

HOUSE BILL NO. 796

INTRODUCED BY DRISCOLL

BY REQUEST OF THE HOUSE COMMITTEE ON BUSINESS AND LABOR

IN THE HOUSE

FEBRUARY 17, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & LABOR.
FEBRUARY 19, 1987	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 20, 1987	PRINTING REPORT.
FEBRUARY 21, 1987	ON MOTION, CONSIDERATION PASSED FOR THE DAY. SECOND READING, DO PASS AS AMENDED.
FEBRUARY 24, 1987	ENGROSSING REPORT.
FEBRUARY 25, 1987	THIRD READING, PASSED. AYES, 69; NOES, 25. TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 2, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
MARCH 6, 1987	ON MOTION, REREFERRED TO COMMITTEE ON STATE ADMINISTRATION.
MARCH 23, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 25, 1987	SECOND READING, CONCURRED IN AS AMENDED.
MARCH 27, 1987	THIRD READING, CONCURRED IN. AYES, 40; NOES, 10. RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 8, 1987

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS NOT
CONCURRED IN.

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 9, 1987

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 13, 1987

ON MOTION, CONFERENCE COMMITTEE
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 13, 1987

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 16, 1987

FREE CONFERENCE COMMITTEE REPORTED.

IN THE SENATE

APRIL 16, 1987

FREE CONFERENCE
COMMITTEE REPORT REJECTED.

IN THE HOUSE

APRIL 20, 1987

SECOND READING, FREE CONFERENCE
COMMITTEE REPORT REJECTED.

ON MOTION, FREE CONFERENCE COMMITTEE
NO. 2 REQUESTED AND APPOINTED.

APRIL 21, 1987

FREE CONFERENCE COMMITTEE NO. 2 REPORTED.

SECOND READING, FREE CONFERENCE
COMMITTEE NO. 2 REPORT ADOPTED.

IN THE SENATE

APRIL 21, 1987

SECOND READING, FREE CONFERENCE
COMMITTEE NO. 2 REQUESTED AND APPOINTED.

APRIL 22, 1987

FREE CONFERENCE COMMITTEE NO. 2
REPORT ADOPTED.

IN THE HOUSE

APRIL 22, 1987

THIRD READING, FREE CONFERENCE
COMMITTEE NO. 2 REPORT ADOPTED.

SENT TO ENROLLING.

1 House BILL NO. 796
 2 INTRODUCED BY D. Swill
 3 BY REQUEST OF THE HOUSE COMMITTEE ON BUSINESS AND LABOR
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE NUMBER OF
 6 BINGO MACHINES IN AN ESTABLISHMENT; PROVIDING FOR HOURS OF
 7 PLAY OF BINGO MACHINES; AMENDING SECTIONS 23-5-402 AND
 8 23-5-414, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
 9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 23-5-402, MCA, is amended to read:
 12 "23-5-402. Definitions. As used in this part, unless
 13 the context requires otherwise, the following terms or
 14 phrases shall have the following meanings:

15 (1) "Bingo machine" means an electronic video game
 16 machine that, upon insertion of cash, is available to play
 17 or simulate the play of the game of bingo, utilizing a video
 18 display and microprocessors, in which by the skill of the
 19 player or by chance, or both, the player may receive free
 20 games or credits that can be redeemed for cash. The term
 21 does not include a machine that directly dispenses coins,
 22 cash, tokens, or anything else of value.

23 ~~(1)~~(2) "Game of chance" means the specific kind of
 24 game of chance commonly known as:

25 (a) "bingo", in which prizes are awarded on the basis

1 of designated numbers or symbols on a card which conform to
 2 numbers or symbols selected at random;

3 (b) "raffles", which are conducted by drawing for
 4 prizes.

5 ~~(2)~~(3) "Equipment" means:

6 (a) with respect to bingo, the receptacle and numbered
 7 objects drawn from it, the master board upon which such
 8 objects are placed as drawn, the cards or sheets bearing
 9 numbers or other designations to be covered and the objects
 10 used to cover them, the boards or signs, however operated,
 11 used to announce or display the numbers or designations as
 12 they are drawn, public address system, and all other
 13 articles essential to the operation, conduct, and playing of
 14 bingo; or

15 (b) with respect to raffles, the implements, devices,
 16 and machines designed, intended, or used for the conduct of
 17 raffles and the identification of the winning number or unit
 18 and the ticket or other evidence of right to participate in
 19 raffles."

