

FIRST REGULAR SESSION

HOUSE BILL NO. 560

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WRIGHT (137) (Sponsor), WOOD, BEARDEN, NIEVES, STEVENSON, GOODMAN, DEMPSEY, WILSON (130), ROARK, SUTHERLAND, EMERY, DENISON, RUESTMAN, WILSON (119), CUNNINGHAM (145), RICHARD, SATER, BLAND, PARSON, WETER, WELLS, NOLTE, PHILLIPS, FAITH, FISHER, KELLY, BROWN (30), LEMBKE, FLOOK, PORTWOOD, BEAN, BAKER (123), CHINN, ST. ONGE, KINGERY, DAVIS, WRIGHT (159), HUNTER, BEHNEN, SANDER, HOBBS, FRANZ, POLLOCK, MUNZLINGER, DUSENBERG, PEARCE, SCHAD, LOEHNER, ICET, DAY, BIVINS, TILLEY, KRAUS, YATES, PARKER, SMITH (14), RECTOR, JONES, COOPER (155), MOORE, ERVIN, BRUNS, SCHLOTTACH, SCHNEIDER, JACKSON, MYERS, CUNNINGHAM (86), LIPKE, BLACK, SMITH (118) AND STEFANICK (Co-sponsors).

Read 1st time February 16, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0644L.03I

AN ACT

To repeal section 313.812, RSMo, and to enact in lieu thereof one new section relating to limiting the number of excursion gambling boat licenses issued by the gaming commission.

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

Section A. Section 313.812, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 313.812, to read as follows:

313.812. 1. **Except as provided in subsection 15 of this section** the commission may issue licenses pursuant to subsection 1 of section 313.807 when it is satisfied that the applicant has complied with all rules and regulations, including an update of all information provided to the commission in the licensee's initial application. The commission shall decide the number, location and type of excursion gambling boat in a city or county under subsection 10 of this section. The license shall set forth the name of the licensee, the type of license granted, the place where the excursion gambling boat will operate and dock, including the docking of an excursion gambling boat which is continuously docked, and other information the commission deems appropriate. The commission shall have the ultimate responsibility of deciding the number,

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.

10 location, and type of excursion gambling boats licensed in a city or county; however, any city
11 or county which has complied with the provisions of subsection 10 of this section shall submit
12 to the commission a plan outlining the following:

13 (1) The recommended number of licensed excursion gambling boats operating in such
14 city or county;

15 (2) The recommended licensee or licensees operating in such city or county;

16 (3) The community's economic development or impact and affirmative action plan
17 concerning minorities' and women's ownership, contracting and employment for the waterfront
18 development;

19 (4) The city or county proposed sharing of revenue with any other municipality;

20 (5) Any other information such city or county deems necessary; and

21 (6) Any other information the commission may determine is necessary.

22

23 The commission shall provide for due dates for receiving such plan from the city or county.

24 2. A license to operate an excursion gambling boat shall only be granted to an applicant
25 upon the express conditions that:

26 (1) The applicant shall not, by a lease, contract, understanding, or arrangement of any
27 kind, grant, assign, or turn over to a person the operation of an excursion gambling boat licensed
28 under this section or of the system of wagering described in section 313.817. This section does
29 not prohibit a management contract with a person licensed by the commission; and

30 (2) The applicant shall not in any manner permit a person other than the licensee and the
31 management licensee to have a share, percentage, or proportion of the money received for
32 admissions to the excursion gambling boat.

33 3. The commission shall require, as a condition of granting a license, that an applicant
34 operate an excursion gambling boat which, as nearly as practicable, resembles or is a part of
35 Missouri's or the home dock city's or county's riverboat history.

36 4. The commission shall encourage through its rules and regulations the use of Missouri
37 resources, goods and services in the operation of any excursion gambling boat.

38 5. The excursion gambling boat shall provide for nongaming areas, food service and a
39 Missouri theme gift shop. The amount of space used for gaming shall be determined in
40 accordance with all rules and regulations of the commission and the United States Coast Guard
41 safety regulations.

42 6. A license to operate gambling games or to operate an excursion gambling boat shall
43 not be granted unless the applicant has, through clear and convincing evidence, demonstrated
44 financial responsibility sufficient to meet adequately the requirements of the proposed enterprise.

45 7. Each applicant shall establish by clear and convincing evidence its fitness to be

46 licensed. Without limitation, the commission may deny a license based solely on the fact that
47 there is evidence that any of the following apply:

48 (1) The applicant has been suspended from operating an excursion gambling boat or a
49 game of chance or gambling operation in another jurisdiction by a board or commission of that
50 jurisdiction;

51 (2) The applicant is not the true owner of the enterprise proposed;

52 (3) The applicant is not the sole owner, and other persons have ownership in the
53 enterprise, which fact has not been disclosed;

54 (4) The applicant is a corporation that is not publicly traded and ten percent or more of
55 the stock of the corporation is subject to a contract or option to purchase at any time during the
56 period for which the license is to be issued unless the contract or option was disclosed to the
57 commission and the commission approved the sale or transfer during the period of the license;

58 (5) The applicant has knowingly made a false statement of a material fact to the
59 commission; or

60 (6) The applicant has failed to meet a valid, bona fide monetary obligation in connection
61 with an excursion gambling boat.

62 8. A license shall not be granted if the applicant has not established his good repute and
63 moral character or if the applicant has pled guilty to, or has been convicted of, a felony. No
64 licensee shall employ or contract with any person who has pled guilty to, or has been convicted
65 of, a felony to perform any duties directly connected with the licensee's privileges under a license
66 granted pursuant to this section, except that employees performing nongaming related
67 occupations as determined by the commission shall be exempt from the requirements of this
68 subsection.

