

1 SENATE BILL NO. 119

2 INTRODUCED BY M. BLASDEL

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ONLY ALLOWING PREMISES LICENSED UNDER TITLE 16 AND
5 TITLE 23 TO USE APPROVED ACCESS CONTROL SYSTEMS; ALLOWING FOR IMMEDIATE ACCESS FOR
6 DEPARTMENT OF JUSTICE REPRESENTATIVES AND LOCAL LAW ENFORCEMENT OFFICERS TO A
7 LICENSED GAMBLING PREMISES; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS
8 16-6-103 AND 23-5-628, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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12 **Section 1.** Section 16-6-103, MCA, is amended to read:13 **"16-6-103. Examination of retailer's premises and carriers' cars and aircraft -- access control**

14 **systems permitted -- rulemaking.** (1) The department of justice or its representative or a peace officer may at
15 any time examine the premises of a retail licensee to determine whether the law of Montana and the rules of the
16 department or the department of justice are being complied with and also may inspect cars or aircraft of any
17 common carrier system licensed under this code.

18 (2) Nothing in subsection (1) prohibits a licensee who also is licensed under Title 23 from implementing
19 an access control system that meets the requirements of this section.

20 (a) A licensee must apply to the department to use an access control system for any of the licensee's
21 licensed premises. The department shall develop an application form for the licensee to request the use of an
22 access control system. The licensee must obtain approval from local law enforcement prior to sending in the
23 application. Upon receipt of the application, the department shall request approval from the department of justice,
24 gambling control division. If all parties approve the application, the department shall notify the licensee the date
25 the access control system may be activated. A licensee may not use an access control system without first
26 obtaining approval. A licensee must notify the department if the licensee ceases to use the access control system.

27 (b) The department may subsequently revoke its approval of a licensee's access control system if the
28 licensee has multiple violations under Title 23 or this title or both.

29 (c) The department's denial of an application for an access control system or revocation of approval for
30 an access control system is subject to appeal as provided under this title and must be in conformity with the

1 provisions of the Montana Administrative Procedure Act, Title 2, chapter 4. The department shall provide reasons
2 for its denial or revocation in writing.

3 (d) For purposes of this section the following definitions apply:

4 (i) "Access control system" means any system that temporarily restricts access to the licensed premises
5 during business hours by locking the main entrance and requiring a person to gain access by approval of the
6 licensed premises. An access control system must provide immediate access to the department or its
7 representative or a local peace officer.

8 (ii) "Immediate access" means that the department or its representative or a local peace officer who
9 identifies as such is not unreasonably denied access to the premises.

10 (3) An application for an access control system under subsection (2) does not apply to catering
11 endorsements under 16-4-111 and 16-4-204.

12 (4) The department may adopt rules to implement this section."

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14 **Section 2.** Section 23-5-628, MCA, is amended to read:

15 **"23-5-628. Inspection of premises, records, and devices.** The department or a local law enforcement
16 official may inspect at any time ~~during normal business hours~~ a premises, as defined in 23-5-112, or a facility
17 where gambling devices are manufactured or distributed. The inspection may include the examination of records,
18 equipment, and proceeds related to the operation of a gambling activity or the manufacture or distribution of a
19 gambling device. A premises may use an access control system as provided in 16-6-103."

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21 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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