20 Section 2. Section 23-5-414, MCA, is amended to read:

21 "23-5-414. Restrictions on bingo and raffles -- bingo
 22 machines in establishment limit -- hours of operation. (1)
 23 In the playing of bingo, no person who is not physically
 24 present on the premises where the game is actually conducted
 25 shall be allowed to participate as a player in the game.



1 (2) Raffles authorized by this part shall be
2 restricted to events and participants within the geographic
3 confines of the state of Montana.

4 (3) No establishment may receive licenses for, under
5 23-5-421, or make available for play more than five bingo
6 machines.

7 (4) An establishment that receives a license to make a
8 bingo machine available for play must be closed each day
9 during the hours provided in 16-3-304 for closure of
10 licensed retail alcoholic beverage establishments."

11 NEW SECTION. Section 3. Extension of authority. Any
12 existing authority of the department of revenue to make
13 rules on the subject of the provisions of this act is
14 extended to the provisions of this act.

15 NEW SECTION. Section 4. Effective date. This act is
16 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

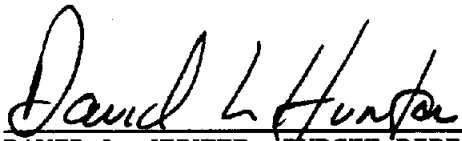
In compliance with a written request, there is hereby submitted a Fiscal Note for HB796, as introduced.


DESCRIPTION OF PROPOSED LEGISLATION:

An act limiting the number of bingo machines in an establishment; providing for hours of play of bingo machines; and providing an immediate effective date.

FISCAL IMPACT:

This proposal would have no significant impact on state revenue or expenditures.

 DATE 2/21/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

 DATE 2-21-87
JERRY DRISCOLL, PRIMARY SPONSOR
Fiscal Note for HB796, as introduced.

HB 796

APPROVED BY COMM. ON BUSINESS AND LABOR

1 House BILL NO. 796
2 INTRODUCED BY D. Swinell
3 BY REQUEST OF THE HOUSE COMMITTEE ON BUSINESS AND LABOR
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE NUMBER OF
6 BINGO MACHINES IN AN ESTABLISHMENT; PROVIDING FOR HOURS OF
7 PLAY OF BINGO MACHINES; AMENDING SECTIONS 23-5-402 AND
8 23-5-414, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
9

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

11 Section 1. Section 23-5-402, MCA, is amended to read:
12 "23-5-402. Definitions. As used in this part, unless
13 the context requires otherwise, the following terms or
14 phrases shall have the following meanings:

15 (1) "Bingo machine" means an electronic video game
16 machine that, upon insertion of cash, is available to play
17 or simulate the play of the game of bingo, utilizing a video
18 display and microprocessors, in which by the skill of the
19 player or by chance, or both, the player may receive free
20 games or credits that can be redeemed for cash. The term
21 does not include a machine that directly dispenses coins,
22 cash, tokens, or anything else of value.

23 ~~(1)~~(2) "Game of chance" means the specific kind of
24 game of chance commonly known as:

25 (a) "bingo", in which prizes are awarded on the basis

1 of designated numbers or symbols on a card which conform to
2 numbers or symbols selected at random;

3 (b) "raffles", which are conducted by drawing for
4 prizes.

5 ~~(2)~~(3) "Equipment" means:

6 (a) with respect to bingo, the receptacle and numbered
7 objects drawn from it, the master board upon which such
8 objects are placed as drawn, the cards or sheets bearing
9 numbers or other designations to be covered and the objects
10 used to cover them, the boards or signs, however operated,
11 used to announce or display the numbers or designations as
12 they are drawn, public address system, and all other
13 articles essential to the operation, conduct, and playing of
14 bingo; or

15 (b) with respect to raffles, the implements, devices,
16 and machines designed, intended, or used for the conduct of
17 raffles and the identification of the winning number or unit
18 and the ticket or other evidence of right to participate in
19 raffles."

20 Section 2. Section 23-5-414, MCA, is amended to read:

21 "23-5-414. Restrictions on bingo and raffles -- bingo
22 machines in establishment limit -- hours of operation. (1)
23 In the playing of bingo, no person who is not physically
24 present on the premises where the game is actually conducted
25 shall be allowed to participate as a player in the game.



1 (2) Raffles authorized by this part shall be
2 restricted to events and participants within the geographic
3 confines of the state of Montana.

4 (3) No establishment may receive licenses for, under
5 23-5-421, or make available for play more than five bingo
6 machines.

7 (4) An establishment that receives a license to make a
8 bingo machine available for play must be closed each day
9 during the hours provided in 16-3-304 for closure of
10 licensed retail alcoholic beverage establishments."

