

HOUSE BILL NO. 847

INTRODUCED BY LEE, KOEHNKE, HARPER

IN THE HOUSE

FEBRUARY 14, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & ECONOMIC DEVELOPMENT.

FIRST READING.

FEBRUARY 22, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 23, 1991 PRINTING REPORT.

FEBRUARY 25, 1991 SECOND READING, DO PASS.

ENGROSSING REPORT.

FEBRUARY 26, 1991 THIRD READING, PASSED.
AYES, 92; NOES, 7.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 26, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

FIRST READING.

APRIL 1, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

APRIL 4, 1991 SECOND READING, CONCURRED IN.

APRIL 5, 1991 THIRD READING, CONCURRED IN.
AYES, 50; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 10, 1991 RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 11, 1991 THIRD READING, AMENDMENTS

CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *847*
2 INTRODUCED BY *Lee Boehnk* *2/2/01*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING SENIOR
5 CITIZEN CENTERS FROM THE LAWS GOVERNING LIVE CARD GAMES AND
6 LIVE BINGO GAMES; AND AMENDING SECTION 23-5-112, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 **Section 1.** Section 23-5-112, MCA, is amended to read:

10 "23-5-112. Definitions. Unless the context requires
11 otherwise, the following definitions apply to parts 1
12 through 6 of this chapter:

13 (1) "Applicant" means a person who has applied for a
14 license or permit issued by the department pursuant to parts
15 1 through 6 of this chapter.

16 (2) "Application" means a written request for a license
17 or permit issued by the department. The department shall
18 adopt rules describing the forms and information required
19 for issuance of a license.

20 (3) "Authorized equipment" means, with respect to live
21 keno or bingo, equipment that may be inspected by the
22 department and that randomly selects the numbers.

23 (4) "Bingo" means a gambling activity played for prizes
24 with a card bearing a printed design of 5 columns of 5
25 squares each, 25 squares in all. The letters B-I-N-G-O must

1 appear above the design, with each letter above one of the
2 columns. No more than 75 numbers may be used. One number
3 must appear in each square, except for the center square,
4 which may be considered a free play. Numbers are randomly
5 drawn using authorized equipment until the game is won by
6 the person or persons who first cover a previously
7 designated arrangement of numbers on the bingo card.

8 (5) "Bingo caller" means a person 18 years of age or
9 older who, using authorized equipment, announces the order
10 of the numbers drawn in live bingo.

11 (6) "Card game table" or "table" means a live card game
12 table authorized by permit and made available to the public
13 on the premises of a licensed gambling operator.

14 (7) "Dealer" means a person with a dealer's license
15 issued under part 3 of this chapter.

16 (8) "Department" means the department of justice.

17 (9) "Distributor" means a person who:

18 (a) purchases or obtains from another person equipment
19 of any kind for use in gambling activities; and

20 (b) sells, leases, or otherwise furnishes the equipment
21 to another person for use in public.

22 (10) "Gambling" or "gambling activity" means risking
23 money, credit, deposit, check, property, or any other thing
24 of value for a gain that is contingent in whole or in part
25 upon lot, chance, or the operation of a gambling device or



1 gambling enterprise.

2 (11) "Gambling device" means a mechanical,
3 electromechanical, or electronic device, machine, slot
4 machine, instrument, apparatus, contrivance, scheme, or
5 system used or intended for use in any gambling activity.

6 (12) "Gambling enterprise" means an activity, scheme, or
7 agreement or an attempted activity, scheme, or agreement to
8 provide gambling or a gambling device to the public.

9 (13) "Gross proceeds" means gross revenue received less
10 prizes paid out.

11 (14) "Illegal gambling device" means a gambling device
12 not specifically authorized by statute or by the rules of
13 the department.

14 (15) "Illegal gambling enterprise" means a gambling
15 enterprise that violates a statute or a rule of the
16 department.

17 (16) "Keno" means a game of chance in which prizes are
18 awarded using a card with 8 horizontal rows and 10 columns
19 on which a player may pick up to 10 numbers. A keno caller,
20 using authorized equipment, shall select at random at least
21 20 numbers out of numbers between 1 and 80, inclusive.

22 (17) "Keno caller" means a person 18 years of age or
23 older who, using authorized equipment, announces the order
24 of the numbers drawn in live keno.

25 (18) "License" means an operator's, dealer's, or

1 manufacturer-distributor's license issued to a person by the
2 department.

