

**Title 11—DEPARTMENT OF
PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 13—Hearings**

PROPOSED AMENDMENT

11 CSR 45-13.051 Bingo Hearings. The commission is amending and renumbering sections (5)-(7).

PURPOSE: This amendment clarifies the commission's actions when a licensee responds to the commission and/or requests a hearing before the commission after discipline is proposed against it.

(5) Any licensee who receives a notice of commission action shall respond to the commission within thirty (30) days of the date the notice is mailed from the commission.

(A) If the licensee does not respond to the commission within thirty (30) days of the date the notice is mailed, the commission may petition the Administrative Hearing Commission (AHC) for findings of fact and conclusions of law to support unsuitability, ineligibility, or discipline.

(B) If the licensee responds to the commission within thirty (30) days of the date the notice is mailed, the commission may take any action it deems appropriate, including, but not limited to, dismissing the matter, initiating settlement negotiations pursuant to 11 CSR 45-13.065, or petitioning the AHC for findings of fact and conclusions of law to support unsuitability, ineligibility, or discipline.

(6) *[The h]* Hearings before the AHC shall be governed by Chapter 536, RSMo and the rules in 1 CSR 15-3. The AHC shall, after opportunity for hearing, issue findings of fact and conclusion of law and refer the matter back to the commission.

(A) If the AHC does not find a factual basis to support the notice of commission action, the matter will be dismissed and no action will be taken against the licensee.

(B) If the AHC issues its findings of fact and conclusions of law supporting cause to discipline, the case will be returned to the commission to convene a hearing to consider and determine the appropriate disciplinary action, and enter a final order.

~~[(6)](7)~~ Upon receiving *[the case]* **findings of fact and conclusions of law supporting cause to discipline** from the AHC, the commission shall set the matter for a hearing *[in accordance with 11 CSR 45-13.030]* **pursuant to 11 CSR 45-13.030 before the commission's hearing officer in accordance with this chapter.** The notice of hearing shall be in writing and shall notify the licensee of the time and place of the hearing, unless a waiver of hearing is filed by the licensee or

the parties reach a settlement, negating the need for a hearing. Service of the hearing notice shall be sent by mail to the party's last known address.

[(7)] **(8)** Following [a] **the** hearing, [before the commission's hearing officer in accordance with this chapter,] the hearing officer shall make a recommendation of discipline or other action to the commission as authorized and set forth by 11 CSR 45-13.020.

AUTHORITY: sections 313.052 and 313.065, RSMo 2000, sections 313.015, 621.045, and 621.110, RSMo Supp. 2013, and section 313.004, RSMo Supp. 2014. Original rule filed June 30, 2003, effective Feb. 29, 2004. Amended: Filed June 25, 2015, effective Feb. 29, 2016. Amended: Filed June 30, 2016.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, September 13, 2016 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF
PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

PROPOSED RULE

11 CSR 45-30.056 Key Person Defined

PURPOSE: This rule defines the term key person as it relates to the licensing and conduct of bingo.

(1) For the purpose of sections 313.005–313.080, RSMo and rules thereto, the definition key person shall include:

(A) An officer, director, trustee, proprietor, managing agent, partner, or general manager of an applicant or licensee;

(B) Any individual whose combined direct, indirect, or attributed interest in any publicly traded or privately held supplier or manufacturer applicant or licensee is five percent (5%) or more; and

(C) Any individual so designated by the commission or the executive director.

(2) The term key person as defined in section (1) is to be applied in the commission's licensing approval process for the following licenses:

(A) Bingo Equipment/Supplies Manufacturer's license; and

(B) Bingo Equipment/Supplies Supplier's license.

(3) Each key person shall submit one (1) set of fingerprints and shall complete a form prescribed and published by the commission with each initial supplier's or manufacturer's license application.

(4) When requested by the commission in conjunction with a renewal, each key person shall submit one (1) set of fingerprints and shall complete a form prescribed and published by the commission.

(5) An entity shall not be issued a license if the result of a background check of any key person of that entity reveals that the person's involvement in the entity would tend to discredit charitable bingo operations in Missouri.