11 NEW SECTION. Section 3. Extension of authority. Any
12 existing authority of the department of revenue to make
13 rules on the subject of the provisions of this act is
14 extended to the provisions of this act.

15 NEW SECTION. Section 4. Effective date. This act is
16 effective on passage and approval.

-End-

HOUSE BILL NO. 796

INTRODUCED BY DRISCOLL

BY REQUEST OF THE HOUSE COMMITTEE ON BUSINESS AND LABOR

A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE NUMBER OF BINGO MACHINES IN AN ESTABLISHMENT; PROVIDING FOR HOURS OF PLAY OF BINGO AND VIDEO DRAW POKER MACHINES; AMENDING SECTIONS 23-5-402, AND 23-5-414, AND 23-5-603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 23-5-402, MCA, is amended to read:

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

(1) "Bingo machine" means an electronic video game machine that, upon insertion of cash, is available to play or simulate the play of the game of bingo, utilizing a video display and microprocessors, in which by the skill of the player or by chance, or both, the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, tokens, or anything else of value.

(2) "Game of chance" means the specific kind of game of chance commonly known as:

(a) "bingo", in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random;

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

(3) "Equipment" means:

(a) with respect to bingo, the receptacle and numbered objects drawn from it, the master board upon which such objects are placed as drawn, the cards or sheets bearing numbers or other designations to be covered and the objects used to cover them, the boards or signs, however operated, used to announce or display the numbers or designations as they are drawn, public address system, and all other articles essential to the operation, conduct, and playing of bingo; or

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

Section 2. Section 23-5-414, MCA, is amended to read:

"23-5-414. Restrictions on bingo and raffles -- bingo machines in establishment limit -- hours of operation. (1) In the playing of bingo, no person who is not physically present on the premises where the game is actually conducted



1 shall be allowed to participate as a player in the game.

2 (2) Raffles authorized by this part shall be
3 restricted to events and participants within the geographic
4 confines of the state of Montana.

5 (3) No establishment may receive licenses for, under
6 23-5-421, or make available for play more than five 10 bingo
7 machines UNLESS OTHERWISE DETERMINED BY LOCAL AUTHORITY
8 GOVERNING BODY, BUT NO MORE THAN 10.

9 (4) An establishment that receives a license to make a
10 bingo machine available for play must be--closed--each--day
11 during--the--hours--provided--in--16-3-304--for--closure--of
12 licensed-retail-alcoholic-beverage-establishments HAVE HOURS
13 OF PLAY DETERMINED BY LOCAL AUTHORITY BE--CLOSED HAVE THE
14 MACHINES SHUT OFF EACH DAY DURING THE HOURS PROVIDED IN
15 16-3-304 FOR CLOSURE OF LICENSED RETAIL ALCOHOLIC BEVERAGE
16 ESTABLISHMENTS, UNLESS OTHERWISE DETERMINED BY LOCAL
17 GOVERNING BODY, BUT THE HOURS CANNOT EXCEED THE HOURS
18 PROVIDED IN 16-3-304."

19 SECTION 3. SECTION 23-5-603, MCA, IS AMENDED TO READ:

20 "23-5-603. Video draw poker machines -- possession --
21 play -- hours of play -- restriction. No person may place an
22 electronic video game machine that simulates or offers a
23 game of poker in his licensed establishment unless he is
24 licensed under 23-5-612. Machines licensed under 23-5-612
25 are legal, and it is legal to play such machines, except

1 that a person under the age of 18 years may not play a video
2 draw poker machine and an establishment that receives a
3 license to make a video draw poker machine available for
4 play must be-closed HAVE THE MACHINES SHUT OFF each day
5 during the hours provided in 16-3-304 for closure of
6 licensed retail alcoholic beverage establishments, UNLESS
7 OTHERWISE DETERMINED BY LOCAL GOVERNING BODY. The
8 provisions of part 3 of this chapter do not apply to or
9 prohibit video draw poker machines or the playing of such
10 machines."

11 NEW SECTION. Section 4. Extension of authority. Any
12 existing authority of the department of revenue to make
13 rules on the subject of the provisions of this act is
14 extended to the provisions of this act.

15 NEW SECTION. Section 5. Effective date. This act is
16 effective on passage and approval.

-End-

HOUSE BILL NO. 796

INTRODUCED BY DRISCOLL

BY REQUEST OF THE HOUSE COMMITTEE ON BUSINESS AND LABOR

A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE NUMBER OF BINGO MACHINES IN AN ESTABLISHMENT; PROVIDING FOR HOURS OF PLAY OF BINGO AND VIDEO DRAW POKER MACHINES; AMENDING SECTIONS 23-5-402, AND 23-5-414, AND 23-5-603, MCA; AND PROVIDING AN-IMMEDIATE EFFECTIVE DATE DATES."

