

HOUSE BILL 503

Introduced by Daily, et al.

1/31	Introduced
1/31	Referred to Business & Economic Development
1/31	First Reading
2/01	Hearing
2/02	Fiscal Note Requested
2/06	Fiscal Note Received
2/08	Fiscal Note Printed
	Died in Committee

1 *HOUSE BILL NO. 503* *Bob Fipinich*
 2 INTRODUCED BY *Wail* *Harington* *Morahan*
 3 *A. Lulini* *Bob* *F. McCarty*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE PLAY OF *Loren*
 5 *Michael* *Stoney* SPORTS TAB GAMES; TO RAISE THE PRICE THAT MAY BE CHARGED FOR
 6 A SPORTS POOL CHANCE; TO RAISE THE TOTAL AMOUNT THAT MAY BE
 7 PAID TO WINNERS OF A SPORTS POOL; AMENDING SECTIONS
 8 23-5-501, 23-5-502, AND 23-5-503, MCA; AND PROVIDING AN
 9 IMMEDIATE EFFECTIVE DATE."
 10 *Lawson*

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 23-5-501, MCA, is amended to read:

13 "23-5-501. Definitions. As used in this part, unless
14 the context clearly requires otherwise, the following
15 definitions apply:

16 (1) "Nonprofit organization" means a charitable,
17 religious, scholastic, educational, veterans', fraternal,
18 beneficial, civic, or service organization, other than one
19 established for the purpose of conducting or participating
20 in a sports pool.

21 (2) "Sports pool" means a card divided into squares or
22 spaces, with the names of the participants in the pool
23 written within such the squares or spaces, for which
24 consideration in money is paid by the person playing for
25 each square or space for the chance to win money or other

1 items of value on any sports event wherein in which the
2 participants in such the sports event are natural persons or
3 animals.

4 (3) "Sports tab" means a card to which 100 tabs are
5 attached that have 100 different combinations for which
6 consideration in money is paid by the person playing for
7 each tab for the chance to win money or other items of value
8 on any sports event in which the participants in the sports
9 event are natural persons or animals."

10 **Section 2.** Section 23-5-502, MCA, is amended to read:

11 "23-5-502. Sports pools and sports tabs authorized.
12 Conducting or participating in sports pools and sports tabs
13 as defined and governed in this part is lawful."

14 **Section 3.** Section 23-5-503, MCA, is amended to read:

15 "23-5-503. Rules. (1) The card used for recording the
16 sports pool or sports tab and upon which the squares, or
17 spaces, or tabs appear ~~shall~~ must clearly indicate in
18 advance of the sale of any chances the number of chances to
19 be sold in that specific sports pool or sports tab, the name
20 of the event, the consideration to be paid for each chance,
21 and the total amount to be paid to the winners.

22 (2) A chance to participate in a sports pool or sports
23 tab may not be sold other than upon the premises in which
24 the sports pool or sports tab is conducted. An individual
25 chance to participate in a sports pool may not be sold for a

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1 consideration in excess of \$5 ~~\$100~~, and the total amount to
2 be paid to the winners of any individual sports pool may not
3 exceed the value of \$500 ~~\$10,000~~. Except as provided in
4 subsection (3), the winner of any sports pool shall receive
5 a 100% payout of the value of the sports pool. An individual
6 chance to participate in a sports tab may be sold for any
7 consideration, and except as provided in subsection (3), the
8 total amount to be paid to the winners of any individual
9 sports tab must be at least 90% of the total amount paid for
10 all tabs sold. The operator of the sports tab game may
11 retain the remaining money for administrative and other
12 expenses.

13 (3) A nonprofit organization that maintains and opens
14 to inspection upon reasonable demand records to verify that
15 the retained portion is used to support charitable
16 activities, scholarships or educational grants, or community
17 service projects may retain up to 50% of the value of a
18 sports pool or sports tab."

