

HOUSE BILL 678

Introduced by Kasten, et al.

3/12	Introduced
3/12	Referred to Appropriations
3/12	First Reading
3/12	Fiscal Note Requested
3/15	Hearing
3/16	Committee Report--Bill Passed
3/17	Fiscal Note Received
3/17	Fiscal Note Printed
3/23	2nd Reading Passed
3/24	3rd Reading Passed
	Transmitted to Senate
3/26	First Reading
3/26	Referred to Finance & Claims
3/31	Hearing
4/06	Tabled in Committee

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

House BILL NO. 678
Arden Peck

INTRODUCED BY
BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING TO \$190,000 THE TRANSFER TO THE GENERAL FUND FROM THE GAMBLING LICENSE FEE ACCOUNT; AMENDING SECTION 23-5-306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 23-5-306, MCA, is amended to read:

"23-5-306. (Temporary) Live card game table -- permit -- fees -- disposition of fees. (1) A person who has been granted an operator's license under 23-5-177 and a license to sell alcoholic beverages for consumption on the premises may be granted an annual permit for the placement of live card game tables. If one or more live card game tables were legally operated on a premises on January 15, 1989, and the premises were not on that date licensed under 16-4-401(2) but were licensed on that date to sell food, cigarettes, or any other consumable product, an operator's license and an annual permit for the placement of live card game tables may be granted to the person who legally operated the premises on January 15, 1989.

(2) The annual permit fee in lieu of taxes for each

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

live card game table operated in a licensed operator's premises may not be prorated and must be:

- (a) \$250 for the first table; and
- (b) \$500 for each additional table.

(3) The department shall retain for administrative purposes \$100 of the fee collected under this part for each live card game table.

(4) Except as provided in subsection (5), the department shall forward on a quarterly basis the remaining balance of the fee collected under subsection (2) to the treasurer of the county or the clerk, finance officer, or treasurer of the city or town in which the live card game table is located for deposit to the county or municipal treasury. A county is not entitled to proceeds from fees assessed on live card game tables located in incorporated cities and towns within the county. The local government portion of this fee is statutorily appropriated to the department, as provided in 17-7-502, for deposit to the county or municipal treasury.

(5) On June 30, 1993, the department shall transfer to the general fund the ~~remaining fund balance~~ \$190,000 from the account funded by this section. (Terminates July 1, 1993--sec. 2, Ch. 18, Sp. L. January 1992.)

23-5-306. (Effective July 1, 1993) Live card game table -- permit -- fees -- disposition of fees. (1) A person who



1 has been granted an operator's license under 23-5-177 and a
 2 license to sell alcoholic beverages for consumption on the
 3 premises may be granted an annual permit for the placement
 4 of live card game tables. If one or more live card game
 5 tables were legally operated on a premises on January 15,
 6 1989, and the premises were not on that date licensed under
 7 16-4-401(2) but were licensed on that date to sell food,
 8 cigarettes, or any other consumable product, an operator's
 9 license and an annual permit for the placement of live card
 10 game tables may be granted to the person who legally
 11 operated the premises on January 15, 1989.

12 (2) The annual permit fee in lieu of taxes for each
 13 live card game table operated in a licensed operator's
 14 premises may not be prorated and must be:

15 (a) \$250 for the first table; and

16 (b) \$500 for each additional table.

17 (3) The department shall retain for administrative
 18 purposes \$100 of the fee collected under this part for each
 19 live card game table.

20 (4) The department shall forward on a quarterly basis
 21 the remaining balance of the fee collected under subsection
 22 (2) to the treasurer of the county or the clerk, finance
 23 officer, or treasurer of the city or town in which the live
 24 card game table is located for deposit to the county or
 25 municipal treasury. A county is not entitled to proceeds

1 from fees assessed on live card game tables located in
 2 incorporated cities and towns within the county. The local
 3 government portion of this fee is statutorily appropriated
 4 to the department, as provided in 17-7-502, for deposit to
 5 the county or municipal treasury."

6 NEW SECTION. **Section 2.** Effective date. [This act] is
 7 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 HB0678, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act limiting to \$190,000 the transfer to the general fund from the gambling license fee account on June 30, 1993.

ASSUMPTIONS:

1. The unrestricted fund balance of the gambling license fee account at June 30, 1993 will be approximately \$700,000. Current law requires the balance be transferred to the general fund at FYE93.
2. The proposal limits the general fund transfer at FYE93 to \$190,000. The remaining \$510,000 (\$700,000 - 190,000) will be used under the proposed law to replace general fund in providing drivers' licensing services to rural counties during the 1995 biennium.

