

SENATE BILL NO. 270

INTRODUCED BY WILLIAMS, KENNEDY, M. HANSON, GROSFIELD,
CODY, DRISCOLL, SCHYE, MCCAFFREE, GILBERT, J. RICE,
RYE, NOBLE, AKLESTAD, TVEIT, STEPPLER, HOFFMAN, THOMAS,
FRITZ, GOULD, STRIZICH, ZOOK, D. BROWN, BENEDICT, QUILICI,
KASTEN, T. BECK, LARSON, WEEDING, HARP, PAVLOVICH, NATHE,
JERGESON, HAGER, GRINDE, BRADLEY

IN THE SENATE

FEBRUARY 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

 FIRST READING.

FEBRUARY 20, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 21, 1991 PRINTING REPORT.

 SECOND READING, DO PASS.

FEBRUARY 22, 1991 ENGROSSING REPORT.

 THIRD READING, PASSED.
 AYES, 49; NOES, 0.

 TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

 FIRST READING.

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

APRIL 5, 1991 SECOND READING, CONCURRED IN.

APRIL 6, 1991 THIRD READING, CONCURRED IN.
 AYES, 86; NOES, 10.

 RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 9, 1991 RECEIVED FROM HOUSE.

APRIL 10, 1991

SECOND READING, AMENDMENTS
CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

Senate BILL NO. 270

INTRODUCED BY *Walter Kennedy II Hanna Mitchell*

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AND REGULATING AMUSEMENT GAMES; AMENDING SECTION 23-5-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Definitions. Unless the

context requires otherwise, the following definitions apply in [sections 1 through 4]:

- (1) (a) "Amusement game" means:
 - (i) a game played for amusement or entertainment, including a crane game, in which:
 - (A) the player actively participates;
 - (B) the outcome of the game depends upon the skill of the player, mixed chance and skill, or chance and is not controlled by any other person;
 - (C) the player gives valuable consideration, in money or otherwise, for the right to play the game;
 - (D) only tangible personal property or nontransferable tokens, tickets, or coupons that may be accumulated and redeemed for tangible personal property are awarded as a prize;
 - (E) the sale of a right to participate, the

determination of winners, and the distribution of prizes all occur in the presence of all players;

(F) prizes are displayed; and

(G) prizes may not be repurchased; and

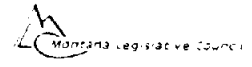
(ii) a coin-operated electrical or electromechanical device that confers as a prize an immediate, unrecorded right of replay not exchangeable for something of value and that does not make a permanent record, directly or indirectly, of free replays that are awarded.

(b) The term does not include a device that simulates a gambling activity, as defined in 23-5-112, and that contains or may be adapted to contain switches that permit the elimination of credits earned by a player or meters that measure the number of credits that have been eliminated.

(2) "Arcade" means a commercial establishment whose primary purpose is to make amusement games available for public play.

(3) "Concessionaire" means a person who owns one or more amusement games and who enters into an agreement with an operator to conduct games. A concessionaire may also be an operator.

(4) "Crane game" means an amusement game activated by the insertion of a coin or token by which the player uses one or more buttons, control sticks, or similar means of control or a combination of those means of control to



1 position a mechanical or electromechanical claw or other
2 retrieval device over a prize and attempts to retrieve it.

3 (5) "Nonprofit organization" means a nonprofit
4 corporation or a nonprofit charitable, religious,
5 scholastic, educational, veterans', fraternal, beneficial,
6 civic, or service organization, established for a purpose
7 other than conducting amusement games.

8 (6) "Operator" means a person who enters into an
9 agreement with a county fair commission, board of directors
10 of a fair district, joint fair and civic center commission,
11 business association, or similar entity, to provide
12 amusement games.

13 NEW SECTION. Section 2. Requirements for games. An
14 operator, concessionaire, nonprofit organization, or arcade
15 may provide amusement games to the public under the
16 following conditions:

17 (1) The fee paid for the right to play the game does
18 not exceed \$5.

19 (2) A cash prize is not awarded.

20 (3) The system for awarding prizes does not require
21 forfeiture of a previously won prize unless the prize is
22 traded for a prize of equal or greater value.

23 (4) Concealed numbers or conversion charts are not used
24 in conducting the game.

25 (5) The game is not designed or adapted with a control

1 device to permit manipulation during the play of the game by
2 any person to control the ability of a player to win or to
3 predetermine who the winner will be. A crane game may not
4 contain a variable resistor or any turn screw, knob,
5 potentiometer, or similar device that may be used to alter
6 the closing strength of the game's claws or retrieval
7 device.

8 (6) The object of the game is attainable and possible
9 to perform, under the stated game rules, from the playing
10 position of the player.

11 (7) The game is conducted in a fair and honest manner
12 and does not constitute a fraud upon the players.

13 NEW SECTION. Section 3. Authority to inspect. At any
14 time during normal business hours, local law enforcement
15 officers and department of justice employees may inspect any
16 amusement game made available for public play by an
17 operator, concessionaire, nonprofit organization, or arcade
18 for compliance with [section 2].

19 NEW SECTION. Section 4. Violations. A person who
20 purposely or knowingly violates or procures, aids, or abets
21 in a violation of [section 2] is punishable by a fine not to
22 exceed \$1,000 or by imprisonment in the county jail for a
23 term not to exceed 6 months, or both.

24 **Section 5.** Section 23-5-112, MCA, is amended to read:
25 "23-5-112. Definitions. Unless the context requires

1 otherwise, the following definitions apply to parts 1
2 through 6 of this chapter:

3 (1) "Applicant" means a person who has applied for a
4 license or permit issued by the department pursuant to parts
5 1 through 6 of this chapter.

6 (2) "Application" means a written request for a license
7 or permit issued by the department. The department shall
8 adopt rules describing the forms and information required
9 for issuance of a license.

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

13 (4) "Bingo" means a gambling activity played for prizes
14 with a card bearing a printed design of 5 columns of 5
15 squares each, 25 squares in all. The letters B-I-N-G-O must
16 appear above the design, with each letter above one of the
17 columns. No more than 75 numbers may be used. One number
18 must appear in each square, except for the center square,
19 which may be considered a free play. Numbers are randomly
20 drawn using authorized equipment until the game is won by
21 the person or persons who first cover a previously
22 designated arrangement of numbers on the bingo card.

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

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

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

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

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

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

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

12 (10) "Gambling" or "gambling activity" means risking
13 money, credit, deposit, check, property, or any other thing
14 of value for a gain that is contingent in whole or in part
15 upon lot, chance, or the operation of a gambling device or
16 gambling enterprise. The term does not include amusement
17 games regulated by [sections 1 through 4].

18 (11) "Gambling device" means a mechanical,
19 electromechanical, or electronic device, machine, slot
20 machine, instrument, apparatus, contrivance, scheme, or
21 system used or intended for use in any gambling activity.

22 (12) "Gambling enterprise" means an activity, scheme, or
23 agreement or an attempted activity, scheme, or agreement to
24 provide gambling or a gambling device to the public.

25 (13) "Gross proceeds" means gross revenue received less

1 prizes paid out.

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

5 (15) "Illegal gambling enterprise" means a gambling
6 enterprise that violates a statute or a rule of the
7 department.

8 (16) "Keno" means a game of chance in which prizes are
9 awarded using a card with 8 horizontal rows and 10 columns
10 on which a player may pick up to 10 numbers. A keno caller,
11 using authorized equipment, shall select at random at least
12 20 numbers out of numbers between 1 and 80, inclusive.

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

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

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

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

24 (21) "Lottery" or "gift enterprise" means a scheme, by
25 whatever name known, for the disposal or distribution of

1 property by chance among persons who have paid or promised
2 to pay valuable consideration for the chance of obtaining
3 the property or a portion of it or for a share or interest
4 in the property upon an agreement, understanding, or
5 expectation that it is to be distributed or disposed of by
6 lot or chance. However, "gift enterprise" does not mean:

7 (a) lotteries authorized under part 10 of this chapter;
8 or

9 (b) cash or merchandise attendance prizes or premiums
10 that the county fair commissioners of agricultural fairs and
11 rodeo associations may give away at public drawings at fairs
12 and rodeos.

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

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

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

25 (25) "Person" or "persons" means both natural and

1 artificial persons and all partnerships, corporations,
2 associations, clubs, fraternal orders, and societies,
3 including religious and charitable organizations.

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

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

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

11 (b) a place of public resort, including but not limited
12 to a facility owned, managed, or operated by a partnership,
13 corporation, association, club, fraternal order, or society,
14 including a religious or charitable organization.

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

17 (29) "Slot machine" means a mechanical, electrical,
18 electronic, or other gambling device, contrivance, or
19 machine that, upon insertion of a coin, currency, token,
20 credit card, or similar object or upon payment of any
21 valuable consideration, is available to play or operate, the
22 play or operation of which, whether by reason of the skill
23 of the operator or application of the element of chance, or
24 both, may deliver or entitle the person playing or operating
25 the gambling device to receive cash, premiums, merchandise,

1 tokens, or anything of value, whether the payoff is made
2 automatically from the machine or in any other manner. This
3 definition does not apply to video gambling machines
4 authorized under part 6 of this chapter.

5 (30) "Video gambling machine" is a gambling device
6 specifically authorized by part 6 of this chapter and the
7 rules of the department."

8 NEW SECTION. **Section 6.** Effective date. [This act] is
9 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 270

INTRODUCED BY WILLIAMS, KENNEDY, M. HANSON, GROSFIELD,
CODY, DRISCOLL, SCHYE, MCCAFFREE, GILBERT, J. RICE,
RYE, NOBLE, AKLESTAD, TVEIT, STEPLER, HOFFMAN, THOMAS,
FRITZ, GOULD, STRIZICH, ZOOK, D. BROWN, BENEDICT, QUILICI,
KASTEN, T. BECK, LARSON, WEEDING, HARP, PAVLOVICH, NATHE,
JERGESON, HAGER, GRINDE, BRADLEY

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AND REGULATING
AMUSEMENT GAMES; AMENDING SECTION 23-5-112, MCA; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE."

STATEMENT OF INTENT

A STATEMENT OF INTENT IS REQUIRED FOR THIS BILL BECAUSE
[SECTION 4] GRANTS RULEMAKING AUTHORITY TO THE DEPARTMENT OF
JUSTICE. THE DEPARTMENT IS AUTHORIZED TO ADOPT RULES
DESCRIBING THE TYPES OF AMUSEMENT GAMES THAT MAY BE MADE
AVAILABLE FOR PUBLIC PLAY. THE LEGISLATURE INTENDS THAT THE
RULES DESCRIBE THOSE GAMES THAT HAVE BEEN TRADITIONALLY
OFFERED AT COUNTY FAIRS AND CARNIVALS AND THAT ARE BASED ON
SKILL OR MIXED CHANCE AND SKILL. IT IS FURTHER INTENDED THAT
THE DEPARTMENT CONSULT WITH CARNIVAL OPERATORS AND OTHER
INTERESTED PERSONS WHEN DEVELOPING THE RULES.

