

State of Arkansas
91st General Assembly
Second Extraordinary Session, 2018

A Bill

Call Item 3
HOUSE BILL 1002

By: Representative Pitsch

For An Act To Be Entitled

AN ACT TO ALLOW CERTAIN ELECTRONIC DEVICES OR
MACHINES TO PLAY AN ELECTRONIC BLOTTER; TO DECLARE AN
EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW CERTAIN ELECTRONIC DEVICES OR
MACHINES TO PLAY AN ELECTRONIC BLOTTER;
AND TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 23-114-102 is amended to read as follows:
23-114-102. Definitions.

As used in this chapter:

(1)(A) "Authorized organization" means an organization eligible for a license to conduct games of bingo and raffles that is a nonprofit tax-exempt religious, educational, veterans, fraternal, service, civic, medical, volunteer rescue service, volunteer firefighters organization, or volunteer police organization that has been in continuing existence as a nonprofit tax-exempt organization in this state for a period of not less than five (5) years immediately prior to conducting the game of bingo or raffles.

(B) A nonprofit tax-exempt instrumentality of the United States Government is a service agency for the purpose of this subdivision (1);

(2)(A) "Bingo equipment" means equipment and supplies used, made, or sold for the purpose of use in bingo.

(B) "Bingo equipment" includes:



(i) A machine or other device from which balls or other items are withdrawn to determine the letters and numbers or other symbols to be called;

(ii) A bingo face;

(iii) A bingo ball; ~~and~~

(iv) An electronic bingo device or machine; and

~~(iv)-(v)~~ Any other device commonly used in the direct operation of a bingo game.

(C) "Bingo equipment" is not intended and shall not be construed to permit the participants to play the game through+

~~(i) Any electronic device or machine; or~~

~~(ii) A a pull-tab bingo ticket.~~

(D) "Bingo equipment" does not include:

(i) A bingo game set commonly manufactured and sold as a child's game for a retail price of twenty dollars (\$20.00) or less, unless the set or a part of the set is used in a game of bingo subject to regulation under this chapter; or

(ii) A commonly available component part of bingo equipment such as a light bulb or fuse;

(3)(A) "Bingo face" means a disposable flat piece of paper or electronic facsimile of a paper bingo sheet that:

(i) may May be used one (1) time and that cannot be reused after the game in which the bingo face was used has ended; and

(ii) The bingo face is Is marked off into any number of squares in any arrangement of rows, with each square being designated by number, letter, or combination of numbers and letters, and with one (1) or more squares designated as a "free" space.

(B) "Bingo face" includes a disposable flat piece of paper with braille markings for visually impaired participants;

(4) "Bingo session" means all activities incidental to the conduct of a series of games of bingo by a licensed authorized organization, beginning when the first game of bingo of a bingo session is commenced by calling the first bingo ball drawn, such session not to exceed five (5) consecutive hours during any one (1) twenty-four-hour calendar day;

(5) "Charitable purpose" means a purpose described by § 23-114-504;

(6) "Department" means the Department of Finance and Administration;

(7) "Director" means the Director of the Department of Finance and Administration;

(8) "Distributor" means a person or business entity that sells, markets, or otherwise provides bingo equipment to a licensed authorized organization;

(9)(A) "Electronic bingo device" means a handheld or portable electronic device that requires a coded entry to activate play against other bingo players in a game of bingo and that is used by a bingo player to:

(i) Monitor an electronic facsimile of a paper bingo sheet purchased and played at the same time and place as an authorized organization's game of bingo;

(ii) Activate numbers announced or displayed and to compare the numbers to the bingo faces previously stored in the memory of the device; and

(iii) Identify a winning bingo pattern.

(B) "Electronic bingo device" does not include an electronic device that:

(i) Allows play of more than fifty (50) bingo faces per game of bingo;

(ii) Allows the use of a coin, currency, token, or electronic funds transfer to be inserted to activate play;

(iii) Has any additional function as an amusement or gambling device; or

(iv) Has internet capability.

