number and total value of tokens placed in the slot machine for the purpose of activating play.

b. Record the number and total value of tokens in the drop bucket of the slot machines.

c. Record the number and total value of slot tokens, cash or chips to be paid manually as a result of a jackpot.

**24.32(3)** The computer shall store in machine-readable form all information required by 24.32(2) and such stored data shall not be susceptible to change or removal by any personnel prior to submission to the central commission office.

**CHAPTER 25  
RIVERBOAT OPERATION**

**25.1 to 25.9 Reserved.**

**491-25.10(99F) Licensing.**

**25.10(1)** Who may apply. A qualified sponsoring organization may apply for a license for more than one boat with identical or different operators. Each request for a boat will be considered a separate application for purposes of these rules.

**25.10(2)** License period. Licenses will be issued for an original three year period and subject to annual renewals thereafter.

**491-25.11(99F) Casino.**

**25.11(1)** Area utilized for the casino. The casino shall be limited to 30 percent of the total accessible area of the boat including, but not limited to: patron areas, administrative areas, kitchens, engine rooms, crew areas, open top decks, surveillance areas and walkways.

**25.11(2) Gambling games authorized.**

a. Dice, roulette, twenty-one and big-six (roulette) are authorized as table games.

b. Slot machines, progressive slot machines, video poker and all other video games of chance will be allowed as machine games, subject to the approval of individual game prototypes. A weighted average payout on all machine games shall be posted at the point of ticket sales.

c. A minimum of one table game will be offered for every 20 machine games offered.

**25.11(3)** Checks and credit cards. The acceptance of personal checks and credit cards will be allowed; however, "counter" checks will not be allowed, and all checks accepted must be deposited in a bank by the close of the banking day following acceptance.

**491-25.12(99F) Riverboat minimum standards.** In order to be utilized for gaming purposes, a riverboat must meet or exceed uniform minimum requirements for passenger vessels, as specified in 46 Code of Federal Regulations, subchapter H, passenger vessels. The minimum capacity necessary for an excursion gambling boat is 500 persons with a ticket for admission.

**491-25.13(99F) Excursions.**

**25.13(1) Excursion length.** Qualified excursions, during all seasons, shall consist of a passenger embarkation period and a minimum two and one-half hour period during which admissions from that port of call are prohibited. During the excursion season, a maximum period of one and one-half hours will be allowed for embarking or disembarking passengers. During the off-season, a maximum period for embarking or disembarking shall not be established. Qualified excursions shall actually be in transit for two hours during the regular excursion season. An excursion gambling boat must operate a qualified excursion for 120 days during the excursion season to operate during the off-season, although a waiver may be granted by the commission in the first year of a boat's operation, if construction of the boat was not completed in time for the boat to qualify.

**25.13(2) Completion of excursions.** The captain of the vessel has the responsibility of completing excursions, within 30 minutes of each approved portion of the cruise, as approved by the commission, unless passenger safety is threatened or mechanical problems prohibit the completion of the excursion.

**25.13(3) Dockside completion of excursions.** If, during the excursion season, the captain determines that it would be unsafe to complete any portion of an excursion or if mechanical problems prevent the completion of any portion of an excursion, the boat may be allowed to remain at the dock, or if the excursion is underway, return to the dock, and conduct the gaming portion of the excursion while dockside, unless the captain would determine that passenger safety is threatened.

**25.13(4) Notification.** If an excursion is not completed due to reasons specified in 25.13(2), an Iowa racing and gaming commission official will be notified as soon as is practical.

**491-25.14(99F) Security force.**

**25.14(1) Employ adequate security.** Each boat operator will employ sufficient security to remove a person violating a provision of Iowa Code chapter 99F, commission rules, orders, final orders, any person deemed to be undesirable by Iowa racing and gaming commission officials, or any person engaging in a fraudulent practice from the boat or boat support facilities.

**25.14(2) Peace officer.** Each boat operator will ensure that a person who is a certified peace officer accompanies each excursion.

**25.14(3) Incident reports.** The licensee is required to file a written report detailing any incident in which an employee or patron is detected violating a provision of Iowa Code chapter 99F or any Iowa racing and gaming



commission rule, order or final order, or is removed for reasons specified under 25.14(1).

**25.14(4) Report received.** This report must be received within 24 hours of the occurrence of the incident.

**491-25.15(99F) Videotaping.** Licensees are required to conduct continuous videotaping of all gambling activities on the excursion boat under Administrative Rule, 661-Chapter 23, promulgated by the division of criminal investigation.

**491-25.16(99F) Gaming board.**

**25.16(1) Duties of gaming board.** Gaming board members shall:

a. Have the power to interpret the rules and to decide all questions not specifically covered by them.

b. Have the power to determine all questions arising with reference to the conduct of gaming.

c. Have the authority to decide any question or dispute relating to gaming in compliance with rules promulgated by the commission or policies approved for licensees, and persons participating in licensed gaming agree in so doing to recognize and accept that authority.

d. Suspend, the license of any license holder when the official has reasonable cause to believe that a violation of law or rule has been committed and that the continued performance of that individual in a licensed capacity would be injurious to the best interests of gaming.

**25.16(2) Disciplinary measures by gaming board.** Upon the finding of a violation of these rules, or an attempted violation, a board of gaming officials appointed by the administrator may suspend the license of any licensee for no greater period than one calendar year or impose a fine not to exceed \$1,000 or both. They may also suspend the license of any person currently under suspension or in bad standing in any other state or jurisdiction by the state gaming commission. If the punishment so imposed is not, in the opinion of the gaming board, sufficient, they shall so report to the commission. All fines and suspensions imposed will be promptly reported to the boat operator and commission in writing.

a. Fines must be paid within 48 hours and delinquents may be suspended. All moneys imposed as fines shall be paid directly at the commission office where the infraction occurred.

b. When the holder of an occupational license is suspended at one location, the suspension shall immediately become effective at all locations under the jurisdiction of the commission.

**491-25.17(99F) Disciplinary measures by commission.** Upon the finding of a violation of these rules, or an attempted violation, the commission may:

**25.17(1) Deny, suspend, revoke or declare void any license applied for or issued by the commission, or fine a holder of an occupational license an amount not exceeding \$1,000, or both.** The commission may revoke a license for a period of years.

**25.17(2)** Upon a hearing de novo of the matter determined by the gaming officials, the commission may affirm, reverse, or revise the gaming officials ruling in all respects.

**25.17(3)** Cause any person, licensed or unlicensed, whose presence is found by the commission to be inconsistent with maintaining the honesty and integrity of gaming, to be excluded or ejected from any grounds owned or controlled by boat operators for any length of time the commission may deem the presence of that individual injurious to the honesty and integrity of gaming. This rule should not be construed to limit in any way the right of the boat operator to eject or exclude any person for any reason, other than race, color, creed, sex or national origin.

**491-25.18(99F) Gaming Officials - duties.** Gaming officials shall have the following duties:

**25.18(1)** Regulate and control all individuals licensed by the commission.

**25.18(2)** Have the power to regulate and control all individuals licensed by the commission.

**25.18(3)** Have control over and free access to all places and equipment within the boat and boat support facilities under the control of the boat operator, with the exception specified in Iowa Code section 99F.6(8)"b".