3 (19) "Licensee" means a person who has received a
4 license from the department.

5 (20) "Live card game" or "card game" means a card game
6 that is played in public between persons on the premises of
7 a licensed gambling operator.

8 (21) "Lottery" or "gift enterprise" means a scheme, by
9 whatever name known, for the disposal or distribution of
10 property by chance among persons who have paid or promised
11 to pay valuable consideration for the chance of obtaining
12 the property or a portion of it or for a share or interest
13 in the property upon an agreement, understanding, or
14 expectation that it is to be distributed or disposed of by
15 lot or chance. However, "gift enterprise" does not mean:

16 (a) lotteries authorized under part 10 of this chapter;
17 or

18 (b) cash or merchandise attendance prizes or premiums
19 that the county fair commissioners of agricultural fairs and
20 rodeo associations may give away at public drawings at fairs
21 and rodeos.

22 (22) "Manufacturer" means a person who assembles from
23 raw materials or subparts a completed piece of equipment or
24 pieces of equipment of any kind to be used as a gambling
25 device.

1 (23) "Operator" means a person who purchases, receives,
2 or acquires, by lease or otherwise, and operates or controls
3 for use in public, a gambling device or gambling enterprise
4 authorized under parts 1 through 6 of this chapter.

5 (24) "Permit" means approval from the department to make
6 available for public play a gambling device or gambling
7 enterprise approved by the department pursuant to parts 1
8 through 6 of this chapter.

9 (25) "Person" or "persons" means both natural and
10 artificial persons and all partnerships, corporations,
11 associations, clubs, fraternal orders, and societies,
12 including religious and charitable organizations.

13 (26) "Premises" means the physical building or property
14 within or upon which a licensed gambling activity occurs, as
15 stated on an operator's license application and approved by
16 the department.

17 (27) "Public gambling" means gambling conducted in:

18 (a) a place, building, or conveyance to which the
19 public has access or may be permitted to have access; or

20 (b) a place of public resort, including but not limited
21 to a facility owned, managed, or operated by a partnership,
22 corporation, association, club, fraternal order, or society,
23 including a religious or charitable organization.

24 (28) "Raffle" means a gift enterprise in which each
25 participant buys a chance or chances to win a prize.

1 (29) "Senior citizen center" means a facility operated
2 by a nonprofit or governmental organization that provides
3 services to senior citizens in the form of daytime or
4 evening educational or recreational activities and does not
5 provide living accommodations to senior citizens. Services
6 qualifying under this definition must be recognized in the
7 state plan on aging adopted by the department of family
8 services.

9 ~~(29)~~(30) "Slot machine" means a mechanical, electrical,
10 electronic, or other gambling device, contrivance, or
11 machine that, upon insertion of a coin, currency, token,
12 credit card, or similar object or upon payment of any
13 valuable consideration, is available to play or operate, the
14 play or operation of which, whether by reason of the skill
15 of the operator or application of the element of chance, or
16 both, may deliver or entitle the person playing or operating
17 the gambling device to receive cash, premiums, merchandise,
18 tokens, or anything of value, whether the payoff is made
19 automatically from the machine or in any other manner. This
20 definition does not apply to video gambling machines
21 authorized under part 6 of this chapter.

22 ~~(30)~~(31) "Video gambling machine" is a gambling device
23 specifically authorized by part 6 of this chapter and the
24 rules of the department."

25 NEW SECTION. Section 2. Exemption from part. A senior

1 citizen center is exempt from this part if the center:

2 (1) limits participation in live card games to its
3 members and members' guests; and

4 (2) limits live card game activities to its main
5 premises or place of operation.

6 NEW SECTION. **Section 3. Exemption from part.** A senior
7 citizen center is exempt from this part with respect to live
8 bingo games if the center:

9 (1) limits participation in live bingo games to its
10 members and members' guests; and

11 (2) limits live bingo games to its main premises or
12 place of operation.

13 NEW SECTION. **Section 4. Codification instruction.** (1)
14 [Section 2] is intended to be codified as an integral part
15 of Title 23, chapter 5, part 3, and the provisions of Title
16 23, chapter 5, part 3, apply to [section 2].

17 (2) [Section 3] is intended to be codified as an
18 integral part of Title 23, chapter 5, part 4, and the
19 provisions of Title 23, chapter 5, part 4, apply to [section
20 3].

