

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILLS NOS. 327 & 43

AN ACT

To repeal section 313.800, RSMo, and to enact in lieu thereof twenty-one new sections relating to gaming, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Section 313.800, RSMo, is repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 313.425, 313.427, 313.429, 313.431, 313.433, 313.435, 313.437, 313.800, 313.1000, 313.1002, 313.1004, 313.1006, 313.1008, 313.1010, 313.1012, 313.1014, 313.1016, 313.1018, 313.1019, 313.1020, and 313.1022, to read as follows:

313.425. Sections 313.425 to 313.437 shall be known and may be cited as the "Missouri Video Lottery Control Act" and shall establish the regulatory framework for the use of player-activated video terminals for the conduct of lottery games.

313.427. As used in sections 313.425 to 313.437, the following words and phrases shall mean:

(1) "Bar", any licensed retail establishment where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises, whether the establishment operates on a nonprofit or for-profit basis, and where patrons under twenty-one years old are not permitted on the premises;

(2) "Commission" or "lottery commission", the five-member

body appointed by the governor to manage and oversee the lottery under section 313.215;

(3) "Credit", one cent, five cents, ten cents, or twenty-five cents either won or purchased by a player;

(4) "Establishment", any establishment that is or becomes licensed as a bar under chapter 311 to sell liquor by the drink at retail, or that is a truck stop establishment, veterans establishment, or fraternal establishment;

(5) "Fraternal establishment", the location at which a fraternal organization that derives its charter from a national fraternal organization regularly meets;

(6) "Truck stop establishment", any establishment that:

(a) Is equipped with diesel islands used for fueling commercial motor vehicles;

(b) Has sold or is projected to sell on average ten thousand gallons of diesel or biodiesel fuel each month for the previous twelve months;

(c) Has parking spaces dedicated for commercial motor vehicles;

(d) Has a convenience store; and

(e) Is situated on a parcel of land of not less than two acres that the truck stop establishment owns or leases;

(7) "Veterans establishment", the location where a veterans organization that derives its charter from a national veterans organization regularly meets;

(8) "Video lottery game adjusted gross receipts", the total of cash or cash equivalents used for the play of a video lottery game on a video lottery game terminal minus cash or cash

equivalent paid to players as a result of playing video lottery games on a video lottery game terminal;

(9) "Video lottery game distributor", a person licensed by the commission to buy, sell, lease, rent, finance or otherwise provide, distribute or service video lottery game terminals or major parts and components of video lottery game terminals, including used or refurbished video lottery game terminals to and from licensed video lottery game manufacturers and licensed video lottery game operators;

(10) "Video lottery game handler", a person employed by a licensed video lottery game operator to handle, place, operate, and service video lottery game terminals and associated equipment;

(11) "Video lottery game manufacturer", any person that manufactures video lottery game terminals or major parts and components for video lottery game terminals as approved by the lottery commission;

(12) "Video lottery game operator", a person licensed by the commission that owns, rents, or leases and services or maintains video lottery game terminals for placement in licensed video lottery retailer establishments;

(13) "Video lottery game retailer", a person meeting the requirements of a lottery game retailer under section 313.260 and possessing a license to sell liquor, including fraternal establishments, veterans establishments, truck stop establishments, and bars, with whom a licensed video lottery game operator has contracted for the placement of a video lottery game terminal or terminals;

(14) "Video lottery game terminal", player-activated terminal that exchanges coins, currency, tickets, ticket vouchers or other electronic payment methods approved by the commission for video lottery game terminal credits used to play video lottery games approved by the commission. Such video lottery game terminals shall use a video display and microprocessor capable of randomly generating the outcome of video lottery games and be capable of printing a ticket at the conclusion of any video lottery game play that is redeemable at a video lottery game ticket redemption terminal or reinserted into a video lottery game terminal for video lottery game credit. All video lottery games approved by the commission for play on a video lottery game terminal shall have a minimum theoretical payout of eighty-five percent;

(15) "Voucher" or "ticket", a document printed at the conclusion of any lottery game play or group of plays on a video lottery game terminal that is redeemable utilizing a video lottery game ticket redemption terminal in the establishment for which it was issued;

(16) "Video lottery game ticket redemption terminal", the collective hardware, software, communications technology, and other ancillary equipment used to facilitate the payment of tickets cashed out by players as a result of playing a video lottery game terminal.

313.429. 1. The commission shall implement a system of video lottery game terminals utilizing a licensing structure for processing license applications and issuing licenses to video lottery game manufacturers, video lottery game distributors,

video lottery game operators, video lottery game handlers, and video lottery game retailers for the conduct of lottery games utilizing video lottery game terminals within the state; except that, a person licensed as a:

(1) Video lottery game manufacturer or a video lottery game distributor shall not be issued a license as a video lottery game operator or a video lottery game retailer;

(2) Video lottery game operator shall not be issued a license as a video lottery game manufacturer, a video lottery game distributor, or video lottery game retailer; and

(3) Video lottery game retailer shall not be issued a license as a video lottery game manufacturer, a video lottery game distributor, or video lottery game operator.

Nothing in this subsection shall prevent a video lottery game manufacturer from obtaining a video lottery game manufacturer's license and a video lottery game distributor's license and providing and operating the centralized system for monitoring video lottery game terminals.

2. Under no circumstances shall the commission:

(1) Authorize or allow a single vendor or licensee to implement the system of video lottery game terminals created under this section; or

(2) Allow a single licensed video lottery game operator to control or operate more than thirty-three percent of video lottery game terminals in the state.

