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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-FIFTH  
SESSION

**HOUSE FILE No. 1669**

March 5, 2007

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The bill was read for the first time and referred to the Committee on Commerce and Labor

March 23, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Finance

1.1 A bill for an act  
1.2 relating to gambling; providing for amusement games; amending Minnesota  
1.3 Statutes 2006, section 609.75, subdivision 8, by adding a subdivision; proposing  
1.4 coding for new law in Minnesota Statutes, chapter 299L.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[299L.085] AMUSEMENT GAME.**

1.7 Subdivision 1. **Permit.** Any person possessing an amusement game and offering  
1.8 play of the game for a consideration must obtain a permit from the director. An application  
1.9 for a permit must contain the information required in section 299L.08, subdivision 2,  
1.10 clauses (1), (2), (4), (6), and (9). The fee for a permit under this section is \$..... annually  
1.11 for each location. The director shall use the revenue generated by application fees to  
1.12 offset the costs of administering the permitting process and for audits and inspections.  
1.13 For the purposes of this section, an "amusement game" has the meaning given in section  
1.14 609.75, subdivision 8a.

1.15 Subd. 2. **Penalties.** For the purpose of enforcing this section, the director shall  
1.16 have all of the powers set forth in section 299L.03. Additionally, the director shall have  
1.17 the power to issue citations pursuant to a fine schedule established by the director. No  
1.18 single fine shall exceed \$..... Citations may be issued for a violation of subdivision 1  
1.19 and for altering or operating an amusement game contrary to the provisions of section  
1.20 609.75, subdivision 8a.

1.21 Subd. 3. **Inspection.** Any person who possesses or intends to possess any  
1.22 type, category, or model of video game for purposes of offering play of the game for  
1.23 a consideration may request the director to examine the machine and to determine  
1.24 whether or not the machine meets the definition of an amusement game as set forth in

2.1 section 609.75, subdivision 8a. The director shall conduct the examination and make a  
2.2 determination as requested. A person making a request hereunder shall reimburse the  
2.3 division for the services performed.

2.4 Sec. 2. Minnesota Statutes 2006, section 609.75, subdivision 8, is amended to read:

2.5 Subd. 8. **Video game of chance.** A video game of chance is a game or device  
2.6 that does not meet the requirements of subdivision 8a and which simulates one or more  
2.7 games commonly referred to as poker, blackjack, craps, hi-lo, roulette, or other common  
2.8 gambling forms, though not offering any type of pecuniary award or gain to players. The  
2.9 term also includes any video game having one or more of the following characteristics:

2.10 (1) it is primarily a game of chance, and has no substantial elements of skill involved;

2.11 (2) it awards game credits or replays and contains a meter or device that records  
2.12 unplayed credits or replays. A video game that simulates horse racing that does not  
2.13 involve a prize payout is not a video game of chance.

2.14 Sec. 3. Minnesota Statutes 2006, section 609.75, is amended by adding a subdivision  
2.15 to read:

2.16 Subd. 8a. **Amusement games.** A game which is not designed and manufactured  
2.17 primarily for use in connection with gambling is not a "video game of chance" if it:

2.18 (1) does not reward the player with valuable consideration other than extended play  
2.19 or replays or merchandise of nominal value contained within the device;

2.20 (2) does not contain a meter or other device that records unplayed credits or replays;  
2.21 and

2.22 (3) is not used and is not designed, nor been altered or converted to use in the  
2.23 playing phases of any gambling activity.