19 NEW SECTION. Section 4. Effective date. [This act] is
20 effective on passage and approval.

-End-

APPROVED BY COMM. ON BUSINESS AND ECONOMIC DEVELOPMENT

HOUSE BILL NO. 503

INTRODUCED BY DAILY, LYNCH, HARRINGTON, MENAHAN, PIPINICH, STRIZICH, QUILICI, G. BECK, SOUTHWORTH, MCCARTHY, LARSON, NISBET, JACOBSON, STIMATZ, D. BROWN, GERVAIS

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE PLAY OF SPORTS TAB GAMES; ~~TO RAISE THE PRICE THAT MAY BE CHARGED FOR A SPORTS POOL CHANCE; TO RAISE THE TOTAL AMOUNT THAT MAY BE PAID TO WINNERS OF A SPORTS POOL;~~ AMENDING SECTIONS 23-5-501, 23-5-502, AND 23-5-503, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 23-5-501, MCA, is amended to read:

"23-5-501. Definitions. As used in this part, unless the context clearly requires otherwise, the following definitions apply:

(1) "Nonprofit organization" means a charitable, religious, scholastic, educational, veterans', fraternal, beneficial, civic, or service organization, other than one established for the purpose of conducting or participating in a sports pool.

(2) "Sports pool" means a card divided into squares or spaces, with the names of the participants in the pool written within such the squares or spaces, for which

consideration in money is paid by the person playing for each square or space for the chance to win money or other items of value on any sports event wherein in which the participants in such the sports event are natural persons or animals.

(3) "SPORTS TAB" MEANS A FOLDED OR BANDED TICKET WITH A FACE COVERED TO CONCEAL A COMBINATION OF TWO NUMBERS, WITH EACH NUMBER RANGING FROM ZERO THROUGH NINE.

(4) "Sports tab GAME" means a GAMBLING ENTERPRISE CONDUCTED ON A card to which ~~100~~ SPORTS tabs are attached that have ~~100~~ different combinations for which consideration in money is paid by the person playing for each tab. A PERSON MAY PURCHASE A SPORTS TAB FROM THE CARD for the chance to win money or other items of value on any A sports event in which the participants in the sports event are natural persons or animals AS PROVIDED IN 23-5-503."

Section 2. Section 23-5-502, MCA, is amended to read:

"23-5-502. Sports pools and sports tabs TAB GAMES authorized. Conducting or participating in sports pools and sports tabs TAB GAMES as defined and governed in this part is lawful."

Section 3. Section 23-5-503, MCA, is amended to read:

"23-5-503. Rules. (1) The card used for recording CONDUCTING the sports pool or sports tab GAME and upon which the squares, or spaces, or SPORTS tabs appear shall must:

SECOND READING



1 (A) clearly indicate in advance of the sale of any
2 chances the number of chances to be sold in that specific
3 sports pool or sports tab GAME, the name of the event, the
4 consideration to be paid for each chance, and the total
5 amount to be paid to the winners; AND

6 (B) CONTAIN 100 SPORTS TABS, WITH EACH TAB CONTAINING A
7 DIFFERENT COMBINATION OF NUMBERS. THE SPORTS TABS MUST BE
8 PURCHASED FROM A MANUFACTURER LICENSED UNDER 23-5-152.

9 (2) A SPORTS TAB OR A chance to participate in a sports
10 pool ~~or--sports--tab~~ may not be sold other than upon the
11 premises in which the sports pool or sports tab GAME is
12 conducted. An individual chance to participate in a sports
13 pool may not be sold for a consideration in excess of \$5
14 ~~\$100~~ \$5, and the total amount to be paid to the winners of
15 any individual sports pool may not exceed the value of \$500
16 ~~\$10,000~~ \$500. Except as provided in subsection (3), the
17 winner of any sports pool shall receive a 100% payout of the
18 value of the sports pool. ~~An---individual---chance---to~~
19 ~~participate---in--a~~ A sports tab may be sold for any
20 consideration, NOT EXCEEDING \$5, AND THE TOTAL AMOUNT TO BE
21 PAID TO THE WINNERS OF ANY INDIVIDUAL SPORTS TAB MAY NOT
22 EXCEED \$500, and except as provided in subsection (3), the
23 total amount to be paid to the winners of any individual
24 sports tab GAME must be at least 90% of the total amount
25 paid for all SPORTS tabs sold. The operator of the sports

1 tab game may retain the remaining money for administrative
2 and other expenses.