3. (1) The video lottery game system authorized by this section shall allow for multiple video lottery game

manufacturers, video lottery game distributors, and video lottery game operators to encourage private sector investment and job opportunities for Missouri citizens. Video lottery game terminals shall be connected to a centralized system that uses standard industry protocols approved by the commission that allows the commission to activate or deactivate a particular video lottery game terminal from a remote location and capable of monitoring and auditing plays. The commission shall develop or procure such centralized system and provide licensed video lottery game operators with the necessary protocols to connect the operators' video lottery game terminals to the centralized system. No video lottery game terminal shall be placed in operation without first connecting to the centralized system. A vendor that provides the centralized system authorized under this subsection shall not be eligible to be licensed as a video lottery game operator or video lottery game retailer. The commission may impose an initial nonrefundable license application fee as follows:

(a) For video lottery game manufacturers, video lottery game distributors, and video lottery game operators, no more than fifty thousand dollars;

(b) For video lottery game retailer establishments, no more than five hundred dollars; or

(c) For video lottery game handlers, no more than one hundred dollars.

(2) The initial license and first subsequent license renewal shall be for a period of one year. Thereafter, license renewal periods shall be four years with the applicable annual

renewal fee paid for each year such license is renewed. Annual license renewal fees for anyone licensed pursuant to this subsection shall be as follows:

(a) Five thousand dollars for video lottery game manufacturers and video lottery game distributors;

(b) Five thousand dollars for video lottery game operators;

(c) One hundred dollars for video lottery game handlers;

and

(d) Five hundred dollars for each video lottery game retailer's establishment.

(3) In addition to the license fees required in subdivisions (1) and (2) of this subsection, video lottery game operators shall pay the commission an annual license fee of two hundred dollars for each video lottery game terminal placed in service. Such video lottery game terminal license shall be renewed each year and cost two hundred dollars. A license issued under this subsection is nontransferable.

(4) Nothing in this subsection shall be construed to relieve the licensee of the affirmative duty to notify the commission of any change relating to the status of the license or to any other information contained in the application materials on file with the commission.

4. No license shall be issued to any person, and no person shall be allowed to serve as a sales agent, who has pled guilty to or been convicted of a felony or a crime involving illegal gambling punishable under chapter 572, or involving any crime related to fraud, deceptive business practices, or any other form of financial exploitation punishable under chapters 409, 570,

574, or any other provisions of law.

5. No license requirement, fee, sticker fee, or tax shall be imposed by any local jurisdiction upon a video lottery game manufacturer, video lottery game distributor, video lottery game operator, video lottery game retailer, video lottery game handler, or video lottery game terminal or an establishment relating to the operation of video lottery games, video lottery game terminals, or associated equipment.

6. (1) Video lottery game terminals shall meet independent testing standards approved by the commission, as tested by an approved independent test lab, and be capable of randomly generating the outcome of video lottery games approved by the commission. Video lottery game terminals shall be capable of printing a ticket redeemable for winning video lottery game plays. Such video lottery game terminals shall be inspected and approved by the commission prior to being sold, leased, or transferred.

(2) Licensed video lottery game manufacturers may buy, sell, or lease new or refurbished video lottery game terminals to and from licensed video lottery game distributors.

(3) Licensed video lottery game distributors may buy, sell, or lease new or refurbished video lottery game terminals to or from licensed video lottery game manufacturers or licensed video lottery game operators.

7. (1) Licensed video lottery game operators:

(a) May buy, lease, or rent video lottery game terminals from licensed video lottery game manufacturers, operators, or distributors;

(b) May handle, place, and service video lottery game terminals;

(c) Shall connect such video lottery game terminals to the centralized system or systems approved by the commission; and

(d) Shall pay winning tickets using a video lottery game ticket redemption terminal. Such video lottery ticket redemption terminal shall be located within the video lottery game retailer's establishment. Video lottery game operators shall pay the commission thirty-two percent of any unclaimed cash prize associated with a winning ticket that has not been redeemed within one year of issue.

Rents or leases for video lottery game terminals shall be written at a flat rate and shall not include revenue splitting as a method used in the calculation of the lease or rent.

(2) Licensed video lottery game operators and licensed video lottery game retailers shall enter into a written agreement for the placement of video lottery game terminals. The agreement shall specify an equal division of adjusted gross receipts between the video lottery game operator and the video lottery game retailer after adjustments for taxes and administrative fees are made. A video lottery game operator shall be responsible for remitting to the commission and the video lottery game retailer its share of adjusted gross receipts. Nothing in this subdivision shall prohibit a licensed video lottery game operator from entering into an agreement with a sales agent for retailer agreements provided such agreement is in writing and approved by the commission. Video lottery game operators and their sales

agents are specifically prohibited from offering anything of value, other than the percentage of adjusted gross receipts provided under this subsection, for the placement of video lottery game terminals. Retail agreements entered into prior to the enactment of sections 313.425 to 313.437 shall be valid and enforceable, provided that both the establishment and video lottery game operator are both ultimately licensed under sections 313.425 to 313.437.

(3) Nothing in this section shall be construed to prevent a video lottery game operator or a video lottery retailer from using a player rewards system as approved by the commission. No player shall be required to enroll in a rewards program offered by a video lottery game operator or video lottery game retailer as a condition to play video lottery games.