69 9. A licensee shall not lend to any person money or any other thing of value for the
70 purpose of permitting that person to wager on any gambling game authorized by law. This does
71 not prohibit credit card or debit card transactions or cashing of checks. Any check cashed must
72 be deposited within twenty-four hours. The commission may require licensees to verify a
73 sufficient account balance exists before cashing any check. Any licensee who violates the
74 provisions of this subsection shall be subject to an administrative penalty of five thousand dollars
75 for each violation. Such administrative penalties shall be assessed and collected by the
76 commission.

77 10. Gambling excursions including the operation of gambling games on an excursion
78 gambling boat which is not continuously docked shall be allowed only on the Mississippi River
79 and the Missouri River. No license to conduct gambling games on an excursion gambling boat
80 in a city or county shall be issued unless and until the qualified voters of the city or county
81 approve such activities pursuant to this subsection. The question shall be submitted to the

82 qualified voters of the city or county at a general, primary or special election upon the motion
 83 of the governing body of the city or county or upon the petition of fifteen percent of the qualified
 84 voters of the city or county determined on the basis of the number of votes cast for governor in
 85 the city or county at the last election held prior to the filing of the petition. The question shall
 86 be submitted in substantially the following form:

87 Shall the City (County) of allow the licensing of excursion gambling boats
 88 or floating facilities as now or hereafter provided by Missouri gaming law in the city (county)?

89 YES NO

90

91 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
 92 of the question, then the commission may license excursion gambling boats in that city or county
 93 and such boats may operate on the Mississippi River and the Missouri River. If a majority of the
 94 votes cast on the question by the qualified voters voting thereon are opposed to the question, then
 95 the commission shall not license such excursion gambling boats in such city or county unless and
 96 until the question is again submitted to and approved by a majority of the qualified voters of the
 97 city or county at a later election.

98

99 Excursion gambling boats may only dock in a city or unincorporated area of a county which
 100 approves licensing of such excursion gambling boats pursuant to this subsection, but gambling
 101 operations may be conducted at any point on the Mississippi River or the Missouri River during
 102 an excursion. Those cities and counties which have approved by election pursuant to this
 103 subsection, except those cities or counties which have subsequently rejected by election, the
 104 licensing of any type of excursion gambling boats in the city or county prior to April 6, 1994, are
 105 exempt from any local election requirement of this section as such previous election shall have
 106 the same effect as if held after May 20, 1994.

107 11. If a docking fee is charged by a city or a county, a licensee operating an excursion
 108 gambling boat shall pay the docking fee prior to the start of the excursion season.

109 12. Any licensee shall not be delinquent in the payment of property taxes or other taxes
 110 or fees or in the payment of any other contractual obligation or debt due or owed to the state or
 111 a political subdivision of the state.

112 13. An excursion gambling boat licensed by the state shall meet all of the requirements
 113 of chapter 306, RSMo, and is subject to an inspection of its sanitary facilities to protect the
 114 environment and water quality by the commission or its designee before a license to operate an
 115 excursion gambling boat is issued by the commission. Licensed excursion gambling boats shall
 116 also be subject to such inspections during the period of the license as may be deemed necessary
 117 by the commission. The cost of such inspections shall be paid by the licensee.

118 14. A holder of any license shall be subject to imposition of penalties, suspension or
119 revocation of such license, or if the person is an applicant for licensure, the denial of the
120 application, for any act or failure to act by himself or his agents or employees, that is injurious
121 to the public health, safety, morals, good order and general welfare of the people of the state of
122 Missouri, or that would discredit or tend to discredit the Missouri gaming industry or the state
123 of Missouri unless the licensee proves by clear and convincing evidence that it is not guilty of
124 such action. The commission shall take appropriate action against any licensee who violates the
125 law or the rules and regulations of the commission. Without limiting other provisions of this
126 subsection, the following acts or omissions may be grounds for such discipline:

127 (1) Failing to comply with or make provision for compliance with sections 313.800 to
128 313.850, the rules and regulations of the commission or any federal, state or local law or
129 regulation;

130 (2) Failing to comply with any rule, order or ruling of the commission or its agents
131 pertaining to gaming;

132 (3) Receiving goods or services from a person or business entity who does not hold a
133 supplier's license but who is required to hold such license by the provisions of sections 313.800
134 to 313.850 or the rules and regulations of the commission;

135 (4) Being suspended or ruled ineligible or having a license revoked or suspended in any
136 state of gaming jurisdiction;

137 (5) Associating with, either socially or in business affairs, or employing persons of
138 notorious or unsavory reputation or who have extensive police records, or who have failed to
139 cooperate with any officially constituted investigatory or administrative body and would
140 adversely affect public confidence and trust in gaming;

141 (6) Employing in any gambling games' operation or any excursion gambling boat
142 operation, any person known to have been found guilty of cheating or using any improper device
143 in connection with any gambling game;

144 (7) Use of fraud, deception, misrepresentation or bribery in securing any permit or
145 license issued pursuant to sections 313.800 to 313.850;

146 (8) Obtaining or attempting to obtain any fee, charge, or other compensation by fraud,
147 deception, or misrepresentation;

148 (9) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty
149 in the performance of the functions or duties regulated by sections 313.800 to 313.850.

150 **15. The commission may issue licenses to operate excursion gambling boats up until**
151 **such point as there are twelve licensed excursion gambling boats in the state. Once there**
152 **are twelve excursion gambling boats with valid licenses in this state the commission shall**
153 **not issue any new licenses unless one or more of the twelve licenses already issued expires,**

154 is forfeited, or revoked. In that instance the commission may grant a new license to replace
155 the license that expired, was forfeited, or revoked but such license shall only be granted for
156 an excursion gambling boat which will be located in the same city, county, or metropolitan
157 area as the excursion gambling boat whose license expired, was forfeited, or revoked.