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

NEW SECTION. Section 1. Definitions. Unless the
context requires otherwise, the following definitions apply
in [sections 1 through 4]:

(1) (a) "Amusement game" means:

(i) a game played for amusement or entertainment,
including a crane game, in which:

(A) the player actively participates;

(B) the outcome of the game depends upon the skill of
the player, OR mixed chance and skill, ~~or chance~~ and is not
controlled by any other person;

(C) the player gives valuable consideration, in money
or otherwise, for the right to play the game;

(D) only ~~tangible-personal-property-or-nontransferable~~
~~tokens, tickets, or coupons that may be accumulated and~~
~~redeemed for tangible personal property are awarded as a~~
prize IS AWARDED TO A PLAYER;

(E) the sale of a right to participate, the
determination of winners, and the distribution of prizes all
occur in the presence of all players;

(F) prizes are displayed; and

(G) prizes may not be repurchased; and

(ii) a coin-operated electrical or electromechanical
device that confers as a prize an immediate, unrecorded
right of replay not exchangeable for something of value and
that does not make a permanent record, directly or

1 indirectly, of free replays that are awarded.

2 (b) The term does not include:

3 (I) a device that simulates a gambling activity, as
4 defined in 23-5-112, and that contains or may be adapted to
5 contain switches that permit the elimination of credits
6 earned by a player or meters that measure the number of
7 credits that have been eliminated; OR

8 (II) AN ACTIVITY THAT IS INCLUDED AS A CLASS III GAMING
9 ACTIVITY PURSUANT TO THE FEDERAL INDIAN GAMING REGULATORY
10 ACT, 25 U.S.C. 2710.

11 (2) "Arcade" means a commercial establishment whose
12 primary purpose is to make amusement games available for
13 public play.

14 (3) "Concessionaire" means a person who owns one or
15 more amusement games and who enters into an agreement with
16 an operator, AS DEFINED IN SUBSECTION (6)(A), to conduct
17 games. A concessionaire may also be an operator.

18 (4) "Crane game" means an amusement game activated by
19 the insertion of a coin or token by which the player uses
20 one or more buttons, control sticks, or similar means of
21 control or a combination of those means of control to
22 position a mechanical or electromechanical claw or other
23 retrieval device over a prize and attempts to retrieve it.

24 (5) "Nonprofit organization" means a nonprofit
25 corporation or a nonprofit charitable, religious,

1 scholastic, educational, veterans', fraternal, beneficial,
2 civic, or service organization, established for a purpose
3 other than conducting amusement games.

4 (6) "Operator" means a person who:

5 (A) enters into an agreement with a county fair
6 commission, board of directors of a fair district, joint
7 fair and civic center commission, business OR AN
8 association,--or--similar--entity, OF BUSINESSES, SUCH AS A
9 SHOPPING CENTER OR DOWNTOWN AREA, to provide amusement
10 games; OR

11 (B) MAKES A CRANE GAME AVAILABLE FOR PUBLIC PLAY ON HIS
12 PREMISES OR ON PREMISES OWNED BY ANOTHER PERSON.

13 (7) "PRIZE" MEANS ONLY TANGIBLE PERSONAL PROPERTY WITH
14 A VALUE OF \$50 OR LESS OR NONTRANSFERABLE TOKENS, TICKETS,
15 OR COUPONS THAT MAY BE ACCUMULATED AND REDEEMED FOR TANGIBLE
16 PERSONAL PROPERTY WITH A VALUE OF \$50 OR LESS.

17 NEW SECTION. Section 2. Requirements for games. An
18 operator, concessionaire, nonprofit organization, or arcade
19 may provide amusement games to the public under the
20 following conditions:

21 (1) THE AMUSEMENT GAME HAS BEEN AUTHORIZED BY RULE AS
22 PROVIDED FOR IN [SECTION 4].

23 (2) THE APPROPRIATE PERMIT TO OPERATE THE GAME HAS BEEN
24 OBTAINED AS PROVIDED FOR IN [SECTION 3].

25 ††(3) The fee paid for the right to play the game does

1 not exceed \$5 \$2.

2 {2}(4) A cash prize is not awarded.

3 {3}(5) The system for awarding prizes does not require
4 forfeiture of a previously won prize unless the prize is
5 traded for a prize of equal or greater value.

6 {4}(6) Concealed numbers or conversion charts are not
7 used in conducting the game.

8 {5}(7) The game is not designed or adapted with a
9 control device to permit manipulation during the play of the
10 game by any person to control the ability of a player to win
11 or to predetermine who the winner will be. A crane game may
12 not contain a variable resistor or any turn screw, knob,
13 potentiometer, or similar device that may be used to alter
14 the closing strength of the game's claws or retrieval
15 device.

16 {6}(8) The object of the game is attainable and
17 possible to perform, under the stated game rules, from the
18 playing position of the player.

19 {7}(9) The game is conducted in a fair and honest
20 manner and does not constitute a fraud upon the players.

21 NEW SECTION. SECTION 3. PERMITS. (1) BEFORE MAKING AN
22 AMUSEMENT GAME AVAILABLE FOR PUBLIC PLAY, AN OPERATOR,
23 CONCESSIONAIRE, NONPROFIT ORGANIZATION, OR ARCADE SHALL
24 OBTAIN THE APPROPRIATE PERMIT, AS PROVIDED IN SUBSECTIONS
25 (2) THROUGH (4), FROM THE BOARD OF COUNTY COMMISSIONERS OF

1 THE COUNTY IN WHICH THE GAME IS TO BE MADE AVAILABLE FOR
2 PUBLIC PLAY. THE BOARD OF COUNTY COMMISSIONERS MAY CHARGE A
3 FEE FOR ISSUING A PERMIT UNDER THIS SECTION.

4 (2) THE BOARD OF COUNTY COMMISSIONERS MAY ISSUE A
5 PERMIT TO AN OPERATOR, AS DEFINED IN [SECTION 1(6)(A)], A
6 CONCESSIONAIRE, OR A NONPROFIT ORGANIZATION. EACH PERMIT
7 ENTITLES THE PERMITTEE TO OPERATE AMUSEMENT GAMES IN THE
8 COUNTY FOR A MAXIMUM OF 14 CONSECUTIVE DAYS.

9 (3) THE BOARD OF COUNTY COMMISSIONERS MAY ISSUE AN
10 OPERATOR, AS DEFINED IN [SECTION 1(6)(B)], AN ANNUAL PERMIT
11 FOR EACH CRANE GAME TO BE OPERATED IN THE COUNTY. A PERMIT
12 IS EFFECTIVE JANUARY 1 THROUGH DECEMBER 31. AN OPERATOR, AS
13 DEFINED IN [SECTION 1(6)(A)], A CONCESSIONAIRE, A NONPROFIT
14 ORGANIZATION, OR AN ARCADE THAT MAKES A CRANE GAME AVAILABLE
15 FOR PUBLIC PLAY NEED NOT OBTAIN A PERMIT UNDER THIS
16 SUBSECTION.

17 (4) THE BOARD OF COUNTY COMMISSIONERS MAY ISSUE AN
18 ANNUAL PERMIT TO AN ARCADE. A PERMIT IS EFFECTIVE JANUARY 1
19 THROUGH DECEMBER 31.

20 NEW SECTION. SECTION 4. RULEMAKING AUTHORITY. THE
21 DEPARTMENT OF JUSTICE SHALL ADOPT RULES DESCRIBING THOSE
22 AMUSEMENT GAMES THAT MAY BE MADE AVAILABLE FOR PUBLIC PLAY
23 UNDER [SECTIONS 1 THROUGH 7].

24 NEW SECTION. Section 5. Authority to inspect. At any
25 time during normal business hours, local law enforcement

1 officers and department of justice employees may inspect any
2 amusement game made available for public play by an
3 operator, concessionaire, nonprofit organization, or arcade
4 for compliance with [section 2].

5 NEW SECTION. SECTION 6. GAMBLING AND ILLEGAL GAMBLING
6 DEVICES AND ENTERPRISES PROHIBITED. AN OPERATOR,
7 CONCESSIONAIRE, NONPROFIT ORGANIZATION, OR ARCADE MAY NOT
8 MAKE AVAILABLE FOR PLAY A GAMBLING OR ILLEGAL GAMBLING
9 DEVICE OR ENTERPRISE GOVERNED UNDER TITLE 23, CHAPTER 5,
10 PARTS 1 THROUGH 6.

11 NEW SECTION. Section 7. Violations. A person who
12 purposely or knowingly violates or procures, aids, or abets
13 in a violation of [section 2] is punishable by a fine not to
14 exceed \$1,000 or by imprisonment in the county jail for a
15 term not to exceed 6 months, or both.

16 **Section 8.** Section 23-5-112, MCA, is amended to read:

17 "23-5-112. Definitions. Unless the context requires
18 otherwise, the following definitions apply to parts 1
19 through 6 of this chapter:

20 (1) "Applicant" means a person who has applied for a
21 license or permit issued by the department pursuant to parts
22 1 through 6 of this chapter.

23 (2) "Application" means a written request for a license
24 or permit issued by the department. The department shall
25 adopt rules describing the forms and information required

1 for issuance of a license.

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

5 (4) "Bingo" means a gambling activity played for prizes
6 with a card bearing a printed design of 5 columns of 5
7 squares each, 25 squares in all. The letters B-I-N-G-O must
8 appear above the design, with each letter above one of the
9 columns. No more than 75 numbers may be used. One number
10 must appear in each square, except for the center square,
11 which may be considered a free play. Numbers are randomly
12 drawn using authorized equipment until the game is won by
13 the person or persons who first cover a previously
14 designated arrangement of numbers on the bingo card.

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

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

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

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

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

25 (a) purchases or obtains from another person equipment

1 of any kind for use in gambling activities; and

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

4 (10) "Gambling" or "gambling activity" means risking
5 money, credit, deposit, check, property, or any other thing
6 of value for a gain that is contingent in whole or in part
7 upon lot, chance, or the operation of a gambling device or
8 gambling enterprise. The term does not include amusement
9 games regulated by [sections 1 through 4 7].

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

14 (12) "Gambling enterprise" means an activity, scheme, or
15 agreement or an attempted activity, scheme, or agreement to
16 provide gambling or a gambling device to the public.

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

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

22 (15) "Illegal gambling enterprise" means a gambling
23 enterprise that violates a statute or a rule of the
24 department.

25 (16) "Keno" means a game of chance in which prizes are

1 awarded using a card with 8 horizontal rows and 10 columns
2 on which a player may pick up to 10 numbers. A keno caller,
3 using authorized equipment, shall select at random at least
4 20 numbers out of numbers between 1 and 80, inclusive.

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

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

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

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

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

24 (a) lotteries authorized under part 10 of this chapter;
25 or

1 (b) cash or merchandise attendance prizes or premiums
2 that the county fair commissioners of agricultural fairs and
3 rodeo associations may give away at public drawings at fairs
4 and rodeos.

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

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

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

17 (25) "Person" or "persons" means both natural and
18 artificial persons and all partnerships, corporations,
19 associations, clubs, fraternal orders, and societies,
20 including religious and charitable organizations.

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

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

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

3 (b) a place of public resort, including but not limited
4 to a facility owned, managed, or operated by a partnership,
5 corporation, association, club, fraternal order, or society,
6 including a religious or charitable organization.

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

9 (29) "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) "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 9.** Effective date. [This act] is

SB 0270/02

1 effective on passage and approval.