8. No licensed video lottery game operator shall:

(1) Offer video lottery gaming terminals that directly dispense anything of value except for tickets for winning plays. Tickets shall be dispensed by pressing the ticket dispensing button on the video lottery gaming terminal at the end of any video lottery game play. The ticket shall indicate the total amount of credits and the cash award, the time of day in a 24-hour format showing hours and minutes, the date, the terminal serial number, the sequential number of the ticket, and an encrypted validation number from which the validity of the prize may be determined. The cost of the credits shall be one cent, five cents, ten cents, or twenty-five cents, and the maximum wager played per video lottery game shall not exceed five dollars. No cash award for the maximum wager played on any

individual video lottery game shall exceed one thousand dollars;

(2) Operate in a retail establishment that is not a fraternal establishment, a veterans establishment, truck stop establishment, or bar;

(3) Operate more than five video lottery game terminals at one video lottery game retailer establishment; except that, truck stop establishments and establishments primarily catering to patrons of a fraternal or veterans organization that sells liquor, wine, or beer at retail, may operate up to ten video lottery game terminals as approved by the commission;

(4) Advertise video lottery games outside of a licensed video lottery game retailer's establishment through any media outlets or direct mail or telephone solicitations. The advertising prohibition contained in this subdivision shall apply to all licensees including, but not limited to, video lottery game manufacturers, video lottery game distributors, video lottery game operators, video lottery game retailers, and video lottery game handlers, except that a video lottery retailer may participate in an advertising program that is promoted through and sponsored by the state lottery;

(5) Allow video lottery games to be played at any time when the video lottery game retailer's establishment is closed for business.

9. (1) A person under twenty-one years of age shall not play video lottery games, and such video lottery game terminals shall be located within the unobstructed line of sight of the bar counter or sales counter, monitored by video surveillance and under the supervision of a person that is at least twenty-one

years of age, or, if in a truck stop establishment, located within an enclosed room or area where entry is restricted to persons aged twenty-one years or older, to prevent persons under twenty-one years of age from playing video lottery games. A warning sign shall be posted in a conspicuous location where such video lottery game terminals are located, containing in red lettering at least one-half inch high on a white background the following:

"YOU MUST BE AT LEAST 21 YEARS OF AGE TO PLAY VIDEO LOTTERY GAMES"

In addition to the placement and supervision requirements of this subsection, a video lottery game operator shall provide video surveillance in the immediate area of the video lottery game retailer's establishment where video lottery game terminals are located. Recorded video from such surveillance system shall be made available to the commission upon request and shall be reviewed by video lottery game operators as reasonably and specifically requested by the commission for any violation of law, rules or regulations governing the conduct of video lottery games. A video lottery game operator that fails to review such surveillance video upon proper request by the commission and report any known violation of law, rules or regulations governing the conduct of video lottery games in conformance with established commission procedures may be subject to an administrative fine not to exceed five thousand dollars. Any video lottery game retailer that fails to report any known violation of law, rules or regulations governing the conduct of

video lottery games in conformance with established commission procedures shall be subject to an administrative fine not to exceed five thousand dollars. In the event a video lottery game operator or retailer is found to have knowingly committed a violation governing the conduct of video lottery games, the commission may impose an administrative fine not to exceed five thousand dollars, suspend such operator's or retailer's license for up to thirty days, or in the case of repeated violations revoke such operator's or retailer's license for a period of one year. Any video lottery game operator or retailer aggrieved by the commission's decision in any disciplinary action that results in the suspension or revocation of such operator's or retailer's video lottery game license may appeal such decision by filing an action in circuit court. The commission shall refer a violation of the criminal code, with any evidence thereof, to the appropriate law enforcement officials. Video lottery game retailers shall provide an intrusion detection system capable of detecting unauthorized entrance of the video lottery game retailer's establishment during nonbusiness hours and shall report to the commission any unauthorized entrance of the video lottery game retailer's establishment. Such surveillance and intrusion detection system shall meet specifications as defined by the commission.

(2) A video lottery game operator shall post a sign in a conspicuous location where such video lottery game terminals are located, containing in red lettering at least one-half inch high on a white background a telephone contact number (1-888-BETSOFF) for the problem gambling helpline.

10. (1) Video lottery game operators shall pay the commission thirty-six percent of the video lottery game adjusted gross receipts, which shall be deposited in the state lottery fund. The commission shall transfer the amount received from the operator from the lottery fund to the lottery proceeds fund after four percent of the video lottery game adjusted gross receipts is paid to compensate the municipality where a licensed video lottery game retailer maintains an establishment licensed for the operation of video lottery game terminals, or if such licensed establishment is not located within the corporate boundaries of a municipality, then the county where such licensed establishment is located, and any administrative expenses for the commission that are not covered by reimbursements from operators are deducted. Net proceeds transferred to the lottery proceeds fund shall be appropriated as follows:

(a) The first one hundred million dollars shall be appropriated for the public institutions of higher education; and

(b) The remaining net proceeds shall be appropriated for public elementary and secondary education.

(2) Video lottery game operators shall retain sixty-four percent of the video lottery game adjusted gross receipts, a portion of which shall be utilized to pay for administrative expenses which shall include the cost of the centralized system, which cost shall be paid by video lottery game operators in proportion to the number of video lottery game terminals operated. Fifty percent of the costs of the centralized system shall be apportioned by the video lottery game operator among video lottery game retailers to which it provides operations

based on the number of video lottery game terminals located at the video lottery game retailer's establishment. The remainder, after the cost of the centralized monitoring system are paid and apportioned, shall be divided equally between the video lottery game operator and video lottery game retailer.