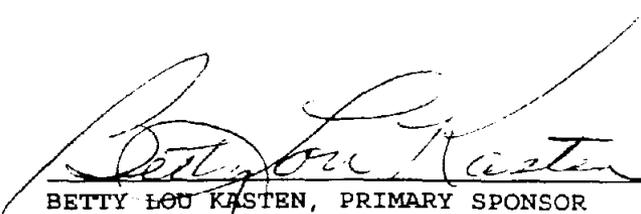
FISCAL IMPACT:

The proposal will reduce general fund revenues for FY93 by \$510,000, with this amount remaining in the gambling state special revenue account. The carryover balance of the gambling account is used in HB2 (as approved by the full appropriation committee) to reduce the general fund appropriation for the motor vehicle division by \$255,000 per year.

TECHNICAL NOTE:

The proposal has the same net effect as appropriating \$255,000 in general fund revenues each year of the 1995 biennium and allowing the current law transfer of gambling revenues to the general fund.

 3-17-93
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 3-17-93
BETTY LOU KASTEN, PRIMARY SPONSOR DATE

Fiscal Note for HB0678, as introduced

HB678

APPROVED BY COMMITTEE
ON APPROPRIATIONS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Hoike BILL NO. 678
Spator Peck

INTRODUCED BY _____
BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING TO \$190,000
THE TRANSFER TO THE GENERAL FUND FROM THE GAMBLING LICENSE
FEE ACCOUNT; AMENDING SECTION 23-5-306, MCA; AND PROVIDING
AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 23-5-306, MCA, is amended to read:

"23-5-306. (Temporary) Live card game table -- permit
-- fees -- disposition of fees. (1) A person who has been
granted an operator's license under 23-5-177 and a license
to sell alcoholic beverages for consumption on the premises
may be granted an annual permit for the placement of live
card game tables. If one or more live card game tables were
legally operated on a premises on January 15, 1989, and the
premises were not on that date licensed under 16-4-401(2)
but were licensed on that date to sell food, cigarettes, or
any other consumable product, an operator's license and an
annual permit for the placement of live card game tables may
be granted to the person who legally operated the premises
on January 15, 1989.

(2) The annual permit fee in lieu of taxes for each

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

live card game table operated in a licensed operator's
premises may not be prorated and must be:

- (a) \$250 for the first table; and
- (b) \$500 for each additional table.

(3) The department shall retain for administrative
purposes \$100 of the fee collected under this part for each
live card game table.

(4) Except as provided in subsection (5), the
department shall forward on a quarterly basis the remaining
balance of the fee collected under subsection (2) to the
treasurer of the county or the clerk, finance officer, or
treasurer of the city or town in which the live card game
table is located for deposit to the county or municipal
treasury. A county is not entitled to proceeds from fees
assessed on live card game tables located in incorporated
cities and towns within the county. The local government
portion of this fee is statutorily appropriated to the
department, as provided in 17-7-502, for deposit to the
county or municipal treasury.

(5) On June 30, 1993, the department shall transfer to
the general fund the ~~remaining fund balance~~ \$190,000 from
the account funded by this section. (Terminates July 1,
1993--sec. 2, Ch. 18, Sp. L. January 1992.)

23-5-306. (Effective July 1, 1993) Live card game table
-- permit -- fees -- disposition of fees. (1) A person who



HB678
SECOND READING

1 has been granted an operator's license under 23-5-177 and a
 2 license to sell alcoholic beverages for consumption on the
 3 premises may be granted an annual permit for the placement
 4 of live card game tables. If one or more live card game
 5 tables were legally operated on a premises on January 15,
 6 1989, and the premises were not on that date licensed under
 7 16-4-401(2) but were licensed on that date to sell food,
 8 cigarettes, or any other consumable product, an operator's
 9 license and an annual permit for the placement of live card
 10 game tables may be granted to the person who legally
 11 operated the premises on January 15, 1989.

12 (2) The annual permit fee in lieu of taxes for each
 13 live card game table operated in a licensed operator's
 14 premises may not be prorated and must be:

15 (a) \$250 for the first table; and

16 (b) \$500 for each additional table.

17 (3) The department shall retain for administrative
 18 purposes \$100 of the fee collected under this part for each
 19 live card game table.