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

Section 1. Section 23-5-402, MCA, is amended to read:

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

(1) "Bingo machine" means an electronic video game machine that, upon insertion of cash, is available to play or simulate the play of the game of bingo, utilizing a video display and microprocessors, in which by the skill of the player or by chance, or both, the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, tokens, or anything else of value.

(2) "Game of chance" means the specific kind of game of chance commonly known as:

(a) "bingo", in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random;

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

(3) "Equipment" means:

(a) with respect to bingo, the receptacle and numbered objects drawn from it, the master board upon which such objects are placed as drawn, the cards or sheets bearing numbers or other designations to be covered and the objects used to cover them, the boards or signs, however operated, used to announce or display the numbers or designations as they are drawn, public address system, and all other articles essential to the operation, conduct, and playing of bingo; or

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

Section 2. Section 23-5-414, MCA, is amended to read:

"23-5-414. Restrictions on bingo and raffles -- bingo machines in establishment limit -- EXCEPTION -- hours of operation. (1) In the playing of bingo, no person who is not physically present on the premises where the game is



1 actually conducted shall be allowed to participate as a
2 player in the game.

3 (2) Raffles authorized by this part shall be
4 restricted to events and participants within the geographic
5 confines of the state of Montana.

6 (3) No establishment may receive licenses for, under
7 23-5-421, or make available for play more than five 10 bingo
8 machines UNLESS OTHERWISE DETERMINED BY LOCAL AUTHORITY
9 GOVERNING BODY, BUT NO MORE THAN 10.

10 (4) THE LIMITATION OF 10 BINGO MACHINES PER
11 ESTABLISHMENT DOES NOT APPLY TO AN ESTABLISHMENT THAT CAN
12 ESTABLISH TO THE SATISFACTION OF THE DEPARTMENT THAT IT HAD
13 MORE THAN 10 BINGO MACHINES AVAILABLE FOR PLAY PRIOR TO
14 MARCH 1, 1987. THE LIMITATION FOR THE ESTABLISHMENT IS THE
15 NUMBER OF BINGO MACHINES AVAILABLE FOR PLAY ON THAT DATE.

16 (5) An establishment that receives a license to
17 make a bingo machine available for play must be closed each
18 day during the hours provided in 16-3-304 for closure of
19 licensed retail alcoholic beverage establishments HAVE HOURS
20 OF PLAY DETERMINED BY LOCAL AUTHORITY BE CLOSED HAVE THE
21 MACHINES SHUT OFF EACH DAY DURING THE HOURS PROVIDED IN
22 16-3-304 FOR CLOSURE OF LICENSED RETAIL ALCOHOLIC BEVERAGE
23 ESTABLISHMENTS, UNLESS OTHERWISE DETERMINED BY LOCAL
24 GOVERNING BODY, BUT THE HOURS CANNOT EXCEED THE HOURS
25 PROVIDED IN 16-3-304."

1 SECTION 3. SECTION 23-5-603, MCA, IS AMENDED TO READ:

2 "23-5-603. Video draw poker machines -- possession --
3 play -- hours of play -- restriction. No person may place an
4 electronic video game machine that simulates or offers a
5 game of poker in his licensed establishment unless he is
6 licensed under 23-5-612. Machines licensed under 23-5-612
7 are legal, and it is legal to play such machines, except
8 that a person under the age of 18 years may not play a video
9 draw poker machine and an establishment that receives a
10 license to make a video draw poker machine available for
11 play must be closed HAVE THE MACHINES SHUT OFF each day
12 during the hours provided in 16-3-304 for closure of
13 licensed retail alcoholic beverage establishments, UNLESS
14 OTHERWISE DETERMINED BY LOCAL GOVERNING BODY. The
15 provisions of part 3 of this chapter do not apply to or
16 prohibit video draw poker machines or the playing of such
17 machines."

18 NEW SECTION. Section 4. Extension of authority. Any
19 existing authority of the department of revenue to make
20 rules on the subject of the provisions of this act is
21 extended to the provisions of this act.

22 NEW SECTION. Section 5. Effective date DATES. This
23 (1) EXCEPT AS PROVIDED IN SUBSECTION (2), THIS act is
24 effective on passage and approval.

25 (2) SECTION 23-5-414(3) IS EFFECTIVE JULY 1, 1988.