-End-

1 SENATE BILL NO. 270

2 INTRODUCED BY WILLIAMS, KENNEDY, M. HANSON, GROSFIELD,
 3 CODY, DRISCOLL, SCHYE, MCCAFFREE, GILBERT, J. RICE,
 4 RYE, NOBLE, ARLESTAD, TVEIT, STEPPLER, HOFFMAN, THOMAS,
 5 FRITZ, GOULD, STRIZICH, ZOOK, D. BROWN, BENEDICT, QUILICI,
 6 KASTEN, T. BECK, LARSON, WEEDING, HARP, PAVLOVICH, NATHE,
 7 JERGESON, HAGER, GRINDE, BRADLEY

8
 9 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AND REGULATING
 10 AMUSEMENT GAMES; AMENDING SECTION 23-5-112, MCA; AND
 11 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

12 STATEMENT OF INTENT

13 A STATEMENT OF INTENT IS REQUIRED FOR THIS BILL BECAUSE
 14 [SECTION 4] GRANTS RULEMAKING AUTHORITY TO THE DEPARTMENT OF
 15 JUSTICE. THE DEPARTMENT IS AUTHORIZED TO ADOPT RULES
 16 DESCRIBING THE TYPES OF AMUSEMENT GAMES THAT MAY BE MADE
 17 AVAILABLE FOR PUBLIC PLAY. THE LEGISLATURE INTENDS THAT THE
 18 RULES DESCRIBE THOSE GAMES THAT HAVE BEEN TRADITIONALLY
 19 OFFERED AT COUNTY FAIRS AND CARNIVALS AND THAT ARE BASED ON
 20 SKILL OR MIXED CHANCE AND SKILL. IT IS FURTHER INTENDED THAT
 21 THE DEPARTMENT CONSULT WITH CARNIVAL OPERATORS AND OTHER
 22 INTERESTED PERSONS WHEN DEVELOPING THE RULES.

23
 24
 25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:



1 NEW SECTION. Section 1. Definitions. Unless the
 2 context requires otherwise, the following definitions apply
 3 in [sections 1 through 4 7]:

4 (i) (a) "Amusement game" means:

5 (i) a game played for amusement or entertainment,
 6 including a crane game, in which:

7 (A) the player actively participates;

8 (B) the outcome of the game depends upon the skill of
 9 the player, OR mixed chance and skill, ~~or chance~~ and is not
 10 controlled by any other person;

11 (C) the player gives valuable consideration, in money
 12 or otherwise, for the right to play the game;

13 (D) only ~~tangible-personal-property-or-nontransferable~~
 14 ~~tokens, tickets, or coupons--that--may--be--accumulated--and~~
 15 ~~redeemed--for--tangible--personal--property--are--awarded--as a~~
 16 prize IS AWARDED TO A PLAYER;

17 (E) the sale of a right to participate, the
 18 determination of winners, and the distribution of prizes all
 19 occur in the presence of all players;

20 (F) prizes are displayed; and

21 (G) prizes may not be repurchased; and

22 (ii) a coin-operated electrical or electromechanical
 23 device that confers as a prize an immediate, unrecorded
 24 right of replay not exchangeable for something of value and
 25 that does not make a permanent record, directly or

1 indirectly, of free replays that are awarded.

2 (b) The term does not include:

3 (1) a device that simulates a gambling activity, as
4 defined in 23-5-112, and that contains or may be adapted to
5 contain switches that permit the elimination of credits
6 earned by a player or meters that measure the number of
7 credits that have been eliminated; OR

8 (11) AN ACTIVITY THAT IS INCLUDED AS A CLASS III GAMING
9 ACTIVITY PURSUANT TO THE FEDERAL INDIAN GAMING REGULATORY
10 ACT, 25 U.S.C. 2710.

11 (2) "Arcade" means a commercial establishment whose
12 primary purpose is to make amusement games available for
13 public play.

14 (3) "Concessionaire" means a person who owns one or
15 more amusement games and who enters into an agreement with
16 an operator, AS DEFINED IN SUBSECTION (6)(A), to conduct
17 games. A concessionaire may also be an operator.

18 (4) "Crane game" means an amusement game activated by
19 the insertion of a coin or token by which the player uses
20 one or more buttons, control sticks, or similar means of
21 control or a combination of those means of control to
22 position a mechanical or electromechanical claw or other
23 retrieval device over a prize and attempts to retrieve it.

24 (5) "Nonprofit organization" means a nonprofit
25 corporation or a nonprofit charitable, religious,

1 scholastic, educational, veterans', fraternal, beneficial,
2 civic, or service organization, established for a purpose
3 other than conducting amusement games.

4 (6) "Operator" means a person who:

5 (A) enters into an agreement with a county fair
6 commission, board of directors of a fair district, joint
7 fair and civic center commission, business OR AN
8 association,--or--similar--entity, OF BUSINESSES, SUCH AS A
9 SHOPPING CENTER OR DOWNTOWN AREA, to provide amusement
10 games; OR

11 (B) MAKES A CRANE GAME AVAILABLE FOR PUBLIC PLAY ON HIS
12 PREMISES OR ON PREMISES OWNED BY ANOTHER PERSON.

13 (7) "PRIZE" MEANS ONLY TANGIBLE PERSONAL PROPERTY WITH
14 A VALUE OF \$50 OR LESS OR NONTRANSFERABLE TOKENS, TICKETS,
15 OR COUPONS THAT MAY BE ACCUMULATED AND REDEEMED FOR TANGIBLE
16 PERSONAL PROPERTY WITH A VALUE OF \$50 OR LESS.

17 NEW SECTION. Section 2. Requirements for games. An
18 operator, concessionaire, nonprofit organization, or arcade
19 may provide amusement games to the public under the
20 following conditions:

21 (1) THE AMUSEMENT GAME HAS BEEN AUTHORIZED BY RULE AS
22 PROVIDED FOR IN [SECTION 4].

23 (2) THE APPROPRIATE PERMIT TO OPERATE THE GAME HAS BEEN
24 OBTAINED AS PROVIDED FOR IN [SECTION 3].

25 (3) The fee paid for the right to play the game does

1 not exceed \$5 \$2.

2 ~~†2†~~(4) A cash prize is not awarded.

3 ~~†3†~~(5) The system for awarding prizes does not require
4 forfeiture of a previously won prize unless the prize is
5 traded for a prize of equal or greater value.

6 ~~†4†~~(6) Concealed numbers or conversion charts are not
7 used in conducting the game.

8 ~~†5†~~(7) The game is not designed or adapted with a
9 control device to permit manipulation during the play of the
10 game by any person to control the ability of a player to win
11 or to predetermine who the winner will be. A crane game may
12 not contain a variable resistor or any turn screw, knob,
13 potentiometer, or similar device that may be used to alter
14 the closing strength of the game's claws or retrieval
15 device.

16 ~~†6†~~(8) The object of the game is attainable and
17 possible to perform, under the stated game rules, from the
18 playing position of the player.

19 ~~†7†~~(9) The game is conducted in a fair and honest
20 manner and does not constitute a fraud upon the players.

21 NEW SECTION. SECTION 3. PERMITS. (1) BEFORE MAKING AN
22 AMUSEMENT GAME AVAILABLE FOR PUBLIC PLAY, AN OPERATOR,
23 CONCESSIONAIRE, NONPROFIT ORGANIZATION, OR ARCADE SHALL
24 OBTAIN THE APPROPRIATE PERMIT, AS PROVIDED IN SUBSECTIONS
25 (2) THROUGH (4), FROM THE BOARD OF COUNTY COMMISSIONERS OF

1 THE COUNTY IN WHICH THE GAME IS TO BE MADE AVAILABLE FOR
2 PUBLIC PLAY. THE BOARD OF COUNTY COMMISSIONERS MAY CHARGE A
3 FEE FOR ISSUING A PERMIT UNDER THIS SECTION.

4 (2) THE BOARD OF COUNTY COMMISSIONERS MAY ISSUE A
5 PERMIT TO AN OPERATOR, AS DEFINED IN [SECTION 1(6)(A)], A
6 CONCESSIONAIRE, OR A NONPROFIT ORGANIZATION. EACH PERMIT
7 ENTITLES THE PERMITTEE TO OPERATE AMUSEMENT GAMES IN THE
8 COUNTY FOR A MAXIMUM OF 14 CONSECUTIVE DAYS.

9 (3) THE BOARD OF COUNTY COMMISSIONERS MAY ISSUE AN
10 OPERATOR, AS DEFINED IN [SECTION 1(6)(B)], AN ANNUAL PERMIT
11 FOR EACH CRANE GAME TO BE OPERATED IN THE COUNTY. A PERMIT
12 IS EFFECTIVE JANUARY 1 THROUGH DECEMBER 31. AN OPERATOR, AS
13 DEFINED IN [SECTION 1(6)(A)], A CONCESSIONAIRE, A NONPROFIT
14 ORGANIZATION, OR AN ARCADE THAT MAKES A CRANE GAME AVAILABLE
15 FOR PUBLIC PLAY NEED NOT OBTAIN A PERMIT UNDER THIS
16 SUBSECTION.

17 (4) THE BOARD OF COUNTY COMMISSIONERS MAY ISSUE AN
18 ANNUAL PERMIT TO AN ARCADE. A PERMIT IS EFFECTIVE JANUARY 1
19 THROUGH DECEMBER 31.

20 NEW SECTION. SECTION 4. RULEMAKING AUTHORITY. THE
21 DEPARTMENT OF JUSTICE SHALL ADOPT RULES DESCRIBING THOSE
22 AMUSEMENT GAMES THAT MAY BE MADE AVAILABLE FOR PUBLIC PLAY
23 UNDER [SECTIONS 1 THROUGH 7].

24 NEW SECTION. Section 5. Authority to inspect. At any
25 time during normal business hours, local law enforcement

1 officers and department of justice employees may inspect any
2 amusement game made available for public play by an
3 operator, concessionaire, nonprofit organization, or arcade
4 for compliance with [section 2].

5 NEW SECTION. SECTION 6. GAMBLING AND ILLEGAL GAMBLING
6 DEVICES AND ENTERPRISES PROHIBITED. AN OPERATOR,
7 CONCESSIONAIRE, NONPROFIT ORGANIZATION, OR ARCADE MAY NOT
8 MAKE AVAILABLE FOR PLAY A GAMBLING OR ILLEGAL GAMBLING
9 DEVICE OR ENTERPRISE GOVERNED UNDER TITLE 23, CHAPTER 5,
10 PARTS 1 THROUGH 6.

11 NEW SECTION. Section 7. Violations. A person who
12 purposely or knowingly violates or procures, aids, or abets
13 in a violation of [section 2] is punishable by a fine not to
14 exceed \$1,000 or by imprisonment in the county jail for a
15 term not to exceed 6 months, or both.

16 **Section 8.** Section 23-5-112, MCA, is amended to read:

17 ***23-5-112. Definitions.** Unless the context requires
18 otherwise, the following definitions apply to parts 1
19 through 6 of this chapter:

20 (1) "Applicant" means a person who has applied for a
21 license or permit issued by the department pursuant to parts
22 1 through 6 of this chapter.

23 (2) "Application" means a written request for a license
24 or permit issued by the department. The department shall
25 adopt rules describing the forms and information required

1 for issuance of a license.

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

5 (4) "Bingo" means a gambling activity played for prizes
6 with a card bearing a printed design of 5 columns of 5
7 squares each, 25 squares in all. The letters B-I-N-G-O must
8 appear above the design, with each letter above one of the
9 columns. No more than 75 numbers may be used. One number
10 must appear in each square, except for the center square,
11 which may be considered a free play. Numbers are randomly
12 drawn using authorized equipment until the game is won by
13 the person or persons who first cover a previously
14 designated arrangement of numbers on the bingo card.

