

HOUSE BILL NO. 677

Introduced: 02/08/83

Referred to Committee on Judiciary: 02/08/83

Hearing: 2/16/83

Report: 02/16/83, Do Pass, As Amended

2nd Reading: 02/18/83, Do Pass

3rd Reading: 02/21/83, Do Pass

Transmitted to Senate: 2/21/83

Referred to Committee on Judiciary: 3/1/83

Hearing: 3/21/83

Report: 03/25/83, Be Concurred In, As Amended

2nd Reading: 03/26/83, Be Concurred In, As Amended

3rd Reading: 03/28/83

Returned to House With Amendments: 03/28/83

2nd Reading: 04/01/83, Be Not Concurred In

Conference Committee Appointed: 04/01/83

On Motion, 4/20/83, That The conference Committee Be Dissolved  
And That The Bill Be Returned To The Senate For Further  
Consideration. Motion Failed.

On Motion, 4/20/83, That The Conference Committee Be Dissolved  
And That A New Conference Committee Be Appointed. Motion  
Failed

Died in Conference Committee

1 *Haffey* *House* BILL NO. *677*

2 INTRODUCED BY *Nelson* *Richard* *Phyllis* *Mary*

3 *Jacobson* *Daily* *O'Connell* *Spitzer* *William* *James*

4 A BILL FOR AN ACT ENTITLED "AN ACT TO ALLOW BINGO PRIZES

5 TO BE PAID IN CASH; AMENDING SECTION 23-5-412, MCA."

6 *Be* IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

7 *Section 1.* Section 23-5-412, MCA, is amended to read:

8 "23-5-412. Bingo prizes. Bingo prizes must be in *may*

9 *be paid in either* tangible personal property *only and not in*

10 *money or* cash, stocks, bonds, evidences of indebtedness, or

11 *other intangible personal property and must but may* not

12 exceed the value of \$100 for each individual bingo award.

13 The price for an individual bingo card *shall* ~~may~~ not exceed

14 50 cents. It shall be unlawful to, in any manner, combine

15 any awards so as to increase the ultimate value of such

16 award."

17

-End-

INTRODUCED BILL  
HB 677

Approved by Committee  
on Judiciary

1 HOUSE BILL NO. 677

2 INTRODUCED BY NILSON, R. MANNING, PHILLIPS,

3 MENAHAN, GRAHAM, O'CONNELL, SPAETH, NISBET,

4 MANUEL, PAVLOVICH, JACOBSON, DAILY, KEENAN,

5 DRISCOLL, HOLLIDAY, ABRAMS, HARRINGTON,

6 DEVLIN, DOZIER, MARKS, FABREGA, BERG,

7 HEMSTAD, IVERSON, DONALDSON, LYBECK,

8 THOFT, FARRIS, BRAND, SWITZER, LEE,

9 GALT, ZABROCKI, KEYSER, BERTELSEN,

10 WILLIAMS, NORMAN, FULLER, JACOBSEN,

11 KOEHNKE, HAFLEY

12

13 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW BINGO PRIZES

14 TO BE PAID IN CASH; AMENDING SECTION 23-5-412, MCA."

15

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

17 Section 1. Section 23-5-412, MCA, is amended to read:

18 "23-5-412. Bingo prizes. Bingo prizes ~~must be~~ in ~~may~~

19 ~~be paid in either~~ tangible personal property ~~only and not in~~

20 ~~money, or cash, stocks, bonds, evidences of indebtedness, or~~

21 ~~other intangible personal property and must~~ but ~~may~~ not

22 exceed the value of \$100 for each individual bingo award.

