

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section
2 84.400, Line 14, 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 otherwise,
5 the following terms mean:

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

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

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

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

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

26 (7) "Credit instrument", a written check, negotiable instrument, automatic bank draft or other
27 authorization from a qualified person to an excursion gambling boat licensee or any of its affiliated
28 companies licensed by the commission authorizing the licensee to withdraw the amount of credit extended by
29 the licensee to such person from the qualified person's banking account in an amount determined under
30 section 313.817 on or after a date certain of not more than thirty days from the date the credit was extended,
31 and includes any such writing taken in consolidation, redemption or payment of a previous credit instrument,
32 but does not include any interest-bearing installment loan or other extension of credit secured by collateral;

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

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

Action Taken _____ Date _____

1 (10) "Fiscal year" [~~shall for the purposes of subsections 3 and 4 of section 313.820 mean~~] ² the fiscal
2 year of a home dock city or county;

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

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

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

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

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

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

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

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

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

26 (20) "Nonfloating facility", any structure within one thousand feet of the Missouri or Mississippi
27 River that contains at least two thousand gallons of water beneath or inside the facility either by an enclosed
28 space containing such water or in rigid or semirigid storage containers or structures;

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

31 2. (1) In addition to the games of skill defined in this section, the commission may approve other
32 games of skill upon receiving a petition requesting approval of a gambling game from any applicant or
33 licensee. The commission may set the matter for hearing by serving the applicant or licensee with written
34 notice of the time and place of the hearing not less than five days prior to the date of the hearing and posting a
35 public notice at each commission office. The commission shall require the applicant or licensee to pay the
36 cost of placing a notice in a newspaper of general circulation in the applicant's or licensee's home dock city or
37 county. The burden of proof that the gambling game is a game of skill is at all times on the petitioner. The
38 petitioner shall have the affirmative responsibility of establishing [~~his or her~~] the petitioner's case by a
39 preponderance of evidence including:

40 [(1)] (a) Is it in the best interest of gaming to allow the game; and

41 [(2)] (b) Is the gambling game a game of chance or a game of skill?

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

50 313.805. The commission shall have full jurisdiction over and shall supervise all gambling
51 operations governed by sections 313.800 to 313.850. The commission shall have the following powers and
52 shall promulgate rules and regulations to implement sections 313.800 to 313.850:

53 (1) To investigate applicants and determine the priority and eligibility of applicants for a license and

1 to select among competing applicants for a license the applicant which best serves the interests of the citizens
2 of Missouri;

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

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

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

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

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

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

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

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

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

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

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

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

42 (14) To require excursion gambling boat licensees to develop a system, approved by the commission,
43 that allows patrons the option to prohibit the excursion gambling boat licensee from using identifying
44 information for marketing purposes. The provisions of this subdivision shall apply only to patrons giving
45 identifying information for the first time. Such system shall be submitted to the commission by October 1,
46 2000, and approved by the commission by January 1, 2001. The excursion gambling boat licensee shall use
47 identifying information obtained from patrons who have elected to have marketing blocked under the
48 provisions of this section only for the purposes of enforcing the requirements contained in sections 313.800 to
49 313.850. This section shall not prohibit the commission from accessing identifying information for the
50 purposes of enforcing section 313.004 and sections 313.800 to 313.850;

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

53 (16) ~~[Excursion gambling boats shall cruise, unless the commission finds that the best interest of~~

1 Missouri and the safety of the public indicate the need for continuous docking of the excursion gambling boat
 2 in any city or county authorized pursuant to subsection 10 of section 313.812.] The commission shall base its
 3 decision to [~~allow continuously docked~~] license excursion gambling boats on any of the following criteria:
 4 the docking location or the excursion cruise could cause danger to the boat's passengers, violate federal law
 5 or the law of another state, or cause disruption of interstate commerce or possible interference with railway or
 6 barge transportation. [~~In addition,~~] The commission shall consider economic feasibility or impact that would
 7 benefit land-based development and permanent job creation. The commission shall not discriminate among
 8 applicants for [~~continuous docking~~] excursion gambling boats that are similarly situated with respect to the
 9 criteria set forth in this section;

10 (17) The commission shall render a finding concerning [~~the possibility of continuous docking, as~~
 11 ~~described in subdivision (15) of this section,~~] the transition from a boat, barge, or floating facility to a
 12 nonfloating facility within thirty days after a hearing on any request from an applicant or licensee. Such
 13 hearing may be held prior to any final action on licensing to assist an applicant and any city or county in the
 14 finalizing of their economic development plan;

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

23 (19) To take any other action as may be reasonable or appropriate to enforce sections 313.800 to
 24 313.850 and the commission rules.