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

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

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

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

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

25 (a) purchases or obtains from another person equipment

1 of any kind for use in gambling activities; and

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

4 (10) "Gambling" or "gambling activity" means risking
5 money, credit, deposit, check, property, or any other thing
6 of value for a gain that is contingent in whole or in part
7 upon lot, chance, or the operation of a gambling device or
8 gambling enterprise. The term does not include amusement
9 games regulated by [sections 1 through 7].

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

14 (12) "Gambling enterprise" means an activity, scheme, or
15 agreement or an attempted activity, scheme, or agreement to
16 provide gambling or a gambling device to the public.

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

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

22 (15) "Illegal gambling enterprise" means a gambling
23 enterprise that violates a statute or a rule of the
24 department.

25 (16) "Keno" means a game of chance in which prizes are

1 awarded using a card with 8 horizontal rows and 10 columns
2 on which a player may pick up to 10 numbers. A keno caller,
3 using authorized equipment, shall select at random at least
4 20 numbers out of numbers between 1 and 80, inclusive.

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

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

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

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

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

24 (a) lotteries authorized under part 10 of this chapter;
25 or

1 (b) cash or merchandise attendance prizes or premiums
2 that the county fair commissioners of agricultural fairs and
3 rodeo associations may give away at public drawings at fairs
4 and rodeos.

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

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

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

17 (25) "Person" or "persons" means both natural and
18 artificial persons and all partnerships, corporations,
19 associations, clubs, fraternal orders, and societies,
20 including religious and charitable organizations.

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

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

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

3 (b) a place of public resort, including but not limited
4 to a facility owned, managed, or operated by a partnership,
5 corporation, association, club, fraternal order, or society,
6 including a religious or charitable organization.

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

9 (29) "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) "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 9.** Effective date. [This act] is

SB 0270/02

1 effective on passage and approval.

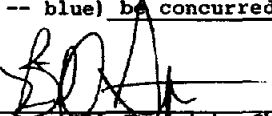
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HOUSE STANDING COMMITTEE REPORT

April 1, 1991
Page 2 of 8

April 1, 1991
Page 1 of 8

Mr. Speaker: We, the committee on Judiciary report that Senate Bill 270 (third reading copy -- blue) be concurred in as amended.

Signed: 
Bill Stizich, Chairman

CARRIED BY Dave Brown

And, that such amendments read:

1. Page 1, lines 13 through 23.
Strike: lines 13 through 23 in their entirety
2. Page 2, line 4 through page 3, line 10.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections
3. Page 3, line 16.
Strike: "(6) (A)"
Insert: "(5) (a)"
4. Page 4, line 7.
Following: "business"
Insert: "business,"
5. Page 4, line 11.
Strike: "A CRANE"
Insert: "an amusement"
6. Page 4, lines 14 and 16.
Following: "A"
Insert: "wholesale"
7. Page 4, lines 21 and 22.
Strikes: "THE AMUSEMENT" on line 21 through "4]" on line 22
Insert: "The sale of a right to participate, the determination of winners, and the distribution of prizes all occur in the presence of all players"
8. Page 4, line 25 through page 5, line 1.
Strike: "The fee" on page 4, line 25 through "\$2" on page 5, line 1
Insert: "The player pays cash for the right to play the game"

9. Page 5, line 2.
Following: "awarded"
Insert: ", and only a prize is awarded. Prizes must be displayed and may not be repurchased"

10. Page 5, line 9.
Strike: "during the play"

11. Page 5, line 10.
Strike: "by any person"

12. Page 6, line 2
Following: "MAY"
Insert: "not"

13. Page 6, line 11.
Strike: "CRANE"
Insert: "amusement"

14. Page 6, line 14.
Strike: "A CRANE"
Insert: "an amusement"

15. Page 6, lines 20 through 23.
Strike: section 4 in its entirety
Insert: "NEW SECTION. Section 4. Amusement games allowed. (1) Crane games, as defined in [section 1], and the games described in subsection (2) may be made available for public play.

(2) (a) Fish pond (duck pond). The player catches a fish or other object floating in a pond of water by using a pole, hand, net, or string. All fish or objects are marked on the bottom, indicating the size of prize the player wins. The player is awarded a prize each time, and the player must be allowed to continue playing until a prize is won.

(b) Hoop or ring toss. The player tosses a hoop or ring over a target that must consist of bottles, pegs, blocks, or prizes. The operator shall specifically advise the player as to the degree that the hoop or ring must go over the target. All hoops of the same color used at an individual stand must be the same size. All targets used at an individual booth must be the same size, or the operator shall advise the player by posting signs or using color codes denoting the different sizes.

(c) Dart games. The target area for all dart games must be of a material capable of being penetrated and of retaining a metal tip dart. The target area must be in the rear of the stand and must be at least 3 feet but not more than 15 feet from the foul line. A target must be

stationary at all times.

(i) Balloon (poparoo) (balloon smash). The targets are inflated balloons. The player throws one or more darts to burst a predetermined number of balloons. If the predetermined number of balloons are burst by the darts, the player receives the prize indicated.

(ii) Dart throw. The targets are various sizes and shapes located on the target area. The player throws darts individually at the target. A dart must stick in a predetermined target to win the prize as designated.

(iii) Tic tac toe dart. The target is a tic tac toe board located in the target area. The player throws darts at the target and wins a designated prize when the thrown darts line up in a row in the target. The darts may line up vertically, horizontally, or diagonally to win.

(iv) Add-um-up darts. The target consists of numbered squares located in the target area. Prizes are awarded based on the total score obtained by the player by throwing and sticking the darts in the numbered squares. A dart that sticks on a line must be thrown again. The player may add up the score of the darts thrown.

(d) Ball tosses. In all ball toss games, the balls used at a specific stand must be of the same weight and size. Targets must be of the same weight and size, or the operator shall color code the targets and advise the player of the difference in targets by posting a sign or providing a duplicate of the target showing the limitations or restrictions. The sign or duplicate target must be readily visible to the player.

(i) Milk bottle toss. The player tosses or throws balls at simulated milk bottles. The player wins by either tipping over or knocking bottles off the raised platform as designated by the operator. The bottles may be constructed of wood, metal, or plastic or a combination of the three. Operators may vary the number of bottles and balls used in each game. Floating or loose weights in bottles are not allowed. The weight of individual bottles may not exceed 7 1/2 pounds.

(ii) Milk can (Mexican hat) (cone). The player tosses a ball into the opening of a milk can, into a fiberglass Mexican hat turned upside down, or through a cone to win.

(iii) Football toss (tire toss). The player tosses or throws a football through a stationary tire or hoop to win.

(iv) Basketball toss/throw. The player tosses or throws a basketball through a hoop to win.

(v) Bushel baskets. The player tosses balls into a bushel basket mounted on a stationary backdrop at a fixed angle. The balls must stay in the basket to win. Rim shots are allowed, except the operator may designate the top 6

inches of the basket rim by color and disallow balls striking this area as winning tosses.

(vi) Cat-ball-toss (star/diamond toss). The player tosses balls into a simulated cat's mouth or a round, diamond, or star-shaped hole to win.

(vii) Ping pong toss. The player tosses ping pong balls into dishes, saucers, cups, or ashtrays floating in water. A predetermined number of balls must remain in the dishes, saucers, cups, or ashtrays for the player to win. The dishes, saucers, cups, or ashtrays must have water covering the bottom of the surface that is facing up.

(viii) Fish bowl game. The player tosses ping pong balls into a water-filled fish bowl to win.

(ix) Volley ball toss (soccer ball). The player tosses a volley or soccer ball into a keg-type container mounted on a stationary backdrop at a fixed angle. The ball must stay in the keg to win a prize. Rim shots are authorized as stated in subsection (2)(d)(iv) for bushel baskets.

(x) Goblet ball (whiffle ball). The player tosses a whiffle ball into a target area of glass or plastic goblets. Located in the target area are colored goblets that determine the type of prize the player wins. At least 33% of the goblets in the target area must be winners. The ball must stay in the goblet to win a prize.

(xi) Break the plate/bottle. The player tosses or throws a ball at a plate, phonograph record, or bottle. The type of prize won is determined by the number of targets broken by the player.

(xii) Punk rack. The targets for this game are rows of dolls or cats on a ledge at the rear of the stand. The dolls or cats must be filled with sawdust, styrofoam, cotton, or other like material that provides a firm base for the ball to strike. The hair protruding from the side of the dolls or cats may not exceed 3 inches. The prize is determined by how many dolls or cats the player knocks over or off the ledge, as posted by the operator.

(xiii) Teeth game. The target consists of a large face with wooden teeth. The prize is determined by how many teeth the player knocks down by throwing a ball.

(xiv) Toilet game (doniker). To win, the player tosses or throws a ball or other object through a toilet seat located at the rear of the stand.

(xv) Coke roll. The player rolls a ball down an alley with the object of knocking over two coke bottles standing at the end of the alley. The player must tip over both bottles to win. Bottles must be placed on predetermined spots painted on the surface of the alley.

(xvi) Rolldown. The player rolls balls down an alley with the object of putting the balls in numbered slots at

the end of the alley. The scores represented by the balls in each numbered slot are added up at the conclusion of the game. Scores above or below a predetermined score win. The alley surface must be smooth and free from defects at all times.

(xvii) Fascination (I got it). Fascination is a group game that involves competition among the players. The target area consists of 25 holes, and the player tosses or rolls a ball into one of the holes. The object of the game is to get five balls in a row either vertically, horizontally, or diagonally. The first player to accomplish this is the winner. Prize size is determined by the number of players participating in each game.

(xviii) Cake walk. The players walk on a predetermined route with designated spots, and when the operator stops the walk, the player on a predetermined spot wins a prize.

(xix) Batter-up. The player uses a whiffle ball bat to swing and strike whiffle balls that are pitched at medium speed from a pitching machine. The player wins when he hits a ball into the home run shelf. The home run shelf is located at the back of the batting cage approximately 15 feet from the player.

(xx) Sky bowling. Two bowling pins are set on predetermined painted spots on a shelf. A ball is attached to a chain suspended from a stationary support at least 6 inches to the right or left of the bowling pins. The object is to swing the ball, miss the pins with the ball as it goes forward, and knock the pins over as the ball returns.

(xxi) Clown rolldown. A ball is tossed through the open mouth of a moving clown or animal head. The ball then rolls down a chute to numbered slots at the rear of the clown or animal head. The scores represented by the balls in each numbered slot are added up at the conclusion of the game. Prizes are awarded on the points achieved.

(xxii) Skee ball. The player rolls a ball up the mechanical bowling alley into targets. A computer adds up the scores, and the predetermined scores win.

(xxiii) Speedball radar game. The player gets four balls and throws three balls through radar to establish speeds and to estimate at what speed the fourth ball will pass through the radar. The player wins a prize if he accurately estimates the speed of the fourth ball. The radar must be mounted and stationary.

(e) Shooting games. These games are conducted by the player using a weapon of some type to shoot at a target in the rear of the stand. The safety requirements of local city or county ordinances must be observed by the operator and player. The target may be stationary or mobile.

(i) Short range (shooting gallery). In this game, the

player is given four rounds to shoot at a spot target 1/4 inch or less in diameter. The player wins when the spot target is completely shot out, or the player is given five rounds to shoot one round each at five triangular, round, or 1/2-inch square targets. The prize is determined by the number of targets struck by the player, or the player is given five rounds to shoot one round each at five triangular, round, or 1/2-inch square targets. Within each target is a bull's eye. The player must hit the bull's eye without touching the outer surface of the target. The prize is determined by the number of bull's eyes correctly hit.

