

1 HOUSE BILL NO. 204

2 INTRODUCED BY J. WITT

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE PURPOSE FOR WHICH THE DEPARTMENT OF
6 JUSTICE MAY USE EXAMINATION COSTS PAID BY A MANUFACTURER SEEKING THE EXAMINATION
7 AND APPROVAL OF A NEW VIDEO GAMBLING MACHINE OR ASSOCIATED EQUIPMENT OR A
8 MODIFICATION TO AN APPROVED MACHINE OR ASSOCIATED EQUIPMENT; DELETING THE
9 STATUTORY APPROPRIATION OF THE COSTS TO THE DEPARTMENT; AMENDING SECTIONS 17-7-502
10 AND 23-5-631, MCA; AND PROVIDING AN EFFECTIVE DATE."
11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13

14 **Section 1.** Section 17-7-502, MCA, is amended to read:

15 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
16 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without
17 the need for a biennial legislative appropriation or budget amendment.

18 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both
19 of the following provisions:

20 (a) The law containing the statutory authority must be listed in subsection (3).

21 (b) The law or portion of the law making a statutory appropriation must specifically state that a statutory
22 appropriation is made as provided in this section.

23 (3) The following laws are the only laws containing statutory appropriations: 2-15-151; 2-17-105;
24 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-1-113; 15-1-121; 15-23-706;
25 15-35-108; 15-36-332; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-11-404; 17-3-106; 17-3-212; 17-3-222;
26 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305;
27 19-19-506; 19-20-604; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-5-306; 23-5-409; 23-5-612;
28 ~~23-5-631~~; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623;
29 53-1-109; 53-6-703; 53-24-108; 53-24-206; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313;
30 77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

1 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
2 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
3 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana
4 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state
5 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory
6 appropriation authority for the payments. (In subsection (3): pursuant to Ch. 422, L. 1997, the inclusion of
7 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360,
8 L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's
9 unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates
10 July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 2 and 5, Ch. 481, L. 2003, the inclusion
11 of 90-6-710 terminates June 30, 2005; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 3 and 6, Ch.
12 481, L. 2003, the inclusion of 15-35-108 terminates June 30, 2010; and pursuant to sec. 135, Ch. 114, L. 2003,
13 the inclusion of 2-15-151 terminates June 30, 2005.)"

14

15 **Section 2.** Section 23-5-631, MCA, is amended to read:

16 **"23-5-631. Examination and approval of new video gambling machines and associated equipment**

17 -- **fee.** (1) The department shall examine and may approve a new video gambling machine or associated
18 equipment or a modification to an approved machine or associated equipment that is manufactured, sold, or
19 distributed for use in the state before the video gambling machine or associated equipment is sold, played, or
20 used. A licensed manufacturer or distributor may bring a video gambling machine or associated equipment
21 authorized by this chapter into the state for research and development on behalf of a licensed manufacturer prior
22 to submission of the machine or equipment to the department for approval.

23 (2) A video gambling machine or associated equipment or a modification to an approved machine or
24 associated equipment may not be examined or approved by the department until the video gambling machine
25 manufacturer is licensed as required in 23-5-625.

26 (3) All video gambling machines or associated equipment approved by the state prior to October 1,
27 1989, must be considered approved under this part.

28 (4) The department shall require the manufacturer seeking the examination and approval of a new video
29 gambling machine or associated equipment or a modification to an approved machine or associated equipment
30 to pay the anticipated actual costs of the examination in advance and, after the completion of the examination,

1 shall refund overpayments or charge and collect amounts sufficient to reimburse the department for
2 underpayments of actual costs.

3 (5) Payments received under subsection (4) ~~are statutorily appropriated to the department, as provided~~
4 ~~in 17-7-502, to defray the costs of examining and approving video gambling machines and associated equipment~~
5 ~~and modifications to approved machines and associated equipment and to issue refunds for overpayments~~ must
6 be deposited in an account in the state special revenue fund and used to administer this part and for other
7 purposes provided by law.

8 (6) The department may inspect and test and approve, disapprove, or place a condition upon a video
9 gambling machine or associated equipment or a modification to an approved machine or associated equipment
10 prior to its distribution and placement for play by the public. A manufacturer, distributor, or route operator may
11 not supply a video gambling machine or associated equipment to a manufacturer, distributor, route operator,
12 or operator unless the machine or equipment has been approved by the department."

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14 NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2005.

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