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

35 [~~(1)~~] (a) The recommended number of licensed excursion gambling boats operating in such city or
 36 county;

37 [~~(2)~~] (b) The recommended licensee or licensees operating in such city or county;

38 [~~(3)~~] (c) The community's economic development or impact and affirmative action plan concerning
 39 minorities' and women's ownership, contracting and employment for the waterfront development;

40 [~~(4)~~] (d) The city or county proposed sharing of revenue with any other municipality;

41 [~~(5)~~] (e) Any other information such city or county deems necessary; and

42 [~~(6)~~] (f) Any other information the commission may determine is necessary.

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

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

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

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

53 3. The commission shall require, as a condition of granting a license, that an applicant operate an

1 excursion gambling boat which, as nearly as practicable, resembles or is a part of Missouri's or the home
2 dock city's or county's riverboat history.

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

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

8 6. A license to operate gambling games or to operate an excursion gambling boat shall not be
9 granted unless the applicant has, through clear and convincing evidence, demonstrated financial
10 responsibility sufficient to meet adequately the requirements of the proposed enterprise.

11 7. Each applicant shall establish by clear and convincing evidence its fitness to be licensed. Without
12 limitation, the commission may deny a license based solely on the fact that there is evidence that any of the
13 following apply:

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

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

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

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

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

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

26 8. A license shall not be granted if the applicant has not established the applicant's good repute and
27 moral character or if the applicant has pled guilty to, or has been convicted of, a felony. No licensee shall
28 employ or contract with any person who has pled guilty to, or has been convicted of, a felony to perform any
29 duties directly connected with the licensee's privileges under a license granted pursuant to this section, except
30 that employees performing nongaming related occupations as determined by the commission shall be exempt
31 from the requirements of this subsection.

32 9. Except as provided in section 313.817, a licensee shall not lend to any person money or any other
33 thing of value for the purpose of permitting that person to wager on any gambling game authorized by law.
34 This does not prohibit credit card or debit card transactions or cashing of checks. Any check cashed, other
35 than a credit instrument, ~~must~~ shall be deposited within twenty-four hours. Except for any credit
36 instrument, the commission may require licensees to verify a sufficient account balance exists before cashing
37 any check. Any licensee who violates the provisions of this subsection shall be subject to an administrative
38 penalty of five thousand dollars for each violation. Such administrative penalties shall be assessed and
39 collected by the commission.

40 10. (1) Gambling excursions including the operation of gambling games on an excursion gambling
41 boat which is not continuously docked shall be allowed only on the Mississippi River and the Missouri River.
42 No license to conduct gambling games on an excursion gambling boat in a city or county shall be issued
43 unless and until the qualified voters of the city or county approve such activities pursuant to this subsection.
44 The question shall be submitted to the qualified voters of the city or county at a general, primary or special
45 election upon the motion of the governing body of the city or county or upon the petition of fifteen percent of
46 the qualified voters of the city or county determined on the basis of the number of votes cast for governor in
47 the city or county at the last election held prior to the filing of the petition.

48 (2) The question shall be submitted in substantially the following form:
49

50 Shall the City (County) of _____ allow the licensing of excursion gambling boats or
51 floating facilities as now or hereafter provided by Missouri gaming law in the city (county)?

52 YES NO
53

1 (3) If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
 2 of the question, then the commission may license excursion gambling boats in that city or county and such
 3 boats may operate on the Mississippi River and the Missouri River. If a majority of the votes cast on the
 4 question by the qualified voters voting thereon are opposed to the question, then the commission shall not
 5 license such excursion gambling boats in such city or county unless and until the question is again submitted
 6 to and approved by a majority of the qualified voters of the city or county at a later election. Excursion
 7 gambling boats may only dock in a city or unincorporated area of a county which approves licensing of such
 8 excursion gambling boats pursuant to this subsection, but gambling operations may be conducted at any point
 9 on the Mississippi River or the Missouri River during an excursion. Those cities and counties which have
 10 approved by election pursuant to this subsection, except those cities or counties which have subsequently
 11 rejected by election, the licensing of any type of excursion gambling boats in the city or county prior to April
 12 6, 1994, are exempt from any local election requirement of this section as such previous election shall have
 13 the same effect as if held after May 20, 1994.

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

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

19 13. An excursion gambling boat licensed by the state shall meet all of the requirements of chapter
 20 306 and is subject to an inspection of its sanitary facilities to protect the environment and water quality by the
 21 commission or its designee before a license to operate an excursion gambling boat is issued by the
 22 commission. Licensed excursion gambling boats shall also be subject to such inspections during the period
 23 of the license as may be deemed necessary by the commission. The cost of such inspections shall be paid by
 24 the licensee.

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

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

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

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

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

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

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

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

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

- 1 (9) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the
- 2 performance of the functions or duties regulated by sections 313.800 to 313.850."; and
- 3
- 4 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.