

1 State of Arkansas
2 91st General Assembly
3 Second Extraordinary Session, 2018
4

Call Item 3

A Bill

HOUSE BILL 1002

5 By: Representative Pitsch
6

For An Act To Be Entitled

8 AN ACT TO ALLOW CERTAIN ELECTRONIC DEVICES OR
9 MACHINES TO PLAY AN ELECTRONIC BLOTTER; TO DECLARE AN
10 EMERGENCY; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO ALLOW CERTAIN ELECTRONIC DEVICES OR
14 MACHINES TO PLAY AN ELECTRONIC BLOTTER;
15 AND TO DECLARE AN EMERGENCY.
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 23-114-102 is amended to read as follows:
22 23-114-102. Definitions.

23 As used in this chapter:

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

31 (B) A nonprofit tax-exempt instrumentality of the United
32 States Government is a service agency for the purpose of this subdivision
33 (1);

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

36 (B) "Bingo equipment" includes:



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 2 other items are withdrawn to determine the letters and numbers or other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

4 (ii) A bingo face;

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

6 (iv) An electronic bingo device or machine; and

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

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

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

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

13 (D) "Bingo equipment" does not include:

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

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

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

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

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

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

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

35 (5) "Charitable purpose" means a purpose described by § 23-114-
 36 504;

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

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

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

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

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

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

17 (iii) Identify a winning bingo pattern.

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

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

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

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

26 (iv) Has internet capability.

27 (C) An electronic bingo device shall:

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

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

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

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

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

6 ~~(10)~~(11) "Gross receipts" means the total amount received from
 7 the sale of raffle tickets and the sale, rental, transfer, or use of bingo
 8 faces and entrance fees charged at premises at which games of bingo or
 9 raffles are conducted without any deduction on account of prizes paid,
 10 losses, or any other expenses whatsoever;

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

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

17 ~~(13)~~(14) "Person" means any individual, company, partnership,
 18 limited liability company, joint venture, joint agreement, association,
 19 mutual or otherwise, corporation, estate, trust, business trust, receiver,
 20 trustee, syndicate, or any other private entity;

21 ~~(14)~~(15)(A) "Premises" means the area subject to the direct
 22 control of and actual use by a licensed authorized organization to conduct
 23 games of bingo.

24 (B) "Premises" includes a location or place;

25 ~~(15)~~(16) "Primary business office" means the Arkansas location
 26 at which all records relating to the primary purpose of a licensed authorized
 27 organization are maintained in the ordinary course of business;

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

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

32 ~~(17)~~(18) "Responsible person" means the person or persons within
 33 a licensed authorized organization that are responsible for organizing,
 34 conducting, and otherwise administering the licensed authorized
 35 organization's raffles or bingo sessions.

36

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

3 (c) The provisions of this chapter are not intended and shall not be
4 construed to allow the play of ~~games of bingo or~~ raffles through any
5 electronic device or machine.
6

7 SECTION 3. Arkansas Code § 23-114-202 is amended to read as follows:
8 23-114-202. Approval of bingo faces and raffle tickets.

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

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

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

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

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

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

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

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

27
28 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
29 General Assembly of the State of Arkansas that prohibitions against the use
30 of electronic devices or machines to play a game of bingo found in the
31 Charitable Bingo and Raffles Enabling Act prevent disabled Arkansans from
32 participating; that by removing the prohibitions against the use of certain
33 electronic devices or machines to play a game of bingo, disabled Arkansans
34 will be able to participate and play a game of bingo; and that this act is
35 immediately necessary to correct this restriction and to promote greater
36 accessibility to all Arkansans who desire to play a game of bingo. Therefore,

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

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

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

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

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36