11. All revenues received by the commission from license fees and any reimbursements associated with the administration of the provisions of sections 313.425 to 313.437, and all interest earned thereon, shall be considered administrative expenses and shall be deposited in the state lottery fund. Moneys deposited into the state lottery fund from license fees and any reimbursements of commission administrative expenses to administer sections 313.425 to 313.437 shall be considered administrative expenses and shall not be considered net proceeds pursuant to Article III, Section 39(b) of the Missouri Constitution. Subject to appropriation, up to one percent of such license fees and reimbursements deposited to the credit of the state lottery fund may be deposited to the credit of the compulsive gamblers fund created under section 313.842. The remainder of the money deposited in the state lottery fund from video lottery game license fees and any reimbursements of commission administrative expenses to enforce sections 313.425 to 313.437 shall be distributed in the following manner:

(1) Until December 31, 2019, one hundred percent of the proceeds in the state lottery fund attributable to license fees and any reimbursements of commission administrative expenses to enforce sections 313.425 to 313.437, subject to appropriation, shall be used by the commission for administrative expenses

associated with supervising and enforcing the provisions of sections 313.425 to 313.437;

(2) Beginning January 1, 2020, money deposited in the state lottery fund from video lottery game license fees and reimbursements of commission administrative expenses to enforce sections 313.425 to 313.435 shall be distributed in the following manner:

(a) Twenty percent of the proceeds in the state lottery fund attributable to license fees and one hundred percent of any reimbursements of commission administrative expenses to enforce sections 313.425 to 313.437, subject to appropriation, shall be used by the commission for administrative expenses associated with supervising and enforcing the provisions of sections 313.425 to 313.437; and

(b) One hundred percent of the remaining net proceeds in the state lottery fund attributable to license fees, after the appropriation in paragraph (a) of this subdivision has been made, and subject to appropriation, shall be transferred to the veterans' commission capital improvement trust fund created under section 42.300.

12. The commission shall contract with a state law enforcement entity to assist in conducting investigations into applicants for any video lottery game license and to investigate violations by any video lottery game licensee of any of the provisions of sections 313.425 to 313.437 or state law regulating illegal gambling. A video lottery game licensee suspected of a violation shall be afforded an administrative hearing on the record and any action taken to impose a fine on such licensee, or

to suspend or revoke the ability of a licensee to offer lottery game products for sale, shall be appealed to the commission. Any such administrative suspension or revocation upheld by the commission may be appealed by the video lottery game licensee in a state court of competent jurisdiction.

13. The commission shall adopt rules for the implementation of the video lottery game system authorized under sections 313.425 to 313.437, including, but not limited to, the placement of video lottery terminals within a retail establishment. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

313.431. 1. In order to expedite the orderly implementation of the video lottery game system authorized under sections 313.425 to 313.437, the commission shall:

(1) Make license applications for video lottery game manufacturers, video lottery game distributors, video lottery game operators, video lottery game retailers, and video lottery game handlers available to applicants and publish all material regulations by December 15, 2019; and

(2) Issue a provisional license to an applicant for a video lottery game manufacturer's, video lottery game distributor's, video lottery game operator's, video lottery game retailer's, or video lottery game handler's license if such applicant satisfies all of the following criteria to the satisfaction of the commission:

(a) The applicant is current on all state taxes;

(b) The applicant has submitted a complete application for licensure as a licensed video lottery game manufacturer, video lottery game distributor, video lottery game operator, video lottery game retailer, or video lottery game handler, which shall be submitted concurrently with the applicant's request for a provisional license;

(c) The applicant has never been convicted of any felony or gambling law violation punishable under chapter 572, or involving any crime related to fraud, deceptive business practices, or any other form of financial exploitation punishable under chapters 409, 570, 574, or any other provisions of law, in any jurisdiction; and

(d) The applicant for a video lottery game retailer's license has been issued and holds a valid license to sell liquor under chapter 311. The provisions of this paragraph shall not apply to truck stop establishments.

A provisional license shall be issued by the commission within sixty days from the date on which the application was first received unless the commission shows cause that the license application is deficient or such applicant does not meet the

criteria for licensure.

2. The commission may issue provisional licenses prior to the completion of a background check to an applicant that is licensed under sections 313.200 to 313.351 or sections 313.800 to 313.850; or holds or is an affiliate of any entity that holds a license in good standing from a regulatory body of another state to operate, handle, or maintain video gaming terminals or video lottery game terminals that are substantially similar to video lottery game terminals authorized under sections 313.425 to 313.437.

3. A provisional license shall be valid until:

(1) The commission either approves or denies the applicant's application for licensure;

(2) The provisional license is terminated for a violation of this section; or

(3) One calendar year has passed since the provisional license was issued.

Nothing in this section shall prohibit an applicant for a video lottery game manufacturer's, video lottery game distributor's, video lottery game operator's, video lottery game retailer's, or video lottery game handler's license from applying for a renewal of the provisional license issued under this section so long as the commission has not made a final determination to award or deny the applicant a license.

4. Each applicant shall attest by way of affidavit under penalty of perjury that the applicant is not otherwise prohibited from licensure according to the requirements of this section.

5. All requests for provisional licensure under this section shall include the following fee, which is in addition to the applicable fee required for an application for licensure and shall be retained by the commission:

(1) Five thousand dollars for a video lottery game manufacturer and video lottery game distributor;

(2) Five thousand dollars for a video lottery game operator;

(3) Five hundred dollars for a video lottery game retailer's establishment; or

(4) One hundred dollars for a video lottery game handler.

313.433. 1. Notwithstanding any other provision of law to the contrary, participation by a person, firm, corporation, or organization in any aspect of the state lottery under sections 313.425 to 313.437 shall not be construed to be a lottery or gift enterprise in violation of section 39 of article III of the Constitution of Missouri.

2. The sale of lottery tickets, shares, or lottery game plays using a video lottery game terminal under sections 313.425 to 313.437 shall not constitute a valid reason to refuse to issue or renew or to revoke or suspend any license or permit issued under the provisions of chapter 311.

