

By: Menendez

H.B. No. 2715

A BILL TO BE ENTITLED

AN ACT

1
2 relating to authorizing licensed bingo organizations to conduct
3 charitable poker games.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 2001.055, Occupations Code, is amended
6 to read as follows:

7 Sec. 2001.055. REGULATION OF GAMES. (a) The commission by
8 rule may establish the number and type of bingo games that may be
9 played during a bingo occasion.

10 (b) The commission by rule may establish the number and type
11 of poker games that may be played at a licensed authorized
12 organization under Subchapter O.

13 SECTION 2. Section 2001.413, Occupations Code, is amended
14 to read as follows:

15 Sec. 2001.413. ADMISSION CHARGE REQUIRED. Except as
16 provided by Section 2001.4155, a licensed authorized organization
17 may not offer or provide to a person the opportunity to play bingo
18 or poker without charge.

19 SECTION 3. Section 2001.416, Occupations Code, is amended
20 by adding Subsection (e) to read as follows:

21 (e) This section does not prohibit a licensed authorized
22 organization from conducting a charitable poker game under
23 Subchapter O.

24 SECTION 4. Section 2001.458(a), Occupations Code, is

1 amended to read as follows:

2 (a) An item of expense may not be incurred or paid in
3 connection with the conduct of bingo or poker except an expense that
4 is reasonable or necessary to conduct bingo or poker, including an
5 expense for:

6 (1) advertising, including the cost of printing bingo
7 gift certificates;

8 (2) security;

9 (3) repairs to premises and equipment;

10 (4) bingo and poker supplies and equipment;

11 (5) prizes;

12 (6) stated rental or mortgage and insurance expenses;

13 (7) bookkeeping, legal, or accounting services
14 related to bingo;

15 (8) fees for callers, cashiers, ushers, dealers,
16 janitorial services, and utility supplies and services;

17 (9) license fees;

18 (10) attending a bingo seminar or convention required
19 under Section 2001.107; and

20 (11) debit card transaction fees.

21 SECTION 5. Section 2001.459(a), Occupations Code, is
22 amended to read as follows:

23 (a) The following items of expense incurred or paid in
24 connection with the conduct of bingo or poker must be paid from an
25 organization's bingo account:

26 (1) advertising, including the cost of printing bingo
27 gift certificates;

- 1 (2) security during a bingo occasion;
- 2 (3) the purchase or repair of bingo or poker supplies
- 3 and equipment;
- 4 (4) prizes, other than authorized cash prizes;
- 5 (5) stated rental expenses;
- 6 (6) bookkeeping, legal, or accounting services;
- 7 (7) fees for callers, cashiers, dealers, and ushers;
- 8 (8) janitorial services;
- 9 (9) license fees; and
- 10 (10) payment for services provided by a system service
- 11 provider.

12 SECTION 6. Section 2001.502, Occupations Code, is amended
13 to read as follows:

14 Sec. 2001.502. PRIZE FEE. A licensed authorized
15 organization shall collect from a person who wins a bingo prize or a
16 prize at a poker game a fee in the amount of five percent of the
17 amount or value of the prize.

18 SECTION 7. Chapter 2001, Occupations Code, is amended by
19 adding Subchapter O to read as follows:

20 SUBCHAPTER O. CHARITABLE POKER

21 Sec. 2001.701. DEFINITION. In this subchapter, "poker"
22 means a game played with cards of a type traditionally referred to
23 as poker in which:

- 24 (1) a participant bets or plays for money;
- 25 (2) no participant in the game receives any economic
- 26 benefit from that participation other than personal winnings; and
- 27 (3) except for the advantage of skill or luck, the

1 risks of losing and the chances of winning at the card game are the
2 same for all participants.

3 Sec. 2001.702. CHARITABLE POKER. A licensed authorized
4 organization may conduct charitable poker games in addition to
5 bingo at the location and times permitted by the organization's
6 license to conduct bingo.

7 Sec. 2001.703. ENTRY FEE. A licensed authorized
8 organization may charge an entry fee for a person to play a poker
9 game conducted under this subchapter.

10 Sec. 2001.704. MINORS. An individual younger than 18 years
11 of age may not play poker conducted under a license issued under
12 this chapter.

13 Sec. 2001.705. PROCEEDS. (a) A licensed authorized
14 organization shall deposit all funds derived from the conduct of
15 poker authorized under this subchapter, less the amount authorized
16 as cash prizes, in the organization's bingo account, as required by
17 Section 2001.451.

18 (b) Funds deposited in the bingo account under Subsection
19 (a) are subject to the same provisions and requirements as funds
20 derived from the conduct of bingo under Subchapter J.

21 SECTION 8. This Act takes effect September 1, 2005.