

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

**Offered By**

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 23, Page 29, Section 144.070,  
2 Line 121, by inserting after all of said section and line the following:  
3

4 "313.040. The conducting of bingo is subject to the following restrictions:

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

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

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

15 a. The cost of the prizes;

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

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

18 d. The lease rental on the premises in which the game is conducted to include an allocation of utility  
19 costs, if applicable, costs of providing security, including the employment of a reasonable number of security  
20 personnel at a compensation level which complies with rules and regulations promulgated by the commission  
21 and such personnel is actually present and engaged in security duties, and bookkeeping and accounting  
22 expenses;

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

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

28 (2) No person shall participate in conducting or managing the game of bingo except a person who  
29 has been a bona fide member of the licensed organization for at least six months immediately preceding such  
30 participation, who is not a paid staff person of the licensed organization employed and compensated

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specifically for conducting or managing the game of bingo and who volunteers the time and service necessary to conduct the game. Subject to constitutional restrictions, if any, no person shall participate in the actual operation of the game of bingo under the direction of a person conducting or managing the game of bingo, except a person who has been a bona fide member of the licensed organization for at least six months immediately preceding such participation, who is not a paid staff person of the licensed organization employed and compensated specifically for operating the game of bingo and who volunteers the time and service necessary to operate the game. If any post or organization, by its national charter, has established an auxiliary organization for spouses, then members of the auxiliary organization shall be considered bona fide members of the licensed organization and members of the post or organization shall be considered bona fide members of the auxiliary organization for the purposes of this subdivision. Any person who is a duly ordained member of the clergy and any person who is a full-time employee or staff member of the licensed organization employed for at least six months by that organization in a capacity not directly related to the conducting or managing of the game of bingo, who has specific assigned duties under a definite job description with the licensed organization, and who volunteers time and assistance to the organization without compensation for such time and assistance in the conducting and managing of the game of bingo by the organization shall not be considered a paid staff person for the purposes of this subdivision. No full-time employee or staff member shall volunteer such time and assistance to more than one organization nor more than one day in any week. The commission shall establish guidelines for the determination of whether a person is a paid staff person within the meaning of this subdivision and shall specifically approve any full-time employee or staff member of the organization before such employee or staff member may volunteer time and assistance in the conducting and managing of bingo games for any organization. The commission may suspend the approval of any employee or staff member;

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

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

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

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

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

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

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

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

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

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

15 (13) No licensee shall conduct a bingo session at any time during the period between 1:00 a.m. and  
16 7:00 a.m.;

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

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

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

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

28 313.057. 1. It is unlawful for any person, either as an owner, lessee or employee, to operate, carry  
29 on, conduct or maintain any form of manufacturing, selling, leasing or distribution of any bingo equipment or  
30 supplies without having first procured and maintained a Missouri bingo equipment and supplies manufacturer  
31 or supplier license.

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

1 information or lack of criminal history information discovered on the individual. Notwithstanding the  
2 provisions of section 610.120, all records related to any criminal history information discovered shall be  
3 accessible and available to the commission.

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

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

14 5. The commission shall charge and collect from each applicant for a supplier's license a one-time  
15 application fee set by the commission, not to exceed five thousand dollars. The commission shall charge and  
16 collect an annual renewal fee for each supplier licensee not to exceed one thousand dollars. The applicant  
17 shall be responsible for the total cost of the criminal history investigation. If the cost of the investigation  
18 exceeds the total amount of fees filed by the applicant in this subsection, the commission may assess  
19 additional fees as it deems appropriate.

20 6. The commission shall charge and collect from each applicant for a manufacturer's license a one-  
21 time application fee set by the commission, not to exceed five thousand dollars. The commission shall charge  
22 and collect an annual renewal fee for each manufacturer licensee not to exceed one thousand dollars. The  
23 applicant shall be responsible for the total cost of the criminal history investigation. If the cost of the  
24 investigation exceeds the total amount of fees filed by the applicant in this subsection, the commission may  
25 assess additional fees as it deems appropriate.

