

Montana Tavern Times

Golf Courses and Gambling: What's par for the course? – January 1, 2014

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It's January, the ground is frozen, the weather is cold and snowy and my topic this month is golf and gambling. While it may not be the right season in Montana for golf, it may, however, be the right time to talk about golf courses (both public and private) during this slower time of year and what gambling activities can or cannot occur on their premises.

You may be asking yourself right now, why are golf courses any different than any other licensed establishment when it comes to offering gambling? The simple and straightforward answer to that question is: "They're not."

If a location has acquired the appropriate alcoholic beverage license as defined in MCA 23-5-119, then they are eligible to offer certain types of gambling activities such as: live card games of poker or panguingue, sport pool boards/tabs, and Video Gambling Machines (VGMs).

In addition to the appropriate alcoholic beverage license, the establishment is required to also have a Gambling Operator License (GOA) if they want to offer live card games, bingo, and VGM play.

Permits are required for live card games, VGMs, bingo and Calcutta's.

	Appropriate Alcoholic Beverage License	Gambling Operator License	Applicable Permits
Live Card Games	X	X	X
Sports Pool/Sports Tab Game Boards	X		
Video Gambling Machines	X	X	X
Bingo		X	X
Calcutta Pool			X

Golf courses with liquor licenses or liquor/gambling licenses are viewed as being "public" under the eyes of the law. This reference can be found under MCA 23-5-112(34) which defines "Public gambling" as gambling conducted in:

(a) a place, building, or conveyance to which the public has access or may be permitted to have access;

- (b) a place of public resort, including but not limited to a facility owned, managed, or operated by a partnership, corporation, association, club, fraternal order, or society, including a religious or charitable organization; or*
- (c) a place, building, or conveyance to which the public does not have access if players are publicly solicited or the gambling activity is conducted in a predominantly commercial manner.*

This means that golf courses, whether they are private clubs or not, must operate within the liquor and gambling rules and laws. This applies to sports board chances or tabs sold at golf courses as well. Their prices and prize values must be within the legal limits, be authorized by the state, and be played according to the defined rules. Live card games such as poker or panguingue must be played on a licensed table and the cards must be dealt by a licensed dealer only between 8 am and 2 am unless extended by local government.

Golf courses are also subject to inspections by local and state authorities. For Gambling, authority comes under ARM 23.16.201 which states:

- (1) Any licensed premise where gambling-related activity is conducted or any premise connected to the operation of a licensed gambling-related activity shall at all times during normal business hours be open to inspection by the department or local law enforcement official in order to determine compliance with the law of Montana and rules of the department.*
- (2) At any time during which a licensed gambling activity is being operated upon a premise, the department may enter upon the premise without advance notice and:
 - (a) inspect the records related to the operation of any licensed gambling activity;*
 - (b) inspect, including the dismantling and reassembly of, all pieces of equipment and parts thereof, or devices of any nature which are being used to conduct the licensed activity; and*
 - (c) make a count of all monies involved in the operation of the licensed activity located on the premise.**

For Liquor, the authority comes under MCA 16-6-103 which states:

The department of justice or its representative or a peace officer may at any time examine the premises of a retail licensee to determine whether the law of Montana and the rules of the department or the department of justice are being complied with and also may inspect cars or aircraft of any common carrier system licensed under this code.

There is one liquor license that prohibits certain locations from gambling activities and that is a "Golf Course Beer and Wine license" This particular type of license has restrictions that indicate if the owner of the golf course is not the state, a unit of the university system, or a local government, gaming or gambling of any type is not authorized (MCA 16-4-109.) That law is one of the more straight forward ones when it comes to defining the parameters.

In closing, I am hopeful that this article helps to clarify and assist golf course managers in their operations so they can stay "on par." If there are ever any questions about gambling rules and regulations, please don't hesitate to contact our field offices or main office (444-1971) in Helena or visit

our website <https://dojmt.gov/gaming/>. We would rather help you stay in the “fairway” than find you in the “rough.”