

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 799,
2 Page 7, Section 217.720, Line 57, by inserting after all of said section and line the following:

3
4 "313.800. 1. As used in sections 313.800 to 313.850, unless the context clearly requires
5 otherwise, the following terms mean:

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

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

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

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

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

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

27 (7) "Credit instrument", a written check, negotiable instrument, automatic bank draft or
28 other authorization from a qualified person to an excursion gambling boat licensee or any of its
29 affiliated companies licensed by the commission authorizing the licensee to withdraw the amount of
30 credit extended by the licensee to such person from the qualified person's banking account in an

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1 amount determined under section 313.817 on or after a date certain of not more than thirty days
2 from the date the credit was extended, and includes any such writing taken in consolidation,
3 redemption or payment of a previous credit instrument, but does not include any interest-bearing
4 installment loan or other extension of credit secured by collateral;

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

12 (9) "Excursion gambling boat", a boat, ferry, other floating facility, or any nonfloating
13 facility licensed by the commission on or inside of which gambling games are allowed;

14 (10) "Fiscal year", the fiscal year of a home dock city or county;

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

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

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

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

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

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

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

34 (18) "Licensee", any person licensed under sections 313.800 to 313.850;

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

1 (20) "Nonfloating facility", any structure within one thousand feet from the closest edge of
2 the main channel of the Missouri or Mississippi River, as established by the United States Army
3 Corps of Engineers, that contains at least two thousand gallons of water beneath or inside the facility
4 either by an enclosed space containing such water or in rigid or semirigid storage containers, tanks,
5 or structures;

6 (21) "Supplier", a person who sells or leases gambling equipment and gambling supplies to
7 any licensee.

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

18 (a) Is it in the best interest of gaming to allow the game; and

19 (b) Is the gambling game a game of chance or a game of skill?

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

29 313.805. The commission shall have full jurisdiction over and shall supervise all gambling
30 operations governed by sections 313.800 to 313.850. The commission shall have the following
31 powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850:

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

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

39 (3) To adopt standards under which all excursion gambling boat operations shall be held and

standards for the facilities within which the gambling operations are to be held. Notwithstanding the provisions of chapter 311 to the contrary, the commission may authorize the operation of gambling games on an excursion gambling boat which is also licensed to sell or serve alcoholic beverages, wine, or beer. The commission shall regulate the wagering structure for gambling excursions, provided that the commission shall not establish any regulations or policies that limit the amount of wagers, losses, or buy-in amounts;

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

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

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

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

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

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

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

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

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

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

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

1 using identifying information for marketing purposes. The provisions of this subdivision shall apply
2 only to patrons giving identifying information for the first time. Such system shall be submitted to
3 the commission by October 1, 2000, and approved by the commission by January 1, 2001. The
4 excursion gambling boat licensee shall use identifying information obtained from patrons who have
5 elected to have marketing blocked under the provisions of this section only for the purposes of
6 enforcing the requirements contained in sections 313.800 to 313.850. This section shall not prohibit
7 the commission from accessing identifying information for the purposes of enforcing section
8 313.004 and sections 313.800 to 313.850;

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

11 (16) The commission shall base its decision to license excursion gambling boats on any of
12 the following criteria: the docking location or the excursion cruise could cause danger to the boat's
13 passengers, violate federal law or the law of another state, or cause disruption of interstate
14 commerce or possible interference with railway or barge transportation. The commission shall
15 consider economic feasibility or impact that would benefit land-based development and permanent
16 job creation. The commission shall not discriminate among applicants for excursion gambling boats
17 that are similarly situated with respect to the criteria set forth in this section;

18 (17) The commission shall render a finding or findings concerning the transition from a
19 boat, barge, or floating facility to a nonfloating facility within thirty days after a hearing on any
20 request from an applicant or existing licensee. Such hearing may be held prior to any final action on
21 licensing to assist an applicant and any city or county in the finalizing of their economic
22 development plan;

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

31 (19) To take any other action as may be reasonable or appropriate to enforce sections
32 313.800 to 313.850 and the commission rules."; and

33
34 Further amend said bill by amending the title, enacting clause, and intersectional references
35 accordingly.