3 (3) A nonprofit organization that maintains and opens
4 to inspection upon reasonable demand records to verify that
5 the retained portion is used to support charitable
6 activities, scholarships or educational grants, or community
7 service projects may retain up to 50% of the value of a
8 sports pool or 50% OF THE TOTAL AMOUNT PAID FOR ALL sports
9 tab TABS SOLD.

10 (4) (A) A SPORTS TAB GAME MAY BE CONDUCTED ONLY IN
11 CONJUNCTION WITH A SPORTS EVENT IN WHICH THE PARTICIPANTS IN
12 THE EVENT ARE NATURAL PERSONS.

13 (B) A WINNER IN A SPORTS TAB GAME IS DETERMINED BY
14 MATCHING THE NUMBERS ON THE SPORTS TAB WITH THE LAST OR THE
15 ONLY DIGIT OF THE SCORE OF THE SPORTS EVENT AT SPECIFIED
16 INTERVALS DURING THE EVENT OR AT THE END OF THE EVENT."

17 NEW SECTION. Section 4. Effective date. [This act] is
18 effective on-passage-and-approval JULY 1, 1991.

-End-

1 HOUSE BILL NO. 503

2 INTRODUCED BY DAILY, LYNCH, HARRINGTON, MENAHAN, PIPINICH,
3 STRIZICH, QUILICI, G. BECK, SOUTHWORTH, MCCARTHY, LARSON,
4 NISBET, JACOBSON, STIMATZ, D. BROWN, GERVAIS

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE PLAY OF
7 SPORTS TAB GAMES; ~~TO RAISE THE PRICE THAT MAY BE CHARGED FOR~~
8 ~~A SPORTS POOL CHANCE; TO RAISE THE TOTAL AMOUNT THAT MAY BE~~
9 ~~PAID TO WINNERS OF A SPORTS POOL;~~ AMENDING SECTIONS
10 23-5-501, 23-5-502, AND 23-5-503, MCA; AND PROVIDING AN
11 IMMEDIATE EFFECTIVE DATE."

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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 23-5-501, MCA, is amended to read:

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16 the context clearly requires otherwise, the following
17 definitions apply:

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19 religious, scholastic, educational, veterans', fraternal,
20 beneficial, civic, or service organization, other than one
21 established for the purpose of conducting or participating
22 in a sports pool.

23 (2) "Sports pool" means a card divided into squares or
24 spaces, with the names of the participants in the pool
25 written within such the squares or spaces, for which

1 consideration in money is paid by the person playing for
2 each square or space for the chance to win money or other
3 items of value on any sports event wherein in which the
4 participants in such the sports event are natural persons or
5 animals.

6 (3) "SPORTS TAB" MEANS A FOLDED OR BANDED TICKET WITH A
7 FACE COVERED TO CONCEAL A COMBINATION OF TWO NUMBERS, WITH
8 EACH NUMBER RANGING FROM ZERO THROUGH NINE.

9 ~~(3)~~(4) "Sports tab GAME" means a GAMBLING ENTERPRISE
10 CONDUCTED ON A card to which ~~100~~ SPORTS tabs are attached
11 that have ~~100~~ different combinations for which consideration
12 in money is paid by the person playing for each tab. A
13 PERSON MAY PURCHASE A SPORTS TAB FROM THE CARD for the
14 chance to win money or other items of value on any A sports
15 event in which the participants in the sports event are
16 natural persons or animals AS PROVIDED IN 23-5-503."

17 **Section 2.** Section 23-5-502, MCA, is amended to read:

18 "23-5-502. Sports pools and sports tabs TAB GAMES
19 authorized. Conducting or participating in sports pools and
20 sports tabs TAB GAMES as defined and governed in this part
21 is lawful."