**25.18(4)** Rescinded.

**25.18(5)** Have the power to suspend, pending a hearing conducted by the gaming board, the license of any license holder when the official has reasonable cause to believe that a violation of law or rule has been committed, and that the continued performance of that individual in a licensee capacity would be injurious to the best interests of gaming.

**25.18(6)** Take notice of any questionable conduct with or without complaint and investigate promptly and render a report to the commission office when there is reasonable cause to believe that the holder of a license has committed an act or engaged in conduct in violation of statute or rules of the commission.

**25.18(7)** Report all complaints as soon as received by them and make prompt report of their investigation and decision to the commission office.

**25.18(8)** Conduct an investigation, to include a signature check of all electronic chips, on all slot machines or video games of chance jackpots that are \$10,000 or greater, and have the authority to withhold or require the award of any slot machine jackpot, in writing, when conditions indicate that action is warranted.

**25.18(9)** Have the authority to sanction for violation of rules persons who are not holders of a license or occupational license and who have allegedly violated commission rules, orders, or final orders, or the Iowa riverboat gambling act, or whose presence in a casino is allegedly undesirable. These persons are subject to the authority of the board and the commission, to the procedures and rights accorded to a license holder under this chapter, and to the sanctions allowed by law including a fine and expulsion from all casinos in the state.

**491-25.19(99F) Boat operator's responsibilities.**



**25.19(1)** Maintenance of ground and boat. Each licensee shall, at all times, maintain its grounds and facilities, to include all areas of the boat to which passengers have access, so as to be neat, clean, and in good repair, with special consideration for the safety of patrons, employees, and other persons whose business requires their attendance.

**25.19(2)** Facilities for commission. Each licensee shall provide reasonable, adequate furnished shore facility office space, including utilities, direct long distance access, custodial services and necessary office equipment, for the exclusive use of commission employees and officials, as well as a work space on the boat. Also, the licensee shall make available to the commission appropriate parking places for commission and staff. A proposal for such facilities shall be submitted to the administrator for approval 60 days prior to an excursion season if there is to be a change from the previous season.

**25.19(3)** Sanitary facilities for patrons. Each licensee shall provide adequate and sanitary toilets and washrooms and furnish free drinking water for patrons and persons having business on the boat or boat support facilities.

**25.19(4)** First-aid room. Each licensee shall equip and maintain adequate first-aid facilities and have in attendance a competent physician, a registered nurse, a licensed practical nurse, a paramedic or an emergency medical technician during business hours.

**25.19(5)** Ejection or exclusion. A licensee may eject or exclude any person, licensed or unlicensed, from the grounds or boat or a part thereof, solely of its own volition and without any reason or excuse given, provided ejection or exclusion is not founded on race, creed, color, or national origin.

The licensee shall eject or exclude from the grounds or boat all persons believed to be engaged in a bookmaking activity or solicitation of bets and a report shall be submitted promptly to the commission officials and to the division of criminal investigation.

Licensees shall eject or exclude all persons who participate or encourage others to participate in any illegal gaming. Reports of all ejections or exclusions for any reason shall be made immediately to the commission officials and the division of criminal investigation and shall state the names of all persons and circumstances.

The commission may exclude any person ejected by a licensee from any or all grounds or boats controlled by any licensee upon a finding that attendance of the person would be adverse to the public interest.

**25.19(6)** Admissions. In addition to the requirements of Iowa Code section 99F.10(1)"c" and "d," tax-exempt admission passes shall not be transferable and licensees shall exclude or eject from the boat any person attempting to use tax-exempt admission credentials not issued to that person. Tax-exempt passes shall be limited to guests of the commission and holders of current valid occupational licenses, except that tax-exempt passes may be issued by the licensee if prior approved by the administrator.

All gates used for admission of patrons must be approved by the commission.

All licensees must give a ticket good for one admission to each person having paid an admission charge on a day when excursions are discontinued due to weather, malfunction of equipment, or other unforeseen circumstances which might prevent the patron from participating in a major portion of any excursion conducted by the licensee.

The number of tickets distributed shall be reported to the racing and gaming commission the day of the cruise.

**25.19(7) Enforcement of commission rules.** Every license in Iowa is granted upon the condition that the licensee shall accept, observe, and enforce the rules. Failure to comply with the rules of the commission may result in penalties the commission deems proper, including revocation of the license.

**25.19(8) Remodeling.** For any change to be made in land-based structures directly associated with gaming or in the structure of the boat itself, the licensee must first submit plans to and receive the approval of the administrator. When such plans are submitted, the administrator shall render a decision within five days after the next commission meeting.

#### **491-25.20(99F) Taxes and admissions fees.**

**25.20(1) Annual taxes and fees.** All taxes and fees, whose collection by the state is authorized under Iowa Code chapter 99F, shall be accounted for on a fiscal year basis, each fiscal year beginning on July 1 and ending on June 30.

**25.20(2) Admission fees.** Admission fees whose collection by the state is authorized under Iowa Code section 99F.10(2) shall be set for the following fiscal year by the commission on or before the June meeting of the commission. The total amount payable to the commission shall be determined on a per boat basis with each responsible licensee paying a proportionate amount of the total amount appropriated to the commission, less any prior year surplus from license fees collected by the commission. The admission fee will be assessed upon each person embarking upon an excursion gambling boat in the manner prescribed in subrules "a" or "b" below. The responsible licensee may elect either of the two methods of payments prescribed in subrules "a" and "b" below. Such election must be made two weeks prior to the beginning of excursion boat gambling in each fiscal year and remain unchanged until the following fiscal year.

a. A prospective admission fee for each person embarking upon the excursion gambling boat will be established. The fee will be determined by the commission by dividing the proportionate amount allocable to the boat by 80% of the anticipated passenger count for that boat during the fiscal year. Any excess collected or deficit incurred different from the allowable amount shall be forwarded to the following fiscal year in determining the admission fee for that year.

b. A retrospective admission fee for each person embarking upon the



excursion gambling boat will be established. The fee will be paid weekly during the fiscal year and determined by the commission by dividing the amount allocable to the boat by 52. The per passenger amount will be determined at the close of the fiscal year.

**25.20(3) Submission of taxes and admission fees.** All moneys collected for and owed to the commission or state of Iowa under Iowa Code chapter 99F, shall be accounted for and itemized on a weekly basis on a form provided by the commission. A week shall begin on Monday and end on Sunday. The reporting form and the moneys owed must be received in the commission office by the close of business on the Thursday following the week's end.

**491-25.21(99F) Slot machines and video games of chance movement.** Reports must be filed with the commission on movements of slot machines and video games of chance into and out of the state of Iowa. Reports must be on forms provided by the commission and must be received in the commission office no later than 15 calendar days after the movement.

## CHAPTER 26 RULES OF THE GAMES

**26.1 to 26.9 Reserved**

**491-26.10(99F) Rules concerning all games.**

**26.10(1) Commission policy.** It is the policy of the commission to require that all riverboats and gaming conducted therein be operated in a manner suitable to protect the public health, safety, morals, good order and general welfare of the state of Iowa. Responsibility for the employment and maintenance of suitable methods of operation rests with the operator, and willful or persistent use or toleration of methods of operation deemed unsuitable will constitute grounds for disciplinary action, up to and including license revocation.

