

FIRST REGULAR SESSION

HOUSE BILL NO. 1318

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BROWN (57).

2509H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 313.040, RSMo, and to enact in lieu thereof one new section relating to bingo, with a contingent effective date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 313.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 313.040, to read as follows:

313.040. The conducting of bingo is subject to the following restrictions:

(1) (a) The entire net receipts over and above the actual cost of conducting the game shall be exclusively devoted to the lawful, charitable, religious or philanthropic purposes of the organization permitted to conduct that game and no receipts shall be used to compensate in any manner any person who works for or is in any way affiliated with the licensed organization. Any person who violates the provisions of this paragraph shall be guilty of a class E felony;

(b) Proceeds from the game of bingo may not be loaned to any person, except that this provision shall not prohibit the investment of the proceeds in any licensed banking or savings institution, instrument of the United States, Missouri, or any political subdivision thereof. Any person who violates the provisions of this paragraph shall be guilty of a class C misdemeanor; and

(c) The actual cost of conducting the game shall only include the following:

a. The cost of the prizes;

b. The purchasing of the bingo cards from a licensed supplier;

c. The purchasing or leasing of the equipment used in conducting the game;

d. The lease rental on the premises in which the game is conducted to include an allocation of utility costs, if applicable, costs of providing security, including the employment

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 of a reasonable number of security personnel at a compensation level which complies with rules
19 and regulations promulgated by the commission and such personnel is actually present and
20 engaged in security duties, and bookkeeping and accounting expenses;

21 e. The actual cost of providing reasonable janitorial services. The cost of such services
22 shall not be above the fair market rate charged for similar services in the community where the
23 bingo game is being conducted;

24 f. Subject to constitutional restrictions, if any, the fair market cost of advertising each
25 bingo occasion. Such advertising shall be procured in accordance with the rules and regulations
26 of the commission;

27 (2) No person shall participate in conducting or managing the game of bingo except a
28 person who has been a bona fide member of the licensed organization for at least two years
29 immediately preceding such participation, who is not a paid staff person of the licensed
30 organization employed and compensated specifically for conducting or managing the game of
31 bingo and who volunteers the time and service necessary to conduct the game, **or who has been**
32 **a bona fide member of the licensed organization for at least six months immediately**
33 **preceding such participation, who is not a paid staff person of the licensed organization**
34 **employed and compensated specifically for conducting or managing the game of bingo,**
35 **who volunteers the time and service necessary to conduct the game, and is overseen by a**
36 **person who has been a bona fide member of the licensed organization for the two years**
37 **immediately preceding such participation.** Subject to constitutional restrictions, if any, no
38 person shall participate in the actual operation of the game of bingo under the direction of a
39 person conducting or managing the game of bingo, except a person who has been a bona fide
40 member of the licensed organization for at least [one year] **six months** immediately preceding
41 such participation, who is not a paid staff person of the licensed organization employed and
42 compensated specifically for operating the game of bingo and who volunteers the time and
43 service necessary to operate the game. If any post or organization, by its national charter, has
44 established an auxiliary organization for spouses, then members of the auxiliary organization
45 shall be considered bona fide members of the licensed organization and members of the post or
46 organization shall be considered bona fide members of the auxiliary organization for the
47 purposes of this subdivision. Any person who is a duly ordained member of the clergy and any
48 person who is a full-time employee or staff member of the licensed organization employed for
49 at least [two years] **six months** by that organization in a capacity not directly related to the
50 conducting or managing of the game of bingo, who has specific assigned duties under a definite
51 job description with the licensed organization, and who volunteers time and assistance to the
52 organization without compensation for such time and assistance in the conducting and managing
53 of the game of bingo by the organization shall not be considered a paid staff person for the

