

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 2989, Pages 24-25, Section 313.820,
2 Lines 1-30, by deleting all of said section and lines and inserting in lieu thereof the following:
3

4 "313.805. The commission shall have full jurisdiction over and shall supervise all
5 gambling operations governed by sections 313.800 to 313.850. The commission shall have the
6 following powers and shall promulgate rules and regulations to implement sections 313.800 to
7 313.850:

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

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

15 (3) To adopt standards under which all excursion gambling boat operations shall be held
16 and standards for the facilities within which the gambling operations are to be held.

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

22 (4) To enter the premises of excursion gambling boats, facilities, or other places of
23 business of a licensee within this state to determine compliance with sections 313.800 to
24 313.850;

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

27 (6) To assess any appropriate administrative penalty against a licensee, including, but not
28 limited to, suspension, revocation, and penalties of an amount as determined by the commission
29 up to three times the highest daily amount of gross receipts derived from wagering on the
30 gambling games, whether unauthorized or authorized, conducted during the previous twelve

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1 months as well as confiscation and forfeiture of all gambling game equipment used in the
2 conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced
3 as provided in sections 513.600 to 513.645;

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

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

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

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

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

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

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

24 (14) To require excursion gambling boat licensees to develop a system, approved by the
25 commission, that allows patrons the option to prohibit the excursion gambling boat licensee from
26 using identifying information for marketing purposes. The provisions of this subdivision shall
27 apply only to patrons giving identifying information for the first time. Such system shall be
28 submitted to the commission by October 1, 2000, and approved by the commission by January 1,
29 2001. The excursion gambling boat licensee shall use identifying information obtained from
30 patrons who have elected to have marketing blocked under the provisions of this section only for
31 the purposes of enforcing the requirements contained in sections 313.800 to 313.850. This
32 section shall not prohibit the commission from accessing identifying information for the
33 purposes of enforcing section 313.004 and sections 313.800 to 313.850;

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

36 (16) The commission shall base its decision to license excursion gambling boats on any
37 of the following criteria: the docking location or the excursion cruise could cause danger to the
38 boat's passengers, violate federal law or the law of another state, or cause disruption of interstate

1 commerce or possible interference with railway or barge transportation. The commission shall
 2 consider economic feasibility or impact that would benefit land-based development and
 3 permanent job creation. The commission shall not discriminate among applicants for excursion
 4 gambling boats that are similarly situated with respect to the criteria set forth in this section;

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

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

19 (19) To annually adjust the admission fee imposed pursuant to section 313.820 for
 20 inflation; and

21 (20) To take any other action as may be reasonable or appropriate to enforce sections
 22 313.800 to 313.850 and the commission rules.

23 313.820. 1. An excursion boat licensee shall pay to the commission an admission fee of
 24 two dollars, as adjusted for inflation, every two hours for each person [embarking on an
 25 excursion gambling boat with a ticket of admission] present within the gambling area of each
 26 gambling facility. Within the first two months of each calendar year, the commission shall adjust
 27 annually for inflation based on the Consumer Price Index for All Urban Consumers for the
 28 Midwest Region, as defined and officially recorded by the United States Department of Labor or
 29 its successor, to determine the new admission fee beginning January 1, and shall go into effect at
 30 the beginning of the new fiscal year. Such fee shall be calculated initially on inflationary data
 31 recorded by the United States Department of Labor in January 1993 and such figure shall be
 32 used to calculate inflation adjustments for the remainder of fiscal year 2027 and for the next ten
 33 complete fiscal years thereafter. The first fifty cents of such admission fee as adjusted for
 34 inflation shall be deposited to the credit of the department of natural resources historic
 35 preservation revolving fund and administered according to the provisions described in section
 36 313.835(2)(a) to commemorate the bicentennial of the location of the permanent seat of
 37 government as described in second Section of the eleventh Article of the original Constitution of
 38 the state of Missouri. Unless renewed by the Missouri general assembly upon the expiration of

1 the provisions of this section, all revenue from such fee shall be remitted to the commission and
 2 shall be distributed according to the provisions of this section. Two dollars of such fee, as
 3 adjusted for inflation, shall be paid to the veterans commission capital improvement trust fund
 4 upon the effective date of this section. One dollar of such fee, as adjusted for inflation, shall be
 5 deposited to the credit of the gaming commission fund as authorized pursuant to section 313.835,
 6 and one dollar of such fee, as adjusted for inflation, shall not be considered state funds and shall
 7 be paid to the home dock city or county. [~~Subject to appropriation, one cent of such fee~~
 8 ~~deposited to the credit of the gaming commission fund may be deposited to the credit of the~~
 9 ~~compulsive gamblers fund created pursuant to the provisions of section 313.842.~~] Nothing in this
 10 section shall preclude [~~any licensee from charging any amount deemed necessary for a ticket of~~
 11 ~~admission to any person embarking on an excursion gambling boat] the commission from
 12 adjusting the fee annually as deemed necessary to account for inflation. [~~If tickets are issued~~
 13 ~~which are good for more than one excursion, the admission fee shall be paid to the commission~~
 14 ~~for each person using the ticket on each excursion that the ticket is used.~~] If free passes or
 15 complimentary admission tickets are issued, the excursion boat licensee shall pay to the
 16 commission the same fee upon these passes or complimentary tickets as if they were sold at the
 17 regular and usual admission rate; however, the excursion boat licensee may issue fee-free passes
 18 to actual and necessary officials and employees of the licensee or other persons actually working
 19 on the excursion gambling boat. The issuance of fee-free passes is subject to the rules of the
 20 commission, and a list of all persons to whom the fee-free passes are issued shall be filed with
 21 the commission.~~