**26.10(2) Activities prohibited.** The operator is expressly prohibited from the following activities:

a. Permitting persons who are visibly intoxicated to participate in gaming activity.

b. Failure to conduct advertising and public relations activities in accordance with decency, dignity, good taste and honesty.

c. Failure to comply with or make provision for compliance with all federal, state and local laws and rules pertaining to the operation of a license including payment of license fees, withholding payroll taxes and violations of alcoholic beverage laws or regulations.

d. Possessing or permitting to remain in or upon any licensed premises any associated gambling equipment (primarily, but not limited to, cards or dice), which may have in any manner been marked, tampered with or otherwise placed in a condition or operated in a manner which might affect the game and its payouts.

e. Permitting, if the operator was aware or should have been aware of, any cheating whatsoever.

f. Possessing or permitting to remain in or upon any licensed premises, if the operator was aware or should have been aware of, any cheating device whatsoever; or conducting, carrying on, operating or dealing any cheating or thieving game or device on the premises.

g. Possessing or permitting to remain in or upon any licensed premises, if the operator was aware or should have been aware of, any gambling device which tends to alter the normal random selection of criteria which determines the results of the game or deceives the public in any way.

h. Failure to conduct gaming operations in accordance with proper standards of custom, decorum and decency; or to permit any type of conduct on the riverboat which reflects negatively on the repute of the state of Iowa or acts as a detriment to the gaming industry.

i. Denying a commissioner or commission staff member, upon proper and lawful demand, access to, for inspection purposes, any portion or aspect of the riverboat or attendant shore facilities.

j. Denying a commissioner or commission staff member, upon proper and lawful demand, information concerning any aspect of the riverboat operation.

**26.10(3) Gambling aids.** No person shall use, or possess with the intent to use, any calculator, computer or other electronic, electrical or mechanical device at any table game that:

- a. Assists in projecting the outcome of a game, or
- b. Keeps track of cards that have been dealt, or
- c. Keeps track of changing probabilities, or
- d. Keeps track of playing strategies being utilized.

**26.10(4) Wagering.** The operator shall allow a maximum wager of \$5 per hand or play except:

a. Traditional insurance, doubling or splitting of hands will be allowed as separate plays in twenty-one.

b. Each wager at dice shall be considered a separate play when enforcing the wagering limit of \$5. A wagering limit of \$6 shall apply to individual place bets on the numbers six and eight and when placing true odds bets behind the pass line when the point is either a five or nine. Traditional true odds bets of up to \$10 may be made on "don't pass" bets.

**26.10(5) Maximum loss.** The operator will insure that a person's maximum loss will be no more than \$200 during each gambling excursion.

**26.10(6) Wagers.** Wagers may only be made:

- a. By a person present on a licensed excursion gambling boat.
- b. In the form of chips, wagering debit cards or tokens.
- c. By persons 21 years of age or older.

#### **491-26.11(99F) Craps**

**26.11(1) Rules, permissible wagers and payout odds—craps.** Proposals



for permissible rules, wagers and payout odds must be submitted in writing and approved by the administrator prior to the operator conducting any craps games. Changes in permissible rules, wagers or payout odds must be submitted in writing and approved by the administrator prior to implementation.

**26.11(2) Call bets.** Wagers must be made before the dice are thrown. "Call bets," or the calling out of bets between the time the dice leave the shooter's hand and the time the dice come to rest, not accompanied by the placement of gaming chips, are not allowed.

**26.11(3) Placement of bets.** All wagers at craps shall be made by placing gaming chips on the appropriate areas of the craps layout.

#### **491-26.12(99F) Twenty-one.**

**26.12(1) Rules, permissible wagers, shuffling, dealing and cutting procedures and payout odds.** Proposals for rules, permissible wagers, shuffling, cutting procedures and payout odds must be submitted in writing and approved by the administrator prior to the operator conducting any games of twenty-one. Changes in rules, permissible wagers and payout odds must be submitted in writing and approved by the administrator prior to implementation.

**26.12(2) Wagers - twenty-one.** Prior to the first card being dealt from each round of play, each player at the game of blackjack shall make a wager against the dealer by placing gaming chips on the appropriate areas of the blackjack layout. Once the first card of any hand has been dealt by the dealer, no player shall handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager. Once a wager on the insurance line, a wager to double down or a wager to split pairs has been made and confirmed by the dealer, no player shall handle, remove or alter such wagers until a decision has been rendered and implemented with respect to that wager except as explicitly permitted by these rules. No dealer or other casino employee or casino key employee shall permit any player to engage in conduct violative of this rule.

**26.12(3) Dealing - twenty-one.** At the conclusion of a round of play, all cards still remaining on the layout shall be picked up by the dealer in order and in such a way that they can be readily arranged to indicate each player's hand in case of question or dispute. The dealer shall pick up the cards beginning with those of the player to the far right and moving counterclockwise around the table. The dealer's hand will be the last hand collected. The cards will then be placed on top of the discard pile. No player or spectator shall handle, remove or alter any cards used to game at twenty-one and no dealer or other casino employee or casino key employee shall permit a player or spectator to engage in such activity.

Each player at the table shall be responsible for correctly computing the point count of their hand and no player shall rely on the point count announced by the dealer without checking the accuracy of such announcement.

#### **491-26.13(99F) Roulette.**

##### **26.13(1) Wagers.**

a. All wagers at roulette shall be made by placing gaming chips or tokens on the appropriate areas of the roulette layout.

b. No person at a roulette table shall be issued or permitted to game with nonvalue chips that are identical in color and design to value chips or to nonvalue chips being used by another person at that same table.

c. Each player shall be responsible for the correct positioning of their wager or wagers on the roulette layout regardless of whether they are assisted by the dealer. Each player must ensure that any instructions they give to the dealer regarding the placement of their wager are correctly carried out.

d. Each wager shall be settled strictly in accordance with its position on the layout when the ball falls to rest in a compartment of the wheel.

e. Each operator shall submit in writing to the administrator for review and approval the minimum and maximum wagers permitted at each roulette table in the casino. The minimum and maximum wagers as approved by the administrator shall be and remain conspicuously posted on a sign at each table.

**26.13(2) Procedure for roulette play.** Proposals for procedures and payouts to be used at roulette must be submitted in writing and approved by the administrator prior to the operator conducting any roulette game. Changes in procedures must be submitted in writing and approved by the administrator prior to implementation.

#### **491-26.14(99F) Big six-roulette—wagers.**

**26.14(1)** All wagers at big six-roulette shall be made by placing gaming chips or plaques on the appropriate areas of the layout.

**26.14(2)** Each player shall be responsible for the correct positioning of their wager or wagers on the layout regardless of whether they are assisted by the dealer.

**26.14(3)** Each wager shall be settled strictly in accordance with its position on the layout when the wheel stops with the winning indicator in a compartment of the wheel.

**26.14(4)** Each licensee shall submit in writing for the review and approval of the administrator the minimum and maximum wagers and payouts for each winning wager. These shall be posted conspicuously on a sign at each table.