54 purposes of this subdivision. No full-time employee or staff member shall volunteer such time
55 and assistance to more than one organization nor more than one day in any week. The
56 commission shall establish guidelines for the determination of whether a person is a paid staff
57 person within the meaning of this subdivision and shall specifically approve any full-time
58 employee or staff member of the organization before such employee or staff member may
59 volunteer time and assistance in the conducting and managing of bingo games for any
60 organization. The commission may suspend the approval of any employee or staff member;

61 (3) No person, firm, partnership or corporation shall receive any remuneration, profit or
62 gift for participating in the management, conduct or operation of the game, including the granting
63 or use of bingo cards without charge or at a reduced charge from the licensed organization or
64 from any other source;

65 (4) The aggregate retail value of all prizes or merchandise awarded, except prizes or
66 merchandise awarded by pull-tab cards and progressive bingo games, in any single day of bingo
67 may not exceed the amount set by the commission per regulation;

68 (5) The number of games may not exceed sixty-two in any one day, including regular and
69 special games. For purposes of this subdivision, the use of a pull-tab card and progressive bingo
70 games shall not count as one of the sixty-two games per day, as limited by this subdivision, but
71 no pull-tab card may be used except in conjunction with one of such sixty-two games;

72 (6) The price paid for a single bingo card under the license may not exceed one dollar.
73 The commission may establish by rule or regulation the number of bingo cards which may be
74 placed on a single bingo sheet. The price for a single pull-tab card may not exceed one dollar.
75 A licensee may not require a player to purchase more than a standard pack in order to participate
76 in the bingo occasion;

77 (7) The number of bingo days conducted by a licensee under the provisions of sections
78 313.005 to 313.080 shall be limited to two days per week;

79 (8) Any person, officer or director of any firm or corporation, and any partner of any
80 partnership renting or leasing to a licensed organization equipment or premises for use in a game
81 shall meet all the qualifications set forth in subdivisions (1) to (5) and (8) of subsection 1 of
82 section 313.035 and shall not be a paid staff person of the licensee. Proof of compliance with
83 this subdivision shall be submitted to the commission by the licensee in the manner required by
84 the commission;

85 (9) Subject to constitutional restrictions, if any, an organization licensed to conduct
86 bingo in the state of Missouri may advertise a bingo occasion or special event bingo if
87 expenditures for advertisement do not exceed ten percent of the total amount expended from
88 receipts of bingo conducted by the licensed organization for charitable, religious or philanthropic
89 purposes;

90 (10) No person under the age of sixteen years may play or participate in the conducting
91 of bingo. Any person under the age of sixteen years may be within the area where bingo is being
92 played only when accompanied by his parent or guardian;

93 (11) No licensee shall lease premises in which it conducts bingo games from someone
94 who is not a hall provider licensed by the commission;

95 (12) No licensee shall pay any consulting fees to any person for any service performed
96 in relation to the bingo game;

97 (13) No licensee shall pay concession fees to any person who provides refreshments to
98 the participants in the bingo game;

99 (14) No licensee shall conduct a bingo session at any time during the period between
100 1:00 a.m. and 7:00 a.m.;

101 (15) No licensee, while a bingo game is being conducted, shall knowingly permit entry
102 to any part of the licensed premises to any person of notorious or unsavory reputation or who has
103 an extensive police record or who has been convicted of a felony;

104 (16) No vending machine or any mechanized coin-operated machine may be used to sell
105 pull-tab cards or to pay prize money, merchandise gifts or any other form of a prize;

106 (17) No rented or reusable bingo cards may be used to conduct any game. All games
107 must be conducted with disposable paper bingo cards that are marked by permanent ink as
108 prescribed by the rules and regulations of the commission, or by electronic bingo card monitoring
109 device as approved by the commission;

110 (18) No licensee shall purchase or use any bingo supplies from a person who is not
111 licensed by the state of Missouri as a bingo supplier.

Section B. Section A of this act shall become effective only upon the passage and
2 approval by the voters of a constitutional amendment submitted to them by the general assembly
3 regarding a reduction in the duration of organizational membership requirement for the
4 administration of a game of bingo.

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