

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 726,
Page 10, Section 287.745, Line 14, by inserting after all of said section the following:

“313.800. 1. As used in sections 313.800 to 313.850, unless the context clearly requires
otherwise, the following terms mean:

(1) "Adjusted gross receipts", the gross receipts from licensed gambling games and
devices less winnings paid to wagerers;

(2) "Applicant", any person applying for a license authorized under the provisions of
sections 313.800 to 313.850;

(3) "Bank", the elevations of ground which confine the waters of the Mississippi or
Missouri Rivers at the ordinary high water mark as defined by common law;

(4) "Capital, cultural, and special law enforcement purpose expenditures" shall include
any disbursement, including disbursements for principal, interest, and costs of issuance and
trustee administration related to any indebtedness, for the acquisition of land, land improvements,
buildings and building improvements, vehicles, machinery, equipment, works of art, intersections,
signing, signalization, parking lot, bus stop, station, garage, terminal, hanger, shelter, dock, wharf,
rest area, river port, airport, light rail, railroad, other mass transit, pedestrian shopping malls and
plazas, parks, lawns, trees, and other landscape, convention center, roads, traffic control devices,
sidewalks, alleys, ramps, tunnels, overpasses and underpasses, utilities, streetscape, lighting, trash
receptacles, marquees, paintings, murals, fountains, sculptures, water and sewer systems, dams,
drainage systems, creek bank restoration, any asset with a useful life greater than one year,
cultural events, and any expenditure related to a law enforcement officer deployed as
horse-mounted patrol, school resource or drug awareness resistance education (D.A.R.E) officer;

(5) "Cheat", to alter the selection of criteria which determine the result of a gambling
game or the amount or frequency of payment in a gambling game;

(6) "Commission", the Missouri gaming commission;

(7) “Credit instrument”, a writing which evidences a gaming debt that is owed to an
excursion gambling boat licensee or any of its affiliated companies licensed by the commission,
and includes any writing taken in consolidation, redemption or payment of a previous credit
instrument;

1 (8) "Dock", the location in a city or county authorized under subsection 10 of section
2 313.812 which contains any natural or artificial space, inlet, hollow, or basin, in or adjacent to a
3 bank of the Mississippi or Missouri Rivers, next to a wharf or landing devoted to the embarking
4 of passengers on and disembarking of passengers from a gambling excursion but shall not include
5 any artificial space created after May 20, 1994, and is located more than one thousand feet from
6 the closest edge of the main channel of the river as established by the United States Army Corps
7 of Engineers;

8 [(8)] (9) "Excursion gambling boat", a boat, ferry or other floating facility licensed by the
9 commission on which gambling games are allowed;

10 [(9)] (10) "Fiscal year" shall for the purposes of subsections 3 and 4 of section 313.820
11 mean the fiscal year of a home dock city or county;

12 [(10)] (11) "Floating facility", any facility built or originally built as a boat, ferry or barge
13 licensed by the commission on which gambling games are allowed;

14 [(11)] (12) "Gambling excursion", the time during which gambling games may be
15 operated on an excursion gambling boat whether docked or during a cruise;

16 [(12)] (13) "Gambling game" includes, but is not limited to, games of skill or games of
17 chance on an excursion gambling boat but does not include gambling on sporting events; provided
18 such games of chance are approved by amendment to the Missouri Constitution;

19 [(13)] (14) "Games of chance", any gambling game in which the player's expected return
20 is not favorably increased by his or her reason, foresight, dexterity, sagacity, design, information
21 or strategy;

22 [(14)] (15) "Games of skill", any gambling game in which there is an opportunity for the
23 player to use his or her reason, foresight, dexterity, sagacity, design, information or strategy to
24 favorably increase the player's expected return; including, but not limited to, the gambling games
25 known as "poker", "blackjack" (twenty-one), "craps", "Caribbean stud", "pai gow poker", "Texas
26 hold'em", "double down stud", and any video representation of such games;

27 [(15)] (16) "Gross receipts", the total sums wagered by patrons of licensed gambling
28 games;

29 [(16)] (17) "Holder of occupational license", a person licensed by the commission to
30 perform an occupation within excursion gambling boat operations which the commission has
31 identified as requiring a license;

32 [(17)] (18) "Licensee", any person licensed under sections 313.800 to 313.850;

33 [(18)] (19) "Mississippi River" and "Missouri River", the water, bed and banks of those
34 rivers, including any space filled by the water of those rivers for docking purposes in a manner
35 approved by the commission but shall not include any artificial space created after May 20, 1994,
36 and is located more than one thousand feet from the closest edge of the main channel of the river

1 as established by the United States Army Corps of Engineers;

2 [(19)] (20) "Supplier", a person who sells or leases gambling equipment and gambling
3 supplies to any licensee.

