COMMITTEE ON LEGISLATIVE RESEARCH OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.:	1752-01
Bill No.:	HB 859
Subject:	Gambling
Type:	Original
Date:	March 12, 2019

Bill Summary: This proposal establishes provisions relating to sports wagering.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND					
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2024)	
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0	\$0	

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 15 pages.

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ESTIMATED NET EFFECT ON OTHER STATE FUNDS						
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2024)		
Gaming Commission Fund (0286)	(\$70,217)	(\$217,130)	(\$217,130)	(\$217,130)		
Gaming Proceeds for Education Fund (0285)	\$2,083,737 to \$12,283,650	\$2,083,737 to \$12,283,650	\$2,083,737 to \$12,283,650	\$2,083,737 to \$12,283,650		
Sports Wagering Fund	\$0	\$65,000	\$65,000	\$195,000		
Total Estimated Net Effect on <u>Other</u> State Funds	\$2,013,520 to \$12,213,433	\$1,931,607 to \$12,131,520	\$1,931,607 to \$12,131,520	\$2,061,607 to \$12,261,250		

ESTIMATED NET EFFECT ON FEDERAL FUNDS					
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2024)	
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0	

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ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)					
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2024)	
Gaming Commission Fund (0286)	2 FTE	2 FTE	2 FTE	2 FTE	
Total Estimated Net Effect on FTE	2 FTE	2 FTE	2 FTE	2 FTE	

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS				
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2024)
Local Government	\$231,526 to \$1,364,850	\$231,526 to \$1,364,850	\$231,526 to \$1,364,850	\$231,526 to \$1,364,850

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FISCAL ANALYSIS

ASSUMPTION

Officials from the **Missouri Gaming Commission** estimate this proposal would increase total state revenue by approximately \$2 million annually. MGC bases those estimates off of comparison to Mississippi's Sports Betting experience for the past 4 months, Rubin Brown and an Oxford Study. Based on MGC calculations (Oxford and Ruben Brown study), adjusted gross receipts under this proposal could be approximately \$34 million. At a tax rate of 6.75%, revenues generated from the tax could be approximately \$2.3 million (distributed 90/10 between the state and local governments).

MCG states they annualized the state of Mississippi's Total Revenue from sports betting by taking their total revenue in September through December of 2018 dividing by four and multiplied by 12 ((\$14,530,610.51/4) x 12 = \$43,591,831.53). We then determined their sports betting revenue was 2% of their total gaming revenue. This was calculated by taking \$43,591,831.53 and dividing by \$2,120,060,000 (\$43,591,831.53/\$2,120,060,000 = .02 or 2%). We then could assume Missouri's sports betting revenue would also be 2% of our total gaming revenue of \$1,715,010,000 (\$1,715,010,000 x 2% = \$34,300,200). We assumed the sports betting revenue would be 70% more if the law would allow mobile wagers to be placed ($$34,300,200 \times 170\% = $58,310,340$). MGC based their estimated revenue from this bill off of an anticipated Adjusted Gross Receipts of \$34.3 million.

Oversight notes that estimates used to calculate revenue for this proposal differs greatly from a similar proposal from last year (SB 1013) (assumed AGR of \$141.6 million in 2018 versus \$58.3 million in 2019).

Officials from the **Missouri Gaming Commission (MGC)** state that the bill allows for a Certificate of Authority Application Fee (\$10,000, Section 313.1006), a Sports Wagering Platform License Application Fee (Initial/\$10,000, Section 313.1010) and an Annual Renewal fee for interactive sports wagering platform license (\$5,000, Section 313.1010) but the proposed legislation does not state where those moneys are to be deposited.

For fiscal note purposes, **Oversight** will reflect a revenue generated from these fees into the Gaming Commission Fund to stay consistent with how funds are appropriated in Chapter 313.

Oversight assumes the all other fees, Certificate Holder Administration Fee (\$5,000) and Certificate Holder Reinvestigation Fee (\$10,000 in the 5th year) will all be deposited into the Sports Wagering Fund.

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ASSUMPTION (continued)

According to the **Missouri Gaming Commission (MGC)**, there are five parent companies, referred to as Class A Licensees, that own casinos in Missouri. Each Class A Licensee owns between one and five of the 13 Missouri casinos. Each casino will be the holder of a Certificate of Authority. MGC anticipates each Class A Licensee will select at least one Sports Wagering Platform Licensee to operate their sports wagering activities in the casinos that they own. Therefore, MGC anticipates issuing five Sports Wagering Platform Licenses. (Based on experience in other states, it is possible that each Class A Licensee may contract with up to four different Sports Wagering Platform Licensees, which would then increase the amount of license fees received accordingly.)

