

FIRST REGULAR SESSION

SENATE BILL NO. 147

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROMINE.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0452S.011

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 and existing penalty provisions.

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Section A. Section 313.040, RSMo, is repealed and one new section
2 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:

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

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

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

14 a. The cost of the prizes;

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

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

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

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

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

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

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

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

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

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

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

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

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

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

101 [(11)] (10) No licensee shall lease premises in which it conducts bingo
102 games from someone who is not a hall provider licensed by the commission;

103 [(12)] (11) No licensee shall pay any consulting fees to any person for any
104 service performed in relation to the bingo game;

105 [(13)] (12) No licensee shall pay concession fees to any person who
106 provides refreshments to the participants in the bingo game;

107 [(14)] (13) No licensee shall conduct a bingo session at any time during
108 the period between 1:00 a.m. and 7:00 a.m.;

109 [(15)] (14) No licensee, while a bingo game is being conducted, shall
110 knowingly permit entry to any part of the licensed premises to any person of
111 notorious or unsavory reputation or who has an extensive police record or who
112 has been convicted of a felony;

113 [(16)] (15) No vending machine or any mechanized coin-operated machine
114 may be used to sell pull-tab cards or to pay prize money, merchandise gifts or any
115 other form of a prize;

116 [(17)] (16) No rented or reusable bingo cards may be used to conduct any
117 game. All games must be conducted with disposable paper bingo cards that are
118 marked by permanent ink as prescribed by the rules and regulations of the
119 commission, or by electronic bingo card monitoring device as approved by the
120 commission;

121 [(18)] (17) No licensee shall purchase or use any bingo supplies from a
122 person who is not licensed by the state of Missouri as a bingo supplier.

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

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