4 2. In addition to the games of skill [referred to in subdivision (14) of] defined in
5 subsection 1 of this section, the commission may approve other games of skill upon receiving a
6 petition requesting approval of a gambling game from any applicant or licensee. The commission
7 may set the matter for hearing by serving the applicant or licensee with written notice of the time
8 and place of the hearing not less than five days prior to the date of the hearing and posting a public
9 notice at each commission office. The commission shall require the applicant or licensee to pay
10 the cost of placing a notice in a newspaper of general circulation in the applicant's or licensee's
11 home dock city or county. The burden of proof that the gambling game is a game of skill is at all
12 times on the petitioner. The petitioner shall have the affirmative responsibility of establishing his
13 or her case by a preponderance of evidence including:

14 (1) Is it in the best interest of gaming to allow the game; and

15 (2) Is the gambling game a game of chance or a game of skill? All testimony shall be
16 given under oath or affirmation. Any citizen of this state shall have the opportunity to testify on
17 the merits of the petition. The commission may subpoena witnesses to offer expert testimony.
18 Upon conclusion of the hearing, the commission shall evaluate the record of the hearing and issue
19 written findings of fact that shall be based exclusively on the evidence and on matters officially
20 noticed. The commission shall then render a written decision on the merits which shall contain
21 findings of fact, conclusions of law and a final commission order. The final commission order
22 shall be within thirty days of the hearing. Copies of the final commission order shall be served on
23 the petitioner by certified or overnight express mail, postage prepaid, or by personal delivery.

24 313.812. 1. The commission may issue licenses pursuant to subsection 1 of section
25 313.807 when it is satisfied that the applicant has complied with all rules and regulations,
26 including an update of all information provided to the commission in the licensee's initial
27 application. The commission shall decide the number, location and type of excursion gambling
28 boat in a city or county under subsection 10 of this section. The license shall set forth the name of
29 the licensee, the type of license granted, the place where the excursion gambling boat will operate
30 and dock, including the docking of an excursion gambling boat which is continuously docked, and
31 other information the commission deems appropriate. The commission shall have the ultimate
32 responsibility of deciding the number, location, and type of excursion gambling boats licensed in
33 a city or county; however, any city or county which has complied with the provisions of
34 subsection 10 of this section shall submit to the commission a plan outlining the following:

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

- (2) The recommended licensee or licensees operating in such city or county;
- (3) The community's economic development or impact and affirmative action plan concerning minorities' and women's ownership, contracting and employment for the waterfront development;
- (4) The city or county proposed sharing of revenue with any other municipality;
- (5) Any other information such city or county deems necessary; and
- (6) Any other information the commission may determine is necessary. The commission shall provide for due dates for receiving such plan from the city or county.

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

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

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

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

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

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

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

7. Each applicant shall establish by clear and convincing evidence its fitness to be licensed. Without limitation, the commission may deny a license based solely on the fact that there is evidence that any of the following apply:

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

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

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

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

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

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

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

9. Except as provided in section 313.817, a licensee shall not lend to any person money or any other thing of value for the purpose of permitting that person to wager on any gambling game authorized by law. This does not prohibit credit card or debit card transactions or cashing of checks. Any check cashed, other than a credit instrument, must be deposited within twenty-four hours. The commission may require licensees to verify a sufficient account balance exists before cashing any check. Any licensee who violates the provisions of this subsection shall be subject to an administrative penalty of five thousand dollars for each violation. Such administrative penalties shall be assessed and collected by the commission.

10. Gambling excursions including the operation of gambling games on an excursion gambling boat which is not continuously docked shall be allowed only on the Mississippi River and the Missouri River. No license to conduct gambling games on an excursion gambling boat in a city or county shall be issued unless and until the qualified voters of the city or county approve such activities pursuant to this subsection. The question shall be submitted to the qualified voters of the city or county at a general, primary or special election upon the motion of the governing body of the city or county or upon the petition of fifteen percent of the qualified voters of the city or county determined on the basis of the number of votes cast for governor in the city or county at the last election held prior to the filing of the petition. The question shall be submitted in substantially the following form:

Shall the City (County) of allow the licensing of excursion gambling boats or

floating facilities as now or hereafter provided by Missouri gaming law in the city (county)?

☐ YES

☐ NO .

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the commission may license excursion gambling boats in that city or county and such boats may operate on the Mississippi River and the Missouri River. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the commission shall not license such excursion gambling boats in such city or county unless and until the question is again submitted to and approved by a majority of the qualified voters of the city or county at a later election. Excursion gambling boats may only dock in a city or unincorporated area of a county which approves licensing of such excursion gambling boats pursuant to this subsection, but gambling operations may be conducted at any point on the Mississippi River or the Missouri River during an excursion. Those cities and counties which have approved by election pursuant to this subsection, except those cities or counties which have subsequently rejected by election, the licensing of any type of excursion gambling boats in the city or county prior to April 6, 1994, are exempt from any local election requirement of this section as such previous election shall have the same effect as if held after May 20, 1994.