23 The price for an individual bingo card ~~shall~~ ~~may~~ not exceed

24 50 cents. It shall be unlawful to, in any manner, combine

25 any awards so as to increase the ultimate value of such

1 award. IT SHALL BE UNLAWFUL TO PAY CASH PRIZES DIRECTLY FROM

2 ANY BINGO DEVICE."

-End-

## HOUSE BILL NO. 677

INTRODUCED BY NILSON, R. MANNING, PHILLIPS,

MENAHAH, GRAHAM, O'CONNELL, SPAETH, NISBET,

MANUEL, PAVLOVICH, JACOBSON, DAILY, KEENAN,

DRISCOLL, HOLLIDAY, ABRAMS, HARRINGTON,

DEVLIN, DOZIER, MARKS, FABREGA, BERG,

HEMSTAD, IVERSON, DONALDSON, LYBECK,

THOFT, FARRIS, BRAND, SWITZER, LEE,

GALT, ZABROCKI, KEYSER, BERTELSEN,

WILLIAMS, NORMAN, FULLER, JACOBSEN,

KOEHNKE, HAFLEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW BINGO PRIZES  
TO BE PAID IN CASH; AMENDING SECTION 23-5-412, MCA."

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

Section 1. Section 23-5-412, MCA, is amended to read:

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

1 award. IT SHALL BE UNLAWFUL TO PAY CASH PRIZES DIRECTLY FROM2 ANY BINGO DEVICE."

-End-

March 25, 1983

SENATE STANDING COMMITTEE REPORT  
(Judiciary)

That House Bill No. 677 be amended as follows:

1. Page 1, line 17 through line 2 on page 2.

Strike: Section 1 in its entirety

Insert: "Section 1. Section 23-5-412, MCA, is amended to read:

"23-5-412. Bingo prizes. Except as provided in [section 2], bingo ~~Bingo~~ prizes must be in tangible personal property only and not in money, cash, stocks, bonds, evidences of indebtedness, or other intangible personal property and must not exceed the value of \$100 for each individual bingo award. The price for an individual bingo card shall not exceed 50 cents. It shall be unlawful to, in any manner, combine any awards so as to increase the ultimate value of such award."

"NEW SECTION. Section 2. Cash bingo prizes allowed -- conditions.

(1) The provisions of 23-5-412 prohibiting the payment of bingo prizes in cash or money do not apply if cash or money is awarded as a bingo prize exclusively under the following conditions:

(a) The prize may not exceed \$100 for each individual bingo award. It shall be unlawful to, in any manner, combine any awards so as to increase the ultimate amount of such prize.

(b) The player of the game may not in any manner operate any device for the selection of the numbers or symbols determining the award of a prize. The player may participate only by recording manually on a card the numbers or symbols used to determine the winner of the game. Such card must be composed of tangible personal property separate from any device used by another to select the numbers or symbols determining the winner, and such card shall have printed thereon the letters "BINGO".

(c) No game of bingo, or any variation thereof by whatever name it may be called, may be conducted or operated under this section:

(i) directly or indirectly in, from, or upon any premises licensed under Title 16, chapter 4, and no person holding a license issued under that title and chapter may receive or in any way participate in the proceeds of the game;

(ii) in any manner by the use of an electronic or mechanical device on which the game is commenced, played, or concluded by the direct or indirect insertion of a coin, token, or other object in the device, or in any manner by the payment of a consideration for the commencement, play, or conclusion of the game other than a consideration paid for the use or purchase of the card required by subsection (b); and

(iii) by any individual, person, corporation, partnership, association or other entity except an organization granted exemption from federal taxation under section 501 (c) (3) of the Internal Revenue Code.

(2) The provisions of subsection (1) do not apply to the game commonly known as "Keno".

"NEW SECTION. Section 3. Codification instruction. Section 2 is intended to be codified as an integral part of Title 23, chapter 5, part 4, and the provisions of Title 23, chapter 5, part 4 apply to Section 2."

