

House Bill 644

In The House

February 5, 1981

Introduced and referred
to Committee on Judiciary.

April 23, 1981

· Died in Committee.

HOUSE BILL NO. 644

INTRODUCED BY *Carlton Dave Brown Kanduck*

Teague *Conroy* *Nelson* *Steady* *Wofford*

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AND CLARIFYING THE GAMBLING LAWS; DEFINING SLOT MACHINES, FREE-PLAY PINBALL

MACHINES, AND FREE-PLAY CONSOLE MACHINES; AUTHORIZING ANY MECHANICAL DEVICE THAT PURPORTS TO SIMULATE AN AUTHORIZED ACTIVITY UPON APPROVAL BY THE ELECTORS OF A COUNTY; ALLOWING THE PAYMENT OF CASH BINGO PRIZES; AND AMENDING SECTIONS 23-5-101, 23-5-402, AND 23-5-412, MCA."

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

Section 1. Section 23-5-101, MCA, is amended to read:

"23-5-101. Definitions. (1) A slot machine is defined as a machine operated by inserting a coin, token, chip, trade check, or paper currency therein by the player and from the play of which he obtains or may obtain money, checks, chips, tokens, or paper currency redeemable in money. The term "slot machine" does not include a free-play pinball machine, a free-play console machine, or any machine, apparatus, electronic device, or other instrument that purports to simulate a gambling activity that is lawful under this chapter. Merchandise vending machines where the element of chance does not enter into their operation are not within the provisions of this part.

(2) In addition to their ordinary meaning, the words "person" or "persons", as used in this part, include both natural and artificial persons and all partnerships, corporations, associations, clubs, fraternal orders, and societies, including religious, fraternal, and charitable organizations.

(3) A free-play pinball machine is defined as a machine that upon the insertion of one or more coins releases one or more balls, to be propelled by means of a plunger, for use of the player. Upon the obtaining of certain scores or combinations of numbers, the machine rewards the player with a specified number of free games, allowing the player to continue to play the machine without the insertion of additional coins or tokens. The free-play pinball machine may not pay out either cash or tokens, and the free games or points accumulated by the player may not be redeemable in money, merchandise, or anything of value.

(4) A free-play console machine is defined as a machine, the mechanism of which is encased in a wooden, metal, or plastic cabinet, with a backboard upon which are certain combinations of numbers or symbols that the player must match. The insertion of one or more coins or tokens by the player releases the mechanism and causes two or more reels to spin. If the reels stop on specified combinations, matching those on the backboard, the machine rewards the

1 ~~player with a specified number of free games, allowing the~~
 2 ~~player to continue to play the machine without the insertion~~
 3 ~~of additional coins or tokens. The free-play console machine~~
 4 ~~may not pay out either cash or tokens, and the free game or~~
 5 ~~points accumulated by the player may not be redeemable in~~
 6 ~~money, merchandise, or any item of value."~~

7 Section 2. Section 23-5-402, MCA, is amended to read:

8 "23-5-402. Definitions. As used in this part, unless
 9 the context requires otherwise, the following terms or
 10 phrases shall have the following meanings:

11 (1) "Game of chance" means the specific kind of game
 12 of chance commonly known as:

13 (a) "bingo", in which prizes are awarded on the basis
 14 of designated numbers or symbols on a card which conform to
 15 numbers or symbols selected at random, Bingo includes the
 16 game commonly known as keno.

17 (b) "raffles", which are conducted by drawing for
 18 prizes.

19 (2) "Equipment" means:

20 (a) with respect to bingo, the receptacle and numbered
 21 objects drawn from it, the master board upon which such
 22 objects are placed as drawn, the cards or sheets bearing
 23 numbers or other designations to be covered and the objects
 24 used to cover them, the boards or signs, however operated,
 25 used to announce or display the numbers or designations as

1 they are drawn, public address system, and all other
 2 articles essential to the operation, conduct, and playing of
 3 bingo; or

4 (b) with respect to raffles, the implements, devices,
 5 and machines designed, intended, or used for the conduct of
 6 raffles and the identification of the winning number or unit
 7 and the ticket or other evidence of right to participate in
 8 raffles."

9 Section 3. Section 23-5-412, MCA, is amended to read:

10 "23-5-412. Bingo prizes. Bingo prizes must be in
 11 tangible personal property ~~only and not in or~~ ~~money, cash,~~
 12 ~~stocks, bonds, evidences of indebtedness, or other~~
 13 ~~intangible personal property~~ and must not exceed the value
 14 of ~~\$100~~ \$500 for each individual bingo award. The price for
 15 an individual bingo card shall not exceed 50 cents. It shall
 16 be unlawful to, in any manner, combine any awards so as to
 17 increase the ultimate value of such award."

18 NEW SECTION. Section 4. County option -- electronic
 19 games. A county may, upon approval of a majority of the
 20 electors at a general election, authorize the use within
 21 that county of any machine, apparatus, electronic device, or
 22 other instrument that purports to simulate a gambling
 23 activity that is lawful under this chapter.

24 NEW SECTION. Section 5. County licensing. A county
 25 approving the use of simulated games pursuant to [section 5]

1 may require such machine, apparatus, electronic device, or
2 other instrument to be licensed. License fees collected
3 under this section shall be deposited in the county general
4 fund.

5 Section 6. Codification instruction. Sections 5 and 6
6 are intended to be codified as an integral part of Title 23,
7 chapter 5, and the provisions of Title 23, chapter 5, apply
8 to sections 5 and 6.

9 Section 7. Severability. If a part of this act is
10 invalid, all valid parts that are severable from the invalid
11 part remain in effect. If a part of this act is invalid in
12 one or more of its applications, the part remains in effect
13 in all valid applications that are severable from the
14 invalid applications.

-End-

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