AUTHORITY: section 313.057, RSMo 2013 and section 313.065, RSMo 2000. Original rule filed June 30, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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Title 11—DEPARTMENT OF
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Division 45—Missouri Gaming Commission
Chapter 30—Bingo

PROPOSED AMENDMENT

11 CSR 45-30.175 Organization (Operator) Record Keeping Requirements. The commission is amending sections (6), (8) and (9), adding a new section (7), moving existing section (7), and renumbering existing section (10).

PURPOSE: This amendment changes the record keeping and record retention requirements for bingo organizations.

(6) All pull tab flares must be retained by the organization for a period of one (1) year from the date the corresponding pull-tab game is completed or terminated upon prior approval by the commission. *[Each winning pull-tab card for values of one hundred dollars (\$100) or more must be signed by the winner, dated, and retained by the organization for a period of one (1) year.]*

(7) *[If sight-impaired players are sold Braille bingo cards for use during an occasion an equal amount of paper bingo cards shall be destroyed.] All pull-tab winners shall be counted and totaled at the end of each occasion to determine and record the prizes awarded. All winning pull-tab cards shall be retained for a period of four (4) weeks. Each winning pull-tab card for values of one hundred dollars (\$100) or more must be signed by the winner, dated, and retained by the organization for a period of one (1) year.*

(8) At the time each winning pull-tab card is identified, it shall be validated by either marking it with permanent ink or a hole punch so that it cannot be reused, resold, or reclaimed. *[All pull-tab winners shall be retained until the end of each occasion to determine prizes awarded.]*

(9) All records not specified in sections (5), (6), *[or](7)*, **or (8)** of this rule, as well as all ledgers, receipts, and invoices required by this rule and Chapter 313, RSMo, must be retained for a period of two (2) years, unless prior written approval is received from the commission to retain any such record, ledger, receipt, or invoice for a period less than two (2) years, and stored in such a manner as to be immediately available for inspection by the commission upon demand.

(10) If sight-impaired players are sold Braille bingo cards for use during an occasion an equal amount of paper bingo cards shall be destroyed.

[(10)](11) Operators are only allowed to buy bingo paper, pull-tabs, and bingo equipment from suppliers licensed by the commission. If violations of this restriction or other restrictions listed in this rule, or Chapter 313, RSMo, are identified by the commission, the operator's license may be subject to penalties, suspension, or revocation. The term bingo equipment and supplies does not include markers, cushions, bags, and other incidentals.

AUTHORITY: section 313.050, RSMo Supp. 2013, and sections 313.052 and 313.065, RSMo 2000. Original rule filed Dec. 15, 1994, effective May 28, 1995. Amended: Filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed Jan. 27, 2006, effective Sept. 30, 2006. Amended: Filed July 28, 2010, effective Jan. 30, 2011. Amended: Filed June 25, 2015, effective Feb. 29, 2016. Amended: Filed June 30, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, September 13, 2016 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF
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Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

PROPOSED AMENDMENT

11 CSR 45-30.280 Net Receipts from Bingo and Bank Account. The commission is adding a new section (1), amending and renumbering existing sections (1) and (2), and renumbering sections (3)–(8).

PURPOSE: This amendment changes the requirements for obtaining dedicated bingo checking accounts.

(1) Each Regular/Annual Bingo licensee is required to obtain a dedicated bingo checking account in a financial institution located in Missouri. Each Special Bingo and Pull-Tab licensee or Special Abbreviated Pull-Tab licensee that obtains any three (3) special licenses during any calendar year and applies for a fourth such license shall obtain a dedicated bingo checking account in a financial institution located in Missouri.

[(1)] **(2)** All receipts from each bingo occasion, less the amount awarded as cash prizes for that occasion, shall be deposited in *[a special]* **the** bingo checking account *[in a financial institution located in Missouri]* no later than the next business day following the date of the bingo occasion. Disbursements for reasonable and necessary expenses incidental to the conduct of bingo games shall be paid from the *[special]* bingo checking account on preprinted, serially numbered checks. Checks shall be payable to a specific payee. At no time may checks be made payable to “cash.” An organization may use a debit transaction instead of a check; however, each debit transaction shall be reported with other disbursements from the bingo checking account on the quarterly report as required by 11 CSR 45-30.210. All debit transactions shall be documented with a receipt or other supporting documentation to ensure proper use of bingo proceeds.