22 **Section 3.** Section 23-5-503, MCA, is amended to read:

23 "23-5-503. Rules. (1) The card used for recording
24 CONDUCTING the sports pool or sports tab GAME and upon which
25 the squares, or spaces, or SPORTS tabs appear shall must:

THIRD READING

1 (A) clearly indicate in advance of the sale of any
2 chances the number of chances to be sold in that specific
3 sports pool or sports tab GAME, the name of the event, the
4 consideration to be paid for each chance, and the total
5 amount to be paid to the winners; AND

6 (B) CONTAIN 100 SPORTS TABS, WITH EACH TAB CONTAINING A
7 DIFFERENT COMBINATION OF NUMBERS. THE SPORTS TABS MUST BE
8 PURCHASED FROM A MANUFACTURER LICENSED UNDER 23-5-152.

9 (2) A SPORTS TAB OR A chance to participate in a sports
10 pool ~~or--sports--tab~~ may not be sold other than upon the
11 premises in which the sports pool or sports tab GAME is
12 conducted. An individual chance to participate in a sports
13 pool may not be sold for a consideration in excess of \$5
14 ~~\$100~~ \$5, and the total amount to be paid to the winners of
15 any individual sports pool may not exceed the value of \$500
16 ~~\$10,000~~ \$500. Except as provided in subsection (3), the
17 winner of any sports pool shall receive a 100% payout of the
18 value of the sports pool. ~~An---individual---chance---to~~
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20 consideration, NOT EXCEEDING \$5, AND THE TOTAL AMOUNT TO BE
21 PAID TO THE WINNERS OF ANY INDIVIDUAL SPORTS TAB MAY NOT
22 EXCEED \$500, and except as provided in subsection (3), the
23 total amount to be paid to the winners of any individual
24 sports tab GAME must be at least 90% of the total amount
25 paid for all SPORTS tabs sold. The operator of the sports

1 tab game may retain the remaining money for administrative
2 and other expenses.

3 (3) A nonprofit organization that maintains and opens
4 to inspection upon reasonable demand records to verify that
5 the retained portion is used to support charitable
6 activities, scholarships or educational grants, or community
7 service projects may retain up to 50% of the value of a
8 sports pool or 50% OF THE TOTAL AMOUNT PAID FOR ALL sports
9 tab TABS SOLD.

10 (4) (A) A SPORTS TAB GAME MAY BE CONDUCTED ONLY IN
11 CONJUNCTION WITH A SPORTS EVENT IN WHICH THE PARTICIPANTS IN
12 THE EVENT ARE NATURAL PERSONS.

13 (B) A WINNER IN A SPORTS TAB GAME IS DETERMINED BY
14 MATCHING THE NUMBERS ON THE SPORTS TAB WITH THE LAST OR THE
15 ONLY DIGIT OF THE SCORE OF THE SPORTS EVENT AT SPECIFIED
16 INTERVALS DURING THE EVENT OR AT THE END OF THE EVENT."

17 NEW SECTION. Section 4. Effective date. [This act] is
18 effective on passage and approval JULY 1, 1991.

-End-

HOUSE BILL NO. 503

INTRODUCED BY DAILY, LYNCH, HARRINGTON, MENAHAN, PIPINICH,
STRIZICH, QUILICI, G. BECK, SOUTHWORTH, MCCARTHY, LARSON,
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A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE PLAY OF
SPORTS TAB GAMES; ~~TO RAISE THE PRICE THAT MAY BE CHARGED FOR~~
~~A SPORTS POOL CHANCE; TO RAISE THE TOTAL AMOUNT THAT MAY BE~~
~~PAID TO WINNERS OF A SPORTS POOL; TO IMPOSE A TAX ON SPORTS~~
TABS; AMENDING SECTIONS 23-5-501, 23-5-502, AND 23-5-503,
MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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(3) "SPORTS TAB" MEANS A FOLDED OR BANDED TICKET WITH A
FACE COVERED TO CONCEAL A COMBINATION OF TWO NUMBERS, WITH
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chance to win money or other items of value on any A sports
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CONDUCTING the sports pool or sports tab GAME and upon which
the squares, or spaces, or SPORTS tabs appear ~~shall~~ must:

1 ~~(A)~~ clearly indicate in advance of the sale of any
 2 chances the number of chances to be sold in that specific
 3 sports pool or sports tab GAME, the name of the event, the
 4 consideration to be paid for each chance, and the total
 5 amount to be paid to the winners, ~~AND.~~

6 (B) IN ADDITION TO THE REQUIREMENTS IN SUBSECTION
 7 (1)(A), THE CARD USED FOR CONDUCTING A SPORTS TAB GAME MUST
 8 CONTAIN 100 SPORTS TABS, WITH EACH TAB CONTAINING A
 9 DIFFERENT COMBINATION OF NUMBERS. THE SPORTS TABS MUST BE
 10 PURCHASED FROM A MANUFACTURER LICENSED UNDER 23-5-152.

11 (2) A SPORTS TAB OR A chance to participate in a sports
 12 pool ~~or sports-tab~~ may not be sold other than upon the
 13 premises in which the sports pool or sports tab GAME is
 14 conducted. An individual chance to participate in a sports
 15 pool may not be sold for a consideration in excess of \$5
 16 ~~\$100~~ \$5, and the total amount to be paid to the winners of
 17 any individual sports pool may not exceed the value of \$500
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 19 winner of any sports pool shall receive a 100% payout of the
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 22 consideration, NOT EXCEEDING \$5, AND THE TOTAL AMOUNT TO BE
 23 PAID TO THE WINNERS OF ANY INDIVIDUAL SPORTS TAB MAY NOT
 24 EXCEED \$500, and except as provided in subsection (3), the
 25 total amount to be paid to the winners of any individual

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 2 paid for all SPORTS tabs sold. The operator of the sports
 3 tab game may retain the remaining money for administrative
 4 and other expenses.

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 6 to inspection upon reasonable demand records to verify that
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 9 service projects may retain up to 50% of the value of a
 10 sports pool or 50% OF THE TOTAL AMOUNT PAID FOR ALL sports
 11 tab TABS SOLD.

12 (4) (A) A SPORTS TAB GAME MAY BE CONDUCTED ONLY IN
 13 CONJUNCTION WITH A SPORTS EVENT IN WHICH THE PARTICIPANTS IN
 14 THE EVENT ARE NATURAL PERSONS.

15 (B) A WINNER IN A SPORTS TAB GAME IS DETERMINED BY
 16 MATCHING THE NUMBERS ON THE SPORTS TAB WITH THE LAST OR THE
 17 ONLY DIGIT OF THE SCORE OF THE SPORTS EVENT AT SPECIFIED
 18 INTERVALS DURING THE EVENT OR AT THE END OF THE EVENT."

19 NEW SECTION. SECTION 4. TAX ON SPORTS TABS -- PAYMENT
 20 -- DISTRIBUTION. (1) A MANUFACTURER LICENSED UNDER 23-5-152
 21 WHO SELLS SPORTS TABS TO A LICENSED OPERATOR FOR USE IN A
 22 SPORTS TAB SHALL:

23 (A) COLLECT FROM THE OPERATOR, AT THE TIME OF SALE, A
 24 TAX OF \$1 FOR EACH 100 SPORTS TABS SOLD;

25 (B) SUBMIT TO THE DEPARTMENT, WITHIN 15 DAYS AFTER THE

1 END OF EACH CALENDAR QUARTER, THE PROCEEDS OF THE TAX
2 COLLECTED UNDER SUBSECTION (1)(A) AND ANY FORMS REQUIRED BY
3 THE DEPARTMENT; AND

4 (C) KEEP A RECORD OF TAXES COLLECTED AS REQUIRED BY THE
5 DEPARTMENT. THE RECORDS MUST BE AVAILABLE FOR

6 (2) THE DEPARTMENT SHALL RETAIN THE PROCEEDS FROM THE
7 TAX SUBMITTED UNDER SUBSECTION (1) TO ADMINISTER THIS PART.

8 NEW SECTION. Section 5. Effective date. [This act] is
9 effective on-passage-and-approval JULY 1, 1991.

-End-