-End-

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 25 with a card bearing a printed design of 5 columns of 5

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 24 money, credit, deposit, check, property, or any other thing
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2 gambling enterprise.

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1 NEW SECTION. Section 2. Exemption from part CERTAIN
 2 SECTIONS. A senior citizen center is exempt from ~~this--part~~
 3 23-5-306, 23-5-308, AND 23-5-309 if the center:

4 (1) limits participation in live card games to its
 5 members and members' guests; and

6 (2) limits live card game activities to its main
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8 (3) DOES NOT OPERATE LIVE CARD GAMES IN A PREDOMINANTLY
 9 COMMERCIAL MANNER.

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 12 23-5-306, 23-5-308, AND 23-5-309 with respect to live bingo
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 2 SECTIONS. A senior citizen center is exempt from this--part
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SENATE STANDING COMMITTEE REPORT

Page 1 of 2
April 1, 1991

Page 2 of 2
April 1, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 847 (third reading copy -- blue), respectfully report that House Bill No. 847 be amended and as so amended be concurred in:

1. Title, line 6.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "23-5-112"

Insert: "AND 23-5-177"

2. Page 2, line 13.

Following: "table"

Insert: ":

(a)"

3. Page 2, line 14.

Following: "operator"

Insert: "; or

(b) operated by a senior citizen center"

4. Page 4, line 8.

Following: "operator"

Insert: "or in a senior citizen center"

5. Page 7, line 12.

Strike: "23-5-306, 23-5-308, AND 23-5-309"

Insert: "23-5-407 and 23-5-409"

6. Page 7, line 18.

Strike: "CARD"

Insert: "bingo"

7. Page 7, line 20.

Following: line 19

Insert: "Section 4. Section 23-5-177, MCA, is amended to read:
"23-5-177. Operator of gambling establishment -- license --
fee. (1) It is a misdemeanor for a person who is not licensed by
the department as an operator to make available to the public for
play a gambling device or gambling enterprise for which a permit
must be obtained from the department.

(2) An operator's license must include the following
information:

(a) a description of the premises upon which the gambling
will take place;

(b) the operator's name;

(c) a description of each gambling device or card game
table ~~licensed~~ for which a permit has been issued to the operator
by the department for play upon the premises, including the type
of game and ~~license number or decal~~ permit number for each
licensed game; and

(d) any other relevant information determined necessary by
the department.

(3) The operator's license must be issued annually along
with all other ~~licenses permits~~ permits for gambling devices or games
~~licensed~~ issued to the operator.

(4) The operator's license must be updated each time a
gambling device or card game table ~~license permit~~ is newly issued
or the device or game is removed from the premises.

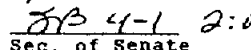
(5) The department may not charge a fee for the issuance of
an operator's license.

(6) The operator's license must be prominently displayed
upon the premises for which it is issued."

Re-number: subsequent section

Signed: 
Richard Pinsonneault, Chairman


App. Coord.


Sec. of Senate

1 HOUSE BILL NO. 847
 2 INTRODUCED BY LEE, KOEHNKE, HARPER
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING SENIOR
 5 CITIZEN CENTERS FROM ~~THE~~ CERTAIN LAWS GOVERNING LIVE CARD
 6 GAMES AND LIVE BINGO GAMES; AND AMENDING ~~SECTION~~ SECTIONS
 7 23-5-112 AND 23-5-177, MCA."
 8

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

10 Section 1. Section 23-5-112, MCA, is amended to read:

11 "23-5-112. Definitions. Unless the context requires
 12 otherwise, the following definitions apply to parts 1
 13 through 6 of this chapter:

14 (1) "Applicant" means a person who has applied for a
 15 license or permit issued by the department pursuant to parts
 16 1 through 6 of this chapter.

17 (2) "Application" means a written request for a license
 18 or permit issued by the department. The department shall
 19 adopt rules describing the forms and information required
 20 for issuance of a license.

21 (3) "Authorized equipment" means, with respect to live
 22 keno or bingo, equipment that may be inspected by the
 23 department and that randomly selects the numbers.

24 (4) "Bingo" means a gambling activity played for prizes
 25 with a card bearing a printed design of 5 columns of 5

1 squares each, 25 squares in all. The letters B-I-N-G-O must
 2 appear above the design, with each letter above one of the
 3 columns. No more than 75 numbers may be used. One number
 4 must appear in each square, except for the center square,
 5 which may be considered a free play. Numbers are randomly
 6 drawn using authorized equipment until the game is won by
 7 the person or persons who first cover a previously
 8 designated arrangement of numbers on the bingo card.