#### **491-26.15(99F) Slot machine and video games of chance hardware and software requirements.**

##### **26.15(1) Hardware specifications**

a. Electrical and mechanical parts and design principles may not subject a player to physical hazards.

b. A surge protector must be installed on the line that feeds power to the device. The battery backup or an equivalent for the electronic meters must be capable of maintaining accuracy of all information required for



180 days after power is discontinued from the device. The backup shall be kept within the locked logic board compartment.

c. An on/off switch that controls the electrical current used in the operation of the device and any associated equipment must be located in an accessible place within the interior of the device.

d. The operation of each device must not be adversely affected by static discharge or other electromagnetic interference.

e. A minimum of one electronic coin acceptor must be installed in each gaming device. Approval letters and test reports of electronic token acceptors from other state or federal jurisdictions may be submitted. However, all token acceptors are subject to approval by the administrator. If justified, a waiver may be granted by the administrator.

f. The internal space of a device may not be readily accessible when the front door is both closed and locked.

g. Logic boards and software eproms (computer chips that store memory) must be in a locked area within the device, sealed with evidence tape.

h. The drop bucket compartment must be contained in a locked area within or attached to the device.

i. No hardware switches may be installed that alter the pay tables or payout percentages in the operation of a device. Hardware switches may be installed to control graphic routines, speed of play, and sound.

j. An unremovable identification plate must appear on the exterior of the device that contains the following information:

- (1) Manufacturer
- (2) Serial number
- (3) Model number

k. The rules of play for each device must be displayed on the face or screen. Rules may be rejected if they are incomplete, confusing, or misleading. Each device must also display the credits wagered and the credits awarded for the occurrence of each possible winning combination based on the number of credits wagered. All information required by this subrule must be kept under glass or another transparent substance and at no time may stickers or other removable items be placed on the device face that makes the required information unreadable.

l. Equipment must be installed that enables the machine to communicate with a central computer system accessible to Iowa racing and gaming commission personnel, using a communications protocol provided to each licensed manufacturer by the Iowa racing and gaming commission for the information and control programs approved by the administrator.

**26.15(2) Software requirements—random number generator.** Each gambling device must have a random number generator that will determine the occurrence of a specific card, number or stop. A selection process will be considered random if it meets the following requirements:

a. Each card, number or stop satisfies the 99 percent confidence limit using the standard chi-squared analysis. "Chi-squared analysis" is the sum of the squares of the difference between the expected result and the observed result.

b. Each card, number or stop does not produce a significant statistic with regard to producing patterns of occurrences. Each card number or stop will be considered random if it meets the 99 percent confidence level with regard to the "runs test" or any similar pattern testing statistic. The "runs test" is a mathematical statistic that determines the existence of recurring patterns within a set of data.

c. Each card number, or stop position is independently chosen without regard to any other card, number or stop within that game play. This test is the "correlation test." Each pair of card, number, or stop positions is considered random if they meet the 99 percent confidence level using standard correlation analysis.

d. Each card number, or stop position is independently chosen without reference to the same card or number position in the previous game. This test is the "serial correlation test." Each card or number position is considered random if it meets the 99 percent confidence level using standard serial correlation analysis.

**26.15(3)** Continuation of game after malfunction is cleared. Each device must be capable of continuing the current game with all current game features after a malfunction is cleared. This rule does not apply if a device is rendered totally inoperable; however, the current wager and all credits appearing on the screen prior to the malfunction must be returned to the player.

**26.15(4)** Software requirements - play transaction records. Each device must maintain electronic accounting meters at all times, regardless of whether the device is being supplied with power. Each meter must be capable of maintaining totals no fewer than six digits in length for the information required in 26.15(4) paragraphs "a" to "d." The electronic meters must record the following information:

- a. Total number of tokens inserted. The meter must count the total number of tokens that are inserted by the player.
- b. Total number of tokens paid out.
- c. Total coins dropped to drop bucket.
- d. Total number of credits wagered.
- e. Total number of credits won.
- f. Total credits paid out.
- g. Number of times the logic area was accessed.
- h. Number of times the cash door of the device was accessed.
- i. Number of tokens or credits wagered in the current game.
- j. Total credits for games won but not collected, commonly referred to as the credit meter.

The meters described in "a," "b," and "c" above, shall be placed in a position so that the numbers thereon can be read without opening the device.

No device may have a mechanism by which an error will cause the electronic accounting meters to automatically clear. Clearing of the electronic accounting meters may only be completed after notification and approval by Iowa racing and gaming commission officials.



All meter readings must be recorded in the presence of an Iowa racing and gaming commission employee both before and after the electronic accounting meter is cleared.

**26.15(5) Software requirements - error conditions—automatic clearing.** Slot machines must be capable of detecting and displaying the following conditions, which must be automatically cleared by the slot machine upon initiation of a new play sequence at the start of the second game.

- a. Power reset.
- b. Door open.

**26.15(6) Percentage payout gaming devices** must meet the following maximum and minimum theoretical percentage payouts during the expected lifetime of the slot machine.

a. The slot machine must payout at least 80 percent and no more than 99 percent of the amount wagered. The theoretical payout percentage is determined using standard methods of probability theory.

b. A slot machine must have a probability of obtaining the maximum payout greater than 1 in 17,000,000.

#### **491-26.16(99F) Slot machine specifications.**

##### **26.16(1) Error conditions.**

a. Slot machines must be capable of detecting and displaying the following error conditions which an attendant may clear.

- (1) Coin-in jam.
- (2) Coin-out jam.
- (3) Hopper empty or timed out.
- (4) RAM error.
- (5) Hopper runaway or extra coin or coins paid out.

(6) Low RAM battery, for batteries external to the RAM itself. A battery approved by the administrator that is replaced pursuant to its manufacturer's specifications or as specified in the prototype approval report, whichever is sooner, may be installed in lieu of the low RAM battery error condition.

b. A description of slot machine error codes and their meanings must be affixed inside the slot machine.

**26.16(2) Hopper mechanism.** Slot machines must be equipped with a hopper which is designed to detect jammed coins, extra coins paid out, hopper runaways, and hopper empty conditions. The slot machine control program must monitor the hopper mechanism for these error conditions in all game states. All coins or tokens paid from the hopper mechanism must be accounted for by the slot machine, including those paid as extra coins during a hopper malfunction.

#### **491-26.17(99F) Progressive slot machines**

**26.17(1) Meter required.** A progressive slot machine is a slot machine with a payoff that increases as the slot machine is played. The slot machine must have a meter showing the payoff. This is the progressive meter.

**26.17(2) Limits.** A licensee may impose a limit on the jackpot of :

**26.17(3) Transfer of jackpots.** A progressive jackpot may be transferred to another progressive slot machine at the same location in the event of slot machine malfunction or replacement or for other good reason. The administrator will be notified, in writing, prior to a transfer. When the maximum jackpot limit is reached, it must be permitted to remain until it is won by a player.

**26.17(4) Records required.** Records must be maintained that record the amount shown on a progressive jackpot meter. Supporting documents must be maintained to explain any reduction in the payoff amount from a previous entry. The records and documents must be retained for a period of five years unless permission to destroy them earlier is given by the administrator in writing.

**26.17(5) Transfer of progressive slot machines.** A progressive slot machine, upon written permission of the administrator, may be moved to a different licensed location if a bankruptcy, loss of license, or other good cause warrants.

**491—26.18 Other games approved by the commission.**

**26.18(1)** The commission must approve the conducting of any new game on a licensed riverboat.

**26.18(2)** Requests to conduct additional games must be accompanied by a complete set of rules, which must be approved by the administrator prior to conducting the game.



