

FIRST REGULAR SESSION

HOUSE BILL NO. 123

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MEINERS (Sponsor) AND YOUNG (Co-sponsor).

Pre-filed December 20, 2004 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0467L.011

AN ACT

To repeal sections 313.805 and 313.822, RSMo, and to enact in lieu thereof two new sections relating to gaming.

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

Section A. Sections 313.805 and 313.822, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 313.805 and 313.822, to read as follows:

313.805. The commission shall have full jurisdiction over and shall supervise all
2 gambling operations governed by sections 313.800 to 313.850. The commission shall have the
3 following powers and shall promulgate rules and regulations to implement sections 313.800 to
4 313.850:

5 (1) To investigate applicants and determine the priority and eligibility of applicants for
6 a license and to select among competing applicants for a license the applicant which best serves
7 the interests of the citizens of Missouri;

8 (2) To license the operators of excursion gambling boats and operators of gambling
9 games within such boats, to identify occupations within the excursion gambling boat operations
10 which require licensing, and adopt standards for licensing the occupations including establishing
11 fees for the occupational licenses and to license suppliers;

12 (3) To adopt standards under which all excursion gambling boat operations shall be held
13 and standards for the facilities within which the gambling operations are to be held.
14 Notwithstanding the provisions of chapter 311, RSMo, to the contrary, the commission may
15 authorize the operation of gambling games on an excursion gambling boat which is also licensed

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 to sell or serve alcoholic beverages, wine, or beer. The commission shall regulate the wagering
17 structure for gambling excursions [including providing a maximum loss of five hundred dollars
18 per individual player per gambling excursion];

19 (4) To enter the premises of excursion gambling boats, facilities, or other places of
20 business of a licensee within this state to determine compliance with sections 313.800 to
21 313.850;

22 (5) To investigate alleged violations of sections 313.800 to 313.850 or the commission
23 rules, orders, or final decisions;

24 (6) To assess any appropriate administrative penalty against a licensee, including, but
25 not limited to, suspension, revocation, and penalties of an amount as determined by the
26 commission up to three times the highest daily amount of gross receipts derived from wagering
27 on the gambling games, whether unauthorized or authorized, conducted during the previous
28 twelve months as well as confiscation and forfeiture of all gambling game equipment used in the
29 conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced
30 as provided in sections 513.600 to 513.645, RSMo;

31 (7) To require a licensee, an employee of a licensee or holder of an occupational license
32 to remove a person violating a provision of sections 313.800 to 313.850 or the commission rules,
33 orders, or final orders, or other person deemed to be undesirable from the excursion gambling
34 boat or adjacent facilities;

35 (8) To require the removal from the premises of a licensee, an employee of a licensee,
36 or a holder of an occupational license for a violation of sections 313.800 to 313.850 or a
37 commission rule or engaging in a fraudulent practice;

38 (9) To require all licensees to file all financial reports required by rules and regulations
39 of the commission;

40 (10) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for
41 the production of books, records, and other pertinent documents, and to administer oaths and
42 affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce
43 sections 313.800 to 313.850 or the commission rules;

44 (11) To keep accurate and complete records of its proceedings and to certify the records
45 as may be appropriate;

46 (12) To ensure that the gambling games are conducted fairly. No gambling device shall
47 be set to pay out less than eighty percent of all wagers;

48 (13) To require all licensees of gambling game operations to use a cashless wagering
49 system whereby all players' money is converted to physical or electronic tokens, electronic cards,
50 or chips which only can be used for wagering on the excursion gambling boat;

51 (14) To require excursion gambling boat licensees to develop a system, approved by the
52 commission, that allows patrons the option to prohibit the excursion gambling boat licensee from

53 using identifying information for marketing purposes. The provisions of this subdivision shall
54 apply only to patrons giving identifying information for the first time. Such system shall be
55 submitted to the commission by October 1, 2000, and approved by the commission by January
56 1, 2001. The excursion gambling boat licensee shall use identifying information obtained from
57 patrons who have elected to have marketing blocked under the provisions of this section only for
58 the purposes of enforcing the requirements contained in sections 313.800 to 313.850. This
59 section shall not prohibit the commission from accessing identifying information for the
60 purposes of enforcing section 313.004 and sections 313.800 to 313.850;

61 (15) To determine which of the authorized gambling games will be permitted on any
62 licensed excursion gambling boat;

