

SENATE BILL NO. 229

INTRODUCED BY STANG, LARSON, SMITH, MENAHAN,
GAGE, GRADY, TVEIT, REA, MCCLERNAN, BECK

IN THE SENATE

JANUARY 21, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
JANUARY 28, 1993	SPONSORS ADDED.
FEBRUARY 4, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 5, 1993	PRINTING REPORT.
FEBRUARY 6, 1993	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
FEBRUARY 8, 1993	SECOND READING, DO PASS.
FEBRUARY 9, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 46; NOES, 4.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 10, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 17, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 27, 1993	SECOND READING, CONCURRED IN.
MARCH 30, 1993	THIRD READING, CONCURRED IN. AYES, 69; NOES, 30.
MARCH 31, 1993	RETURNED TO SENATE.

IN THE SENATE

MARCH 31, 1993

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senators* BILL NO. *229*
 2 INTRODUCED BY *Ray Larson Smith*
 3 *Mike Brady*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING AND
 5 AUTHORIZING POKER RUNS; EXEMPTING POKER RUNS HELD BY CERTAIN
 6 NONPROFIT ORGANIZATIONS FROM CERTAIN REGULATIONS; AMENDING
 7 SECTION 23-5-310, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
 8 DATE."
 9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 23-5-310, MCA, is amended to read:

12 "23-5-310. Exemption from certain sections -- poker
 13 runs. (1) A senior citizen center is exempt from 23-5-306,
 14 23-5-308, and 23-5-309 if the center:

15 +1)(a) limits participation in live card games to its
 16 members and members' guests;

17 +2)(b) limits live card game activities to its main
 18 premises or place of operation; and

19 +3)(c) does not operate live card games in a
 20 predominantly commercial manner.

21 (2) (a) Poker runs are authorized gambling. The only
 22 poker games that may be played in a poker run are those card
 23 games that are authorized under 23-5-311 and by department
 24 rule.

25 (b) "Poker run" means a live poker card game in which

1 each participant pays a valuable consideration to travel to
 2 designated locations and obtain a playing card at each
 3 location. Each participant accumulates the cards to make a
 4 poker hand, after which the participants' hands are compared
 5 and the participant with the best hand, as described in the
 6 rules of the person or entity holding the poker run, is the
 7 winner. The rules may provide for more than one winner of
 8 ranked hands, with each winner receiving a prize, but a
 9 prize may not exceed \$300 in value. Except as provided in
 10 subsection (2)(c), all consideration paid to participate
 11 must be expended on the prize or prizes.

12 (c) An organization granted an exemption under 26
 13 U.S.C. 501(c)(3), (c)(4), (c)(8), or (c)(19) is exempt from
 14 23-5-306 through 23-5-309 and may retain a portion of the
 15 consideration paid by participants."

16 **NEW SECTION. Section 2.** Effective date. [This act] is
 17 effective on passage and approval.

-End-

SB 229
 -2- INTRODUCED BILL

APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 229

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GAGE, GRADY, TVEIT, REA, MCCLERNAN, BECK

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AUTHORIZING POKER RUNS; EXEMPTING POKER RUNS HELD BY CERTAIN
NONPROFIT ORGANIZATIONS FROM CERTAIN REGULATIONS; AMENDING
~~SECTION 23-5-310~~, SECTIONS 23-5-308 AND 23-5-309, MCA; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

NEW SECTION. Section 1. Poker run defined --
authorization -- conditions. (1) For the purposes of this
section, "poker run" means a gambling activity involving a
live poker card game conducted in the following manner:

(a) Each person pays valuable consideration to
participate.

(b) A participant travels to designated locations and
obtains a playing card at each location. Cards accumulated
by the participant constitute a poker hand.

(c) After each participant has accumulated the required
number of cards, the participants' poker hands are ranked as
described in the poker run rules to determine the winner.

(2) It is lawful to conduct or participate in a poker
run subject to the following conditions:

(a) Each participant must receive a copy of the rules
for conducting the poker run before the poker run begins.
The rules must include:

- (i) the amount of the entry fee;
- (ii) the type of poker game being played and ranking of
poker hands;
- (iii) the value of the prizes to be awarded;
- (iv) a description of the locations where playing cards
may be obtained; and
- (v) the date and time during which the poker run will
be conducted.

(b) The rules may provide for more than one winner of
the ranked hands, with each winner receiving a prize, but a
prize may not exceed \$300 in value.

(c) Except as provided in subsection (2)(d), all
consideration paid to participate in a poker run must be
expended on the prize or prizes.

(d) If a poker run is conducted by a nonprofit
organization, as defined in 23-5-112, the organization may
retain a portion of the total amount paid to participate.

Section 2. Section 23-5-308, MCA, is amended to read:

"23-5-308. Card game dealers -- license. (1) A Except
as provided in [section 1], a person may not deal cards in a

live card game of panguingue or poker without being licensed annually by the department.

(2) The fee for the first year in which the license is effective is \$75, and the annual renewal fee is \$25. The fee may not be prorated.

(3) The department shall retain for administrative purposes the license fee charged for the issuance of a dealer's license.

(4) A licensed dealer shall have on his person, and display upon request, his dealer's license when he is working as a dealer.

(5) (a) The department shall adopt rules to implement temporary licensing procedures until a permanent license is issued to a dealer.

(b) The rules must provide that:

(i) a temporary license may be obtained at the place where a person locally applies for a driver's license; and

(ii) the receipt received upon mailing by certified mail a completed license application and the fee required under subsection (2), return receipt requested, constitutes a temporary license.

(c) The department may not assess a fee for the temporary license."

Section 3. Section 23-5-309, MCA, is amended to read:

"23-5-309. **Requirements for conducting card games.** (1)

Except as provided in 23-5-317 and [section 1], a live card game must be played on a live card game table for which a permit has been issued and on the premises of a licensed operator.

(2) A Except as provided in [section 1], a live card game of panguingue or poker must be played in the presence and under the control of a licensed dealer."

NEW SECTION. **Section 4. Codification instruction.**

[Section 1] is intended to be codified as an integral part of Title 23, chapter 5, part 3, and the provisions of Title 23, chapter 5, part 3, apply to [section 1].

NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

-End-

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(3) The department shall retain for administrative purposes the license fee charged for the issuance of a dealer's license.

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