**IOWA CODE**  
**CHAPTER 99F**  
**EXCURSION BOAT GAMBLING**

**99F.1 Definitions**

As used in this chapter unless the context otherwise requires:

1. "Adjusted gross receipts" means the gross receipts less winnings paid to wagerers.
2. "Applicant" means any person applying for an occupational license or applying for a license to operate an excursion gambling boat, or the officers and members of the board of directors of a qualified sponsoring organization located in Iowa applying for a license to conduct gambling games on an excursion gambling boat.
3. "Cheat" means to alter the selection of criteria which determine the result of a gambling game or the amount or frequency of payment in a gambling game.
4. "Commission" means the state racing and gaming commission created under section 99D.5.
5. "Distributor" means a person who sells, markets, or otherwise distributes gambling games or implements of gambling which are usable in the lawful conduct of gambling games pursuant to this chapter, to a licensee authorized to conduct gambling games pursuant to this chapter.
6. "Dock" means the location where an excursion gambling boat moors for the purpose of embarking passengers for and disembarking passengers from a gambling excursion.
7. "Excursion gambling boat" means a self-propelled excursion boat on which lawful gambling is authorized and licensed as provided in this chapter.
8. "Excursion season" includes the months of April through October.
9. "Gambling excursion" means the time during which gambling games may be operated on an excursion gambling boat whether docked or during a cruise.
10. "Gambling game" means twenty-one, dice, slot machine, video game of chance or roulette wheel.
11. "Gross receipts" means the total sums wagered under this chapter.
12. "Holder of occupational license" means a person licensed by the commission to perform an occupation which the commission has identified as requiring a license to engage in excursion boat gambling in Iowa.
13. "Licensee" means any person licensed under section 99F.7.
14. "Manufacturer" means a person who designs, assembles, fabricates produces, constructs, or who otherwise prepares a product or a component part of a product of any implement of gambling usable in the lawful conduct of gambling games pursuant to this chapter.
15. "Off season" includes the months of November through March.
16. "Qualified sponsoring organization" means a person or association that can show to the satisfaction of the commission that the person or

association is eligible for exemption from federal income taxation under section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code as defined in section 422.3.

### **99F.2 Scope of provisions**

This chapter does not apply to the pari-mutuel system of wagering used or intended to be used in connection with the horse-race or dog-race meetings as authorized under chapter 99D, lottery or lotto games authorized under chapter 99E, or bingo or games of skill or chance authorized under chapter 99B.

### **99F.3 Excursion Boat Gambling Authorized.**

The system of wagering on a gambling game as provided by this chapter is legal, when conducted on an excursion gambling boat at authorized locations by a licensee as provided in this chapter.

### **99F.4 Powers.**

The commission shall have full jurisdiction over and shall supervise all gambling operations governed by this chapter. The commission shall have the following powers and shall adopt rules pursuant to chapter 17A to implement this chapter:

1. To investigate applicants and determine the eligibility of applicants for a license and to select among competing applicants for a license the applicant which best serves the interests of the citizens of Iowa.
2. To license qualified sponsoring organizations, to license the operators of excursion gambling boats, to identify occupations within the excursion gambling boat operations which require licensing, and to adopt standards for licensing the occupations including establishing fees for the occupational licenses and licenses for qualified sponsoring organizations. The fees shall be paid to the commission and deposited in a special account of the general fund of the state. All revenue received by the commission from license fees and admission fees shall be deposited in the special account in the general fund of the state.
3. To adopt standards under which all excursion gambling boat operations shall be held and standards for the facilities within which the gambling operations are to be held. The commission may authorize the operation of gambling games on an excursion gambling boat which is also licensed to sell or serve alcoholic beverages, wine, or beer as defined in section 123.3.
4. To regulate the wagering structure for gambling excursions including providing a maximum wager of five dollars per hand or play and maximum loss of two hundred dollars per individual player per gambling excursion.
5. To enter the office, excursion gambling boat, facilities, or other places of business of a licensee to determine compliance with this chapter.
6. To investigate alleged violations of this chapter or the commission rules, orders, or final decisions and to take appropriate disciplinary action against a licensee or a holder of an occupational license for a violation,



or institute appropriate legal action for enforcement, or both.

7. To require a licensee, an employee of a licensee or holder of an occupational license to remove a person violating a provision of this chapter or the commission rules, orders, or final orders, or other person deemed to be undesirable from the excursion gambling boat facilities.

8. To require the removal of a licensee, an employee or a licensee, or a holder of an occupational license for a violation of this chapter or a commission rule or engaging in a fraudulent practice.

9. To require a licensee to file an annual balance sheet and profit and loss statement pertaining to the licensee's gambling activities in this state, together with a list of the stockholders or other persons having any beneficial interest in the gambling activities of each licensee.

10. To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other pertinent documents in accordance with chapter 17A. and to administer oaths and affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce this chapter or the commission rules.

11. To keep accurate and complete records of its proceedings and to certify the records as may be appropriate.

12. To assess a fine and revoke or suspend licenses.

13. To take any other action as may be reasonable or appropriate to enforce this chapter and the commission rules.

14. To require all licensees of gambling game operations to utilize a cashless wagering system whereby all players' money is converted to tokens, electronic cards, or chips which only can be used for wagering on the excursion gambling boat.

15. To determine the payouts from the gambling games authorized under this chapter. In making the determination of payouts, the commission shall consider factors that provide gambling and entertainment opportunities which are beneficial to the gambling licensees and the general public.

16. To set the payout rate for all slot machines.

17. To define the duration of an excursion which shall be at least three hours during the excursion season. For the off season, the commission shall adopt rules limiting times of admission to excursion gambling boats consistent with maximum loss per player per gambling excursion specified in subsection 4.

18. To provide for the continuous videotaping of all gambling activities on an excursion boat. The videotaping shall be performed under guidelines set by rule of the division of criminal investigation and the rules may require that all or part of the original tapes be submitted to the division on a timely schedule.

19. To provide for adequate security aboard each excursion gambling boat.

20. To provide that gambling games shall be conducted only during the same hours when alcoholic beverages are lawfully sold or dispensed as provided in section 123.49.

21. To establish minimum charges for admission to excursion gambling boats and regulate the number of free admissions.

22. Drug testing, as permitted by section 730.5, shall be required periodically, not less than every sixty days, of persons employed as captains, pilots, or physical operators of excursion gambling boats under the provisions of this chapter.

#### **99F.5 Licenses for conducting gambling games on an excursion boat and for boat operators — applications — Fee.**

1. A qualified sponsoring organization may apply to the commission for a license to conduct gambling games on an excursion gambling boat as provided in this chapter. A person may apply to the commission for a license to operate an excursion gambling boat. The application shall be filed with the administrator of the commission at least ninety days before the first day of the next excursion season as determined by the commission, shall identify the excursion gambling boat upon which gambling games will be authorized, shall specify the exact location where the excursion gambling boat will be docked, and shall be in a form and contain information as the commission prescribes.

2. The annual license fee to operate an excursion gambling boat shall be based on the passenger-carrying capacity including crew, for which the excursion gambling boat is registered. The annual fee shall be five dollars per person capacity.

