

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 83, Page 111, Section 302.525, Line 60, by inserting after all of said Section and
3 Line the following:
4

5 "313.800. 1. As used in sections 313.800 to 313.850, unless the context clearly requires
6 otherwise, the following terms mean:

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

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

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

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

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

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

28 (7) "Credit instrument", a written check, negotiable instrument, automatic bank draft or other
29 authorization from a qualified person to an excursion gambling boat licensee or any of its affiliated
30 companies licensed by the commission authorizing the licensee to withdraw the amount of credit
31 extended by the licensee to such person from the qualified person's banking account on or after a
32 date certain of not more than thirty days from the date the credit was extended, and includes any such

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writing taken in consolidation, redemption or payment of a previous credit instrument, but does not include any interest-bearing installment loan or other extension of credit secured by collateral;

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

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

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

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

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

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

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

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

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

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

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

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

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

2. In addition to the games of skill [referred to in subdivision (14) of] defined in subsection 1

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

- 10 (1) Is it in the best interest of gaming to allow the game; and
11 (2) Is the gambling game a game of chance or a game of skill?
12

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

22 313.812. 1. The commission may issue licenses pursuant to subsection 1 of section 313.807
23 when it is satisfied that the applicant has complied with all rules and regulations, including an update
24 of all information provided to the commission in the licensee's initial application. The commission
25 shall decide the number, location and type of excursion gambling boat in a city or county under
26 subsection 10 of this section. The license shall set forth the name of the licensee, the type of license
27 granted, the place where the excursion gambling boat will operate and dock, including the docking
28 of an excursion gambling boat which is continuously docked, and other information the commission
29 deems appropriate. The commission shall have the ultimate responsibility of deciding the number,
30 location, and type of excursion gambling boats licensed in a city or county; however, any city or
31 county which has complied with the provisions of subsection 10 of this section shall submit to the
32 commission a plan outlining the following:

- 33 (1) The recommended number of licensed excursion gambling boats operating in such city
34 or county;
35 (2) The recommended licensee or licensees operating in such city or county;
36 (3) The community's economic development or impact and affirmative action plan
37 concerning minorities' and women's ownership, contracting and employment for the waterfront
38 development;
39 (4) The city or county proposed sharing of revenue with any other municipality;
40 (5) Any other information such city or county deems necessary; and
41 (6) Any other information the commission may determine is necessary.

1
2 The commission shall provide for due dates for receiving such plan from the city or county.

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

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

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

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

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

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

21 6. A license to operate gambling games or to operate an excursion gambling boat shall not be
22 granted unless the applicant has, through clear and convincing evidence, demonstrated financial
23 responsibility sufficient to meet adequately the requirements of the proposed enterprise. 7. Each
24 applicant shall establish by clear and convincing evidence its fitness to be licensed. Without
25 limitation, the commission may deny a license based solely on the fact that there is evidence that any
26 of the following apply:

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

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

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

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

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

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

41 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. Except for any credit instrument, 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.

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

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

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

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

21 (1) Failing to comply with or make provision for compliance with sections 313.800 to
22 313.850, the rules and regulations of the commission or any federal, state or local law or regulation;

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

25 (3) Receiving goods or services from a person or business entity who does not hold a
26 supplier's license but who is required to hold such license by the provisions of sections 313.800 to
27 313.850 or the rules and regulations of the commission;

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

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

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

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

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

41 (9) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in

1 the performance of the functions or duties regulated by sections 313.800 to 313.850.

2 313.817. 1. Except as permitted in this section, the licensee licensed to operate gambling
3 games shall permit no form of wagering on gambling games.

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

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

10 4. A person under twenty-one years of age shall not make a wager on an excursion gambling
11 boat and shall not be allowed in the area of the excursion boat where gambling is being conducted;
12 provided that employees of the licensed operator of the excursion gambling boat who have attained
13 eighteen years of age shall be permitted in the area in which gambling is being conducted when
14 performing employment-related duties, except that no one under twenty-one years of age may be
15 employed as a dealer or accept a wager on an excursion gambling boat. The governing body of a
16 home dock city or county may restrict the age of entrance onto an excursion gambling boat by
17 passage of a local ordinance.

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

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

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

36 8. Credit instruments executed on or after August 28, 2013, are valid contracts creating debt
37 that is enforceable by legal process. A licensee may accept credit instruments from a qualified
38 person in exchange for chips, tokens, or electronic tokens that can be wagered on gambling games at
39 the licensee's excursion gambling boat. For the purposes of this subsection, "qualified person"
40 means a person who has completed a credit application provided by the licensee and who is
41 determined by the licensee, after performing a credit check and applying usual standards to establish

creditworthiness, to qualify for a line of credit of at least five thousand dollars. Once the licensee makes the determination that a person is a qualified person, additional credit checks are not required. Approval to accept a credit instrument from a qualified person shall be made by the holder of an occupational license. A licensee may accept multiple credit instruments from the same person to consolidate or redeem a previous credit instrument. A lost or destroyed credit instrument shall remain valid and enforceable if the party seeking enforcement can prove its existence and terms. Any person who violates this subsection is subject only to the penalties provided in section 313.812. The commission shall have no authority to determine the validity or enforceability of a credit instrument or the enforceability of the debt that the credit instrument represents. Failure to comply with any regulation promulgated by the commission shall not impact the validity or enforceability of the credit instrument or the debt that the credit instrument represents.