9 (5) "Bingo caller" means a person 18 years of age or
 10 older who, using authorized equipment, announces the order
 11 of the numbers drawn in live bingo.

12 (6) "Card game table" or "table" means a live card game
 13 table:

14 (A) authorized by permit and made available to the
 15 public on the premises of a licensed gambling operator; OR

16 (B) OPERATED BY A SENIOR CITIZEN CENTER.

17 (7) "Dealer" means a person with a dealer's license
 18 issued under part 3 of this chapter.

19 (8) "Department" means the department of justice.

20 (9) "Distributor" means a person who:

21 (a) purchases or obtains from another person equipment
 22 of any kind for use in gambling activities; and

23 (b) sells, leases, or otherwise furnishes the equipment
 24 to another person for use in public.

25 (10) "Gambling" or "gambling activity" means risking



1 money, credit, deposit, check, property, or any other thing
2 of value for a gain that is contingent in whole or in part
3 upon lot, chance, or the operation of a gambling device or
4 gambling enterprise.

5 (11) "Gambling device" means a mechanical,
6 electromechanical, or electronic device, machine, slot
7 machine, instrument, apparatus, contrivance, scheme, or
8 system used or intended for use in any gambling activity.

9 (12) "Gambling enterprise" means an activity, scheme, or
10 agreement or an attempted activity, scheme, or agreement to
11 provide gambling or a gambling device to the public.

12 (13) "Gross proceeds" means gross revenue received less
13 prizes paid out.

14 (14) "Illegal gambling device" means a gambling device
15 not specifically authorized by statute or by the rules of
16 the department.

17 (15) "Illegal gambling enterprise" means a gambling
18 enterprise that violates a statute or a rule of the
19 department.

20 (16) "Keno" means a game of chance in which prizes are
21 awarded using a card with 8 horizontal rows and 10 columns
22 on which a player may pick up to 10 numbers. A keno caller,
23 using authorized equipment, shall select at random at least
24 20 numbers out of numbers between 1 and 80, inclusive.

25 (17) "Keno caller" means a person 18 years of age or

1 older who, using authorized equipment, announces the order
2 of the numbers drawn in live keno.

3 (18) "License" means an operator's, dealer's, or
4 manufacturer-distributor's license issued to a person by the
5 department.

6 (19) "Licensee" means a person who has received a
7 license from the department.

8 (20) "Live card game" or "card game" means a card game
9 that is played in public between persons on the premises of
10 a licensed gambling operator OR IN A SENIOR CITIZEN CENTER.

11 (21) "Lottery" or "gift enterprise" means a scheme, by
12 whatever name known, for the disposal or distribution of
13 property by chance among persons who have paid or promised
14 to pay valuable consideration for the chance of obtaining
15 the property or a portion of it or for a share or interest
16 in the property upon an agreement, understanding, or
17 expectation that it is to be distributed or disposed of by
18 lot or chance. However, "gift enterprise" does not mean:

19 (a) lotteries authorized under part 10 of this chapter;
20 or

21 (b) cash or merchandise attendance prizes or premiums
22 that the county fair commissioners of agricultural fairs and
23 rodeo associations may give away at public drawings at fairs
24 and rodeos.

25 (22) "Manufacturer" means a person who assembles from

1 raw materials or subparts a completed piece of equipment or
 2 pieces of equipment of any kind to be used as a gambling
 3 device.

4 (23) "Operator" means a person who purchases, receives,
 5 or acquires, by lease or otherwise, and operates or controls
 6 for use in public, a gambling device or gambling enterprise
 7 authorized under parts 1 through 6 of this chapter.

8 (24) "Permit" means approval from the department to make
 9 available for public play a gambling device or gambling
 10 enterprise approved by the department pursuant to parts 1
 11 through 6 of this chapter.

12 (25) "Person" or "persons" means both natural and
 13 artificial persons and all partnerships, corporations,
 14 associations, clubs, fraternal orders, and societies,
 15 including religious and charitable organizations.

16 (26) "Premises" means the physical building or property
 17 within or upon which a licensed gambling activity occurs, as
 18 stated on an operator's license application and approved by
 19 the department.

