

FIRST REGULAR SESSION

HOUSE BILL NO. 190

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FORD.

Pre-filed December 19, 2000, and 1000 copies ordered printed.

ANNE C. WALKER, Chief Clerk

0735L.011

AN ACT

To repeal section 313.805, RSMo 2000, relating to licensed gaming activities, and to enact in lieu thereof one new section relating to the same subject.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 313.805, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 313.805, to read as follows:

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

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

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

(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; **however, the commission shall not have the power, by regulation or otherwise, to restrict the amount of time an individual may spend aboard an excursion gambling boat when such boat is in operation and open to the public.** Notwithstanding the provisions of chapter 311, RSMo, to

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 the contrary, the commission may authorize the operation of gambling games on an excursion
18 gambling boat which is also licensed to sell or serve alcoholic beverages, wine, or beer. The
19 commission shall regulate the wagering structure for gambling excursions [including providing
20 a maximum loss of five hundred dollars per individual player per gambling excursion];

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

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

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

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

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

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

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

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

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

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

53 (14) Determine which of the authorized gambling games will be permitted on any
54 licensed excursion gambling boat;

55 (15) Excursion gambling boats shall cruise, unless the commission finds that the best
56 interest of Missouri and the safety of the public indicate the need for continuous docking of the
57 excursion gambling boat in any city or county authorized [under] **pursuant to** subsection 10 of
58 section 313.812. The commission shall base its decision to allow continuously docked excursion
59 gambling boats on any of the following criteria: the docking location or the excursion cruise
60 could cause danger to the boat's passengers, violate federal law or the law of another state, or
61 cause disruption of interstate commerce or possible interference with railway or barge
62 transportation. In addition, the commission shall consider economic feasibility or impact that
63 would benefit land-based development and permanent job creation. The commission shall not
64 discriminate among applicants for continuous docking excursion gambling that are similarly
65 situated with respect to the criteria set forth in this section;

66 (16) The commission shall render a finding concerning the possibility of continuous
67 docking, as described in subdivision (15) of this section, within thirty days after a hearing on any
68 request from an applicant or licensee. Such hearing may be held prior to any final action on
69 licensing to assist an applicant and any city or county in the finalizing of their economic
70 development plan;

71 (17) To take any other action as may be reasonable or appropriate to enforce sections
72 313.800 to 313.850 and the commission rules.