(ii) Shoot-out-the-star (machine gun). The player, using an automatic air pellet gun, is given 100 pellets to shoot at a star-shaped target. The player must shoot out all of the target to win. The star cannot be more than 1 1/4 inches from point-to-point.

(iii) Water racer. This group game involves a competition, with the player winning a prize based on the number of players competing. The player, using a water pistol, shoots the water into a target. The water that strikes the target causes a balloon to inflate or advances an object to ring a bell. The first player who bursts the balloon or rings the bell is the winner.

(iv) Rapid fire. This group game involves competition similar to the water racer game described in subsection (2)(e)(iii). The player uses an electronic pistol to shoot at a target. Hits on the target give the player a score. The first player to reach a predetermined score is the winner.

(v) Cork gallery. The player uses a cork gun or similar device to propel objects, including but not limited to corks, suction cup darts, or styrofoam balls, to shoot at targets located on a shelf or at a bull's eye target. The player must hit the bull's eye or knock the target over or off the shelf to win a prize. The prize is determined by the target knocked over or off the shelf, by the number of targets knocked over or off the shelf, or by the player accomplishing other tasks, as stated in the posted rules. When suction cup darts or other darts are used and fail to stay on or in the target, the player must shoot the dart again. The base of each target must be uniform, front and rear.

(vi) Boomball. The player uses a cannon with compressed air to propel balls into a target area. The targets have varied point value. If the ball remains in the target, a computer adds up the score. Prizes are awarded based on the points achieved.

(f) Coin pitchers.

(i) Spot pitch (lucky strike). The player pitches a

coin at colored spots located on a table in the center of the stand. The coin must touch or stay inside of a spot to win a prize.

(ii) Plate pitch. The player pitches a coin onto a glass plate to win a prize as designated.

(iii) Glass pitch (bowl). The player pitches a coin into or onto dishes or glasses. If the coin remains in a top target glass item, then the player wins that item.

(g) Miscellaneous games.

(i) Skill chute (bulldozer) (penny fall). The player inserts a coin or token into a chute, aiming the coin or token so that it will fall in front of a continuous sweeper (bulldozer). If the coin or token is aimed correctly, the sweeper (bulldozer) will push additional tokens or prizes into a hole or chute that sends them to the player. Tokens are exchanged for prizes. If there is a hidden ledge, tip, or similar obstruction that inhibits the passage of tokens or prizes into the hole or chute that sends them to the player, the operator shall post a sign to advise the players.

(ii) Tip-em-up bottle. The player is provided with a pole and a string that has a hoop or ring attached at the end. The player, using the pole with a ring, must raise a bottle lying on its side to an upright position to win.

(iii) Hi-striker. The player, using a wooden maul; must strike a lever target that causes a metal weight to rise on a guideline or track and ring a ball. The player must ring the bell a predetermined number of times to win a prize.

(iv) Rope ladder. The player must climb up a rope ladder, which is anchored at both ends by a swivel, and ring a bell or buzzer to win a prize.

(v) Whac-a-mole. This is a group game that has a target surface with 5 holes through which animated moles pop up and down at random. The player must hit as many moles as possible with a mallet. The first player to hit a predetermined number of moles wins.

(vi) Dip bowling game. The player rolls a bowling-type ball over a hump in the track. If the ball stays on the back side of the hump, the player wins.

(vii) Horserace derby. This is a group game in which a player advances his horse by shooting or rolling a ball in the target area. The faster and more skillfully the player shoots or rolls his ball, the faster his horse will run. The first horse to cross the finish line wins.

(viii) Shuffleboard. The player pushes a puck down a shuffleboard alley to knock over poly pins at the end of an alley. The player wins by knocking down all the pins.

(ix) Bean bag. The player tosses or throws a bean bag

or a simulated bean bag at cans, bottles, or other objects on a raised platform. The player wins a prize when he either knocks the object off the raised platform or tips the target over.

(x) Soccer kick. The player kicks a soccer ball through a hole in the target area to win.

(xi) Frog game. A plastic frog or similar object sits on a small end of a teeter-totter. The opposite end of the teeter-totter is struck with a mallet, causing the frog to fly off the teeter-totter. If the frog lands in a pail or similar receptacle, the player wins a prize.

(xii) Cover the spot. The object of this game is for the player to drop five circular discs onto a circular spot, completely covering the spot. The diameter of each of the discs used to cover the spot must be a minimum of 64% of the diameter of the spot to be covered. The spot to be covered must be painted or drawn on a permanent, solid material, such as metal or wood, or may be a lighted circle. The spot and each disc must have a uniform diameter.

(xiii) Pocket billiards. Using a regulation pocket billiard table, a player must run a consecutive number of balls to win a prize. The number of balls is set by the operator."

SENATE BILL NO. 270

INTRODUCED BY WILLIAMS, KENNEDY, M. HANSON, GROSFIELD,
 CODY, DRISCOLL, SCHYE, MCCAFFREE, GILBERT, J. RICE,
 RYE, NOBLE, AKLESTAD, TVEIT, STEPPLER, HOFFMAN, THOMAS,
 FRITZ, GOULD, STRIZICH, ZOOK, D. BROWN, BENEDICT, QUILICI,
 KASTEN, T. BECK, LARSON, WEEDING, HARP, PAVLOVICH, NATHE,
 JERGESON, HAGER, GRINDE, BRADLEY

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AND REGULATING
 AMUSEMENT GAMES; AMENDING SECTION 23-5-112, MCA; AND
 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

STATEMENT OF INTENT

A STATEMENT OF INTENT IS REQUIRED FOR THIS BILL BECAUSE
{SECTION 4} GRANTS RULEMAKING AUTHORITY TO THE DEPARTMENT OF
JUSTICE. THE DEPARTMENT IS AUTHORIZED TO ADOPT RULES
DESCRIBING THE TYPES OF AMUSEMENT GAMES THAT MAY BE MADE
AVAILABLE FOR PUBLIC PLAY. THE LEGISLATURE INTENDS THAT THE
RULES DESCRIBE THOSE GAMES THAT HAVE BEEN TRADITIONALLY
OFFERED AT COUNTY FAIRS AND CARNIVALS AND THAT ARE BASED ON
SKILL OR MIXED CHANCE AND SKILL. IT IS FURTHER INTENDED THAT
THE DEPARTMENT CONSULT WITH CARNIVAL OPERATORS AND OTHER
INTERESTED PERSONS WHEN DEVELOPING THE RULES.

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

NEW SECTION. Section 1. Definitions. Unless the
 context requires otherwise, the following definitions apply
 in [sections 1 through 4 7]:

(i) (a) "Amusement game" means:
 (i) a game played for amusement or entertainment,
 including a crane game, in which:
 (A) the player actively participates;
 (B) the outcome of the game depends upon the skill of
 the player, OR mixed chance and skill, or chance and is not
 controlled by any other person;
 (C) the player gives valuable consideration, in money
 or otherwise, for the right to play the game;
 (D) only tangible personal property or nontransferable
 tokens, tickets, or coupons that may be accumulated and
 redeemed for tangible personal property are awarded as a
 prize IS AWARDED TO A PLAYER;
 (E) the sale of a right to participate, the
 determination of winners, and the distribution of prizes all
 occur in the presence of all players;
 (F) prizes are displayed; and
 (G) prizes may not be repurchased; and
 (ii) a coin-operated electrical or electromechanical
 device that confers as a prize an immediate, unrecorded
 right of replay not exchangeable for something of value and
 that does not make a permanent record, directly or

1 indirectly, of free replays that are awarded.

2 (b) The term does not include:

3 (i) a device that simulates a gambling activity, as

4 defined in 23-5-112, and that contains or may be adapted to

5 contain switches that permit the elimination of credits

6 earned by a player or meters that measure the number of

7 credits that have been eliminated; OR

8 (ii) ~~AN ACTIVITY THAT IS INCLUDED AS A CLASS III GAMING~~

9 ~~ACTIVITY PURSUANT TO THE FEDERAL INDIAN GAMING REGULATORY~~

10 ~~ACT, 25-8-9-2710.~~

11 (2)(1) "Arcade" means a commercial establishment whose

12 primary purpose is to make amusement games available for

13 public play.

14 (3)(2) "Concessionaire" means a person who owns one or

15 more amusement games and who enters into an agreement with

16 an operator, AS DEFINED IN SUBSECTION (5)(A), to

17 conduct games. A concessionaire may also be an operator.

18 (4)(3) "Crane game" means an amusement game activated

19 by the insertion of a coin or token by which the player uses

20 one or more buttons, control sticks, or similar means of

21 control or a combination of those means of control to

22 position a mechanical or electromechanical claw or other

23 retrieval device over a prize and attempts to retrieve it.

24 (5)(4) "Nonprofit organization" means a nonprofit

25 corporation or a nonprofit charitable, religious,

1 scholastic, educational, veterans', fraternal, beneficial,

2 civic, or service organization, established for a purpose

3 other than conducting amusement games.

4 (6)(5) "Operator" means a person who:

5 (A) enters into an agreement with a county fair

6 commission, board of directors of a fair district, joint

7 fair and civic center commission, business BUSINESS, OR AN

8 association, or similar entity, OF BUSINESSES, SUCH AS A

9 SHOPPING CENTER OR DOWNTOWN AREA, to provide amusement

10 games; OR

11 (B) MAKES A CRANE AN AMUSEMENT GAME AVAILABLE FOR

12 PUBLIC PLAY ON HIS PREMISES OR ON PREMISES OWNED BY ANOTHER

13 PERSON.

14 (7)(6) "PRIZE" MEANS ONLY TANGIBLE PERSONAL PROPERTY

15 WITH A WHOLESALE VALUE OF \$50 OR LESS OR NONTRANSFERABLE

16 TOKENS, TICKETS, OR COUPONS THAT MAY BE ACCUMULATED AND

17 REDEEMED FOR TANGIBLE PERSONAL PROPERTY WITH A WHOLESALE

18 VALUE OF \$50 OR LESS.

19 NEW SECTION. Section 2. Requirements for games. An

20 operator, concessionaire, nonprofit organization, or arcade

21 may provide amusement games to the public under the

22 following conditions:

23 (1) THE AMUSEMENT GAME HAS BEEN AUTHORIZED BY RULE AS

24 PROVIDED FOR IN SECTION 4 THE SALE OF A RIGHT TO

25 PARTICIPATE, THE DETERMINATION OF WINNERS, AND THE

1 DISTRIBUTION OF PRIZES ALL OCCUR IN THE PRESENCE OF ALL
2 PLAYERS.

3 (2) THE APPROPRIATE PERMIT TO OPERATE THE GAME HAS BEEN
4 OBTAINED AS PROVIDED FOR IN [SECTION 3].

5 (1)(3) The fee paid for the right to play the game does
6 not exceed \$5 \$2 THE PLAYER PAYS CASH FOR THE RIGHT TO PLAY
7 THE GAME.

8 (2)(4) A cash prize is not awarded, AND ONLY A PRIZE IS
9 AWARDED. PRIZES MUST BE DISPLAYED AND MAY NOT BE
10 REPURCHASED.

11 (3)(5) The system for awarding prizes does not require
12 forfeiture of a previously won prize unless the prize is
13 traded for a prize of equal or greater value.

