## HOUSE BILL NO. 610

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2/01 Introduced
2/01 Referred to Business & Labor Died in Committee

HOUSE BILL NO. 610 Junch 1 INTRODUCED .BY 2 Keenan Dur Brown AUTHORIZING Sasan A BILL FOR AN ACT "AN ACT ENTITLED: 4 SELF-GOVERNING COUNTIES AND SELF-GOVERNING CITY-COUNTY 5 CONSOLIDATED LOCAL GOVERNMENTS TO REGULATE GAMBLING SUBJECT 6 THE APPROVAL OF THE ELECTORATE WITHIN THEIR 7 TO JURISDICTIONS; PROVIDING FOR PENALTIES; PROVIDING FOR A TAX 8 ON GAMBLING REVENUES, FACILITIES, IMPLEMENTS, AND MACHINES; 9 AMENDING SECTIONS 7-1-112, 23-5-102, AND 23-5-142, MCA." 10 11

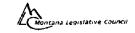
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Countywide regulation of 13 gambling -- self-governing local governments. (1) The 14 of a self-governing county or a governing body 15 self-governing city-county consolidated local government 16 may, by ordinance approved by the electorate in a referendum 17 conducted pursuant to 7-5-131 through 7-5-137, regulate 18 gambling within its jurisdiction. 19

(2) The regulation of gambling provided for in this
section includes the power to license gambling facilities,
gambling implements, and gambling machines.

23 (3) The regulation of gambling may be stricter or less24 strict than state regulation of gambling.

25 (4) (a) A form of gambling that is prohibited by a



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self-governing county or self-governing city-county
 consolidated local government is prohibited gambling under
 the provisions of 23-5-102, notwithstanding that the form of
 gambling may be authorized under other provisions of state
 law.

(b) A form of gambling that is authorized by a 6 7 self-governing county or a self-governing city-county consolidated local government is an authorized form of 8 gambling under state law, and a person engaging in that form 9 of gambling within the jurisdiction of the county or 10 city-county consolidated local government is not subject to 11 12 prosecution under 23-5-102, notwithstanding that the form of gambling may be prohibited or not authorized under other 13 14 provisions of state law.

15 (5) A local government regulating gambling under this 16 section may define gambling offenses, including cheating and 17 prohibited forms of gambling, and may fix as a penalty for 18 violation of such gambling offenses a fine not to exceed 19 \$5,000 or imprisonment not to exceed 6 months or both such 20 fine and imprisonment.

(6) A local government regulating gambling under this
section may by ordinance levy a tax on income and proceeds
of gambling and may tax gambling facilities, gambling
implements, and gambling machines.

Section 2. Section 7-1-112, MCA, is amended to read:

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"7-1-112. Powers requiring delegation. A local
 government with self-government powers is prohibited the
 exercise of the following powers unless the power is
 specifically delegated by law:

5 (1) the power to authorize a tax on income or the sale 6 of goods or services, except that this section shall not be 7 construed to limit the authority of a local government to 8 levy any other tax or establish the rate of any other tax; 9 (2) the power to regulate private activity beyond its 10 geographic limits;

11 (3) the power to impose a duty on another unit of 12 local government, except that nothing in this limitation 13 shall affect the right of a self-government unit to enter 14 into and enforce an agreement on interlocal cooperation;

15 (4) the power to exercise any judicial function,
16 except as an incident to the exercise of an independent
17 self-government administrative power;.

18 (5)--the--power--to--regulate--any--form--of--gambling; 19 lotteries;-or-gift-enterprises;"

Section 3. Section 23-5-102, MCA, is amended to read:
"23-5-102. Gambling prohibited -- penalty. Except as
provided in [section 1] or otherwise provided by law, a
person who engages in gambling in any form with cards, dice,
or other implements or devices of any kind wherein anything
valuable may be wagered upon the outcome or who keeps any

establishment, place, equipment, or apparatus for such gambling or any agents or employees for such purpose is guilty of a misdemeanor and is punichable by a fine of not less than \$100 or more than \$1,000 or imprisonment not less than 3 months or more than 1 year or by both such fine and imprisonment."

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7 Section 4. Section 23-5-142, MCA, is amended to read: "23-5-142. Ordinances concerning gambling. No Except я as provided in [section 1], no ordinance regarding gambling 9 or gambling houses may be passed by any city, or town, 10 county, or other political subdivision of the state except 11 12 in compliance with parts 3, 4, and 5 of this chapter." 13 NEW SECTION. Section 5. Severability. If a part of 14 this act is invalid, all valid parts that are severable from

15 the invalid part remain in effect. If a part of this act is 16 invalid in one or more of its applications, the part remains 17 in effect in all valid applications that are severable from 18 the invalid applications.

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