313.830. 1. A person is guilty of a class D felony for any of the following:

- (1) Operating a gambling excursion where wagering is used or to be used without a license issued by the commission;
- (2) Operating a gambling excursion where wagering is permitted other than in the manner specified by section 313.817; or
- (3) Acting, or employing a person to act, as a shill or decoy to encourage participation in a gambling game.

2. A person is guilty of a class B misdemeanor for the first offense and a class A misdemeanor for the second and subsequent offenses for any of the following:

- (1) Permitting a person under the age of twenty-one to make a wager while on an excursion gambling boat;
 - (2) Making or attempting to make a wager while on an excursion gambling boat when such person is under the age of twenty-one years; or
 - (3) Aiding a person who is under the age of twenty-one in entering an excursion gambling boat or in making or attempting to make a wager while on an excursion gambling boat.
3. A person wagering or accepting a wager at any location outside the excursion gambling boat is in violation of section 572.040.

4. A person commits a class D felony and, in addition, shall be barred for life from excursion gambling boats under the jurisdiction of the commission, if the person:

- (1) Offers, promises, or gives anything of value or benefit to a person who is connected with an excursion gambling boat operator including, but not limited to, an officer or employee of a licensee or holder of an occupational license pursuant to an agreement or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the commission;
- (2) Solicits or knowingly accepts or receives a promise of anything of value or benefit while the person is connected with an excursion gambling boat including, but not limited to, an officer or employee of a licensee, or holder of an occupational license, pursuant to an understanding or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to affect or attempt to affect the outcome of a gambling game, or to influence official

1 action of a member of the commission;

2 (3) Uses a device to assist in any of the following:

3 (a) In projecting the outcome of the game;

4 (b) In keeping track of the cards played;

5 (c) In analyzing the probability of the occurrence of an event relating to the gambling game;

6 or

7 (d) In analyzing the strategy for playing or betting to be used in the game, except as
8 permitted by the commission;

9 (4) Cheats at a gambling game;

10 (5) Manufactures, sells, or distributes any cards, chips, dice, game or device which is
11 intended to be used to violate any provision of sections 313.800 to 313.850;

12 (6) Instructs a person in cheating or in the use of a device for that purpose with the
13 knowledge or intent that the information or use conveyed may be employed to violate any provision
14 of sections 313.800 to 313.850;

15 (7) Alters or misrepresents the outcome of a gambling game on which wagers have been
16 made after the outcome is made sure but before it is revealed to the players;

17 (8) Places a bet after acquiring knowledge, not available to all players, of the outcome of the
18 gambling game which is the subject of the bet or to aid a person in acquiring the knowledge for the
19 purpose of placing a bet contingent on that outcome;

20 (9) Claims, collects, or takes, or attempts to claim, collect, or take, money or anything of
21 value in or from the gambling games, with intent to defraud, without having made a wager
22 contingent on winning a gambling game, or claims, collects, or takes an amount of money or thing of
23 value of greater value than the amount won;

24 (10) Knowingly entices or induces a person to go to any place where a gambling game is
25 being conducted or operated in violation of the provisions of sections 313.800 to 313.850 with the
26 intent that the other person plays or participates in that gambling game;

27 (11) Uses counterfeit chips or tokens in a gambling game;

28 (12) Knowingly uses, other than chips, tokens, coin, of other methods of credit approved by
29 the commission, legal tender of the United States of America, or to use coin not of the denomination
30 as the coin intended to be used in the gambling games;

31 (13) Has in the person's possession any device intended to be used to violate a provision of
32 sections 313.800 to 313.850;

33 (14) Has in the person's possession, except a gambling licensee or employee of a gambling
34 licensee acting in furtherance of the employee's employment, any key or device designed for the
35 purpose of opening, entering, or affecting the operation of a gambling game, drop box, or an
36 electronic or mechanical device connected with the gambling game or for removing coins, tokens,
37 chips or other contents of the gambling game; or

38 (15) Knowingly makes a false statement of any material fact to the commission, its agents or
39 employees.

40 5. The possession of one or more of the devices described in subdivision (3), (5), (13) or (14)
41 of subsection 4 of this section permits a rebuttable inference that the possessor intended to use the

1 devices for cheating.

2 6. Except for wagers on gambling games or exchanges for money or a credit instrument as
3 provided in section 313.817, or as payment for food or beverages on the excursion gambling boat, a
4 licensee who exchanges tokens, chips, or other forms of credit to be used on gambling games for
5 anything of value commits a class B misdemeanor.

6 7. If the commission determines that reasonable grounds to believe that a violation of
7 sections 313.800 to 313.850 has occurred or is occurring which is a criminal offense, the commission
8 shall refer such matter to both the state attorney general and the prosecuting attorney or circuit
9 attorney having jurisdiction. The state attorney general and the prosecuting attorney or circuit
10 attorney with such jurisdiction shall have concurrent jurisdiction to commence actions for violations
11 of sections 313.800 to 313.850 where such violations have occurred.

12 8. Venue for all crimes committed on an excursion gambling boat shall be the jurisdiction of
13 the home dock city or county or such county where a home dock city is located."; and

14
15 Further amend said bill by amending the title, enacting clause, and intersectional references
16 accordingly.
17
18
19