14 (4)(6) Concealed numbers or conversion charts are not
15 used in conducting the game.

16 (5)(7) The game is not designed or adapted with a
17 control device to permit manipulation during-the-play of the
18 game by-any-person to control the ability of a player to win
19 or to predetermine who the winner will be. A crane game may
20 not contain a variable resistor or any turn screw, knob,
21 potentiometer, or similar device that may be used to alter
22 the closing strength of the game's claws or retrieval
23 device.

24 (6)(8) The object of the game is attainable and
25 possible to perform, under the stated game rules, from the

1 playing position of the player.

2 (7)(9) The game is conducted in a fair and honest
3 manner and does not constitute a fraud upon the players.

4 NEW SECTION. SECTION 3. PERMITS. (1) BEFORE MAKING AN
5 AMUSEMENT GAME AVAILABLE FOR PUBLIC PLAY, AN OPERATOR,
6 CONCESSIONAIRE, NONPROFIT ORGANIZATION, OR ARCADE SHALL
7 OBTAIN THE APPROPRIATE PERMIT, AS PROVIDED IN SUBSECTIONS
8 (2) THROUGH (4), FROM THE BOARD OF COUNTY COMMISSIONERS OF
9 THE COUNTY IN WHICH THE GAME IS TO BE MADE AVAILABLE FOR
10 PUBLIC PLAY. THE BOARD OF COUNTY COMMISSIONERS MAY NOT
11 CHARGE A FEE FOR ISSUING A PERMIT UNDER THIS SECTION.

12 (2) THE BOARD OF COUNTY COMMISSIONERS MAY ISSUE A
13 PERMIT TO AN OPERATOR, AS DEFINED IN [SECTION 1(6)(A)], A
14 CONCESSIONAIRE, OR A NONPROFIT ORGANIZATION. EACH PERMIT
15 ENTITLES THE PERMITTEE TO OPERATE AMUSEMENT GAMES IN THE
16 COUNTY FOR A MAXIMUM OF 14 CONSECUTIVE DAYS.

17 (3) THE BOARD OF COUNTY COMMISSIONERS MAY ISSUE AN
18 OPERATOR, AS DEFINED IN [SECTION 1(6)(B)], AN ANNUAL PERMIT
19 FOR EACH CRANE AMUSEMENT GAME TO BE OPERATED IN THE COUNTY.
20 A PERMIT IS EFFECTIVE JANUARY 1 THROUGH DECEMBER 31. AN
21 OPERATOR, AS DEFINED IN [SECTION 1(6)(A)], A CONCESSIONAIRE,
22 A NONPROFIT ORGANIZATION, OR AN ARCADE THAT MAKES A-CRANE AN
23 AMUSEMENT GAME AVAILABLE FOR PUBLIC PLAY NEED NOT OBTAIN A
24 PERMIT UNDER THIS SUBSECTION.

25 (4) THE BOARD OF COUNTY COMMISSIONERS MAY ISSUE AN

1 ANNUAL PERMIT TO AN ARCADE. A PERMIT IS EFFECTIVE JANUARY 1
 2 THROUGH DECEMBER 31.

3 ~~NEW SECTION. SECTION 4. RULEMAKING AUTHORITY. THE~~
 4 ~~DEPARTMENT OF JUSTICE SHALL ADOPT RULES DESCRIBING THOSE~~
 5 ~~AMUSEMENT GAMES THAT MAY BE MADE AVAILABLE FOR PUBLIC PLAY~~
 6 ~~UNDER SECTIONS 1 THROUGH 7.~~

7 NEW SECTION. SECTION 4. AMUSEMENT GAMES ALLOWED. (1)
 8 CRANE GAMES, AS DEFINED IN (SECTION 1), AND THE GAMES
 9 DESCRIBED IN SUBSECTION (2) MAY BE MADE AVAILABLE FOR PUBLIC
 10 PLAY.

11 (2) (A) FISH POND (DUCK POND). THE PLAYER CATCHES A
 12 FISH OR OTHER OBJECT FLOATING IN A POND OF WATER BY USING A
 13 POLE, HAND, NET, OR STRING. ALL FISH OR OBJECTS ARE MARKED
 14 ON THE BOTTOM, INDICATING THE SIZE OF PRIZE THE PLAYER WINS.
 15 THE PLAYER IS AWARDED A PRIZE EACH TIME, AND THE PLAYER MUST
 16 BE ALLOWED TO CONTINUE PLAYING UNTIL A PRIZE IS WON.

17 (B) HOOP OR RING TOSS. THE PLAYER TOSSES A HOOP OR RING
 18 OVER A TARGET THAT MUST CONSIST OF BOTTLES, PEGS, BLOCKS, OR
 19 PRIZES. THE OPERATOR SHALL SPECIFICALLY ADVISE THE PLAYER AS
 20 TO THE DEGREE THAT THE HOOP OR RING MUST GO OVER THE TARGET.
 21 ALL HOOPS OF THE SAME COLOR USED AT AN INDIVIDUAL STAND MUST
 22 BE THE SAME SIZE. ALL TARGETS USED AT AN INDIVIDUAL BOOTH
 23 MUST BE THE SAME SIZE, OR THE OPERATOR SHALL ADVISE THE
 24 PLAYER BY POSTING SIGNS OR USING COLOR CODES DENOTING THE
 25 DIFFERENT SIZES.

1 (C) DART GAMES. THE TARGET AREA FOR ALL DART GAMES MUST
 2 BE OF A MATERIAL CAPABLE OF BEING PENETRATED AND OF
 3 RETAINING A METAL TIP DART. THE TARGET AREA MUST BE IN THE
 4 REAR OF THE STAND AND MUST BE AT LEAST 3 FEET BUT NOT MORE
 5 THAN 15 FEET FROM THE FOUL LINE. A TARGET MUST BE STATIONARY
 6 AT ALL TIMES.

7 (I) BALLOON (POPAROO) (BALLOON SMASH). THE TARGETS ARE
 8 INFLATED BALLOONS. THE PLAYER THROWS ONE OR MORE DARTS TO
 9 BURST A PREDETERMINED NUMBER OF BALLOONS. IF THE
 10 PREDETERMINED NUMBER OF BALLOONS ARE BURST BY THE DARTS, THE
 11 PLAYER RECEIVES THE PRIZE INDICATED.

12 (II) DART THROW. THE TARGETS ARE VARIOUS SIZES AND
 13 SHAPES LOCATED ON THE TARGET AREA. THE PLAYER THROWS DARTS
 14 INDIVIDUALLY AT THE TARGET. A DART MUST STICK IN A
 15 PREDETERMINED TARGET TO WIN THE PRIZE AS DESIGNATED.

16 (III) TIC TAC TOE DART. THE TARGET IS A TIC TAC TOE
 17 BOARD LOCATED IN THE TARGET AREA. THE PLAYER THROWS DARTS AT
 18 THE TARGET AND WINS A DESIGNATED PRIZE WHEN THE THROWN DARTS
 19 LINE UP IN A ROW IN THE TARGET. THE DARTS MAY LINE UP
 20 VERTICALLY, HORIZONTALLY, OR DIAGONALLY TO WIN.

21 (IV) ADD-UM-UP DARTS. THE TARGET CONSISTS OF NUMBERED
 22 SQUARES LOCATED IN THE TARGET AREA. PRIZES ARE AWARDED BASED
 23 ON THE TOTAL SCORE OBTAINED BY THE PLAYER BY THROWING AND
 24 STICKING THE DARTS IN THE NUMBERED SQUARES. A DART THAT
 25 STICKS ON A LINE MUST BE THROWN AGAIN. THE PLAYER MAY ADD UP

1 THE SCORE OF THE DARTS THROWN.

2 (D) BALL TOSSES. IN ALL BALL TOSS GAMES, THE BALLS USED
 3 AT A SPECIFIC STAND MUST BE OF THE SAME WEIGHT AND SIZE.
 4 TARGETS MUST BE OF THE SAME WEIGHT AND SIZE, OR THE OPERATOR
 5 SHALL COLOR CODE THE TARGETS AND ADVISE THE PLAYER OF THE
 6 DIFFERENCE IN TARGETS BY POSTING A SIGN OR PROVIDING A
 7 DUPLICATE OF THE TARGET SHOWING THE LIMITATIONS OR
 8 RESTRICTIONS. THE SIGN OR DUPLICATE TARGET MUST BE READILY
 9 VISIBLE TO THE PLAYER.

10 (I) MILK BOTTLE TOSS. THE PLAYER TOSSES OR THROWS BALLS
 11 AT SIMULATED MILK BOTTLES. THE PLAYER WINS BY EITHER TIPPING
 12 OVER OR KNOCKING BOTTLES OFF THE RAISED PLATFORM AS
 13 DESIGNATED BY THE OPERATOR. THE BOTTLES MAY BE CONSTRUCTED
 14 OF WOOD, METAL, OR PLASTIC OR A COMBINATION OF THE THREE.
 15 OPERATORS MAY VARY THE NUMBER OF BOTTLES AND BALLS USED IN
 16 EACH GAME. FLOATING OR LOOSE WEIGHTS IN BOTTLES ARE NOT
 17 ALLOWED. THE WEIGHT OF INDIVIDUAL BOTTLES MAY NOT EXCEED 7
 18 1/2 POUNDS.

19 (II) MILK CAN (MEXICAN HAT) (CONE). THE PLAYER TOSSES A
 20 BALL INTO THE OPENING OF A MILK CAN, INTO A FIBERGLASS
 21 MEXICAN HAT TURNED UPSIDE DOWN, OR THROUGH A CONE TO WIN.

22 (III) FOOTBALL TOSS (TIRE TOSS). THE PLAYER TOSSES OR
 23 THROWS A FOOTBALL THROUGH A STATIONARY TIRE OR HOOP TO WIN.

24 (IV) BASKETBALL TOSS/THROW. THE PLAYER TOSSES OR THROWS
 25 A BASKETBALL THROUGH A HOOP TO WIN.

1 (V) BUSHEL BASKETS. THE PLAYER TOSSES BALLS INTO A
 2 BUSHEL BASKET MOUNTED ON A STATIONARY BACKDROP AT A FIXED
 3 ANGLE. THE BALLS MUST STAY IN THE BASKET TO WIN. RIM SHOTS
 4 ARE ALLOWED, EXCEPT THE OPERATOR MAY DESIGNATE THE TOP 6
 5 INCHES OF THE BASKET RIM BY COLOR AND DISALLOW BALLS
 6 STRIKING THIS AREA AS WINNING TOSSES.

7 (VI) CAT-BALL-TOSS (STAR/DIAMOND TOSS). THE PLAYER
 8 TOSSES BALLS INTO A SIMULATED CAT'S MOUTH OR A ROUND,
 9 DIAMOND, OR STAR-SHAPED HOLE TO WIN.

10 (VII) PING PONG TOSS. THE PLAYER TOSSES PING PONG BALLS
 11 INTO DISHES, SAUCERS, CUPS, OR ASHTRAYS FLOATING IN WATER. A
 12 PREDETERMINED NUMBER OF BALLS MUST REMAIN IN THE DISHES,
 13 SAUCERS, CUPS, OR ASHTRAYS FOR THE PLAYER TO WIN. THE
 14 DISHES, SAUCERS, CUPS, OR ASHTRAYS MUST HAVE WATER COVERING
 15 THE BOTTOM OF THE SURFACE THAT IS FACING UP.