STANDING COMMITTEE REPORT

SENATE

MARCH 20

19 87

MR. PRESIDENT

SENATE STATE ADMINISTRATION

We, your committee on

having had under consideration

HOUSE BILL No. 796

third reading copy (blue color)

LIMITING HOURS OF PLAY AND NUMBERS OF BINGO MACHINES; CAPPING LICENSE FEES Driscoll (Lynch)

HOUSE BILL 796

Respectfully report as follows: That

No.

be amended as follows:

- 1. Page 4, line 15. Strike: "This" Insert: "(1) Except as provided in subsection (2), this" Following: line 16 Insert: "(2) Section 23-5-414(3) is effective July 1, 1988."

AND AS AMENDED BE CONCURRED IN

113

XXXXXX

XXXXXXXXXX

3-20-87 4:40

SENATOR JACK HAFFEE Chairman.

3-25-87

SENATE

DATE

11:45

TIME

796

No.

House Bill

MR. CHAIRMAN: I MOVE TO AMEND

third

blue

reading copy () as follows:

Color

1. Page 2, line 23.

Following: " limit "

Insert: " -- exception "

2. Page 3, following line 8.

Insert: "(4) The limitation of 10 bingo machines per establishment does not apply to an establishment that can establish to the satisfaction to the department that it had more than 10 bingo machines available for play prior to March 1, 1987. The limitation for the establishment is the number of bingo machines available for play on that date."

Renumber: subsequent subsection.

K

ADOPT

REJECT

Senator Crippen

MR. PRESIDENT

FREE

V. e. your _____ Conference Committee on
House Bill 796

met and considered _____
House Bill 796 in its entirety, reference copy
(salmon), including Senate amendments dated 3-20-87 and
3-25-87.

We recommend as follows: That HB 796 be amended as follows:

- 1) Amending the Senate Standing Committee Report dated 3-20-87, which amended HB 796.
Strike the amendment in its entirety
- 2) Amending the Senate Committee of the Whole amendment dated 3-25-87 (11:45), which amended HB 796.
Strike the amendments in their entirety

FURTHER AMENDING HB 796

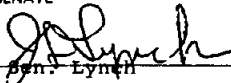
3) Title, line 9.
Following: "PROVIDING"
Insert: "AN"
Strike: "DATES"
Insert: "DATE"

4) Page 3, line 7.
Strike: "10"
Insert: "15"

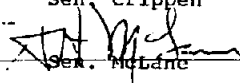
CONTINUED

And that this Conference Committee report be adopted.

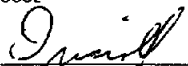
FOR THE SENATE



Sen. Lynch


Sen. Crippen


Sen. McLane

FOR THE HOUSE


Rep. Driscoll


Rep. Gould


Rep. Mercer

ADOPT REJECT

5) Page 3, line 8.
Strike: "UNLESS OTHERWISE DETERMINED BY"
Insert: ". A"

6) Page 3, line 9.
Strike: "BUT NO MORE THAN 10"
Insert: "however, may restrict the number of licensed machines available for play in an establishment to less than 15"

7) Page 3, line 16.
Following: "(4)" (renumbered)
Strike: "An"
Insert: "(a) Except as provided in subsection (4) (b), an"

8) Page 3, line 23.
Strike: "UNLESS OTHERWISE DETERMINED BY"
Insert: ". (b) A"

9) Page 3, line 24.
Strike: "BUT THE" through "16-3-304" on line 25
Insert: "may establish any hours of play for bingo machines that it determines proper"

10) Page 4, line 3.
Following: "."
Insert: "(1)"

11) Page 4, line 9.
Strike: "and"
Insert: ". (2) Except as provided in subsection (3),"

12) Page 4, line 13.
Strike: "UNLESS" through "BODY" on line 14

13) Page 4, line 14.
Following: "."
Insert: "(3) A local governing body may establish any hours of play for video draw poker machines that it determines proper. (4)"

14) Page 4, line 22.
Strike: "DATES"
Insert: "date"

15) Page 4, line 24.
Strike: "on passage and approval"
Insert: "July 1, 1988"

4-13 1987

MR. SPEAKER

We, your FREE Conference Committee on

House Bill 796

met and considered House Bill 796 in its entirety, reference copy

(salmon), including Senate amendments dated 3-20-87 and

3-25-87.

We recommend as follows:

That HB 796 be amended as follows:

- 1) Amending the Senate Standing Committee Report dated 3-20-87, which amended HB 796.
Strike the amendment in its entirety
- 2) Amending the Senate Committee of the Whole amendment dated 3-25-87 (11:45), which amended HB 796.
Strike the amendments in their entirety

FURTHER AMENDING HB 796

3) Title, line 9.
Following: "PROVIDING"
Insert: "AN"
Strike: "DATES"
Insert: "DATE"

4) Page 3, line 7.
Strike: "10"
Insert: "15"

CONTINUED

And that this Conference Committee report be adopted.