313.435. 1. A municipality may adopt an ordinance prohibiting video lottery game terminals within the corporate limits of such municipality. A county commission may, for the unincorporated area of the county, adopt an ordinance prohibiting video lottery game terminals within the unincorporated area of the county. The commission shall not license video lottery game

retailers within such area covered by such ordinance. Any such municipality or county that has opted to prohibit the use of video lottery game terminals to play video lottery games may repeal such ordinance and upon such repeal the commission may license video lottery game retailers within such municipality or county to conduct video lottery games.

2. Notwithstanding the provisions of sections 313.425 to 313.437 to the contrary, a home rule city with more than four hundred thousand inhabitants and located in more than one county shall not be authorized to conduct video lottery games under sections 313.425 to 313.437 unless such city has adopted an ordinance allowing the conduct of video lottery games within the city. Any such city may repeal such ordinance and upon such repeal the conduct of video lottery games within the city shall not be authorized.

313.437. Notwithstanding any other provision of law to the contrary, the commission may incur fees when accepting debit cards or other electronic payment methods, except credit cards, for the sale of lottery game plays.

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

(1) "Adjusted gross receipts", the gross receipts from licensed gambling games and devices less winnings paid to wagerers. "Adjusted gross receipts" shall not include adjusted gross receipts from sports wagering as defined in section 313.1000;

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

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

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

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

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

(7) "Credit instrument", a written check, negotiable instrument, automatic bank draft or other authorization from a

qualified person to an excursion gambling boat licensee or any of its affiliated companies licensed by the commission authorizing the licensee to withdraw the amount of credit extended by the licensee to such person from the qualified person's banking account in an amount determined under section 313.817 on or after a date certain of not more than thirty days from the date the credit was extended, and includes any such writing taken in consolidation, redemption or payment of a previous credit instrument, but does not include any interest-bearing installment loan or other extension of credit secured by collateral;

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

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

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

(11) "Floating facility", any facility built or originally built as a boat, ferry or barge licensed by the commission on

which gambling games are allowed;

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

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

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

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

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

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

(18) "Licensee", any person licensed under sections 313.800

to 313.850;

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

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

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

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

(2) Is the gambling game a game of chance or a game of

skill?

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

313.1000. As used in sections 313.1000 to 313.1020, the following terms shall mean:

(1) "Adjusted gross receipts":

(a) The total of all cash and cash equivalents received by a sports wagering operator from sports wagering minus:

(b) The total of:

a. All cash and cash equivalents paid out as winnings to sports wagering patrons;

b. The amounts paid to registered sports governing bodies under section 313.1018 and to public universities under section 313.1019; and

c. Uncollectible sports wagering receivables, not to exceed

the lesser of:

(i) A reasonable provision for uncollectible patron checks received from sports wagering operations; or

(ii) Two percent of the total of all sums, including checks, whether collected or not, less the amount paid out as winnings to sports wagering patrons. For purposes of this section, a counter or personal check that is invalid or unenforceable under this section is considered cash received by the sports wagering operator from sports wagering operations;

(2) "Approved limited mobile gaming system", a limited mobile gaming system approved by the commission;

(3) "Certificate holder", a licensed applicant issued a certificate of authority by the commission;

(4) "Certificate of authority", a certificate issued by the commission authorizing a licensed applicant to conduct sports wagering under sections 313.1000 to 313.1022;

(5) "Collegiate athletic or sporting event", an athletic or sporting event offered or sponsored by, or played in connection with, a public or private institution that offers educational services beyond the secondary level;

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

(7) "Department", the department of revenue;

(8) "Excursion gambling boat", the same meaning as defined under section 313.800;

(9) "Gross receipts", the total amount of cash and cash equivalents paid by sports wagering patrons to a sports wagering operator to participate in sports wagering;

(10) "Interactive sports wagering platform" or "platform",

a person that offers sports wagering over the internet, including on internet websites and mobile devices on behalf of a certificate holder;

(11) "Licensed applicant", a person holding a license issued under section 313.807 to operate an excursion gambling boat;

(12) "Licensed facility", an excursion gambling boat licensed under this chapter;

(13) "Licensed supplier", a person holding a supplier's license issued by the commission;

(14) "Limited mobile gaming system", a system that enables a certificate holder to accept sports wagers through the use of mobile gaming devices;

(15) "Occupational license", a license issued by the commission within excursion gambling boat operations which the commission has identified as requiring a license;

(16) "Official league data", statistics, results, outcomes, and other data relating to an athletic or sporting event obtained pursuant to an agreement with the relevant sports governing body, or an entity expressly authorized by the sports governing body to provide such information to sports wagering operators, which authorizes the use of such data for determining the outcome of tier two sports wagers;

(17) "Person", an individual, sole proprietorship, partnership, association, fiduciary, corporation, limited liability company, or any other business entity;

(18) "Proposition wager", a wager on any aspect of an athletic or sporting event unrelated to the event's outcome;

(19) "Registered sports governing body", a sports governing body that is headquartered in the United States and who has registered with the commission under sections 313.1000 to 313.1022. The term shall not include the National Collegiate Athletic Association;

(20) "Sports governing body", the organization that prescribes final rules and enforces codes of conduct with respect to a sporting event and participants therein;

(21) "Sports wagering", wagering conducted under sections 313.1000 to 313.1022 on athletic and sporting events, on portions of athletic and sporting events, or on the individual statistics of athletes in a sporting event or combination of sporting events, involving human competitors. The term includes, but is not limited to, single-game wagers, teaser wagers, parlays, over-under, moneyline, pools, exchange wagering, in-game wagers, in-play wagers, proposition wagers, and straight wagers. Sports wagering shall not include money spent to participate in paid fantasy sports under section 313.900 to 313.955;