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

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

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

34 10. All licensees pursuant to this section shall maintain for a period of not less than three years full  
35 and complete records of all business carried on in this state and shall make same available for inspection to  
36 any duly authorized representative of the commission. If a supplier does not receive payment in full from an  
37 organization within thirty days of the delivery of bingo supplies, the supplier shall notify the commission in  
38 writing, or in a manner specified by the commission in its rules and regulations, of the delinquency. Upon  
39 receipt of the notice of delinquency, the commission shall notify all suppliers that until further notice from the

commission, all sales of bingo supplies to the delinquent organizations shall be on a cash-only basis. Upon receipt of the notice from the commission, no supplier may extend credit to the delinquent organization until such time as the commission approves credit sales. If a manufacturer does not receive payment in full from a supplier within ninety days of the delivery of bingo supplies, the manufacturer shall notify the commission in writing, or in a manner specified by the commission in its rules and regulations, of the delinquency. Upon receipt of the notice of delinquency, the commission shall notify all manufacturers that until further notice from the commission, all sales of bingo supplies to the delinquent supplier shall be on a cash-only basis. Upon receipt of the notice from the commission, no manufacturer may extend credit to the delinquent supplier until such time as the commission approves credit sales.

11. ~~[Until January 1, 1995, all suppliers shall pay a tax on all pull-tab cards distributed by them in the amount of ten dollars per box when sold by any organization licensed to conduct bingo pursuant to the provisions of sections 313.005 to 313.080. No box sold shall contain more than twenty-four hundred pull-tab cards. Beginning January 1, 1995, a tax is hereby imposed in the amount of two percent of the gross receipts of the retail sales value charged for each pull-tab card sold in Missouri to be paid by the supplier. The taxes, less two percent of the total amount paid which may be retained by the supplier, if timely filed and paid, shall be paid on a monthly basis to the commission by each supplier of pull-tabs and shall be due on the last day of each month following the month in which the pull-tabs were sold. The taxes shall be deposited in the state treasury, credited to the bingo proceeds for education fund.] All pull-tab cards sold by suppliers in this state shall bear on the face thereof the amount for which such pull-tab cards will be sold. Each unit container shall contain cards printed in such a manner as to ensure that at least sixty percent of the gross revenues generated by the ultimate sale of such cards shall be returned to the final purchasers of such cards. [Any supplier who fails to pay the tax imposed pursuant to this subsection shall have his license issued pursuant to this section revoked and shall be guilty of a class A misdemeanor.]; and~~

Further amend said bill, Page 33, Section 407.828, Line 121, by inserting after all of said section and line the following:

~~"[313.055. 1. A tax is hereby imposed on each organization conducting the game of bingo which awards to winners of bingo games prizes or merchandise having an aggregate retail value of more than five thousand dollars annually and more than one hundred dollars in any single day. The tax shall be in the amount of two-tenths of one cent upon each bingo card and progressive bingo game card sold in Missouri to be paid by the supplier. The taxes, less two percent of the total amount paid which may be retained by the supplier, shall be paid on a monthly basis to the commission, by each supplier of bingo supplies and shall be due on the last day of the month following the month in which the bingo card was sold, with the date of sale being the date on the invoice evidencing the sale, along with such reports as may be required by the commission. The taxes shall be deposited in the state treasury, credited to the bingo proceeds for education fund.~~

~~2. All taxes not paid to the commission by the person or licensee required to remit the same on the date when the same becomes due and payable to the commission under the provisions of sections 313.005 to 313.085 shall bear interest at the rate to be set by the commission not to exceed two percent per calendar month, or fraction thereof, from and after such date until paid. In addition, the commission may impose a penalty not to~~

- 1       ~~exceed three times the amount of taxes due for failure to submit the reports required by~~
- 2       ~~this section and pay the taxes due.]; and~~
- 3
- 4       Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.