FOR THE SENATE

J. Lyach
Sen. Lyach

C. Lyden
Sen. Lyden

McLane
Sen. McLane

FOR THE HOUSE

Driscoll
Rep. Driscoll

Gould
Rep. Gould

Mercer
Rep. Mercer

ADOPT REJECT

5) Page 3, line 8.
Strike: "UNLESS OTHERWISE DETERMINED BY"
Insert: ". A"

6) Page 3, line 9.
Strike: "BUT NO MORE THAN 10"
Insert: "however, may restrict the number of licensed machines available for play in an establishment to less than 15"

7) Page 3, line 16.
Following: "(4)" (renumbered)
Strike: "An"
Insert: "(a) Except as provided in subsection (4) (b), an"

8) Page 3, line 23.
Strike: ", UNLESS OTHERWISE DETERMINED BY"
Insert: ". (b) A"

9) Page 3, line 24.
Strike: ", BUT THE" through "16-3-304" on line 25
Insert: "may establish any hours of play for bingo machines that it determines proper"

10) Page 4, line 3.
Following: ". "
Insert: "(1)"

11) Page 4, line 9.
Strike: "and"
Insert: ". (2) Except as provided in subsection (3),"

12) Page 4, line 13.
Strike: ", UNLESS" through "BODY" on line 14

13) Page 4, line 14.
Following: ". "
Insert: "(3) A local governing body may establish any hours of play for video draw poker machines that it determines proper. (4)"

14) Page 4, line 22.
Strike: "DATES"
Insert: "date"

15) Page 4, line 24.
Strike: "on passage and approval"
Insert: "December 31, 1988"

HB 796 #2

JF

.....4-21..... 19.87.....

MR. PRESIDENT

We, your FREE Conference Committee on
House Bill 796

met and considered House Bill 796 in its entirety, reference copy
(salmon), including Senate amendments dated 3-20-87 and
3-25-87.

We recommend as follows: **That HB 796 be amended as follows:**

- 1) Amending the Senate Committee of the Whole amendment dated 3-25-87 (11:45), which amended HB 796. Strike the amendments in their entirety

FURTHER AMENDING HB 796

- 2) Title, line 6.
Following: "BINGO"
Insert: "OR KENO"

- 3) Title, line 7.
Following: "BINGO"
Insert: "OR KENO"


- 4) Title, line 9.
Following: "DATES"
Insert: ", AND A TERMINATION DATE"

- 5) Page 1, line 16.
Following: "Bingo"
Insert: "or keno"


CONTINUED

And that this Conference Committee report be adopted.


FOR THE SENATE



Sen. Lynch, Chairman

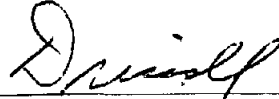


Sen. Crippen

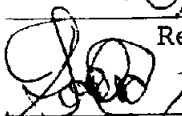


Sen. McLane

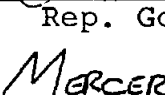
FOR THE HOUSE



Rep. Driscoll



Rep. Gould



Rep. Mercer

6) Page 1, line 18.
Following: "bingo"
Insert: "or keno"

7) Page 2, line 1.
Following: "bingo"
Insert: "or keno"

8) Page 2, line 7.
Following: "bingo"
Insert: "or keno"

9) Page 2, line 15.
Following: "bingo"
Insert: "or keno"

10) Page 2, following line 20.
Insert: "NEW SECTION. Section 2. Section 23-5-414, MCA, is amended to read: "23-5-414. Restrictions on bingo, keno, and raffles -- bingo or keno machines in establishment limit -- EXCEPTION -- hours of operation. (1) In the playing of bingo or keno, no person who is not physically present on the premises where the game is actually conducted shall be allowed to participate as a player in the game. (2) Raffles authorized by this part shall be restricted to events and participants within the geographic confines of the state of Montana. (3) No establishment may receive licenses for, under 23-5-421, or make available for play more than 40 bingo or keno machines."

Renumber subsequent sections.

11) Page 2, line 22.
Following: "bingo"
Insert: ", keno,"
Following: "bingo"
Insert: "or keno"

12) Page 2, line 24.
Following: "bingo"
Insert: " or keno"

13) Page 3, line 7.
Strike: "10"
Insert: "15"
Following: "bingo"
Insert: "or keno"

14) Page 3, line 8.
Strike: "UNLESS OTHERWISE DETERMINED BY"
Insert: ". A"

15) Page 3, line 9.