(22) "Sports wagering device", a mechanical, electrical, or computerized contrivance, terminal, device, apparatus, piece of equipment, or supply approved by the commission for conducting sports wagering under sections 313.1000 to 313.1022. Sports wagering device shall not include a device used by a sports wagering patron to access an interactive sports wagering platform;

(23) "Sports wagering operator" or "operator", a certificate holder or an interactive sports wagering platform offering sports wagering on behalf of a certificate holder;

(24) "Supplier's license", a license issued by the commission under section 313.807;

(25) "Tier one sports wager", a sports wager that is determined solely by the final score or final outcome of the sporting event and is placed before the sporting event has begun;

(26) "Tier two sports wager", a sports wager that is not a tier one sports wager.

313.1002. 1. The state of Missouri shall be exempt from the provisions of 15 U.S.C. Section 1172.

2. All shipments of gambling devices used to conduct sports wagering under sections 313.1000 to 313.1022 to licensed applicants or certificate holders, the registering, recording, and labeling of which have been completed by the manufacturer or dealer thereof in accordance with 15 U.S.C. Sections 1171 to 1178, shall be legal shipments of gambling devices into this state.

313.1004. 1. The commission shall adopt rules to implement the provisions of sections 313.1000 to 313.1022. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid

and void.

2. Rules adopted under this section shall include, but shall not be limited to, the following:

(1) Standards for the conduct of sports wagering;

(2) Standards and procedures to govern the conduct of sports wagering, including the manner in which:

(a) Wagers are received;

(b) Payouts are paid; and

(c) Point spreads, lines, and odds are disclosed.

(3) Standards governing how a certificate holder offers sports wagering over the internet through an interactive sports wagering platform to patrons physically located in Missouri or in a state which Missouri has entered into a reciprocal agreement on sports wagering.

(4) The manner in which a certificate holder's books and financial records relating to sports wagering are maintained and audited, including standards for the daily counting of a certificate holder's gross receipts from sports wagering and standards to ensure that internal controls are followed.

(5) Standards concerning the detection and prevention of compulsive gambling.

3. Rules adopted under this section shall require a certificate holder to do the following:

(1) Designate an area within the licensed facility operated by the certificate holder for sports wagering conducted under sections 313.1000 to 313.1022;

(2) Ensure the security and integrity of sports wagers accepted under an approved limited mobile gaming system;

(3) Ensure that the certificate holder's surveillance system covers all areas of the licensed facility in which sports wagering is conducted;

(4) Allow the commission to be present through the commission's gaming agents during the time sports wagering is conducted in all areas of the certificate holder's licensed facility in which sports wagering is conducted, to do the following:

(a) Ensure maximum security of the counting and storage of the sports wagering revenue received by the certificate holder;

(b) Certify the sports wagering revenue received by the certificate holder;

(c) Receive complaints from the public;

(5) Ensure that individuals who are less than twenty-one years of age do not make sports wagers;

(6) Provide written information to sports wagering patrons about sports wagering, payouts, winning wagers, and other information considered relevant by the commission;

(7) Post a sign in the designated sports wagering area indicating the minimum and maximum amounts that may be wagered.

313.1006. 1. Sports wagering shall not be conducted except by an excursion gambling boat licensed under this chapter.

2. A licensed applicant who wishes to offer sports wagering under sections 313.1000 to 313.1022 shall:

(1) Submit an application to the commission in the manner prescribed by the commission for each licensed facility in which the licensed applicant wishes to conduct sports wagering;

(2) Pay an initial application fee of ten thousand dollars.

3. Upon receipt of the application and fee required under subsection 2 of this section, the commission shall issue a certificate of authority to a licensed applicant authorizing the licensed applicant to conduct sports wagering under sections 313.1000 to 313.1022 in a licensed facility, in a location authorized under sections 313.1000 to 313.1022 through an approved limited mobile gaming system, or through an interactive sports wagering platform.

313.1008. 1. 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.

2. (1) A certificate holder shall designate an area or areas within the certificate holder's licensed facility for conducting sports wagering. In addition to such designated area, sports wagering may be conducted at any location authorized under subsection 10 of this section through the use of an approved limited mobile gaming system.

(2) A certificate holder may administer or contract with an interactive sports wagering platform to administer interactive sports wagering on the certificate holder's behalf.

3. (1) Except as provided in subdivision (2) of this subsection, a person who is less than twenty-one years of age shall not be present in the area designated under subsection 2 of this section where sports wagering is being conducted.

(2) A person who is at least eighteen years of age and who

is an employee of the certificate holder may be present in an area where sports wagering is conducted. However, an employee who is less than twenty-one years of age shall not perform any function involving sports wagering by patrons.

4. (1) Sports wagering may be conducted with chips, tokens, electronic cards, or money or other negotiable currency.

(2) A certificate holder shall determine the minimum and maximum wagers in sports wagering conducted in the certificate holder's licensed facility.

5. A certificate holder shall not permit any sports wagering on the premises of the licensed facility except as provided under subsection 2 of this section.

6. A sports wagering device shall be approved by the commission and acquired by a certificate holder from a licensed supplier.

7. The commission shall determine the occupations related to sports wagering that require an occupational license.

8. A certificate holder may lay off one or more sports wagers.

9. Subject to the approval of the commission, a certificate holder may contract with a third party to conduct sports wagering at the certificate holder's licensed facility.