Since the number of casinos applying is unknown, **Oversight** will use the Missouri Gaming Commissions estimated number Sports Wagering Platform Licenses (5) and estimated number of licensed applicants and certificate holders of (13), but it should be noted that the number of applicants (and therefore revenues generated) could be different.

Oversight will reflect the revenue generated from the Certificate Holder Reinvestigation Fee starting in FY 24.

Officials from the **Office of Administration - Budget and Planning** assume this proposal will increase TSR by imposing fees related to the regulation of legal sports betting and levying an adjusted gross receipts tax on sport event wagers.

Oversight also notes that the Missouri Gaming Commission and the Office of Administration -Budget and Planning has stated the proposal will have a direct fiscal impact on total state revenue. Oversight does not currently have the resources or ability to produce an independent estimate. Therefore, Oversight will reflect the revenues listed below as estimated by MGC: L.R. No. 1752-01 Bill No. HB 859 Page 6 of 15 March 12, 2019

ASSUMPTION (continued)

		State Impa	ct - Estimated	by MGC		
Provision	FY20	FY21	FY22	FY23	FY24	FY25
Initial License						
Fee	\$130,000	\$0	\$0	\$0	\$0	\$0
Certificate						
Holder Admin						
Fee	\$0	\$65,000	\$65,000	\$65,000	\$65,000	\$65,000
Certificate						
Holder						
Reinvestigation						
Fee	\$0	\$0	\$0	\$0	\$130,000	\$130,000
Interactive						
Sports Wagering						
Platform Initial	¢50.000	\$0	\$0	\$0	\$0	ćo
License Fee Interactive	\$50,000	ŞU	Ş0	ŞU	ŞU	\$0
Sports Wagering						
Platform Initial						
Renewal Fee	\$0	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
AGR tax (90%)*	\$2,083,737	\$2,083,737	\$2,083,737	\$2,083,737	\$2,083,737 <u></u>	\$2,083,737
Total State	<i>\$2,003,131</i>	<i>\$2,003,131</i>	<i>\$2,003,131</i>	\$2,000,707	<i>\$2,000,707</i>	<i>\$2,003,131</i>
	62 262 727	60 470 707	62 472 727	ća 472 727	62 202 727	62 202 727
Impact	\$2,263,737	\$2,173,737	\$2,173,737	\$2,173,737	\$2,303,737	\$2,303,737
			Local Impact			
Dock*						
Cities/Counties	.	4444 444	4 - - - -	4		4-------------
(10% AGR tax) *6.75% of \$34.300	\$231,526	\$231,526	\$231,526	\$231,526	\$231,526	\$231,526

*6.75% of \$34,300,200 AGR

Total State Impact by Fund - Estimated by MGC							
Fund	FY20	FY21	FY22	FY23	FY24	FY25	
GR Gaming	\$0	\$0	\$0	\$0	\$0	\$0	
Commission Fund Gaming Proceeds for Education	\$180,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	
Fund	\$2,083,737	\$2,083,737	\$2,083,737	\$2,083,737	\$2,083,737	\$2,083,737	
Sports Wagering Fund	\$0	\$65,000	\$65 <i>,</i> 000	\$65,000	\$195,000	\$195,000	
Total State							
Impact	\$2,263,737	\$2,173,737	\$2,173,737	\$2,173,737	\$2,303,737	\$2,303,737	

KC:LR:OD

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ASSUMPTION (continued)

Officials from the **Department of Revenue (DOR)** assume the following:

Section 313.1006

This proposed section states that sports wagering shall not be conducted except by an excursion gambling board licensed under this chapter.

In addition, this proposed section states the necessary actions of a licensed applicant who wishes to offer sports wagering under Sections 313.1000 to 313.1020 which includes submitting an application and paying an initial application fee of ten thousand dollars.

Section 313.1008

This proposed section states that the commission shall test new sports wagering devices and new forms, variations, or composites of sports wagering under the terms and conditions that the commission considers appropriate prior to authorizing a certificate holder to offer a new sports wagering device or a new form, variation, or composite of sports wagering.

Section 313.1010

An interactive sports wagering platform provider may offer sports wagering on behalf of a certificate holder only if the interactive sports wagering platform holds an interactive sports wagering platform license issued by the commission.