Strike: "BUT NO MORE THAN 10"

Insert: "however, may restrict the number of licensed machines available for play in an establishment to less than 15, but must allow at least 5"

16) Page 3, line 16.

Following: "(4)" (renumbered)

Strike: "An"

Insert: "(a) Except as provided in subsection (4) (b), an"

17) Page 3, line 17.

Following: "bingo"

Insert: "or keno"

18) Page 3, line 23.

Strike: ", UNLESS OTHERWISE DETERMINED BY"

Insert: ". (b) A"

19) Page 3, line 24.

Strike: ", BUT THE" through "16-3-304" on line 25

Insert: "may establish any hours of play for bingo or keno machines that it determines proper"

20) Page 4, line 3.

Following: "."

Insert: "(1)"

21) Page 4, line 9.

Strike: "and"

Insert: ". (2) Except as provided in subsection (3),"

22) Page 4, line 13.

Strike: ", UNLESS" through "BODY" on line 14

23) Page 4, line 14.

Following: "."

Insert: "(3) A local governing body may establish any hours of play for video draw poker machines that it determines proper.

(4)"

24) Page 4, line 22.

Following: "DATES"

Insert: "and termination date"

25) Page 4, line 24.

Strike: "on passage and approval"

Insert: "July 1, 1988"

26) Page 4, line 25.

Strike: "SECTION" through "EFFECTIVE"

Insert: "New section 2 is effective July 1, 1987, and terminates"

1 HOUSE BILL NO. 796

2 INTRODUCED BY DRISCOLL

3 BY REQUEST OF THE HOUSE COMMITTEE ON BUSINESS AND LABOR

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE NUMBER OF
6 BINGO OR KENO MACHINES IN AN ESTABLISHMENT; PROVIDING FOR
7 HOURS OF PLAY OF BINGO OR KENO AND VIDEO DRAW POKER
8 MACHINES; AMENDING SECTIONS 23-5-402, AND 23-5-414, AND
9 23-5-603, MCA; AND PROVIDING AN--IMMEDIATE EFFECTIVE DATE
10 DATES AND A TERMINATION DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 23-5-402, MCA, is amended to read:

14 "23-5-402. Definitions. As used in this part, unless
15 the context requires otherwise, the following terms or
16 phrases shall have the following meanings:

17 (1) "Bingo OR KENO machine" means an electronic video
18 game machine that, upon insertion of cash, is available to
19 play or simulate the play of the game of bingo OR KENO,
20 utilizing a video display and microprocessors, in which by
21 the skill of the player or by chance, or both, the player
22 may receive free games or credits that can be redeemed for
23 cash. The term does not include a machine that directly
24 dispenses coins, cash, tokens, or anything else of value.

25 (2) "Game of chance" means the specific kind of

1 game of chance commonly known as:

2 (a) "bingo" OR "KENO", in which prizes are awarded on
3 the basis of designated numbers or symbols on a card which
4 conform to numbers or symbols selected at random;

5 (b) "raffles", which are conducted by drawing for
6 prizes.

7 (3) "Equipment" means:

8 (a) with respect to bingo OR KENO, the receptacle and
9 numbered objects drawn from it, the master board upon which
10 such objects are placed as drawn, the cards or sheets
11 bearing numbers or other designations to be covered and the
12 objects used to cover them, the boards or signs, however
13 operated, used to announce or display the numbers or
14 designations as they are drawn, public address system, and
15 all other articles essential to the operation, conduct, and
16 playing of bingo OR KENO; or

17 (b) with respect to raffles, the implements, devices,
18 and machines designed, intended, or used for the conduct of
19 raffles and the identification of the winning number or unit
20 and the ticket or other evidence of right to participate in
21 raffles."

22 SECTION 2. SECTION 23-5-414, MCA, IS AMENDED TO READ:

23 "23-5-414. Restrictions on bingo, keno, and raffles --
24 bingo or keno machines in establishment limit -- exception
25 -- hours of operation. (1) In the playing of bingo or keno,

1 no person who is not physically present on the premises
2 where the game is actually conducted shall be allowed to
3 participate as a player in the game.

4 (2) Raffles authorized by this part shall be
5 restricted to events and participants within the geographic
6 confines of the state of Montana.

7 (3) No establishment may receive licenses for, under
8 23-5-421, or make available for play more than 40 bingo or
9 keno machines."