16 (VIII) FISH BOWL GAME. THE PLAYER TOSSES PING PONG BALLS
 17 INTO A WATER-FILLED FISH BOWL TO WIN.

18 (IX) VOLLEY BALL TOSS (SOCCER BALL). THE PLAYER TOSSES A
 19 VOLLEY OR SOCCER BALL INTO A KEG-TYPE CONTAINER MOUNTED ON A
 20 STATIONARY BACKDROP AT A FIXED ANGLE. THE BALL MUST STAY IN
 21 THE KEG TO WIN A PRIZE. RIM SHOTS ARE AUTHORIZED AS STATED
 22 IN SUBSECTION (2)(D)(IV) FOR BUSHEL BASKETS.

23 (X) GOBLET BALL (WHIFFLE BALL). THE PLAYER TOSSES A
 24 WHIFFLE BALL INTO A TARGET AREA OF GLASS OR PLASTIC GOBLETS.
 25 LOCATED IN THE TARGET AREA ARE COLORED GOBLETS THAT

1 DETERMINE THE TYPE OF PRIZE THE PLAYER WINS. AT LEAST 33% OF
 2 THE GOBLET IN THE TARGET AREA MUST BE WINNERS. THE BALL
 3 MUST STAY IN THE GOBLET TO WIN A PRIZE.

4 (XI) BREAK THE PLATE/BOTTLE. THE PLAYER TOSSES OR THROWS
 5 A BALL AT A PLATE, PHONOGRAPH RECORD, OR BOTTLE. THE TYPE OF
 6 PRIZE WON IS DETERMINED BY THE NUMBER OF TARGETS BROKEN BY
 7 THE PLAYER.

8 (XII) PUNK RACK. THE TARGETS FOR THIS GAME ARE ROWS OF
 9 DOLLS OR CATS ON A LEDGE AT THE REAR OF THE STAND. THE DOLLS
 10 OR CATS MUST BE FILLED WITH SAWDUST, STYROFOAM, COTTON, OR
 11 OTHER LIKE MATERIAL THAT PROVIDES A FIRM BASE FOR THE BALL
 12 TO STRIKE. THE HAIR PROTRUDING FROM THE SIDE OF THE DOLLS OR
 13 CATS MAY NOT EXCEED 3 INCHES. THE PRIZE IS DETERMINED BY HOW
 14 MANY DOLLS OR CATS THE PLAYER KNOCKS OVER OR OFF THE LEDGE,
 15 AS POSTED BY THE OPERATOR.

16 (XIII) TEETH GAME. THE TARGET CONSISTS OF A LARGE FACE
 17 WITH WOODEN TEETH. THE PRIZE IS DETERMINED BY HOW MANY TEETH
 18 THE PLAYER KNOCKS DOWN BY THROWING A BALL.

19 (XIV) TOILET GAME (DONIKER). TO WIN, THE PLAYER TOSSES
 20 OR THROWS A BALL OR OTHER OBJECT THROUGH A TOILET SEAT
 21 LOCATED AT THE REAR OF THE STAND.

22 (XV) COKE ROLL. THE PLAYER ROLLS A BALL DOWN AN ALLEY
 23 WITH THE OBJECT OF KNOCKING OVER TWO COKE BOTTLES STANDING
 24 AT THE END OF THE ALLEY. THE PLAYER MUST TIP OVER BOTH
 25 BOTTLES TO WIN. BOTTLES MUST BE PLACED ON PREDETERMINED

1 SPOTS PAINTED ON THE SURFACE OF THE ALLEY.

2 (XVI) ROLLDOWN. THE PLAYER ROLLS BALLS DOWN AN ALLEY
 3 WITH THE OBJECT OF PUTTING THE BALLS IN NUMBERED SLOTS AT
 4 THE END OF THE ALLEY. THE SCORES REPRESENTED BY THE BALLS IN
 5 EACH NUMBERED SLOT ARE ADDED UP AT THE CONCLUSION OF THE
 6 GAME. SCORES ABOVE OR BELOW A PREDETERMINED SCORE WIN. THE
 7 ALLEY SURFACE MUST BE SMOOTH AND FREE FROM DEFECTS AT ALL
 8 TIMES.

9 (XVII) FASCINATION (I GOT IT). FASCINATION IS A GROUP
 10 GAME THAT INVOLVES COMPETITION AMONG THE PLAYERS. THE TARGET
 11 AREA CONSISTS OF 25 HOLES, AND THE PLAYER TOSSES OR ROLLS A
 12 BALL INTO ONE OF THE HOLES. THE OBJECT OF THE GAME IS TO GET
 13 FIVE BALLS IN A ROW EITHER VERTICALLY, HORIZONTALLY, OR
 14 DIAGONALLY. THE FIRST PLAYER TO ACCOMPLISH THIS IS THE
 15 WINNER. PRIZE SIZE IS DETERMINED BY THE NUMBER OF PLAYERS
 16 PARTICIPATING IN EACH GAME.

17 (XVIII) CAKE WALK. THE PLAYERS WALK ON A PREDETERMINED
 18 ROUTE WITH DESIGNATED SPOTS, AND WHEN THE OPERATOR STOPS THE
 19 WALK, THE PLAYER ON A PREDETERMINED SPOT WINS A PRIZE.

20 (XIX) BATTER-UP. THE PLAYER USES A WHIFFLE BALL BAT TO
 21 SWING AND STRIKE WHIFFLE BALLS THAT ARE PITCHED AT MEDIUM
 22 SPEED FROM A PITCHING MACHINE. THE PLAYER WINS WHEN HE HITS
 23 A BALL INTO THE HOME RUN SHELF. THE HOME RUN SHELF IS
 24 LOCATED AT THE BACK OF THE BATTING CAGE APPROXIMATELY 15
 25 FEET FROM THE PLAYER.

1 (XX) SKY BOWLING. TWO BOWLING PINS ARE SET ON
 2 PREDETERMINED PAINTED SPOTS ON A SHELF. A BALL IS ATTACHED
 3 TO A CHAIN SUSPENDED FROM A STATIONARY SUPPORT AT LEAST 6
 4 INCHES TO THE RIGHT OR LEFT OF THE BOWLING PINS. THE OBJECT
 5 IS TO SWING THE BALL, MISS THE PINS WITH THE BALL AS IT GOES
 6 FORWARD, AND KNOCK THE PINS OVER AS THE BALL RETURNS.

7 (XXI) CLOWN ROLLDOWN. A BALL IS TOSSED THROUGH THE OPEN
 8 MOUTh OF A MOVING CLOWN OR ANIMAL HEAD. THE BALL THEN ROLLS
 9 DOWN A CHUTE TO NUMBERED SLOTS AT THE REAR OF THE CLOWN OR
 10 ANIMAL HEAD. THE SCORES REPRESENTED BY THE BALLS IN EACH
 11 NUMBERED SLOT ARE ADDED UP AT THE CONCLUSION OF THE GAME.
 12 PRIZES ARE AWARDED ON THE POINTS ACHIEVED.

13 (XXII) SKEE BALL. THE PLAYER ROLLS A BALL UP THE
 14 MECHANICAL BOWLING ALLEY INTO TARGETS. A COMPUTER ADDS UP
 15 THE SCORES, AND THE PREDETERMINED SCORES WIN.

16 (XXIII) SPEEDBALL RADAR GAME. THE PLAYER GETS FOUR BALLS
 17 AND THROWS THREE BALLS THROUGH RADAR TO ESTABLISH SPEEDS AND
 18 TO ESTIMATE AT WHAT SPEED THE FOURTH BALL WILL PASS THROUGH
 19 THE RADAR. THE PLAYER WINS A PRIZE IF HE ACCURATELY
 20 ESTIMATES THE SPEED OF THE FOURTH BALL. THE RADAR MUST BE
 21 MOUNTED AND STATIONARY.

22 (E) SHOOTING GAMES. THESE GAMES ARE CONDUCTED BY THE
 23 PLAYER USING A WEAPON OF SOME TYPE TO SHOOT AT A TARGET IN
 24 THE REAR OF THE STAND. THE SAFETY REQUIREMENTS OF LOCAL CITY
 25 OR COUNTY ORDINANCES MUST BE OBSERVED BY THE OPERATOR AND

1 PLAYER. THE TARGET MAY BE STATIONARY OR MOBILE.

2 (I) SHORT RANGE (SHOOTING GALLERY). IN THIS GAME, THE
 3 PLAYER IS GIVEN FOUR ROUNDS TO SHOOT AT A SPOT TARGET 1/4
 4 INCH OR LESS IN DIAMETER. THE PLAYER WINS WHEN THE SPOT
 5 TARGET IS COMPLETELY SHOT OUT, OR THE PLAYER IS GIVEN FIVE
 6 ROUNDS TO SHOOT ONE ROUND EACH AT FIVE TRIANGULAR, ROUND, OR
 7 1/2-INCH SQUARE TARGETS. THE PRIZE IS DETERMINED BY THE
 8 NUMBER OF TARGETS STRUCK BY THE PLAYER, OR THE PLAYER IS
 9 GIVEN FIVE ROUNDS TO SHOOT ONE ROUND EACH AT FIVE
 10 TRIANGULAR, ROUND, OR 1/2-INCH SQUARE TARGETS. WITHIN EACH
 11 TARGET IS A BULL'S EYE. THE PLAYER MUST HIT THE BULL'S EYE
 12 WITHOUT TOUCHING THE OUTER SURFACE OF THE TARGET. THE PRIZE
 13 IS DETERMINED BY THE NUMBER OF BULL'S EYES CORRECTLY HIT.

14 (II) SHOOT-OUT-THE-STAR (MACHINE GUN). THE PLAYER, USING
 15 AN AUTOMATIC AIR PELLET GUN, IS GIVEN 100 PELLETS TO SHOOT
 16 AT A STAR-SHAPED TARGET. THE PLAYER MUST SHOOT OUT ALL OF
 17 THE TARGET TO WIN. THE STAR CANNOT BE MORE THAN 1 1/4 INCHES
 18 FROM POINT-TO-POINT.

19 (III) WATER RACER. THIS GROUP GAME INVOLVES A
 20 COMPETITION, WITH THE PLAYER WINNING A PRIZE BASED ON THE
 21 NUMBER OF PLAYERS COMPETING. THE PLAYER, USING A WATER
 22 PISTOL, SHOOTS THE WATER INTO A TARGET. THE WATER THAT
 23 STRIKES THE TARGET CAUSES A BALLOON TO INFLATE OR ADVANCES
 24 AN OBJECT TO RING A BELL. THE FIRST PLAYER WHO BURSTS THE
 25 BALLOON OR RINGS THE BELL IS THE WINNER.

1 (IV) RAPID FIRE. THIS GROUP GAME INVOLVES COMPETITION
 2 SIMILAR TO THE WATER RACER GAME DESCRIBED IN SUBSECTION
 3 (2)(E)(III). THE PLAYER USES AN ELECTRONIC PISTOL TO SHOOT
 4 AT A TARGET. HITS ON THE TARGET GIVE THE PLAYER A SCORE. THE
 5 FIRST PLAYER TO REACH A PREDETERMINED SCORE IS THE WINNER.