63 (16) Excursion gambling boats shall cruise, unless the commission finds that the best
64 interest of Missouri and the safety of the public indicate the need for continuous docking of the
65 excursion gambling boat in any city or county authorized pursuant to subsection 10 of section
66 313.812. The commission shall base its decision to allow continuously docked excursion
67 gambling boats on any of the following criteria: the docking location or the excursion cruise
68 could cause danger to the boat's passengers, violate federal law or the law of another state, or
69 cause disruption of interstate commerce or possible interference with railway or barge
70 transportation. In addition, the commission shall consider economic feasibility or impact that
71 would benefit land-based development and permanent job creation. The commission shall not
72 discriminate among applicants for continuous-docking excursion gambling that are similarly
73 situated with respect to the criteria set forth in this section;

74 (17) The commission shall render a finding concerning the possibility of continuous
75 docking, as described in subdivision (15) of this section, within thirty days after a hearing on any
76 request from an applicant or licensee. Such hearing may be held prior to any final action on
77 licensing to assist an applicant and any city or county in the finalizing of their economic
78 development plan;

79 (18) To require any applicant for a license or renewal of a license to operate an excursion
80 gambling boat to provide an affirmative action plan which has as its goal the use of best efforts
81 to achieve maximum employment of African-Americans and other minorities and maximum
82 participation in the procurement of contractual purchases of goods and services. This provision
83 shall be administered in accordance with all federal and state employment laws, including Title
84 VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. At license
85 renewal, the licensee will report on the effectiveness of the plan. The commission shall include
86 the licensee's reported information in its annual report to the joint committee on gaming and
87 wagering;

88 (19) To take any other action as may be reasonable or appropriate to enforce sections
89 313.800 to 313.850 and the commission rules.

313.822. A tax is imposed on the adjusted gross receipts received from gambling games
2 authorized pursuant to sections 313.800 to 313.850 at the rate of [twenty] **twenty-one** percent.
3 The taxes imposed by this section shall be returned to the commission in accordance with the
4 commission's rules and regulations who shall transfer such taxes to the director of revenue. All
5 checks and drafts remitted for payment of these taxes and fees shall be made payable to the
6 director of revenue. If the commission is not satisfied with the return or payment made by any
7 licensee, it is hereby authorized and empowered to make an assessment of the amount due based
8 upon any information within its possession or that shall come into its possession. Any licensee
9 against whom an assessment is made by the commission may petition for a reassessment. The
10 request for reassessment shall be made within twenty days from the date the assessment was
11 mailed or delivered to the licensee, whichever is earlier. Whereupon the commission shall give
12 notice of a hearing for reassessment and fix the date upon which the hearing shall be held. The
13 assessment shall become final if a request for reassessment is not received by the commission
14 within the twenty days. Except as provided in this section, on and after April 29, 1993, all
15 functions incident to the administration, collection, enforcement, and operation of the tax
16 imposed by sections 144.010 to 144.525, RSMo, shall be applicable to the taxes and fees
17 imposed by this section.

(1) Each excursion gambling boat shall designate a city or county as its home dock. The
19 home dock city or county may enter into agreements with other cities or counties authorized
20 pursuant to subsection 10 of section 313.812 to share revenue obtained pursuant to this section.
21 The home dock city or county shall receive ten percent of the adjusted gross receipts tax
22 collections, as levied pursuant to this section, for use in providing services necessary for the
23 safety of the public visiting an excursion gambling boat. Such home dock city or county shall
24 annually submit to the commission a shared revenue agreement with any other city or county.
25 All moneys owed the home dock city or county shall be deposited and distributed to such city
26 or county in accordance with rules and regulations of the commission. All revenues provided
27 for in this section to be transferred to the governing body of any city not within a county and any
28 city with a population of over three hundred fifty thousand inhabitants shall not be considered
29 state funds and shall be deposited in such city's general revenue fund to be expended as provided
30 for in this section.

(2) The remaining amount of the adjusted gross receipts tax shall be deposited in the
32 state treasury to the credit of the "Gaming Proceeds for Education Fund" which is hereby created
33 in the state treasury. Moneys deposited in this fund shall be considered the proceeds of
34 excursion boat gambling and state funds pursuant to article IV, section 15 of the Missouri
35 Constitution. All interest received on the gaming proceeds for education fund shall be credited
36 to the gaming proceeds for education fund. Appropriation of the moneys deposited into the
37 gaming proceeds for education fund shall be pursuant to state law.