

SECOND REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 91

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE AULL.

6140L.011

D. ADAM CRUMBLISS, Chief Clerk

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### JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing section 39(a) of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to volunteer bingo game operations.

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*Be it resolved by the House of Representatives, the Senate concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next  
2 following the first Monday in November, 2012, or at a special election to be called by the  
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for  
4 adoption or rejection, the following amendment to article III of the Constitution of the state of  
5 Missouri:

Section A. Section 39(a), article III, Constitution of Missouri, is repealed and one new  
2 section adopted in lieu thereof, to be known as section 39(a), to read as follows:

Section 39(a). The game commonly known as bingo when conducted by religious,  
2 charitable, fraternal, veteran or service organizations is not a lottery or gift enterprise within the  
3 meaning of subdivision (9) of section 39 of this article if the general assembly authorizes by law  
4 that religious, charitable, fraternal, service, or veteran organizations may conduct the game  
5 commonly known as bingo, upon the payment of the license fee and the issuance of the license  
6 as provided for by law. Any such law shall include the following requirements:

7 (1) All net receipts over and above the actual cost of conducting the game as set by law  
8 shall be used only for charitable, religious or philanthropic purposes, and no receipts shall be  
9 used to compensate in any manner any person who works for or is in any way affiliated with the  
10 licensed organization;

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.

11 (2) No license shall be granted to any organization unless it has been in continuous  
12 existence for at least five years immediately prior to the application for the license. An  
13 organization must have twenty bona fide members to be considered to be in existence;

14 (3) No person shall participate in the management[, conduct or operation] **or conducting**  
15 of any game unless that person:

16 (a) Has been a bona fide member of the licensed organization for the two years  
17 immediately preceding such participation, and volunteers the time and service necessary to  
18 conduct the game. **No person shall participate in the actual operation of the game of bingo**  
19 **under the direction of the person conducting or managing the game of bingo, except a**  
20 **person who has been a bona fide member of the licensed organization for at least one year**  
21 **immediately preceding such participation, volunteers the time and service necessary to**  
22 **operate the game;**

23 (b) Is not a paid staff person for the licensed organization;

24 (c) Is not and has never been a professional gambler or gambling promoter;

25 (d) Has never purchased a tax stamp for wagering or gambling activity;

26 (e) Has never been convicted of any felony;

27 (f) Has never been convicted of or pleaded nolo contendere to any illegal gambling  
28 activity;

29 (g) Is of good moral character;

30 (4) Any person, any officer or director of any firm or corporation, and any partner of any  
31 partnership renting or leasing to a licensed organization any equipment or premises for use in a  
32 game shall meet all of the qualifications of paragraph (3) except subparagraph (a);

33 (5) No lease, rental arrangement or purchase arrangement for any equipment or premise  
34 for use in a game shall provide for payment in excess of the reasonable market rental rate for  
35 such premises and in no case shall any payment based on a percentage of the gross receipts or  
36 proceeds be permitted;

37 (6) No person, firm, partnership or corporation shall receive any remuneration or profit  
38 for participating in the management, conduct or operation of the game;

39 (7) No advertising of any game shall be permitted except on the premises of the licensed  
40 organization or through ordinary communications between the organization and its members;

41 (8) Any other requirement the general assembly finds necessary to insure that any games  
42 are conducted solely for the benefit of the eligible organizations and the general community.

Section B. Pursuant to chapter 116, RSMo, and other applicable constitutional provisions  
2 and laws of this state allowing the general assembly to adopt ballot language for the submission  
3 of a joint resolution to the voters of this state, the official ballot title of the amendment proposed  
4 in section A shall be as follows:

5 "Shall article III, section 39(a) of the Constitution of Missouri be amended to allow  
6 individuals to operate bingo games under lawful management and conducting if they are bona  
7 fide members of organizations licensed to conduct bingo games and have been a member of the  
8 licensed organization for a period of one year?".

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