6 (V) CORK GALLERY. THE PLAYER USES A CORK GUN OR SIMILAR
 7 DEVICE TO PROPEL OBJECTS, INCLUDING BUT NOT LIMITED TO
 8 CORKS, SUCTION CUP DARTS, OR STYROFOAM BALLS, TO SHOOT AT
 9 TARGETS LOCATED ON A SHELF OR AT A BULL'S EYE TARGET. THE
 10 PLAYER MUST HIT THE BULL'S EYE OR KNOCK THE TARGET OVER OR
 11 OFF THE SHELF TO WIN A PRIZE. THE PRIZE IS DETERMINED BY THE
 12 TARGET KNOCKED OVER OR OFF THE SHELF, BY THE NUMBER OF
 13 TARGETS KNOCKED OVER OR OFF THE SHELF, OR BY THE PLAYER
 14 ACCOMPLISHING OTHER TASKS, AS STATED IN THE POSTED RULES.
 15 WHEN SUCTION CUP DARTS OR OTHER DARTS ARE USED AND FAIL TO
 16 STAY ON OR IN THE TARGET, THE PLAYER MUST SHOOT THE DART
 17 AGAIN. THE BASE OF EACH TARGET MUST BE UNIFORM, FRONT AND
 18 REAR.

19 (VI) BOOMBALL. THE PLAYER USES A CANNON WITH COMPRESSED
 20 AIR TO PROPEL BALLS INTO A TARGET AREA. THE TARGETS HAVE
 21 VARIED POINT VALUE. IF THE BALL REMAINS IN THE TARGET, A
 22 COMPUTER ADDS UP THE SCORE. PRIZES ARE AWARDED BASED ON THE
 23 POINTS ACHIEVED.

24 (F) COIN PITCHERS.

25 (I) SPOT PITCH (LUCKY STRIKE). THE PLAYER PITCHES A

1 COIN AT COLORED SPOTS LOCATED ON A TABLE IN THE CENTER OF
 2 THE STAND. THE COIN MUST TOUCH OR STAY INSIDE OF A SPOT TO
 3 WIN A PRIZE.

4 (II) PLATE PITCH. THE PLAYER PITCHES A COIN ONTO A GLASS
 5 PLATE TO WIN A PRIZE AS DESIGNATED.

6 (III) GLASS PITCH (BOWL). THE PLAYER PITCHES A COIN INTO
 7 OR ONTO DISHES OR GLASSES. IF THE COIN REMAINS IN A TOP
 8 TARGET GLASS ITEM, THEN THE PLAYER WINS THAT ITEM.

9 (G) MISCELLANEOUS GAMES.

10 (I) SKILL CHUTE (BULLDOZER) (PENNY FALL). THE PLAYER
 11 INSERTS A COIN OR TOKEN INTO A CHUTE, AIMING THE COIN OR
 12 TOKEN SO THAT IT WILL FALL IN FRONT OF A CONTINUOUS SWEEPER
 13 (BULLDOZER). IF THE COIN OR TOKEN IS AIMED CORRECTLY, THE
 14 SWEEPER (BULLDOZER) WILL PUSH ADDITIONAL TOKENS OR PRIZES
 15 INTO A HOLE OR CHUTE THAT SENDS THEM TO THE PLAYER. TOKENS
 16 ARE EXCHANGED FOR PRIZES. IF THERE IS A HIDDEN LEDGE, TIP,
 17 OR SIMILAR OBSTRUCTION THAT INHIBITS THE PASSAGE OF TOKENS
 18 OR PRIZES INTO THE HOLE OR CHUTE THAT SENDS THEM TO THE
 19 PLAYER, THE OPERATOR SHALL POST A SIGN TO ADVISE THE
 20 PLAYERS.

21 (II) TIP-EM-UP BOTTLE. THE PLAYER IS PROVIDED WITH A
 22 POLE AND A STRING THAT HAS A HOOP OR RING ATTACHED AT THE
 23 END. THE PLAYER, USING THE POLE WITH A RING, MUST RAISE A
 24 BOTTLE LYING ON ITS SIDE TO AN UPRIGHT POSITION TO WIN.

25 (III) HI-STRIKER. THE PLAYER, USING A WOODEN MAUL, MUST

1 STRIKE A LEVER TARGET THAT CAUSES A METAL WEIGHT TO RISE ON
 2 A GUIDELINE OR TRACK AND RING A BELL. THE PLAYER MUST RING
 3 THE BELL A PREDETERMINED NUMBER OF TIMES TO WIN A PRIZE.

4 (IV) ROPE LADDER. THE PLAYER MUST CLIMB UP A ROPE
 5 LADDER, WHICH IS ANCHORED AT BOTH ENDS BY A SWIVEL, AND RING
 6 A BELL OR BUZZER TO WIN A PRIZE.

7 (V) WHAC-A-MOLE. THIS IS A GROUP GAME THAT HAS A TARGET
 8 SURFACE WITH 5 HOLES THROUGH WHICH ANIMATED MOLES POP UP AND
 9 DOWN AT RANDOM. THE PLAYER MUST HIT AS MANY MOLES AS
 10 POSSIBLE WITH A Mallet. THE FIRST PLAYER TO HIT A
 11 PREDETERMINED NUMBER OF MOLES WINS.

12 (VI) DIP BOWLING GAME. THE PLAYER ROLLS A BOWLING-TYPE
 13 BALL OVER A HUMP IN THE TRACK. IF THE BALL STAYS ON THE BACK
 14 SIDE OF THE HUMP, THE PLAYER WINS.

15 (VII) HORSERACE DERBY. THIS IS A GROUP GAME IN WHICH A
 16 PLAYER ADVANCES HIS HORSE BY SHOOTING OR ROLLING A BALL IN
 17 THE TARGET AREA. THE FASTER AND MORE SKILLFULLY THE PLAYER
 18 SHOOTS OR ROLLS HIS BALL, THE FASTER HIS HORSE WILL RUN. THE
 19 FIRST HORSE TO CROSS THE FINISH LINE WINS.

20 (VIII) SHUFFLEBOARD. THE PLAYER PUSHES A PUCK DOWN A
 21 SHUFFLEBOARD ALLEY TO KNOCK OVER POLY PINS AT THE END OF AN
 22 ALLEY. THE PLAYER WINS BY KNOCKING DOWN ALL THE PINS.

23 (IX) BEAN BAG. THE PLAYER TOSSES OR THROWS A BEAN BAG OR
 24 A SIMULATED BEAN BAG AT CANS, BOTTLES, OR OTHER OBJECTS ON A
 25 RAISED PLATFORM. THE PLAYER WINS A PRIZE WHEN HE EITHER

1 KNOCKS THE OBJECT OFF THE RAISED PLATFORM OR TIPS THE TARGET
 2 OVER.

3 (X) SOCCER KICK. THE PLAYER KICKS A SOCCER BALL THROUGH
 4 A HOLE IN THE TARGET AREA TO WIN.

5 (XI) FROG GAME. A PLASTIC FROG OR SIMILAR OBJECT SITS ON
 6 A SMALL END OF A TEETER-TOTTER. THE OPPOSITE END OF THE
 7 TEETER-TOTTER IS STRUCK WITH A Mallet, CAUSING THE FROG TO
 8 FLY OFF THE TEETER-TOTTER. IF THE FROG LANDS IN A PAIL OR
 9 SIMILAR RECEPTACLE, THE PLAYER WINS A PRIZE.

10 (XII) COVER THE SPOT. THE OBJECT OF THIS GAME IS FOR THE
 11 PLAYER TO DROP FIVE CIRCULAR DISCS ONTO A CIRCULAR SPOT,
 12 COMPLETELY COVERING THE SPOT. THE DIAMETER OF EACH OF THE
 13 DISCS USED TO COVER THE SPOT MUST BE A MINIMUM OF 64% OF THE
 14 DIAMETER OF THE SPOT TO BE COVERED. THE SPOT TO BE COVERED
 15 MUST BE PAINTED OR DRAWN ON A PERMANENT, SOLID MATERIAL,
 16 SUCH AS METAL OR WOOD, OR MAY BE A LIGHTED CIRCLE. THE SPOT
 17 AND EACH DISC MUST HAVE A UNIFORM DIAMETER.

18 (XIII) POCKET BILLIARDS. USING A REGULATION POCKET
 19 BILLIARD TABLE, A PLAYER MUST RUN A CONSECUTIVE NUMBER OF
 20 BALLS TO WIN A PRIZE. THE NUMBER OF BALLS IS SET BY THE
 21 OPERATOR.

22 NEW SECTION. Section 5. Authority to inspect. At any
 23 time during normal business hours, local law enforcement
 24 officers and department of justice employees may inspect any
 25 amusement game made available for public play by an

1 operator, concessionaire, nonprofit organization, or arcade
2 for compliance with [section 2].

3 NEW SECTION. SECTION 6. GAMBLING AND ILLEGAL GAMBLING
4 DEVICES AND ENTERPRISES PROHIBITED. AN OPERATOR,
5 CONCESSIONAIRE, NONPROFIT ORGANIZATION, OR ARCADE MAY NOT
6 MAKE AVAILABLE FOR PLAY A GAMBLING OR ILLEGAL GAMBLING
7 DEVICE OR ENTERPRISE GOVERNED UNDER TITLE 23, CHAPTER 5,
8 PARTS 1 THROUGH 6.

9 NEW SECTION. Section 7. Violations. A person who
10 purposely or knowingly violates or procures, aids, or abets
11 in a violation of [section 2] is punishable by a fine not to
12 exceed \$1,000 or by imprisonment in the county jail for a
13 term not to exceed 6 months, or both.

14 **Section 8.** Section 23-5-112, MCA, is amended to read:

15 "23-5-112. Definitions. Unless the context requires
16 otherwise, the following definitions apply to parts 1
17 through 6 of this chapter:

18 (1) "Applicant" means a person who has applied for a
19 license or permit issued by the department pursuant to parts
20 1 through 6 of this chapter.

21 (2) "Application" means a written request for a license
22 or permit issued by the department. The department shall
23 adopt rules describing the forms and information required
24 for issuance of a license.

25 (3) "Authorized equipment" means, with respect to live

1 keno or bingo, equipment that may be inspected by the
2 department and that randomly selects the numbers.

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

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

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

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

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

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

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

25 (b) sells, leases, or otherwise furnishes the equipment

1 to another person for use in public.

2 (10) "Gambling" or "gambling activity" means risking
3 money, credit, deposit, check, property, or any other thing
4 of value for a gain that is contingent in whole or in part
5 upon lot, chance, or the operation of a gambling device or
6 gambling enterprise. The term does not include amusement
7 games regulated by [sections 1 through 4 7].

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

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

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

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

20 (15) "Illegal gambling enterprise" means a gambling
21 enterprise that violates a statute or a rule of the
22 department.

23 (16) "Keno" means a game of chance in which prizes are
24 awarded using a card with 8 horizontal rows and 10 columns
25 on which a player may pick up to 10 numbers. A keno caller,

1 using authorized equipment, shall select at random at least
2 20 numbers out of numbers between 1 and 80, inclusive.

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

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

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

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

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

22 (a) lotteries authorized under part 10 of this chapter;
23 or

24 (b) cash or merchandise attendance prizes or premiums
25 that the county fair commissioners of agricultural fairs and

1 rodeo associations may give away at public drawings at fairs
2 and rodeos.

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

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

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

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

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

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

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

1 (b) a place of public resort, including but not limited
2 to a facility owned, managed, or operated by a partnership,
3 corporation, association, club, fraternal order, or society,
4 including a religious or charitable organization.

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

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

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

23 NEW SECTION. **Section 9. Effective date.** [This act] is
24 effective on passage and approval.

-End-