10. (1) A certificate holder may request approval from the commission to use a limited mobile gaming system in the certificate holder's sports wagering operations.

(2) A certificate holder may approve the use of a limited mobile gaming system to allow a patron to wager on sports while in the following locations:

(a) The area designated under subsection 2 of this section;

(b) A gaming or other betting area of the certificate holder's licensed facility that is outside of the area designated under subsection 2 of this section;

(c) A hotel, restaurant, or other amenity that is operated by the certificate holder and subject to the supervision of the commission.

A patron shall not transmit a sports wager using a mobile gaming device while present in any other location.

313.1010. 1. 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.

2. An applicant for an interactive sports wagering platform license shall:

(1) Submit an application to the commission in the manner prescribed by the commission to verify the platform's eligibility under this section; and

(2) Pay an initial application fee of ten thousand dollars.

3. Each year on or before the anniversary date of the payment of the initial application fee under subsection 2 of this section, an interactive sports wagering platform provider holding a license issued under this section shall pay to the commission an annual license renewal fee of five thousand dollars.

4. Notwithstanding any other provision of law to the contrary, the following information shall be confidential and

shall not be disclosed to the public unless required by court order or by any other provision of sections 313.1000 to 313.1022:

(1) An interactive sports wagering platform license application; and

(2) All documents, reports, and data submitted by an interactive sports wagering platform provider to the commission containing proprietary information, trade secrets, financial information, or personally identifiable information about any person.

313.1012. 1. A certificate holder shall verify that a person placing a wager is of the legal minimum age for placing a wager under sections 313.1000 to 313.1022.

2. A certificate holder shall not offer proposition wagers on any collegiate athletic or sporting event or on the individual performance statistics of an athlete in a collegiate athletic or sporting event.

3. The commission shall adopt rules and regulations for a sports wagering self-exclusion program. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

4. Rules promulgated under subsection 3 of this section shall:

(1) Allow individuals to restrict themselves from placing wagers with the certificate holder; and

(2) Enable the certificate holder to take reasonable steps to prevent a person from placing wagers prohibited under sections 313.1000 to 313.1022, including sharing, upon request of the person, the person's request for self-exclusion with the commission, for the sole purpose of disseminating the request to other sports wagering certificate holders.

5. The commission shall adopt rules to ensure that advertisements for sports wagering:

(1) Do not target minors or other persons who are ineligible to place wagers, problem gamblers, or other vulnerable persons;

(2) Disclose the identity of the sports wagering certificate holder;

(3) Provide information about or links to resources relating to gambling addiction; and

(4) Are not otherwise false, misleading, or deceptive to a reasonable consumer.

313.1014. 1. The commission shall conduct background checks on individuals seeking licenses under sections 313.1000 to 313.1022. A background check conducted under this section shall include a search for criminal history, and any charges or convictions involving corruption or manipulation of sporting events.

2. (1) A certificate holder shall employ commercially

reasonable methods to:

(a) Prohibit the certificate holder, directors, officers, and employees of the certificate holder, and any relative living in the same household of a person described in this paragraph from placing sports wagers with the certificate holder;

(b) Using publicly available information and any lists of employees and affiliates provided to the certificate holder or the commission by a sports governing body, prohibit wagering by any athlete, coach, referee, team owner, employee of a sports governing body or one of its member teams, or player or referee union personnel;

(c) Prohibit any individual with access to nonpublic confidential information held by the certificate holder from placing sports wagers with the certificate holder;

(d) Prevent 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

(e) Prohibit persons from placing sports wagers as agents or proxies for other persons.

(2) Nothing in this section shall preclude the use of internet or cloud based hosting of data, or any disclosure of information required by court order or other provisions of law.

3. A sports governing body may notify the commission that it desires to restrict, limit, or exclude tier two sports wagers on its sporting events by providing notice in the form and manner as the commission may require, including, without limitation, restrictions on the sources of data and associated video upon

which an operator may rely in offering and paying wagers and the bet types that may be offered. Upon receiving such notice, the commission shall only deny a request if it deems such request arbitrary and capricious. If the commission denies a request, the sports governing body shall be afforded notice and the right to be heard and offer proof in opposition to such determination in accordance with the regulations of the commission. Offering or taking wagers contrary to restrictions promulgated by the commission is a violation of this section. In the event that a request is submitted in relation to an emergency situation, the executive director of the commission may temporarily grant the request of the sports governing body until the commission makes a final determination as to whether such request is arbitrary and capricious. The provisions of this subsection shall not apply to tier one sports wagers.

4. The commission and certificate holders shall cooperate with investigations conducted by sports governing bodies, law enforcement agencies, and universities located within the state, including by providing or facilitating the provision of betting information and audio or video files relating to persons placing sports wagers.

5. A certificate holder shall immediately report to the commission any information relating to:

(1) Criminal or disciplinary proceedings commenced against the certificate holder in connection with its operations;

(2) Bets or wagers that violate state or federal law;

(3) Abnormal wagering activity or patterns that may indicate a concern regarding the integrity of a sporting event or

events;

(4) Any potential breach of the relevant sports governing body's internal rules and codes of conduct pertaining to sports wagering;

(5) Any other conduct that corrupts the wagering outcome of a sporting event or events for purposes of financial gain; and

(6) Suspicious or illegal wagering activities.

6. A certificate holder shall also immediately report information relating to conduct described in subdivisions (3), (4), and (5) of subsection 5 of this section to the relevant sports governing body and to universities located within this state.

7. A certificate holder shall maintain the confidentiality of information provided by a sports governing body to the certificate holder unless disclosure is required by court order, the commission, or any other provision of law.

