

1 HOUSE BILL NO. 54

2 INTRODUCED BY S. DICKENSON

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF JUSTICE TO PROVIDE
6 PROGRAMS PROMOTING AWARENESS OF RESPONSIBLE GAMBLING; AMENDING SECTIONS 23-5-110
7 AND 23-5-115, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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11 **Section 1.** Section 23-5-110, MCA, is amended to read:

12 **"23-5-110. Public policy of state concerning gambling.** (1) The legislature finds that for the purpose
13 of ensuring the proper gambling environment in this state, it is necessary and desirable to adopt a public policy
14 regarding public gambling activities in Montana. The legislature therefore declares it is necessary to:

15 (a) create and maintain a uniform regulatory climate that assures players, owners, tourists, citizens, and
16 others that the gambling industry in this state is fair and is not influenced by corrupt persons, organizations, or
17 practices;

18 (b) protect legal public gambling activities from unscrupulous players and vendors and detrimental
19 influences;

20 (c) protect the public from unscrupulous proprietors and operators of gambling establishments, games,
21 and devices;

22 (d) protect the state and local governments from those who would conduct illegal gambling activities that
23 deprive those governments of their tax ~~revenues~~ revenue;

24 (e) protect the health, safety, and welfare of all citizens of this state, including those who do not gamble,
25 by regulating gambling activities; ~~and~~

26 (f) promote programs necessary to provide assistance to those who are adversely affected by legalized
27 gambling, including compulsive gamblers and their families; ~~and~~

28 (g) promote public awareness of responsible gambling through cooperative efforts of the department,
29 the Montana state lottery, and tribal governments.

30 (2) The legislature adopts the policy that an applicant for a license or permit or other department approval

1 under parts 1 through 8 of this chapter does not have a right to the issuance of a license or permit or the granting
2 of the approval sought. The issuance of a license or permit issued or other department approval granted pursuant
3 to the provisions of parts 1 through 8 of this chapter is a privilege revocable only for good cause. A holder does
4 not acquire a vested right in the license or permit issued or other department approval granted. A license or
5 permit issued under parts 1 through 8 of this chapter may not be sold, assigned, leased, or transferred.

6 (3) Revenue to fund the expense of administration and control of gambling as regulated by parts 1
7 through 8 of this chapter must be derived solely from fees, taxes, and penalties on gambling activities, except the
8 gambling activities of the Montana state lottery and the parimutuel industry."

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10 **Section 2.** Section 23-5-115, MCA, is amended to read:

11 **"23-5-115. Powers and duties of department -- licensing.** (1) The department shall administer the
12 provisions of parts 1 through 8 of this chapter.

13 (2) The department shall adopt rules to administer and implement parts 1 through 8 of this chapter.

14 (3) The department shall provide licensing procedures, prescribe necessary application forms, and grant
15 or deny license applications.

16 (4) The department shall prescribe recordkeeping requirements for licensees, provide a procedure for
17 inspection of records, provide a method for collection of taxes, and establish penalties for the delinquent reporting
18 and payment of required taxes.

19 (5) The department may suspend, revoke, deny, or place a condition on a license issued under parts
20 1 through 8 of this chapter.

21 (6) The department may not make public or otherwise disclose confidential criminal justice information,
22 as defined in 44-5-103, information obtained in the tax reporting processes, personal information protected by
23 an individual privacy interest, or trade secrets, as defined in 30-14-402, specifically identified and for which there
24 are reasonable grounds of privilege asserted by the party claiming the privilege.

25 (7) The department shall assess, collect, and disburse any fees, taxes, or charges authorized under
26 parts 1 through 8 of this chapter.

27 (8) The department shall administer programs and cooperate with other state agencies to increase public
28 awareness of the symptoms of problem gambling and of programs to promote responsible gambling."

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30 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2007.

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