

Commentary

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Taxes — With a Capital T, and That Rhymes with P, and That Stands for Pool

By Nicholas A. Loyal and David C. Stokes

Summary

Counties in Missouri have for decades had the power to levy annual license fees on any public establishment that hosts a pool table. A holdover from earlier times when pool halls were seen as social ills, the tax remains in many areas today. This amounts to an endorsement of some types of recreational activities, and a punishment of others.

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The government doesn't have much control over your free time. State patrols don't regulate jogging speeds, legislative commissions don't issue manuals codifying the rules of pickup basketball, and you'd be hard-pressed to find anyone in Missouri who feels that the government is neglecting their recreational needs. After all, as long as your free time isn't destructive to others or — in some cases — harmful to yourself, the state government generally has no problem with whatever you choose to do.

However, at the local level this might not be the case. Since the end of Prohibition, counties in many states have been known to regulate alcohol in ways that are more restrictive than those enacted by the state government. The best example of this can be seen in “dry counties,” which ban the purchase and/or consumption of alcoholic beverages. Missouri law prohibits any counties and cities from becoming “dry,” so some local government officials have instead moved on to restricting and taxing activities commonly associated with the consumption of alcohol — specifically, public pool tables.

Chapter 318 of the Missouri Revised Statutes allows counties “to license the keepers of billiard tables and all similar tables upon which balls or cues are used.” Under the statute, any bar, restaurant, pool hall, or club that intends to host a billiard or pool table as an attraction can be required to pay a yearly fee in order to maintain that privilege. Officials can, essentially, tax citizens and businesses for providing a recreational option to others.

In 1961, when the story of “Fast Eddie” Felson's billiards battle with Minnesota Fats made *The Hustler* a box-office hit, pool halls were seen as dirty and sinful. Back then, officials could have rationalized that they were taxing away a scourge. Today, however, taxing pool halls doesn't protect society so much as invade the personal recreation choices of citizens. There are no taxes specifically targeted at basketball courts or dartboards, but in Saint Louis, Jackson, and nine other Missouri counties, ordinances still exist that require an annual payment in order to operate a pool table for public use.

The detrimental effect of such a levy can best be seen in places like Carroll County in northwest Missouri. Although Carroll County

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has an ordinance that levies a tax on establishments hosting pool and billiard tables, not a single public green-felted playing surface exists within county lines. This might be because local interest in billiards is abnormally low, but it's much more likely that the tables vanished because the county made it difficult to provide this entertainment option to the community in a profitable manner. Perhaps this is why, according to local legend, the largest pool hall in Missouri is in the basement of the tax-exempt Saint Louis University High School.

These taxes aren't a terrible idea because they make it more expensive to play pool; they're a terrible idea because they constitute a direct action by the government to regulate the recreational activities of its citizens. Having a tax on pool tables (which are often found in bars or smoky pool halls) and not on miniature golf courses (which are outdoors and family-friendly) boils down to the government saying that one activity is preferable to another. These taxes, usually nominal, cannot provide much of a revenue stream for counties. For example, Saint Louis County received only \$8,409.92 in pool table taxes in 2007, a minuscule portion of the total county budget of \$487 million. They can, however, adversely affect the choices of establishments that are already forced to pay commercial property taxes in addition to filling local coffers with payments for liquor and business licenses.

If the government has disapprovingly taxed something as innocuous as a pool table for this long, who knows what new activity officials might next regard as inappropriate? Any recreational option could potentially receive the same treatment.

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