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

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

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

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

1 the following acts or omissions may be grounds for such discipline:

2 (1) Failing to comply with or make provision for compliance with sections 313.800 to
3 313.850, the rules and regulations of the commission or any federal, state or local law or
4 regulation;

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

7 (3) Receiving goods or services from a person or business entity who does not hold a
8 supplier's license but who is required to hold such license by the provisions of sections 313.800 to
9 313.850 or the rules and regulations of the commission;

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

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

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

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

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

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

25 313.817. 1. Except as permitted in this section, the licensee licensed to operate gambling
26 games shall permit no form of wagering on gambling games.

27 2. The licensee may receive wagers only from a person present on a licensed excursion
28 gambling boat.

29 3. Wagering shall not be conducted with money or other negotiable currency. The
30 licensee shall exchange the money or credit instrument of each wagerer for electronic or physical
31 tokens, chips, or other forms of credit to be wagered on the gambling games. The licensee shall
32 exchange the tokens, chips, or other forms of wagering credit for money at the request of the
33 wagerer.

34 4. A person under twenty-one years of age shall not make a wager on an excursion
35 gambling boat and shall not be allowed in the area of the excursion boat where gambling is being
36 conducted; provided that employees of the licensed operator of the excursion gambling boat who

1 have attained eighteen years of age shall be permitted in the area in which gambling is being
2 conducted when performing employment-related duties, except that no one under twenty-one
3 years of age may be employed as a dealer or accept a wager on an excursion gambling boat. The
4 governing body of a home dock city or county may restrict the age of entrance onto an excursion
5 gambling boat by passage of a local ordinance.

6 5. In order to help protect patrons from invasion of privacy and the possibility of identity
7 theft, patrons shall not be required to provide fingerprints, retinal scans, biometric forms of
8 identification, any type of patron-tracking cards, or other types of identification prior to being
9 permitted to enter the area where gambling is being conducted on an excursion gambling boat or
10 to make a wager, except that, for purposes of establishing that a patron is at least twenty-one years
11 of age as provided in subsection 4 above, a licensee operating an excursion gambling boat shall be
12 authorized to request such patron to provide a valid state or federal photo identification or a valid
13 passport. This section shall not prohibit enforcement of identification requirements that are
14 required by federal law. This section shall not prohibit enforcement of any Missouri statute
15 requiring identification of patrons for reasons other than being permitted to enter the area of an
16 excursion gambling boat where gambling is being conducted or to make a wager.

17 6. A licensee shall only allow wagering and conduct gambling games at the times allowed
18 by the commission.

19 7. It shall be unlawful for a person to present false identification to a licensee or a gaming
20 agent in order to gain entrance to an excursion gambling boat, cash a check, obtain a credit
21 instrument or verify that such person is legally entitled to be present on the excursion gambling
22 boat. Any person who violates the provisions of this subsection shall be guilty of a class B
23 misdemeanor for the first offense and a class A misdemeanor for second and subsequent offenses.

24 8. Credit instruments executed on or after August 28, 2012, are valid contracts creating
25 debt that are enforceable by legal process. A licensee may accept credit instruments from a
26 qualified person in exchange for physical tokens or chips that can be wagered on gambling games
27 at the licensee's excursion gambling boat, or money that can be exchanged for electronic or
28 physical tokens, chips or other forms of credit to be wagered on gambling games at the licensee's
29 excursion gambling boat. "Qualified person" means a person who has completed a credit
30 application provided by the licensee and who is determined by the licensee, after performing a
31 credit check and applying usual standards to establish creditworthiness, to qualify for a line of
32 credit of at least five thousand dollars. Approval to accept a credit instrument from a qualified
33 person shall be made by the holder of an occupational license, except that such approval shall not
34 be made less than twenty-four hours after the determination that a person is a qualified person. A
35 licensee may accept multiple credit instruments from the same person to consolidate or redeem a
36 previous credit instrument. A lost or destroyed credit instrument shall remain valid and

1 enforceable if the party seeking enforcement can prove its existence and terms. Any person who
2 violates this subsection is subject only to the penalties provided in section 313.812. The
3 commission shall have no authority to determine the validity or enforceability of a credit
4 instrument or the enforceability of the debt that the credit instrument represents. Failure to
5 comply with any regulation promulgated by the commission shall not impact the validity or
6 enforceability of the credit instrument or the debt that the credit instrument represents.”; and

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8 Further amend said bill by amending the title, enacting clause, and intersectional references
9 accordingly.