#### **99F.6 Requirements of Applicant — Fee — Penalty.**

1. A person shall not be issued a license to conduct gambling games on an excursion gambling boat or a license to operate an excursion gambling boat under this chapter, an occupational license, a distributor license, or a manufacturer license unless the person has completed and signed an application on the form prescribed and published by the commission. The application shall include the full name, residence, date of birth and other personal identifying information of the applicant that the commission deems necessary. The application shall also indicate whether the applicant has any of the following:

- a. A record of conviction of a felony.
- b. An addiction to alcohol or a controlled substance.
- c. A history of mental illness.

2. An applicant shall submit pictures, fingerprints, and descriptions of physical characteristics to the commission in the manner prescribed on the application forms.

3. The commission shall charge the applicant a fee set by the department of public safety, division of criminal investigation and bureau of identification, to defray the costs associated with the search and classification of fingerprints required in subsection 2 and background investigations conducted by agents of the division of criminal investigation. This fee is in addition to any other license fee charged by the commission.

4. Before a license is granted, the division of criminal investigation of



the department of public safety shall conduct a thorough background investigation of the applicant for a license to operate a gambling game operation on an excursion gambling boat. The applicant shall provide information on a form as required by the division of criminal investigation. Before a qualified sponsoring organization is licensed to operate gambling games under this chapter, the qualified sponsoring organization shall certify that the receipts of all gambling games, less reasonable expenses, charges, taxes, fees, and deductions allowed under this chapter, will be distributed as winnings to players or participants or will be distributed for educational, civic, public, charitable, patriotic, or religious uses as defined in section 99B.7, subsection 3, paragraph "b". A qualified sponsoring organization shall not make a contribution to a candidate, political committee, candidate's committee, state statutory political committee, county statutory political committee, national political party, or fund-raising event as these terms are defined in section 56.2. The membership of the board of directors of a qualified sponsoring organization shall represent a broad interest of the communities.

5. Before a license is granted, an operator of an excursion gambling boat shall work with the department of economic development to promote tourism throughout Iowa. Tourism information from local civic and private persons may be submitted for dissemination.

6. A person who knowingly makes a false statement on the application is guilty of an aggravated misdemeanor.

7. For the purposes of this section, applicant includes each member of the board of directors of a qualified sponsoring organization.

8.a. The licensee or a holder of an occupational license shall consent to the search, without a warrant, by agents of the division of criminal investigation of the department of public safety or commission employees designated by the secretary of the commission, of the licensee's or holder's person, personal property, and effects, and premises which are located on the excursion gambling boat or adjacent facilities under control of the licensee, in order to inspect or investigate for violations of this chapter or rules adopted by the commission pursuant to this chapter. The department or commission may also obtain administrative search warrants under section 808.14.

b. However, this subsection shall not be construed to permit a warrantless inspection of living quarters or sleeping rooms on the riverboat if all of the following are true:

(1) The licensee has specifically identified those areas which are to be used as living quarters or sleeping rooms in writing to the commission.

(2) Gaming is not permitted in the living quarters or sleeping rooms, and devices, records, or other items relating to the licensee's gaming operations are not stored, kept, or maintained in the living quarters or sleeping rooms.

(3) Alcoholic beverages are not stored, kept, or maintained in the living quarters or sleeping rooms except those legally possessed by the individual occupying the quarters or room.

c. The commission shall adopt rules to enforce this subsection.

#### **99F.7 Licenses — terms and conditions — revocation**

1. If the commission is satisfied that this chapter and its rules adopted under this chapter applicable to licensees have been or will be complied with, the commission shall issue a license for a period of not more than three years to an applicant to own a gambling game operation and to an applicant to operate an excursion gambling boat. The commission shall decide which of the gambling games authorized under this chapter it will permit. The commission shall decide the number, location, and type of excursion gambling boats licensed under this chapter for operation on the rivers, lakes, and reservoirs of this state. The license shall set forth the name of the licensee, the type of license granted, the place where the excursion gambling boats will operate and dock, and the time and number of days during the excursion season and the off season when gambling may be conducted by the licensee. The commission shall not allow a licensee to conduct gambling games on an excursion gambling boat while docked during the off season if the licensee does not operate gambling excursions for a minimum number of days during the excursion season.

2. A license shall only be granted to an applicant upon the express conditions that:

a. The applicant shall not, by a lease, contract, understanding, or arrangement of any kind, grant, assign, or turn over to a person the operation of an excursion gambling boat licensed under this section or of the system of wagering described in section 99F.9. This section does not prohibit a management contract approved by the commission.

b. The applicant shall not in any manner permit a person other than the licensee to have a share, percentage, or proportion of the money received for admissions to the excursion gambling boat.

3. The commission shall require, as a condition of granting a license, that an applicant to operate an excursion gambling boat, develop, and as nearly as practicable, recreate boats that resemble Iowa's riverboat history.

4. The commission shall require that an applicant utilize Iowa resources, goods and services in the operation of an excursion gambling boat. The commission shall develop standards to assure that a substantial amount of all resources and goods used in the operation of an excursion gambling boat come from Iowa and that a substantial amount of all services and entertainment be provided by Iowans.

5. The commission shall, as a condition of granting a license, require an applicant to provide written documentation that, on each excursion gambling boat:

a. No more than 30% of the square footage shall be used for gambling activity.

b. An applicant shall make every effort to ensure that a substantial number of the staff and entertainers employed are residents of Iowa.

c. A section is reserved solely for activities and interests of persons'



under the age of twenty-one and is staffed to provide adequate supervision.

d. A section is reserved for promotion and sale of arts, crafts, and gifts native to and made in Iowa.

6. It is the intent of the general assembly that employees be paid at least twenty-five percent above the federal minimum wage apply:

7. A license shall not be granted if there is substantial evidence that any of the following apply.

a. The applicant has been suspended from operating a game of chance or gambling operation in another jurisdiction by a board or commission of that jurisdiction.

b. The applicant has not demonstrated financial responsibility sufficient to meet adequately the requirements of the enterprise proposed.

c. The applicant is not the true owner of the enterprise proposed.

d. The applicant is not the sole owner, and other persons have ownership in the enterprise, which fact has not been disclosed.

e. The applicant is a corporation and ten percent of the stock of the corporation is subject to a contract or option to purchase at any time during the period for which the license is to be issued unless the contract or option was disclosed to the commission and the commission approved the sale or transfer during the period of the license.

f. The applicant has knowingly made a false statement of a material fact to the commission.

g. The applicant has failed to meet a monetary obligation in connection with an excursion gambling boat.

8. A license shall not be granted if there is substantial evidence that the applicant is not of good repute and moral character or if the applicant has pled guilty to, or has been convicted of, a felony.

9. A licensee shall not loan to any person money or any other thing of value for the purpose of permitting that person to wager on any game of chance.