20 (4) The department shall forward on a quarterly basis
 21 the remaining balance of the fee collected under subsection
 22 (2) to the treasurer of the county or the clerk, finance
 23 officer, or treasurer of the city or town in which the live
 24 card game table is located for deposit to the county or
 25 municipal treasury. A county is not entitled to proceeds

1 from fees assessed on live card game tables located in
 2 incorporated cities and towns within the county. The local
 3 government portion of this fee is statutorily appropriated
 4 to the department, as provided in 17-7-502, for deposit to
 5 the county or municipal treasury."

6 NEW SECTION. **Section 2.** Effective date. [This act] is
 7 effective on passage and approval.

-End-

1 *House* BILL NO. 678
 2 INTRODUCED BY *Arstan Beck*
 3 BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING TO \$190,000
 6 THE TRANSFER TO THE GENERAL FUND FROM THE GAMBLING LICENSE
 7 FEE ACCOUNT; AMENDING SECTION 23-5-306, MCA; AND PROVIDING
 8 AN IMMEDIATE EFFECTIVE DATE."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 23-5-306, MCA, is amended to read:
 12 "23-5-306. (Temporary) Live card game table -- permit
 13 -- fees -- disposition of fees. (1) A person who has been
 14 granted an operator's license under 23-5-177 and a license
 15 to sell alcoholic beverages for consumption on the premises
 16 may be granted an annual permit for the placement of live
 17 card game tables. If one or more live card game tables were
 18 legally operated on a premises on January 15, 1989, and the
 19 premises were not on that date licensed under 16-4-401(2)
 20 but were licensed on that date to sell food, cigarettes, or
 21 any other consumable product, an operator's license and an
 22 annual permit for the placement of live card game tables may
 23 be granted to the person who legally operated the premises
 24 on January 15, 1989.

25 (2) The annual permit fee in lieu of taxes for each

1 live card game table operated in a licensed operator's
 2 premises may not be prorated and must be:

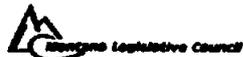
- 3 (a) \$250 for the first table; and
- 4 (b) \$500 for each additional table.

5 (3) The department shall retain for administrative
 6 purposes \$100 of the fee collected under this part for each
 7 live card game table.

8 (4) Except as provided in subsection (5), the
 9 department shall forward on a quarterly basis the remaining
 10 balance of the fee collected under subsection (2) to the
 11 treasurer of the county or the clerk, finance officer, or
 12 treasurer of the city or town in which the live card game
 13 table is located for deposit to the county or municipal
 14 treasury. A county is not entitled to proceeds from fees
 15 assessed on live card game tables located in incorporated
 16 cities and towns within the county. The local government
 17 portion of this fee is statutorily appropriated to the
 18 department, as provided in 17-7-502, for deposit to the
 19 county or municipal treasury.

20 (5) On June 30, 1993, the department shall transfer to
 21 the general fund the remaining fund balance \$190,000 from
 22 the account funded by this section. (Terminates July 1,
 23 1993--sec. 2, Ch. 18, Sp. L. January 1992.)

24 23-5-306. (Effective July 1, 1993) Live card game table
 25 -- permit -- fees -- disposition of fees. (1) A person who



1 has been granted an operator's license under 23-5-177 and a
 2 license to sell alcoholic beverages for consumption on the
 3 premises may be granted an annual permit for the placement
 4 of live card game tables. If one or more live card game
 5 tables were legally operated on a premises on January 15,
 6 1989, and the premises were not on that date licensed under
 7 16-4-401(2) but were licensed on that date to sell food,
 8 cigarettes, or any other consumable product, an operator's
 9 license and an annual permit for the placement of live card
 10 game tables may be granted to the person who legally
 11 operated the premises on January 15, 1989.

12 (2) The annual permit fee in lieu of taxes for each
 13 live card game table operated in a licensed operator's
 14 premises may not be prorated and must be:

15 (a) \$250 for the first table; and

16 (b) \$500 for each additional table.

17 (3) The department shall retain for administrative
 18 purposes \$100 of the fee collected under this part for each
 19 live card game table.

20 (4) The department shall forward on a quarterly basis
 21 the remaining balance of the fee collected under subsection
 22 (2) to the treasurer of the county or the clerk, finance
 23 officer, or treasurer of the city or town in which the live
 24 card game table is located for deposit to the county or
 25 municipal treasury. A county is not entitled to proceeds

1 from fees assessed on live card game tables located in
 2 incorporated cities and towns within the county. The local
 3 government portion of this fee is statutorily appropriated
 4 to the department, as provided in 17-7-502, for deposit to
 5 the county or municipal treasury."

6 NEW SECTION. Section 2. Effective date. [This act] is
 7 effective on passage and approval.

-End-