After making an announcement under Section 313.1006, the commission may begin accepting applications for an interactive sports wagering platform license from any provider that wishes to offer an interactive sports wagering platform to a certificate holder. The commission shall prescribe the form of the application.

Also, this proposed section states what an applicant for an interactive sports wagering platform license shall do.

Section 313.1020

This proposed section states that a wagering tax of six and three-quarters percent is imposed on the adjusted gross receipts received from sports wagering conducted by a certificate holder under Sections 313.1000 to 313.1020. If a third party is contracted with to conduct sports wagering at a certificate holders' licensed facility, the third party contractor shall fulfill the certificate holder's duties under this section.

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ASSUMPTION (continued)

This proposed section states that the revenues received from the tax imposed under subsection 1 of this section shall be deposited in the state treasury to the credit of the Gaming Proceeds for Education Fund, and shall be distributed as provided under Section 313.822.

This proposed section states that a certificate holder shall pay to the commission an annual administrative fee of five thousand dollars. The fee imposed shall be due one year after the date on which the certificate holder commences sporting wagering operations under Sections 313.1000 to 313.1020, and on each annual anniversary date thereafter. The commission shall deposit the administrative fees received under this subsection in the sports wagering fund established under subsection 6 of section 313.1020.

In addition to the annual administrative fee required under this subsection, a certificate holder shall pay to the commission a fee of ten thousand dollars to cover the costs of a full reinvestigation of a certificate holder in the fifth year after the date on which the certificate holder commences sports wagering operations under Sections 313.1000 to 313.1020 and on each fifth year thereafter. The commission shall deposit the fees received under this subdivision in the sports wagering fund established under subsection 6 of section 313.1020.

This proposed section states that there is hereby established the "Sports Wagering Fund", to be administered by the commission. The fund shall consist of the fees deposited under subsection 5 of section 313.1020. The state treasurer shall invest the moneys in the fund not currently needed to meet the obligations of the fund in the same manner as other funds are invested.

Any interest and moneys earned on such investments shall be credited to the fund. Notwithstanding the provisions of Section 33.080 to the contrary, the moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. Moneys n the fund shall be used by the commission to pay the costs incurred to administered Sections 313.1000 to 313.1020.

Methodology

Using the Oxford Economics report titled "Economic Impact of Legalized Sports Betting," the Department believes TSR will increase an estimated \$11.3-14.2 million. This report breaks out the possible revenue impacts into three categories. They are Limited Availability, Moderate Availability, and Convenient Availability. For the purpose of this fiscal note response, the Department utilized the Moderate Availability, due to the proposed legislation allowing sports wagering to occur in any of our casinos, and online. If online would have not been permitted, the Department would have used the Limited Availability number, and if it were to be treated like the lottery, Convenient Availability would have been used.

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ASSUMPTION (continued)

\$202,200,000 - \$253,300,000 (Moderate Availability AGR Estimate per Oxford report)
\$13,648,500 - \$117,097,750 (6.75% tax imposed on AGR)
Breakout of the 6.75% per Section 313.822 RSMo.
\$13,648,500 - \$117,097,750(6.75% tax imposed on AGR)
10% to Dock Cities (Local) - \$1,364,850- \$1,709,775
90% to Gaming Proceeds for Education Fund - \$12,283,650 - \$15,387,975

Oversight currently does not have the data or resources available to produce independent revenue projections, including an Economist to estimate the elasticity of demand for sports wagering in relation to other games of chance offered at casinos or the Missouri Lottery. Therefore, for purposes of this fiscal note, Oversight will range the anticipated revenue from MGC estimates to the "low" estimates of DOR.

	MGC	DOR (low)	DOR (high)
Sports Betting Adjusted Gross Receipts	\$34,300,200	\$202,200,000	\$253,300,000
6.75% tax on AGR (state portion -	\$2,083,737	\$12,283,650	\$15,387,975
90%)			
675% tax on AGR (local portion -	\$231,526	\$1,364,850	\$1,709,775
10%)			

Officials from the **Department of Public Safety** - **Missouri Gaming Commission (MGC)** state that the fees collected in the Gaming Fund (fund number 0286) for sports wagering based on the language in this Senate Bill are not sufficient to cover the expenditures of this proposal.

MGC estimates a cost of approximately \$705,000 (2.5% of MGC existing budget) each year. This cost is the average hours and expenses (current background investigators, financial investigators, compliance auditors and tax auditors) the MGC staff would spend on licencing and regulating sports wagering. MGC would need a revenue source to cover this allotment.