10. a. A license to conduct gambling games on an excursion gambling boat in a county shall be issued only if the county electorate approves the conduct of the gambling games as provided in this subsection. The board of supervisors, upon receipt of a valid petition meeting the requirements of section 331.306, shall direct the commissioner of elections to submit to the qualified voters of the county a proposition to approve or disapprove the conduct of gambling games on an excursion gambling boat in the county. The proposition shall be submitted at a general election or at a special election called for that purpose. To be submitted at a general election, the petition must be received by the board of supervisors at least sixty days before the election. If a majority of the county voters voting on the proposition favor the conduct of gambling games, the commission may issue one or more licenses as provided in this chapter. If a majority of the county voters voting on the proposition do not favor the conduct of gambling games, a license to conduct gambling games in the county shall not be issued. After a referendum has been held, another referendum requested by petition shall not be held for at least two years.

b. If licenses to conduct gambling games and to operate an excursion gambling boat are in effect pursuant to a referendum as set forth in this section and are subsequently disapproved by a referendum of the county electorate, the licenses issued by the commission after a referendum approving gambling games on excursion gambling boats shall remain valid and are subject to renewal for a total of nine years from the date of original issue unless the commission revokes a license at an earlier date as provided in this chapter.

c. If, after July 1, 1989, section 99F.1, subsection 5, 99F.4, subsection 4, or 99F.9, subsection 2, is amended, the board of supervisors of a county in which excursion boat gambling has been approved, shall submit to the county electorate a proposition to approve or disapprove the conduct of gambling games on excursion gambling boats at a special election at the earliest practicable time. If excursion boat gambling is not approved at the election, paragraph "b" does not apply to the licenses and the commission shall cancel the licenses issued for the county within sixty days of the unfavorable referendum.

11. If a docking fee is charged by a city or county, a licensee operating an excursion gambling boat shall pay the docking fee one year in advance.

12. A licensee shall not be delinquent in the payment of property taxes or other taxes or fees or in the payment of any other contractual obligation or debt due or owed to a city or county.

13. An excursion gambling boat operated on inland waters of this state shall meet all of the requirements of chapter 106 and is subject to an inspection of its sanitary facilities to protect the environment and water quality before a certificate of registration is issued by the department of natural resources or a license is issued under this chapter.

14. If a licensed excursion boat stops at more than one harbor and travels past a county without stopping at any port in that county, the commission shall require the excursion boat operator to develop a schedule for ports of call in which a county referendum has been approved, and the port of call has the necessary facilities to handle the boat. The commission may limit the schedule to only one port of call per county.

15. Upon a violation of any of the conditions listed in this section, the commission shall immediately revoke the license.

#### **99F.8 Bond of licensee.**

A licensee licensed under section 99F.7 shall post a bond to the state of Iowa before the license is issued in a sum as the commission shall fix, with sureties to be approved by the commission. The bond shall be used to guarantee that the licensee faithfully makes the payments, keeps its books and records and makes reports, and conducts its gambling games in conformity with this chapter and the rules adopted by the commission. The bond shall not be canceled by a surety on less than thirty days' notice in writing to the commission. If a bond is canceled and the licensee fails to file a new bond with the commission in the required amount on or before the effective date of cancellation, the licensee's license shall be revoked. The total and aggregate liability of the surety on the bond is



limited to the amount specified in the bond.

**99F.9 Wagering — minors prohibited.**

1. Except as permitted in this section, the licensee shall permit no form of wagering on gambling games.

2. Licensees shall only allow a maximum wager of five dollars per hand or play and a maximum loss of two hundred dollars per person during each gambling excursion. However, the commission may adopt rules allowing additional wagers consistent with generally accepted wagering options in the games of twenty-one and dice.

3. The licensee may receive wagers only from a person present on a licensed excursion gambling boat.

4. The licensee shall exchange the money of each wagerer for tokens, chips, or other forms of credit to be wagered on the gambling games. The licensee shall exchange the gambling tokens, chips, or other forms of wagering credit for money at the request of the wagerer.

5. Wagering shall not be conducted with money or other negotiable currency.

6. A person under the age of eighteen years shall not make a wager on an excursion gambling boat and shall not be allowed in the area of the excursion boat where gambling is being conducted.

7. A licensee shall not conduct gambling games while the excursion gambling boat is docked unless it is temporarily docked for embarking or disembarking passengers, crew or supplies during the course of an excursion cruise, for mechanical problems, adverse weather, or other conditions adversely affecting safe navigation, during the duration of the problem or condition, or as authorized by the commission during off season.

**99F.10 Admission fee — tax — local fees.**

1. A qualified sponsoring organization conducting gambling games on an excursion gambling boat licensed under section 99F.7 shall pay the tax imposed by section 99F.11.

2. An excursion boat licensee shall pay to the commission an admission fee for each person embarking on an excursion gambling boat with a ticket of admission. The admission fee shall be set by the commission.

a. If tickets are issued which are good for more than one excursion, the admission fee shall be paid for each person using the ticket on each excursion that the ticket is used.

b. If free passes or complimentary admission tickets are issued, the licensee shall pay the same fee upon these passes or complimentary tickets as if they were sold at the regular and usual admission rate.

c. However, the excursion boat licensee may issue fee-free passes to actual and necessary officials and employees of the licensee or other persons actually working on the excursion gambling boat.

d. The issuance of fee-free passes is subject to the rules of the commission, and a list of all persons to whom the fee-free passes are issued shall be filed with the commission.

3. In addition to the admission fee charged under subsection 2 and subject to approval of excursion gambling boat docking by the voters, a city may adopt, by ordinance, an admission fee not exceeding fifty cents for each person embarking on an excursion gambling boat docked within the city or a county may adopt, by ordinance, an admission fee not exceeding fifty cents for each person embarking on an excursion gambling boat docked outside the boundaries of a city. The admission revenue received by a city or a county shall be credited to the city general fund or county general fund as applicable.

4. In determining the license fees and state admission fees to be charged as provided under section 99F.4 and this section, the commission shall use the amount appropriated to the commission as the basis for determining the amount of revenue to be raised from the license fees and admission fees.

5. No other license tax, permit tax, occupation tax, excursion fee, or taxes on fees shall be levied, assessed, or collected from a licensee by the state or by a political subdivision, except as provided in this chapter.

6. No other excise tax shall be levied, assessed, or collected from the licensee relating to gambling excursions or admission charges by the state or by a political subdivision, except as provided in this chapter.

#### **99F.11 Wagering tax — rate — allocations.**

A tax is imposed on the adjusted gross receipts received annually from gambling games authorized under this chapter at the rate of five percent on the first one million dollars of adjusted gross receipts, at the rate of ten percent on the next two million dollars of adjusted gross receipts, and at the rate of twenty percent on any amount of adjusted gross receipts over three million dollars. The taxes imposed by this section shall be paid by the licensee to the treasurer of state within ten days after the close of the day when the wagers were made and shall be distributed as follows:

1. If the gambling excursion originated at a dock located in a city, one-half of one percent of the adjusted gross receipts shall be remitted to the treasurer of the city in which the dock is located and shall be deposited in the general funds of the city. Another one-half of one percent of the adjusted gross receipts shall be remitted to the treasurer of the county in which the dock is located and shall be deposited in the general fund of the county.

2. If the gambling excursion originated at a dock located in a part of the county outside a city, one-half of one percent of the adjusted gross receipts shall be remitted to the treasurer of the county in which the dock is located and shall be deposited in the general fund of the county. Another one-half of one percent of the adjusted gross receipts shall be remitted to the treasurer of the Iowa city nearest to where the dock is located and shall be deposited in the general fund of the city.

3. Three percent of the adjusted gross receipts shall be deposited in the gamblers assistance fund specified in section 99E.10, subsection 1, paragraph "a".

4. The remaining amount of the adjusted gross receipts tax shall be



credited to the general fund of the state.