20 (27) "Public gambling" means gambling conducted in:

21 (a) a place, building, or conveyance to which the
 22 public has access or may be permitted to have access; or

23 (b) a place of public resort, including but not limited
 24 to a facility owned, managed, or operated by a partnership,
 25 corporation, association, club, fraternal order, or society,

1 including a religious or charitable organization.

2 (28) "Raffle" means a gift enterprise in which each
 3 participant buys a chance or chances to win a prize.

4 (29) "Senior citizen center" means a facility operated
 5 by a nonprofit or governmental organization that provides
 6 services to senior citizens in the form of daytime or
 7 evening educational or recreational activities and does not
 8 provide living accommodations to senior citizens. Services
 9 qualifying under this definition must be recognized in the
 10 state plan on aging adopted by the department of family
 11 services.

12 ~~(29)~~ (30) "Slot machine" means a mechanical, electrical,
 13 electronic, or other gambling device, contrivance, or
 14 machine that, upon insertion of a coin, currency, token,
 15 credit card, or similar object or upon payment of any
 16 valuable consideration, is available to play or operate, the
 17 play or operation of which, whether by reason of the skill
 18 of the operator or application of the element of chance, or
 19 both, may deliver or entitle the person playing or operating
 20 the gambling device to receive cash, premiums, merchandise,
 21 tokens, or anything of value, whether the payoff is made
 22 automatically from the machine or in any other manner. This
 23 definition does not apply to video gambling machines
 24 authorized under part 6 of this chapter.

25 ~~(30)~~ (31) "Video gambling machine" is a gambling device

1 specifically authorized by part 6 of this chapter and the
2 rules of the department."

3 NEW SECTION. Section 2. Exemption from part CERTAIN
4 SECTIONS. A senior citizen center is exempt from ~~this--part~~
5 23-5-306, 23-5-308, AND 23-5-309 if the center:

6 (1) limits participation in live card games to its
7 members and members' guests; and

8 (2) limits live card game activities to its main
9 premises or place of operation; AND

10 (3) DOES NOT OPERATE LIVE CARD GAMES IN A PREDOMINANTLY
11 COMMERCIAL MANNER.

12 NEW SECTION. Section 3. Exemption from part CERTAIN
13 SECTIONS. A senior citizen center is exempt from ~~this--part~~
14 23-5-306,--23-5-308,--AND-23-5-309 23-5-407 AND 23-5-409 with
15 respect to live bingo games if the center:

16 (1) limits participation in live bingo games to its
17 members and members' guests; and

18 (2) limits live bingo games to its main premises or
19 place of operation; AND

20 (3) DOES NOT OPERATE LIVE CARD BINGO GAMES IN A
21 PREDOMINANTLY COMMERCIAL MANNER.

22 SECTION 4. SECTION 23-5-177, MCA, IS AMENDED TO READ:

23 "23-5-177. Operator of gambling establishment --
24 license -- fee. (1) It is a misdemeanor for a person who is
25 not licensed by the department as an operator to make

1 available to the public for play a gambling device or
2 gambling enterprise for which a permit must be obtained from
3 the department.

4 (2) An operator's license must include the following
5 information:

6 (a) a description of the premises upon which the
7 gambling will take place;

8 (b) the operator's name;

9 (c) a description of each gambling device or card game
10 table licensed for which a permit has been issued to the
11 operator by the department for play upon the premises,
12 including the type of game and ~~license--number--or--decal~~
13 permit number for each licensed game; and

14 (d) any other relevant information determined necessary
15 by the department.

16 (3) The operator's license must be issued annually
17 along with all other ~~licenses permits~~ for gambling devices
18 or games licensed issued to the operator.

19 (4) The operator's license must be updated each time a
20 gambling device or card game table license permit is newly
21 issued or the device or game is removed from the premises.

22 (5) The department may not charge a fee for the
23 issuance of an operator's license.

24 (6) The operator's license must be prominently
25 displayed upon the premises for which it is issued."

1 NEW SECTION. Section 5. Codification instruction. (1)
2 [Section 2] is intended to be codified as an integral part
3 of Title 23, chapter 5, part 3, and the provisions of Title
4 23, chapter 5, part 3, apply to [section 2].
5 (2) [Section 3] is intended to be codified as an
6 integral part of Title 23, chapter 5, part 4, and the
7 provisions of Title 23, chapter 5, part 4, apply to [section
8 3].

-End-