

FIRST REGULAR SESSION

# HOUSE BILL NO. 916

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DOUGHERTY (Sponsor), JETTON, DAY, FISHER, STREAM, MAY, KRAUS, NANCE, BIVINS, WILSON (119), RICHARD, NOLTE, KINGERY, WRIGHT, WASSON, ST. ONGE, TILLEY, DUSENBERG, SCHAAF, HUNTER, MARSH, LOEHNER, DEEKEN, LEMBKE, BURNETT, YOUNG, HOSKINS AND HUBBARD (Co-sponsors).

Read 1st time February 20, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 313.057, RSMo, and to enact in lieu thereof one new section relating to an exemption for veteran's organizations from taxes on pull-tab cards, with a penalty provision.

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

Section A. Section 313.057, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 313.057, to read as follows:

313.057. 1. It is unlawful for any person, either as an owner, lessee or employee, to operate, carry on, conduct or maintain any form of manufacturing, selling, leasing or distribution of any bingo equipment or supplies without having first procured and maintained a Missouri bingo equipment and supplies manufacturer or supplier license.

2. The commission shall submit two sets of fingerprints for each key person, as defined in commission rules and regulations, of an entity or organization seeking issuance or renewal of a Missouri bingo equipment and supplies manufacturer or supplier license, for the purpose of checking the person's prior criminal history when the commission determines a nationwide check is warranted. The fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's criminal records division. The first set of fingerprints shall be used for searching the state repository of criminal history information. The second set of fingerprints shall be forwarded to the Federal Bureau of Investigation, Identification Division, for the

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.

13 searching of the federal criminal history files. The patrol shall notify the commission of any  
14 criminal history information or lack of criminal history information discovered on the individual.  
15 Notwithstanding the provisions of section 610.120, RSMo, all records related to any criminal  
16 history information discovered shall be accessible and available to the commission.

17 3. The holder of a state bingo license may, within two years of cessation of conducting  
18 bingo or upon specific approval by the commission, dispose of by sale in a manner approved by  
19 the commission, any or all of his bingo equipment and supplies, without a supplier's license. In  
20 case of foreclosure of a lien by a bank or other person holding a security interest for which bingo  
21 equipment is security in whole or in part for the lien, the commission may authorize the  
22 disposition of the bingo equipment without requiring a supplier's license.

23 4. Any person whom the commission determines to be a suitable person to receive a  
24 license pursuant to the provisions of this section may be issued a manufacturer's or supplier's  
25 license. The commission may require suppliers to post a bond with the commission in an  
26 amount and in the manner prescribed by the commission. The burden of proving his  
27 qualification to receive or hold a license pursuant to this section is at all times on the applicant  
28 or licensee.

29 5. The commission shall charge and collect from each applicant for a supplier's license  
30 a one-time application fee set by the commission, not to exceed five thousand dollars. The  
31 commission shall charge and collect an annual renewal fee for each supplier licensee not to  
32 exceed one thousand dollars.

33 6. The commission shall charge and collect from each applicant for a manufacturer's  
34 license a one-time application fee set by the commission, not to exceed one thousand dollars.  
35 The commission shall charge and collect an annual renewal fee for each manufacturer licensee  
36 not to exceed five hundred dollars.

37 7. The commission shall charge and collect from each applicant for a hall provider's  
38 license a one-time application fee set by the commission, not to exceed seven hundred fifty  
39 dollars. The commission shall charge and collect an annual renewal fee for each hall provider  
40 licensee not to exceed five hundred dollars.

41 8. All licenses issued pursuant to this section shall be issued for the calendar year and  
42 shall expire on December thirty-first of each year. Regardless of the date of application or  
43 issuance of the license, the fee to be charged and collected pursuant to this section shall be the  
44 full annual fee.

45 9. All license fees collected pursuant to this section shall be paid over immediately to  
46 the state treasurer to be deposited to the credit of the gaming commission bingo fund.

47 10. All licensees pursuant to this section shall maintain for a period of not less than three  
48 years full and complete records of all business carried on in this state and shall make same

49 available for inspection to any duly authorized representative of the commission. If a supplier  
50 does not receive payment in full from an organization within thirty days of the delivery of bingo  
51 supplies, the supplier shall notify the commission in writing, or in a manner specified by the  
52 commission in its rules and regulations, of the delinquency. Upon receipt of the notice of  
53 delinquency, the commission shall notify all suppliers that until further notice from the  
54 commission, all sales of bingo supplies to the delinquent organizations shall be on a cash-only  
55 basis. Upon receipt of the notice from the commission, no supplier may extend credit to the  
56 delinquent organization until such time as the commission approves credit sales. If a  
57 manufacturer does not receive payment in full from a supplier within ninety days of the delivery  
58 of bingo supplies, the manufacturer shall notify the commission in writing, or in a manner  
59 specified by the commission in its rules and regulations, of the delinquency. Upon receipt of the  
60 notice of delinquency, the commission shall notify all manufacturers that until further notice  
61 from the commission, all sales of bingo supplies to the delinquent supplier shall be on a  
62 cash-only basis. Upon receipt of the notice from the commission, no manufacturer may extend  
63 credit to the delinquent supplier until such time as the commission approves credit sales.

64 11. Until January 1, 1995, all suppliers, **except veteran's organizations**, shall pay a tax  
65 on all pull-tab cards distributed by them in the amount of ten dollars per box when sold by any  
66 organization licensed to conduct bingo pursuant to the provisions of sections 313.005 to 313.080.  
67 No box sold shall contain more than twenty-four hundred pull-tab cards. Beginning January 1,  
68 1995, a tax is hereby imposed in the amount of two percent of the gross receipts of the retail sales  
69 value charged for each pull-tab card sold in Missouri to be paid by [the supplier] **each supplier**  
70 **except veteran's organizations**. The taxes, less two percent of the total amount paid which may  
71 be retained by the supplier, if timely filed and paid, shall be paid on a monthly basis to the  
72 commission by each supplier of pull-tabs and shall be due on the last day of each month  
73 following the month in which the pull-tabs were sold. The taxes shall be deposited in the state  
74 treasury, credited to the bingo proceeds for education fund. All pull-tab cards sold by suppliers  
75 in this state shall bear on the face thereof the amount for which such pull-tab cards will be sold,  
76 and the license number of the supplier shall be printed on the inventory statement commonly  
77 called the flare, enclosed in each unit container. Each unit container shall contain cards printed  
78 in such a manner as to ensure that at least sixty percent of the gross revenues generated by the  
79 ultimate sale of such cards shall be returned to the final purchasers of such cards. Any supplier  
80 **who is not exempt and** who fails to pay the tax imposed pursuant to this subsection shall have  
81 his **or her** license issued pursuant to this section revoked and shall be guilty of a class A  
82 misdemeanor.

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