

HOUSE BILL 134

Introduced by D. Brown

1/09	Introduced
1/09	Referred to Judiciary
1/10	First Reading
1/10	Fiscal Note Requested
1/15	Fiscal Note Received
1/15	Fiscal Note Printed
1/16	Hearing
1/16	Tabled in Committee

1 HOUSE BILL NO. 134
2 INTRODUCED BY Dave Bran

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THAT
5 ONE-HALF OF EACH OF THE CIVIL PENALTIES IMPOSED FOR A
6 VIOLATION OF STATE GAMBLING LAWS MUST BE DEPOSITED IN THE
7 GENERAL FUND OF THE COUNTY IN WHICH THE VIOLATION OCCURRED;
8 AND AMENDING SECTION 23-5-136, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 23-5-136, MCA, is amended to read:

12 "23-5-136. Injunction and other remedies. (1) If a
13 person has engaged or is engaging in an act or practice
14 constituting a violation of a provision of parts 1 through 6
15 of this chapter or a rule or order of the department, the
16 department may:

17 (a) issue a temporary order to cease and desist from
18 the gambling activity, act, or practice for a period not to
19 exceed 60 days;

20 (b) following notice and an opportunity for hearing,
21 and with the right of judicial review, under the Montana
22 Administrative Procedure Act:

23 (i) issue a permanent order to cease and desist from
24 the act or practice, which order remains in effect pending
25 judicial review;

1 (ii) place a licensee on probation;
2 (iii) suspend for a period not to exceed 180 days a
3 license or permit for the gambling activity, device, or
4 enterprise involved in the act or practice constituting the
5 violation;

6 (iv) revoke a license or permit for the gambling
7 activity, device, or enterprise involved in the act or
8 practice constituting the violation;

9 (v) impose a civil penalty not to exceed \$10,000 for
10 each violation, whether or not the person is licensed by the
11 department; and

12 (vi) impose any combination of the penalties contained
13 in this subsection (1)(b); and

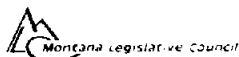
14 (c) bring an action in district court for relief
15 against the act or practice. The department may not be
16 required to post a bond. On proper showing, the court may:

17 (i) issue a restraining order, a temporary or permanent
18 injunction, or other appropriate writ;

19 (ii) suspend or revoke a license or permit; and

20 (iii) appoint a receiver or conservator for the
21 defendant or the assets of the defendant.

22 (2) A civil penalty imposed under this section must be
23 collected by the department and deposited one-half in the
24 state's state general fund and one-half in the general fund
25 of the county in which the violation occurred as required by



LC 0399/01

1 23-5-123. If a person fails to pay the civil penalty, the
2 amount due is a lien on the person's licensed premises and
3 gambling devices in the state and may be recovered by the
4 department in a civil action."

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0134, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to clarify that one-half of each of the civil penalties imposed for a violation of state gambling laws must be deposited in general fund of the county in which the violation occurred.

ASSUMPTIONS:


1. 23-5-123, MCA, currently requires the distribution of penalties from violation of gambling laws such that one-half is deposited to the county general fund for the county in which the violation occurred. The Department of Justice has been complying with this provision in the distribution of revenue from penalties.
2. This bill amends 23-5-136, MCA, to make it consistent with 23-5-123, MCA.

FISCAL IMPACT:


None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

None.



ROD SUNDSTED, BUDGET DIRECTOR DATE 1-15-91
Office of Budget and Program Planning



DAVE BROWN, PRIMARY SPONSOR DATE 1/15/91

Fiscal Note for HB0134, as introduced

HB 134