

## 1 HOUSE BILL NO. 580

2 INTRODUCED BY R. ERICKSON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A LOCAL GOVERNMENT MAY BY  
5 ORDINANCE CONTROL GAMBLING WITHIN ITS JURISDICTION; PROVIDING THAT THE CONTROL IS  
6 LIMITED TO A PERMITTING PROCESS WITH A DETERMINATION OF PUBLIC CONVENIENCE AND  
7 NECESSITY; AMENDING SECTION 23-5-171, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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11 NEW SECTION. **Section 1. Municipality or county regulation of gambling location.** (1) (a) The  
12 governing body of a municipality or county has the power to enact ordinances to control gambling. A local  
13 government may require a local government permit to conduct gambling within the local government  
14 jurisdiction. The permitting ordinance may require a person to apply for a permit to conduct gambling. The  
15 local government permitting process may prohibit gambling notwithstanding that a gambling applicant has  
16 an appropriate alcoholic beverage license, as provided in Title 23, chapter 5.

17 (b) The local government permitting ordinance may not expand the types of allowable gambling,  
18 change conduct of permitted gaming provided by law, or change the criteria for an operator's license that  
19 is less strict than established in 23-5-117.

20 (c) This section constitutes a delegation to local governments to control gambling, as required by  
21 7-1-112, but only to the extent authorized by this section.

22 (2) A gambling control ordinance must provide for local determination of public convenience and  
23 necessity for gambling by gambling permit applicants.

24 (3) The provisions of Title 23, chapter 5, governing gambling within the jurisdiction of a local  
25 government apply until a local government has adopted an ordinance authorized by subsection (1).

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27 **Section 2.** Section 23-5-171, MCA, is amended to read:

28 "**23-5-171. Authority of local governments to regulate gambling.** (1) A local government may ~~not~~  
29 license ~~or~~ and regulate a form of gambling authorized by parts 1 through 8 of this chapter ~~or~~ and may  
30 assess ~~or~~ and charge any fees necessary to administer gambling regulation, as provided in [section 1], but

1 may not impose or taxes unless specifically authorized by statute.

2 (2) An incorporated city or town may enact an ordinance or resolution zoning certain areas within  
3 its incorporated limits in which gambling is prohibited.

4 (3) A county may enact a resolution zoning certain areas in the county, not within an incorporated  
5 city or town, in which gambling is prohibited.

6 (4) A county or incorporated city or town may ~~not, as provided in [section 1],~~ restrict the number  
7 of licenses ~~that the department may issue~~ that may be issued within the jurisdiction of the county, city,  
8 or town."

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10 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an  
11 integral part of Title 7, chapter 21, part 42, and the provisions of Title 7, chapter 21, part 42, apply to  
12 [section 1].

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14 NEW SECTION. Section 4. Saving clause. [This act] does not affect rights and duties that  
15 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this  
16 act].

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18 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

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