[(2)] **(3)** If an organization uses starting cash, a check shall be written to a financial institution, retail establishment, or to a charitable organization to obtain the starting cash. The entire amount of the starting cash obtained by the organization shall be redeposited into the bingo checking account no later than the next business day. An organization may use a debit transaction instead of a check to obtain starting cash from their bingo checking account; however, each debit transaction shall be reported with other disbursements from the bingo checking account on the quarterly report, as required by 11 CSR 45-30.210.

[(3)] **(4)** Pursuant to section 313.040.1, RSMo, the entire net receipts over and above the actual cost of conducting the game of bingo as enumerated in section 313.040.1, RSMo may be paid from the bingo checking account into the general treasury of the licensed bingo organization. All bingo funds paid into the general treasury of the licensed bingo organization shall be devoted exclusively to lawful, charitable, religious, or philanthropic purposes of the licensed organization. However, no funds from any source shall be used to compensate anyone affiliated with the licensee for managing, conducting, or operating the game of bingo or to provide any services or equipment for the game of bingo.

[(4)] (5) Game operators may transfer funds from another account into the bingo checking account to cover bingo game-related expenses. Bingo operators may not deposit receipts from any other fund-raising activities of the organization into the bingo checking account. Any monies deposited into the bingo checking account are deemed to be bingo proceeds and can only be used to pay bingo gaming expenses or for religious, charitable, or philanthropic purposes.

[(5)] (6) Bingo funds may be used for up to three (3) members of the organization to attend up to two (2) bingo-related conventions per calendar year. The following documentation shall be retained in the licensee's bingo records, and made available to commission staff upon request, for any convention expenses paid from bingo proceeds: 1) an official brochure containing the agenda and cost of the convention; 2) the names of the members attending and the title they hold in the organization; and 3) all receipts for associated costs such as mileage, hotel, and other reasonable expenses. Organizations may use bingo proceeds to pay reasonable fees to hold membership in a bingo-related association or organization. Documentation shall be retained reflecting the cost of said membership.

[(6)] (7) The bookkeeping or accounting records of the licensed organization shall completely and accurately reflect the net amount received from operating bingo. The total expenditures for lawful, charitable, religious, or philanthropic purposes from all revenue sources shall equal or exceed the net receipts from bingo.

[(7)] (8) The commission upon request may examine any account into which bingo proceeds are deposited or transferred.

[(8)] (9) Any licensee who denies the commission access to any account into which bingo proceeds are deposited or transferred may have its license immediately suspended until such access is granted.

*AUTHORITY: sections 313.040 and 313.050, RSMo Supp. 2013, and sections 313.052, 313.065, and 313.070, RSMo 2000. * Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Oct. 29, 1999, effective May 30, 2000. Amended: Filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed Oct. 26, 2006, effective May 30, 2007. Rescinded and readopted: Filed June 25, 2015, effective Feb. 29, 2016. Amended: Filed June 30, 2016.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, September 13, 2016 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF
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Chapter 30—Bingo**

PROPOSED AMENDMENT

11 CSR 45-30.540 Approval of Bingo Paraphernalia. The commission is adding a new section (1), amending and renumbering existing sections (1) and (2), and renumbering existing section (3).

PURPOSE: This amendment clarifies the game approval requirements.

(1) Written approval from the commission shall be obtained prior to the delivery of any type of pull-tab game to any licensed supplier for sale to organizations licensed to conduct bingo in this state.