10 Section 3. Section 23-5-414, MCA, is amended to read:

11 "23-5-414. Restrictions on bingo, KENO, and raffles --
12 bingo OR KENO machines in establishment limit ---EXCEPTION
13 -- hours of operation. (1) In the playing of bingo OR KENO,
14 no person who is not physically present on the premises
15 where the game is actually conducted shall be allowed to
16 participate as a player in the game.

17 (2) Raffles authorized by this part shall be
18 restricted to events and participants within the geographic
19 confines of the state of Montana.

20 (3) No establishment may receive licenses for, under
21 23-5-421, or make available for play more than five to 15
22 bingo OR KENO machines UNLESS--OTHERWISE--DETERMINED--BY. A
23 LOCAL AUTHORITY GOVERNING BODY, BUT NO MORE THAN 10 HOWEVER,
24 MAY RESTRICT THE NUMBER OF LICENSED MACHINES AVAILABLE FOR
25 PLAY IN AN ESTABLISHMENT TO LESS THAN 15, BUT MUST ALLOW AT

1 LEAST 5.

2 ~~(4) THE LIMITATION OF 10 BINGO MACHINES PER~~
3 ~~ESTABLISHMENT DOES NOT APPLY TO AN ESTABLISHMENT THAT CAN~~
4 ~~ESTABLISH TO THE SATISFACTION OF THE DEPARTMENT THAT IT HAD~~
5 ~~MORE THAN 10 BINGO MACHINES AVAILABLE FOR PLAY PRIOR TO~~
6 ~~MARCH 17 1987. THE LIMITATION FOR THE ESTABLISHMENT IS THE~~
7 ~~NUMBER OF BINGO MACHINES AVAILABLE FOR PLAY ON THAT DATE.~~

8 (4)(5)(4) An (A) EXCEPT AS PROVIDED IN SUBSECTION
9 (4)(B), AN establishment that receives a license to make a
10 bingo OR KENO machine available for play must be closed each
11 day during the hours provided in 16-3-304 for closure of
12 licensed retail alcoholic beverage establishments HAVE HOURS
13 OF PLAY DETERMINED BY LOCAL AUTHORITY BE CLOSED HAVE THE
14 MACHINES SHUT OFF EACH DAY DURING THE HOURS PROVIDED IN
15 16-3-304 FOR CLOSURE OF LICENSED RETAIL ALCOHOLIC BEVERAGE
16 ESTABLISHMENTS, UNLESS OTHERWISE DETERMINED BY.

17 (B) A LOCAL GOVERNING BODY, BUT THE HOURS CANNOT
18 EXCEED THE HOURS PROVIDED IN 16-3-304 MAY ESTABLISH ANY
19 HOURS OF PLAY FOR BINGO OR KENO MACHINES THAT IT DETERMINES
20 PROPER."

21 SECTION 4. SECTION 23-5-603, MCA, IS AMENDED TO READ:

22 "23-5-603. Video draw poker machines -- possession --
23 play -- hours of play -- restriction. (1) No person may
24 place an electronic video game machine that simulates or
25 offers a game of poker in his licensed establishment unless

1 he is licensed under 23-5-612. Machines licensed under
 2 23-5-612 are legal, and it is legal to play such machines,
 3 except that a person under the age of 18 years may not play
 4 a video draw poker machine and.

5 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), an
 6 establishment that receives a license to make a video draw
 7 poker machine available for play must be closed HAVE THE
 8 MACHINES SHUT OFF each day during the hours provided in
 9 16-3-304 for closure of licensed retail alcoholic beverage
 10 establishments;--UNLESS--OTHERWISE---DETERMINED---BY---LOCAL
 11 GOVERNING-BODY.

12 (3) A LOCAL GOVERNING BODY MAY ESTABLISH ANY HOURS OF
 13 PLAY FOR VIDEO DRAW POKER MACHINES THAT IT DETERMINES
 14 PROPER.

15 (4) The provisions of part 3 of this chapter do not
 16 apply to or prohibit video draw poker machines or the
 17 playing of such machines."

18 NEW SECTION. Section 5. Extension of authority. Any
 19 existing authority of the department of revenue to make
 20 rules on the subject of the provisions of this act is
 21 extended to the provisions of this act.

22 NEW SECTION. Section 6. Effective date DATES --
 23 TERMINATION DATE. This (1) EXCEPT AS PROVIDED IN SUBSECTION
 24 (2), THIS act is effective on-passage-and-approval JULY 1,
 25 1988.

1 (2) SECTION--23-5-414(3)--IS--EFFECTIVE SECTION 2 IS
 2 EFFECTIVE JULY 1, 1987, AND TERMINATES JULY 1, 1988.

-End-