22 2. In all present and future forms of remote wagering, an excursion boat licensee shall
 23 pay to the commission a remote wagering access fee in lieu of an admission fee of one and one
 24 half percent of the total amount of money waged each month. The proceeds of such remote
 25 wagering access fee shall be deposited to the credit of the gaming commission fund as
 26 authorized pursuant to section 313.835, and shall be distributed in accordance with regulations
 27 promulgated by the commission, except that the first thirty-five million dollars from the proceeds
 28 of the remote wagering access fee shall be deposited to the credit of the department of natural
 29 resources historic preservation revolving fund as described in section 313.835(2)(a).

30 [2] 3. All licensees are subject to all income taxes, sales taxes, earnings taxes, use taxes,
 31 property taxes or any other tax or fee now or hereafter lawfully levied by any political
 32 subdivision; however, no other license tax, permit tax, occupation tax, excursion fee, or taxes or
 33 fees shall be imposed, levied or assessed exclusively upon licensees by a political subdivision.
 34 All state taxes not connected directly to gambling games shall be collected by the department of
 35 revenue. Notwithstanding the provisions of section 32.057 to the contrary, the department of
 36 revenue may furnish and the commission may receive tax information to determine if applicants
 37 or licensees are complying with the tax laws of this state; however, any tax information acquired

1 by the commission shall not become public record and shall be used exclusively for commission
2 business.

3 313.835. All revenue received by the commission from license fees, penalties,
4 administrative fees, reimbursement by any excursion gambling boat operators for services
5 provided by the commission and admission fees authorized pursuant to the provisions of sections
6 313.800 to 313.850, except that portion of the admission fee, not to exceed one cent, that may be
7 appropriated to the compulsive gamblers fund as provided in section 313.820, shall be deposited
8 in the state treasury to the credit of the "Gaming Commission Fund" which is hereby created for
9 the sole purpose of funding the administrative costs of the commission, subject to appropriation.
10 Moneys deposited into this fund shall not be considered proceeds of gambling operations.
11 Moneys deposited into the gaming commission fund shall be considered state funds pursuant to
12 Article IV, Section 15 of the Missouri Constitution. All interest received on the gaming
13 commission fund shall be credited to the gaming commission fund. In each fiscal year, total
14 revenues to the gaming commission fund for the preceding fiscal year shall be compared to total
15 expenditures and transfers from the gaming commission fund for the preceding fiscal year. The
16 remaining net proceeds in the gaming commission fund shall be distributed in the following
17 manner:

18 (1) The first five hundred thousand dollars shall be appropriated on a per capita basis to
19 cities and counties that match the state portion and have demonstrated a need for funding
20 community neighborhood organization programs for the homeless and to deter gang-related
21 violence and crimes;

22 (2) The remaining net proceeds in the gaming commission fund for fiscal year 2013 and
23 each fiscal year thereafter shall be distributed as follows:

24 (a) The revenue generated by the fee authorized in section 313.820(1) shall be remitted
25 to the Missouri department of natural resources historic preservation revolving fund which shall
26 contract with a charitable organization which is exempt from federal income tax and whose
27 Missouri unrelated business taxable income, in any, would be subject to the state income tax
28 imposed under chapter 143 for the construction of a facility for the acquisition and preservation
29 of artifacts related to Missouri's riverboat heritage.

30 ~~(a)~~ (b) The ~~first~~ next five million dollar portion shall be transferred to the access
31 Missouri financial assistance fund, established pursuant to the provisions of sections 173.1101 to
32 173.1107, and additional moneys as annually appropriated by the general assembly shall be
33 appropriated to such fund;

34 ~~(b)~~ (c) The ~~second~~ next three million dollar portion shall be transferred to the
35 veterans' commission capital improvement trust fund created in section 42.300;

36 ~~(c)~~ (d) The ~~third~~ next four million dollar portion shall be transferred to the Missouri
37 National Guard trust fund created in section 41.214, and additional moneys as appropriated by

1 the general assembly may be appropriated to such fund, up to one million five hundred thousand
2 dollars annually;

3 ~~[(d)]~~ (e) The next fifteen million dollar portion shall be transferred to the Missouri
4 department of natural resources historic preservation fund and shall be used to preserve and
5 protect collections of historic artifacts;

6 (f) Subject to appropriations, one hundred percent of remaining net proceeds in the
7 gaming commission fund, after the appropriations are made pursuant to the provisions of
8 paragraphs (a), (b), and (c) of this subdivision, shall be transferred to the veterans' commission
9 capital improvement trust fund created in section 42.300."; and

10

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