March 28, 1983

SENATE COMMITTEE OF THE WHOLE AMENDMENT

That House Bill No. 677, Senate Standing Committee Report, (Judiciary),  
March 25, 1983, Amendment No. 1, as follows:

1. Section 2(b), lines 7 and 8  
Strike: ", and such card shall have printed thereon  
the letters "BINGO"
2. Section 2(c) line 2  
Strike: ":"
3. Section 2(c)(i)  
Strike: subsection (i) in its entirety  
Re-number: subsequent subsections
4. Section 2(c)(ii), line 6  
Strike: ";" and"  
Insert: "."
5. Section 2(c)(iii)  
Strike: subsection (iii) in its entirety
6. Section 2(2)  
Strike: subsection (2) in its entirety

## HOUSE BILL NO. 677

INTRODUCED BY NILSON, R. MANNING, PHILLIPS,  
 MENAHAN, GRAHAM, O'CONNELL, SPAETH, NISBET,  
 MANUEL, PAVLOVICH, JACOBSON, DAILY, KEENAN,  
 DRISCOLL, HOLLIDAY, ABRAMS, HARRINGTON,  
 DEVLIN, DOZIER, MARKS, FABREGA, BERG,  
 HEMSTAD, IVERSON, DONALDSON, LYBECK,  
 THOFT, FARRIS, BRAND, SWITZER, LEE,  
 GALT, ZABROCKI, KEYSER, BERTELSEN,  
 WILLIAMS, NORMAN, FULLER, JACOBSEN,

KOEHNKE, HAFEEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW BINGO PRIZES  
 TO BE PAID IN CASH; AMENDING SECTION 23-5-412, MCA."

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

(Refer to Third Reading Bill)

Strike everything after the enacting clause and insert:

Section 1. Section 23-5-412, MCA, is amended to read:

"23-5-412. Bingo prizes. Bingo ~~Except as provided in~~  
~~[section 2],~~ bingo prizes must be in tangible personal  
 property only and not in money, cash, stocks, bonds,  
 evidences of indebtedness, or other intangible personal  
 property and must not exceed the value of \$100 for each  
 individual bingo award. The price for an individual bingo

card shall not exceed 50 cents. It shall be unlawful to, in  
 any manner, combine any awards so as to increase the  
 ultimate value of such award."

~~NEW SECTION.~~ Section 2. Cash bingo prizes allowed --  
 conditions. ~~++~~ The provisions of 23-5-412 prohibiting the  
 payment of bingo prizes in cash or money do not apply if  
 cash or money is awarded as a bingo prize exclusively under  
 the following conditions:

~~++111~~ The prize may not exceed \$100 for each  
 individual bingo award. It shall be unlawful to, in any  
 manner, combine any awards so as to increase the ultimate  
 amount of such prize.

~~++121~~ The player of the game may not in any manner  
 operate any device for the selection of the numbers of  
 symbols determining the award of a prize. The player may  
 participate only by recording manually on a card the numbers  
 or symbols used to determine the winner of the game. Such  
 card must be composed of tangible personal property separate  
 from any device used by another to select the numbers or  
 symbols determining the winnery--and-such-card-shall-have  
 printed-thereon-the-letters-"BINGO".

~~++131~~ No game of bingo, or any variation thereof by  
 whatever name it may be called, may be conducted or operated  
 under this section.

~~++--directly--or--indirectly--in--from--or--upon--any~~

1 ~~premises licensed under title 16, chapter 4, and no person~~  
 2 ~~holding a license issued under that title and chapter may~~  
 3 ~~receive or in any way participate in the proceeds of the~~  
 4 ~~game~~

5       ~~it~~ in any manner by the use of an electronic or  
 6 mechanical device on which the game is commenced, played, or  
 7 concluded by the direct or indirect insertion of a coin,  
 8 token, or other object in the device, or in any manner by  
 9 the payment of a consideration for the commencement, play,  
 10 or conclusion of the game other than a consideration paid  
 11 for the use or purchase of the card required by subsection  
 12 (b) (2) and.

13       ~~it~~ by any individual, person, corporation,  
 14 partnership, association, or other entity except an  
 15 organization granted exemption from federal taxation under  
 16 section 501(c)(3) of the Internal Revenue Code.

17       ~~The provisions of subsection (1) do not apply to~~  
 18 ~~the game commonly known as "keno"~~

19       NEW SECTION. Section 3. Codification       instruction.  
 20 Section 2 is intended to be codified as an integral part of  
 21 Title 23, chapter 5, part 4, and the provisions of Title 23,  
 22 chapter 5, part 4, apply to section 2.

-End-