

SECOND REGULAR SESSION

[CORRECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

**HOUSE BILL NO. 1776**

**98TH GENERAL ASSEMBLY**

5315H.02C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal section 313.040 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and to enact in lieu thereof one new section relating to bingo, with a contingent effective date.

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

Section A. Section 313.040 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, is repealed and one new section enacted in lieu thereof, to be known as section 313.040, to read as follows: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;

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.

16 d. The lease rental on the premises in which the game is conducted to include an  
17 allocation of utility costs, if applicable, costs of providing security, including the employment  
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] **six**  
29 **months** 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. Subject to  
32 constitutional restrictions, if any, no person shall participate in the actual operation of the game  
33 of bingo under the direction of a person conducting or managing the game of bingo, except a  
34 person who has been a bona fide member of the licensed organization for at least [one year] **six**  
35 **months** immediately preceding such participation, who is not a paid staff person of the licensed  
36 organization employed and compensated specifically for operating the game of bingo and who  
37 volunteers the time and service necessary to operate the game. If any post or organization, by  
38 its national charter, has established an auxiliary organization for spouses, then members of the  
39 auxiliary organization shall be considered bona fide members of the licensed organization and  
40 members of the post or organization shall be considered bona fide members of the auxiliary  
41 organization for the purposes of this subdivision. Any person who is a duly ordained member  
42 of the clergy and any person who is a full-time employee or staff member of the licensed  
43 organization employed for at least [two years] **six months** by that organization in a capacity not  
44 directly related to the conducting or managing of the game of bingo, who has specific assigned  
45 duties under a definite job description with the licensed organization, and who volunteers time  
46 and assistance to the organization without compensation for such time and assistance in the  
47 conducting and managing of the game of bingo by the organization shall not be considered a paid  
48 staff person for the purposes of this subdivision. No full-time employee or staff member shall  
49 volunteer such time and assistance to more than one organization nor more than one day in any  
50 week. The commission shall establish guidelines for the determination of whether a person is  
51 a paid staff person within the meaning of this subdivision and shall specifically approve any

52 full-time employee or staff member of the organization before such employee or staff member  
53 may volunteer time and assistance in the conducting and managing of bingo games for any  
54 organization. The commission may suspend the approval of any employee or staff member;

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

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

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

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

72 (7) The number of bingo days conducted by a licensee under the provisions of sections  
73 313.005 to 313.080 shall be limited to two days per week;

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

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

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

88            [(11)] **(10)** No licensee shall lease premises in which it conducts bingo games from  
89 someone who is not a hall provider licensed by the commission;

90            [(12)] **(11)** No licensee shall pay any consulting fees to any person for any service  
91 performed in relation to the bingo game;

92            [(13)] **(12)** No licensee shall pay concession fees to any person who provides  
93 refreshments to the participants in the bingo game;

94            [(14)] **(13)** No licensee shall conduct a bingo session at any time during the period  
95 between 1:00 a.m. and 7:00 a.m.;

96            [(15)] **(14)** No licensee, while a bingo game is being conducted, shall knowingly permit  
97 entry to any part of the licensed premises to any person of notorious or unsavory reputation or  
98 who has an extensive police record or who has been convicted of a felony;

99            [(16)] **(15)** No vending machine or any mechanized coin-operated machine may be used  
100 to sell pull-tab cards or to pay prize money, merchandise gifts or any other form of a prize;

101            [(17)] **(16)** No rented or reusable bingo cards may be used to conduct any game. All  
102 games must be conducted with disposable paper bingo cards that are marked by permanent ink  
103 as prescribed by the rules and regulations of the commission, or by electronic bingo card  
104 monitoring device as approved by the commission;

105            [(18)] **(17)** No licensee shall purchase or use any bingo supplies from a person who is  
106 not 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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