MGC notes that if more revenue is not collected for the purpose of sports wagering the admission fees collected from the riverboat casinos will be used to cover MGC's expenditures related to sports wagering and as a result the transfer to the Veteran's Commission Capital Improvement funds will be less.

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ASSUMPTION (continued)

The Missouri Gaming Commission will be able to use two current allocated vacant FTE positions to fill the FTE this proposal will require. (Information Technology Specialist II (\$71,726/annually) and a Public Safety Manager Band 1 (\$65,976/ annually). It is estimated that the fees would cover the initial investigative expenses but not cover the on-going costs to MGC relating to interactive sports wagering platform approval, testing devices, adopting rules, and regulating sports wagering operators. As a result, the MGC need to request an additional \$50,040.87 in spending authority the first year and \$41,954.37 thereafter.

Oversight assumes an annual direct fiscal impact of \$137,702 plus fringes and notes MGC has stated they are reallocating \$87,661 and 2 FTE of excess existing appropriation authority and are only requesting \$50,041 for this program in the FY 2020 budget.

Officials from the **Office of the Secretary of State (SOS)** assume many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could require additional resources.

Officials from the **Office of the State Treasurer** assume the proposal will have no fiscal impact on their organization.

Oversight notes that the Office of the State Treasurer has stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for that office.

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FISCAL IMPACT - State Government	FY 2020 (10 Mo.)	FY 2021	FY 2022	Fully Implemented (FY 2024)
GAMING COMMISSION FUND				
<u>Revenue</u> Initial License Fee §313.1006	\$130,000	\$0	\$0	\$0
Sports Wagering Platform License Application Fee	\$50,000	\$0	\$0	\$0 \$0
§313.1010 Sports Wagering Platform License Renewal Fee	<u>\$0</u>	<u>\$25,000</u>	<u>\$25,000</u>	<u>\$25,000</u>
§313.1010 Total Revenue	<u>\$180,000</u>	\$25,000	\$25,000	\$25,000
<u>Cost</u> - MGC Salaries Fringe Benefits Equipment and Expense <u>Total Cost</u> - MGC FTE Change - MGC	(\$137,702) (\$62,474) <u>(\$50,041)</u> (<u>\$250,217)</u> 2 FTE	(\$137,702) (\$62,474) <u>(\$41,954)</u> (\$242,130) 2 FTE	(\$137,702) (\$62,474) <u>(\$41,954)</u> (<u>\$242,130)</u> 2 FTE	(\$137,702) (\$62,474) <u>(\$41,954)</u> (<u>\$242,130)</u> 2 FTE
ESTIMATED NET EFFECT TO THE GAMING COMMISSION FUND	<u>(\$70,217)</u>	<u>(\$217,130)</u>	<u>(\$217,130)</u>	<u>(\$217,130)</u>
Estimated Net FTE Change to the Gaming Commission Fund	2 FTE	2 FTE	2 FTE	2 FTE

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<u>FISCAL IMPACT -</u> <u>State Government</u> (continued)	FY 2020 (10 Mo.)	FY 2021	FY 2022	Fully Implemented (FY 2024)
GAMING PROCEEDS FOR EDUCATION FUND				
Revenue 90% of the 6.75% Wagering Tax §313.1020	\$2,083,737 to <u>\$12,283,650</u>	\$2,083,737 to <u>\$12,283,650</u>	\$2,083,737 to \$12,283,650	\$2,083,737 to <u>\$12,283,650</u>
ESTIMATED NET EFFECT TO THE GAMING PROCEEDS FOR EDUCATION FUND	\$2,083,737 to <u>\$12,283,650</u>	\$2,083,737 to <u>\$12,283,650</u>	\$2,083,737 to <u>\$12,283,650</u>	\$2,083,737 to <u>\$12,283,650</u>
SPORTS WAGERING FUND				
Revenue Certificate Holder Admin Fee §313.1020	\$0	\$65,000	\$65,000	\$65,000
Certificate Holder Reinvestigation Fee §313.1022	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$130,000</u>
Total Revenue	<u>\$0</u>	<u>\$65,000</u>	\$65,000	<u>\$195,000</u>
ESTIMATED NET EFFECT TO THE SPORTS WAGERING FUND	<u>\$0</u>	<u>\$65,000</u>	<u>\$65,000</u>	<u>\$195,000</u>