8. Except as provided in subsection 9 of this section, certificate holders may use any data source to determine the results of sports wagers, provided the data is not obtained directly or indirectly from live event attendees who collect the data in violation of the terms of admittance to an event or through automated computer programs that compile data from the internet in violation of the terms of service of the relevant website or other internet platform.

9. A sports governing body may notify the commission that it desires to supply official league data to certificate holders for determining the results of tier two sports wagers. Such notification shall be made in the form and manner as the

commission may require. Within thirty days of such notification by a sports governing body, certificate holders shall use only official league data to determine the results of tier two wagers, unless the certificate holder can demonstrate to the commission that the sports governing body or its designee cannot provide a feed of official league data to the certificate holder on commercially reasonable terms.

313.1016. 1. A certificate holder shall maintain the following records of all bets and wagers placed for a period of at least three years after the sporting event occurs and make the data available for inspection upon request of the commission, or upon court order:

- (1) Personally identifiable information of the bettor;
- (2) The amount and type of bet placed;
- (3) The time and date the bet was placed;
- (4) The location, including the internet protocol address if applicable, where the bet was placed;
- (5) The outcome of the bet;
- (6) Records of abnormal betting activity; and
- (7) Video camera recordings in the case of in-person wagers.

2. If a sports governing body has notified the commission that real-time information sharing for wagers placed on its sporting events is necessary and desirable, sports wagering operators shall share in real time, at the account level, and in pseudonymous form, the information required to be retained under subsection 1 of this section, other than video files, with the sports governing body or its designee with respect to wagers

on its sporting events. Such information may be used by a sports governing body solely for integrity purposes.

313.1018. 1. The performance of any act required, or the forbearance of any act prohibited, by sections 313.1000 to 313.1022, by an interactive sports wagering platform provider is imputed to the certificate holder on behalf of which the platform is operating, and vice versa.

2. A certificate holder is not liable under the laws of this state to any party, including patrons, for disclosing information as required under sections 313.1000 to 313.1022, and is not liable for refusing to disclose information unless required under sections 313.1000 to 313.1022.

313.1019. 1. A sports governing body may register with the commission if the sports governing body is headquartered in the United States and it completes such registration form as the commission may require. Upon submission of a completed registration form to the commission, the eligible sports governing body shall be deemed registered and shall be entitled to receive the royalty fee provided for under this section.

2. Within thirty days of the end of each calendar quarter, a certificate holder shall remit to the commission a royalty fee of three-quarters of one percent of the amount wagered on sporting events conducted by registered sports governing bodies during the previous calendar quarter.

3. The royalty fee shall be remitted on a form as the commission may require, on which the certificate holder shall identify the percentage of wagering during the reporting period attributable to each registered sports governing body's sporting

events.

4. No later than April thirtieth of each year, a registered sports governing body may submit a request for disbursement of funds remitted by certificate holders in the previous calendar year. The commission shall disburse the funds to the registered sports governing body in pro rata proportion of the total amount wagered on its sporting events. No registered sports governing body shall be required to obtain a license from the commission in order to lawfully accept the funds provided for in this subsection.

5. The commission shall annually publish a report stating the amount received from certificate holders in royalty fees and the amount paid to registered sports governing bodies.

6. Any unclaimed royalty fees shall be distributed to the certificate holders that timely remitted the royalties required under this section to the commission. Such royalties shall be distributed to the eligible certificate holders on a pro rata basis.

7. The commission shall cooperate with a registered sports governing body and certificate holders to ensure the timely, efficient, and accurate sharing of information and the remittance of the royalty fee to the registered sports governing body or its designee.

313.1020. 1. Within thirty days of the end of each calendar quarter, a certificate holder shall remit to the commission a royalty fee of three-quarters of one percent of the amounts wagered on:

(1) Sporting events involving at least one National

Collegiate Athletic Association Football Bowl Subdivision football team; and

(2) Sporting events involving at least one National Collegiate Athletic Association Division I basketball team.

2. No later than April thirtieth of each year, the commission shall disburse the royalty fees collected from certificate holders under this section as follows:

(1) The royalty fees collected under subdivision (1) of subsection 1 of this section shall be distributed evenly among the public universities in this state that sponsor National Collegiate Athletic Association Football Bowl Subdivision football teams; and

(2) The royalty fees collected under subdivision (2) of subsection 1 of this section shall be distributed evenly among the public universities in this state that sponsor National Collegiate Athletic Association Division I basketball teams.

3. The royalty fees received by public universities under this section shall be used solely for athletics compliance.

313.1022. 1. A wagering tax of six and one-quarter percent is imposed on the adjusted gross receipts received from sports wagering conducted by a certificate holder under sections 313.1000 to 313.1022. If a third party is contracted with to conduct sports wagering at a certificate holder's licensed facility, the third party contractor shall fulfill the certificate holder's duties under this section.

2. A certificate holder shall remit the tax imposed by subsection 1 of this section to the department before the close of the business day one day prior to the last business day of

each month for the wagering taxes collected for such month. Any taxes collected during the month, but after the day on which the taxes are required to be paid to the department, shall be paid to the department at the same time the following month's taxes are due.

3. The payment of the tax under this section shall be by an electronic funds transfer by an automated clearinghouse.

4. 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.

5. (1) 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 sports wagering operations under sections 313.1000 to 313.1022, 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 this section.

(2) 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 the certificate holder in the fifth year after the date on which the certificate holder commences sports wagering operations under sections 313.1000 to 313.1022 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 this section.

6. 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 this section. 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, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. Money in the fund shall be used by the commission to pay the costs incurred to administer sections 313.1000 to 313.1022.