**99F.12 Licensees — records — reports — supervision.**

A licensee shall keep its books and records so as to clearly show all of the following:

1. The total number of admissions to gambling excursions conducted by the licensee on each day, including the number of admissions upon free passes or complimentary tickets.

2. The amount received daily from admission fees.

3. The total amount of money wagered during each excursion day and the adjusted gross receipts for the day.

The licensee shall furnish to the commission reports and information as the commission may require with respect to its activities. The gross receipts and adjusted gross receipts from gambling shall be separately handled and accounted for from all other moneys received from operation of an excursion gambling boat. The commission may designate a representative to board a licensed excursion gambling boat, who shall have full access to all places within the enclosure of the boat, who shall directly supervise the handling and accounting of all gross receipts and adjusted gross receipts from gambling, and who shall supervise and check the admissions. The compensation of a representative shall be fixed by the commission but shall be paid by the licensee.

The books and records kept by a licensee as provided by this section are public records and the examination, publication, and dissemination of the book and record are governed by the provisions of chapter 22.

**99F.13 Audit of licensees operations.**

Within ninety days after the end of the licensee's fiscal year, the licensee shall transmit to the commission an audit of the financial transactions and condition of the licensee's total operations. All audits shall be conducted by certified public accountants registered or licensed in the state of Iowa under chapter 116.

**99F.14 Annual report of commission.**

The commission shall make an annual report to the governor, for the period ending December 31 of each year. Included in the report shall be an account of the commission's actions, its financial position and results of operation under this chapter, the practical results attained under this chapter, and any recommendations for legislation which the commission deems advisable.

**99F.15 Prohibited activities — Penalty.**

1. A person is guilty of an aggravated misdemeanor for any of the following:

a. Operating a gambling excursion where wagering is used or to be used without a license issued by the commission.

b. Operating a gambling excursion where wagering is permitted other than in the manner specified by section 99F.9.

c. Acting, or employing a person to act, as a shill or decoy to encourage participating in a gambling game.

2. A person knowingly permitting a person under the age of twenty-one years to make a wager is guilty of a simple misdemeanor.

3. A person wagering or accepting a wager at any location outside the excursion gambling boat is in violation of section 725.7.

4. A person commits a class "D" felony and, in addition, shall be barred for life from excursion gambling boats under the jurisdiction of the commission, if the person does any of the following:

a. Offers, promises, or gives anything of value or benefit to a person who is connected with an excursion gambling boat operator including, but not limited to, an officer or employee of a licensee or holder of an occupational license pursuant to an agreement or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the commission.

b. Solicits or knowingly accepts or receives a promise of anything of value or benefit while the person is connected with an excursion gambling boat including, but not limited to, an officer or employee of a licensee, or holder of an occupational license, pursuant to an understanding or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the commission.

c. Uses a device to assist in any of the following:

(1) In projecting the outcome of the game.

(2) In keeping track of the cards played.

(3) In analyzing the probability of the occurrence of an event relating to the gambling game.

(4) In analyzing the strategy for playing or betting to be used in the game except as permitted by the commission.

d. Cheats at a gambling game.

e. Manufacturers, sells, or distributes any cards, chips, dice, game or device which is intended to be used to violate any provision of this chapter.

f. Instructs a person in cheating or in the use of a device for that purpose with the knowledge or intent that the information or use conveyed may be employed to violate any provision of this chapter.

g. Alters or misrepresents the outcome of a gambling game on which wagers have been made after the outcome is made sure but before it is revealed to the players.

h. Places a bet after acquiring knowledge, not available to all players, of the outcome of the gambling game which is the subject of the bet or to aid a person in acquiring the knowledge for the purpose of placing a bet contingent on that outcome.

i. Claims, collects, or takes, or attempts to claim, collect, or take, money or anything of value in or from the gambling games, with intent to defraud,



without having made a wager contingent on winning a gambling game, or claims, collects, or takes an amount of money or thing of value of greater value than the amount won.

j. Knowingly entices or induces a person to go to any place where a gambling game is being conducted or operated in violation of the provisions of this chapter with the intent that the other person plays or participates in that gambling game.

k. Uses counterfeit chips or tokens in a gambling game.

l. Knowingly uses, other than chips, tokens, coin, or other methods or credit approved by the commission, legal tender of the United States of America, or uses coin not of the denomination as the coin intended to be used in the gambling games.

m. Has in the person's possession any device intended to be used to violate a provision of this chapter.

n. Has in the person's possession, except a gambling licensee or employee of a gambling licensee acting in furtherance of the employee's employment, any key or device designed for the purpose of opening, entering, or affecting the operation of a gambling game, drop box, or an electronic or mechanical device connected with the gambling game drop box, or an electronic or mechanical device connected with the gambling game or for removing coins, tokens, chips or other contents of a gambling game.

5. The possession of more than one of the devices described in subsection 4, paragraphs "c", "e", "m", or "n", permits a rebuttable inference that the possessor intended to use the devices for cheating.

6. Except for wagers on gambling games or exchanges for money as provided in section 99F.9, subsection 4, a licensee who exchanges tokens, chips, or other forms of credit to be used on gambling games for anything of value commits a simple misdemeanor.

#### **99F.16 Forfeiture of property.**

1. Anything of value, including all traceable proceeds including but not limited to real and personal property, moneys, negotiable instruments, securities, and conveyances, is subject to forfeiture to the state of Iowa if the item was used for any of the following:

a. In exchange for a bribe intended to affect the outcome of a gambling game.

b. In exchange for or to facilitate a violation of this chapter.

2. All moneys, coin, and currency found in close proximity of wagers, or of records of wagers are presumed forfeited. The burden of proof is upon the claimant of the property to rebut this presumption.

3. Subsections 1 and 2 do not apply if the act or omission which would give rise to the forfeiture was committed or omitted without the owner's knowledge or consent.

#### **99F.17 Distributors and manufacturers — licenses.**

1. A manufacturer or distributor of gambling games or implements of gambling shall annually apply for a license upon a form prescribed by

the commission before the first day of April in each year and shall submit the appropriate license fee. An applicant shall provide the necessary information as the commission requires. The license fee for a distributor is one thousand dollars, and the license fee for a manufacturer is two hundred fifty dollars. The license fees shall be credited to the special account provided for in section 99F.4, subsection 2.

2. A licensee shall acquire all gambling games or implements of gambling from a distributor licensed pursuant to this chapter. A licensee shall not sell or give gambling games or implements of gambling to another licensee.

3. A licensee shall not be a manufacturer or distributor of gambling games or implements of gambling.

4. The commission may suspend or revoke the license of a distributor or manufacturer for a violation of this chapter or a rule adopted pursuant to this chapter committed by the distributor or manufacturer or an officer, director, employee, or agent of the manufacturer or distributor.

5. A manufacturer or distributor of gambling games who has been granted a license under this section shall have a representative within this state to take delivery of gambling games or implements of gambling prior to delivery to a licensee. The manufacturer or distributor shall provide the commission with a copy of the invoice showing the items shipped and a copy of the bill of lading. When received, the gambling games or implements of gambling shall be stored in a public warehouse in this state until delivered to the licensee or, after delivery is complete, the shipment may be transferred to a licensee.



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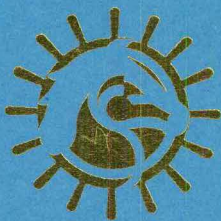


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