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FISCAL IMPACT - Local Government	<u>FY 2020</u> (10 Mo.)	FY 2021	FY 2022	<u>Fully</u> Implemented (FY 2024)
LOCAL HOME DOCKS	<u>(10 100.)</u>	<u>1 1 2021</u>	<u>1 1 2022</u>	<u>(1 1 2024)</u>
Revenue - Home				
Dock City or County 10% of the 6.75%				
Wagering Tax	\$231,526 to	\$231,526 to	\$231,526 to	\$231,526 to
§313.1020	<u>\$1,364,850</u>	\$1,364,850	\$1,364,850	\$1,364,850
ESTIMATED NET				
EFFECT TO THE				
LOCAL HOME	<u>\$231,526 to</u>	<u>\$231,526 to</u>	<u>\$231,526 to</u>	<u>\$231,526 to</u>
DOCKS	<u>\$1,364,850</u>	<u>\$1,364,850</u>	<u>\$1,364,850</u>	<u>\$1,364,850</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This bill authorizes sports wagering in Missouri. In its main provisions, the bill:

(1) Exempts licensed facilities for sports wagering from specified federal laws such as 15 U.S.C. Section 1172;

(2) Allows shipments of gambling devices used to conduct sports wagering and specifies that sports wagering must be conducted by a licensed facility which can offer either in person gaming, or over the Internet gaming via an interactive sports wagering platform;

(3) Allows the commission to adopt rules pertaining to standards and procedures;

(4) Requires that certificate holders designate an area within the licensed facility for sports wagering, ensure security, and receive complaints from the public;

(5) Prohibits individuals who are less than 21 years of age from making sports wagers;

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FISCAL DESCRIPTION (continued)

(6) Requires certificate holders pertaining to information considered relevant by the commission and to post a sign in the designated sports wagering area indicating the minimum and maximum amounts that may be wagered;

(7) Establishes an application and fee process for applicants who wish to offer sports wagering as specified in the bill. An initial application fee is \$10,000;

(8) Establishes testing procedures for sport wagering devices and rules for sports gaming;

(9) Creates rules for interactive sports wagering platform providers. An applicant for an interactive sports wagering platform license must submit an application to the commission and pay an initial application fee of \$10,000;

(10) Requires the commission to adopt rules to ensure that advertisements for sports wagering do not target minors or other persons who are ineligible to place wagers, problem gamblers, or other vulnerable persons;

(11) Requires the commission to conduct background checks on individuals seeking licenses;

(12) Requires certificate holders to employ commercially reasonable methods to prohibit the certificate holder, directors, officers, and employees of the certificate holder, and any relative living in the same household as these persons from placing sports wagers with the certificate holder. The bill prohibits any individual with access to nonpublic confidential information held by the certificate holder from placing sports wagers with the certificate holder, prevents the sharing of confidential information that could affect sports wagering offered by the certificate holder or by third parties until the information is made publicly available, and prohibit persons from placing sports wagers as agents or proxies for other persons;

(13) Creates requirements for cooperation with law enforcement agencies, the confidentiality of specified information, investigation requests, and the retention of specified information;

(14) Imputes certain acts or omissions by an interactive sports wagering platform provider;

(15) Imposes a wagering tax of 6.75% on the adjusted gross receipts received from sports wagering conducted by a certificate holder. Revenues received from the tax will be deposited into the Gaming Proceeds for Education Fund and shall be distributed as provided under Section 313.822, RSMo;

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FISCAL DESCRIPTION (continued)

(16) Requires a certificate holder to pay the commission an annual administrative fee of \$5000. The commission shall deposit the administrative fees received under this subsection into the "Sports Wagering Fund," which is established by the bill. A certificate holder must also pay to the commission a fee of \$10,000 to cover the costs of a full reinvestigation of the certificate holder in

the fifth year after the date on which the certificate holder commences sports wagering operations; and

(17) Designates all sports wagers as initiated, received, and otherwise made on the property of an excursion gambling boat within this state consistent with the intent of the United States Congress as articulated in the Unlawful Internet Gambling Enforcement Act of 2006, 31 U.S.C. Sections 5361 to 5367, as amended, the intermediate routing of electronic data relating to lawful intrastate sports wagers authorized under the bill does not determine the location or locations in which such wager is initiated, received, or otherwise made.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety Missouri Gaming Commission Department of Revenue Office of the State Treasurer Office of the Secretary of State Office of Administration Budget and Planning

Kp Rime

Kyle Rieman Director March 12, 2019

Ross Strope Assistant Director March 12, 2019