[(1)] (2) In order to obtain approval for a pull-tab game, the [L]licensed manufacturer[s] shall submit to the commission [all] each pull-tab flare, [s and five (5) pull-tabs including at least] one (1) winning pull-tab, [and] one (1) losing pull-tab, a sheet displaying all symbols used in the game, and a payout (profit) sheet for each form of the pull-tab[, and obtain written approval from the commission prior to the delivery of such items to any licensed supplier to be made available for sale to organizations licensed to conduct bingo in this state]game. If the pull-tab [deal] is an event ticket game, [a sample pull-tab ticket for each type of hold or play ticket and] play instructions shall also be submitted with the request for approval. In lieu of submitting actual products, the licensee may submit an electronic representation of the [flare, pull-tabs, and payout (profit) sheet for each form. The electronic representation shall include all symbols used in the game] required submission information.

[(2)] (3) Licensed manufacturers shall submit to the commission all coin boards, excluding the actual coins and prizes, or legible artwork of the coin board, [and five (5) pull-tabs including at least] one (1) winning pull-tab, [and] one (1) losing pull-tab, a sheet displaying all symbols used in the game, and a payout (profit) sheet [and obtain written approval from the commission prior to the delivery of such items to any licensed supplier to be made available for sale to organizations licensed to conduct bingo in this state]. In lieu of submitting actual products, the licensee may submit an electronic representation of the [coin boards, pull-tabs, and payout (profit) sheet for each form. The electronic representation shall include all symbols used in the game] required submission information.

[(3)] (4) No unapproved pull-tabs or coin boards shall be provided to, or be possessed or used by, any licensed bingo organization in this state. Bingo paper that does not meet the definition contained in section 313.005, RSMo, shall not be provided to, or be possessed or used by, any

licensed bingo organization. Any such bingo paper that may be provided to or possessed by a licensed bingo organization is declared contraband.

AUTHORITY: sections 313.020 and 313.065, RSMo 2000. Original rule filed May 6, 2003, effective Jan. 30, 2004. Amended: Filed July 28, 2010, effective Jan. 30, 2011. Amended: Filed June 25, 2015, effective Feb. 29, 2016. Amended: Filed June 30, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 11—DEPARTMENT OF
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Chapter 30—Bingo**

PROPOSED AMENDMENT

11 CSR 45-30.600 Electronic Bingo Card Monitoring Devices. The commission is amending section (7).

PURPOSE: This amendment changes the requirements from member to worker for downloading Electronic Bingo Card Monitoring Device (EBCMD).

(7) No EBCMD shall be able to monitor more than fifty-four (54) bingo cards per game.

(A) An EBCMD shall be downloaded with electronic bingo cards only by an approved bingo worker or authorized representative of the licensed supplier if accompanied by an approved [member] **worker** of the licensed organization.

AUTHORITY: sections 313.005 and 313.040, RSMo Supp. 2013, and section 313.065, RSMo 2000. Original rule filed Nov. 10, 1998, effective June 30, 1999. Amended: Filed May 6, 1999, effective Dec. 30, 1999. Amended: Filed Oct. 4, 2000, effective June 30, 2001. Amended: Filed Dec. 1, 2004, effective June 30, 2005. Amended: Filed Jan. 27, 2006, effective Sept. 30, 2006. Amended: Filed July 28, 2010, effective Jan. 30, 2011. Amended: Filed June 25, 2015, effective Feb. 29, 2016. Amended: Filed June 30, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

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**Title 11—DEPARTMENT OF
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Chapter 30—Bingo**

PROPOSED AMENDMENT

11 CSR 45-30.610 Wireless Technology. The commission is amending section (2).

PURPOSE: This rule changes the requirements for using wireless electronic bingo monitoring devices (EBCMDs).

(2) *[The licensed manufacturer shall ensure any electronic bingo card monitoring device is not capable of loading bingo faces wirelessly.]* **Bingo faces shall not be loaded wirelessly on an electronic bingo card monitoring device after that device has been provided to the patron.**

AUTHORITY: sections 313.005 and 313.040, RSMo Supp. 2013, and section 313.065, RSMo 2000. Original rule filed Jan. 27, 2006, effective Sept. 30, 2006. Amended: Filed June 25, 2015, effective Feb. 29, 2016. Amended: Filed June 30, 2016.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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