

FIRST REGULAR SESSION

HOUSE BILL NO. 70

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BLAND.

Pre-filed December 8, 2004 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0340L.011

AN ACT

To repeal section 313.270, RSMo, and to enact in lieu thereof one new section relating to the lottery.

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

Section A. Section 313.270, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 313.270, to read as follows:

313.270. 1. The director, pursuant to rules and regulations issued by the commission, may directly purchase or lease such goods or services as are necessary for effectuating the purposes of sections 313.200 to 313.350, including procurements which integrate functions such as lottery game design, supply of goods and services, and advertising. The lottery commission by approved rule may purchase goods made in the United States and sold by a Missouri business to be given away as prizes within the provisions of section 313.321. Contracts shall be awarded to lottery contractors or lottery vendors on the basis of lowest and best bid on an evaluated basis in order to maximize revenues to the lottery fund. The director may also utilize state purchasing procedures. The director shall award at least ten percent of the aggregate dollar amount of all contracts to provide goods and services to the lottery to minority business enterprises as defined by the office of administration and shall award at least five percent of the aggregate dollar amount of all contracts to provide goods and services to the lottery to women business enterprises as defined by the office of administration. No contract awarded or entered into by the director may be assigned by the holder thereof except by specific approval of the commission.

2. Any contract awarded to any lottery contractor or vendor shall provide that such

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.

17 contractor or vendor shall award a minimum of ten percent of his **or her** subcontracted business
18 to minority business enterprises as defined by the office of administration and shall award a
19 minimum of five percent of his **or her** subcontracted business to women business enterprises as
20 defined by the office of administration. This section shall not apply to multistate lottery.

21 3. Any lottery vendor which enters into a contract to supply lottery materials, services
22 or equipment for use in the operation of the state lottery shall first disclose such information as
23 the commission may require, by rule and regulation, concerning the selection of lottery vendors.

24 4. The costs of any investigation into the background of the applicant seeking a contract
25 shall be assessed against the applicant and shall be paid by the applicant at the time of billing by
26 the state.

27 5. Performance bonds shall be posted by each contractor with the commission with a
28 surety acceptable to the commission in an amount as may be required by the commission, but
29 not to exceed the expected total value of the contract. The contract of any lottery contractor who
30 does not comply with such requirements may be terminated by the commission. The
31 commission may terminate the contract of any lottery vendor who:

32 (1) Is convicted of any felony;

33 (2) Is convicted of any gambling-related offense;

34 (3) Is convicted of any crime involving fraud or misrepresentation;

35 (4) Fails to comply with the rules and regulations of the commission existing at the time
36 the contract was entered into; or

37 (5) Fails to periodically update any disclosure requirements.

38 [6. The provisions in this section requiring that certain percentages of lottery contracts
39 and subcontracts be awarded to businesses owned and controlled by women or ethnic and racial
40 minorities shall expire on January 1, 2005.]