(C) An electronic bingo device shall:

(i) Have the capability to ensure adequate levels of internal security controls as determined by the Director of the Department of Finance and Administration; and

(ii) Be purchased or leased by a licensed authorized organization from a distributor licensed under this chapter;

~~(9)(A)~~(10)(A) "Game of bingo" means a single game of the activity commonly known as "bingo" in which the participants pay a sum of money for the use of one (1) or more bingo faces.

(B) "Game of bingo" includes only a game in which the

winner receives a preannounced, fixed-dollar prize and in which the winner is determined by the matching of letters and numbers on a bingo face imprinted or displayed electronically with at least twenty-four (24) numbers, with letters and numbers appearing on objects randomly drawn and announced by a caller, in contemporaneous competition among all players in the game;

~~(10)~~(11) “Gross receipts” means the total amount received from the sale of raffle tickets and the sale, rental, transfer, or use of bingo faces and entrance fees charged at premises at which games of bingo or raffles are conducted without any deduction on account of prizes paid, losses, or any other expenses whatsoever;

~~(11)~~(12) “Licensed authorized organization” means an authorized organization that holds a license to conduct games of bingo or raffles;

~~(12)~~(13) “Manufacturer” means a person or business entity that produces finished bingo equipment from raw materials, supplies, or subparts and that sells, markets, or otherwise provides such equipment to a licensed distributor;

~~(13)~~(14) “Person” means any individual, company, partnership, limited liability company, joint venture, joint agreement, association, mutual or otherwise, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other private entity;

~~(14)~~(15)(A) “Premises” means the area subject to the direct control of and actual use by a licensed authorized organization to conduct games of bingo.

(B) “Premises” includes a location or place;

~~(15)~~(16) “Primary business office” means the Arkansas location at which all records relating to the primary purpose of a licensed authorized organization are maintained in the ordinary course of business;

~~(16)~~~~(A)~~(17)(A) “Raffle” means the selling of tickets to win a prize awarded through a random drawing.

(B) “Raffle” does not include any game played through the use of a machine or electronic device; and

~~(17)~~(18) “Responsible person” means the person or persons within a licensed authorized organization that are responsible for organizing, conducting, and otherwise administering the licensed authorized organization’s raffles or bingo sessions.

SECTION 2. Arkansas Code § 23-114-103(c), concerning the play of games of bingo or raffles, is amended to read as follows:

(c) The provisions of this chapter are not intended and shall not be construed to allow the play of ~~games of bingo or~~ raffles through any electronic device or machine.

SECTION 3. Arkansas Code § 23-114-202 is amended to read as follows:
23-114-202. Approval of bingo faces and raffle tickets.

(a) The Director of the Department of Finance and Administration by rule shall provide for the form of bingo faces and raffle tickets used in the State of Arkansas.

(b)(1) All bingo faces ~~must~~ shall be purchased by the licensed authorized organization from a distributor licensed under this chapter.

(2) Only one (1) game of bingo shall be played on each bingo face.

(c)(1) All bingo faces ~~and raffle tickets~~ shall be preprinted on paper or plastic or loaded electronically to an electronic bingo device.

(2) Electronic devices, machines, or facsimiles shall not be used as ~~bingo faces, raffle tickets, or otherwise,~~ by participants of ~~games of bingo or~~ raffles conducted under this chapter.

(d) All bingo faces and raffle tickets shall be sequentially numbered at the time of generation or printing.

(e) All electronic bingo devices shall be inspected and approved by the director before use in a game of bingo.

(f) All forms of electronic facsimiles of paper bingo sheets shall be approved by the director.

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that prohibitions against the use of electronic devices or machines to play a game of bingo found in the Charitable Bingo and Raffles Enabling Act prevent disabled Arkansans from participating; that by removing the prohibitions against the use of certain electronic devices or machines to play a game of bingo, disabled Arkansans will be able to participate and play a game of bingo; and that this act is immediately necessary to correct this restriction and to promote greater accessibility to all Arkansans who desire to play a game of bingo. Therefore,

an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.