

**SENATE AMENDMENT NO. \_\_\_\_\_**

**TO**

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Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SA to SS/SCS/HCS/House Bill No. 59, Page 1, Section \_\_\_\_\_, Line 1,

2 by inserting after "page" the following: "1, section title,  
3 line 16,

4 by inserting after "provisions" the following: "with an  
5 emergency clause for certain sections"; and

6 Further amend said bill, page"; and

7 Further amend said amendment, page 2, section 311.660,  
8 line 49 by inserting after "chapter" the following: "which  
9 shall be investigated pursuant to section 43.380"; and

10 further amend said amendment, line 52 by striking " "; and"  
11 and inserting in lieu thereof the following:

12 "311.680. 1. Whenever it shall be shown, or whenever  
13 the supervisor of liquor control has knowledge, that a  
14 person licensed hereunder has not at all times kept an  
15 orderly place or house, or has violated any of the  
16 provisions of this chapter, the supervisor of liquor control  
17 may warn, place on probation on such terms and conditions as  
18 the supervisor of liquor control deems appropriate for a  
19 period not to exceed twelve months, suspend or revoke the  
20 license of that person, but the person shall have ten days'  
21 notice of the application to warn, place on probation,

22 suspend or revoke the person's license prior to the order of  
23 warning, probation, revocation or suspension issuing.

24 2. Any wholesaler licensed pursuant to this chapter in  
25 lieu of, or in addition to, the warning, probation,  
26 suspension or revocation authorized in subsection 1 of this  
27 section, may be assessed a civil penalty by the supervisor  
28 of liquor control of not less than one hundred dollars or  
29 more than twenty-five hundred dollars for each violation.

30 3. Any solicitor licensed pursuant to this chapter in  
31 lieu of the suspension or revocation authorized in  
32 subsection 1 of this section may be assessed a civil penalty  
33 or fine by the supervisor of liquor control of not less than  
34 one hundred dollars nor more than five thousand dollars for  
35 each violation.

36 4. Any retailer with less than five thousand occupant  
37 capacity licensed pursuant to this chapter in lieu of the  
38 suspension or revocation authorized by subsection 1 of this  
39 section may be assessed a civil penalty or fine by the  
40 supervisor of liquor control of not less than fifty dollars  
41 nor more than one thousand dollars for each violation.

42 5. Any retailer with five thousand or more occupant  
43 capacity licensed pursuant to this chapter in lieu of the  
44 suspension or revocation authorized by subsection 1 of this  
45 section, may be assessed a civil penalty or fine by the  
46 supervisor of liquor control of not less than fifty dollars  
47 nor more than five thousand dollars for each violation.

48 6. (1) Upon notification by the Missouri gaming  
49 commission or a law enforcement agency of possession of a  
50 gambling device, as defined pursuant to section 572.010, by  
51 a person licensed pursuant to this chapter, the supervisor  
52 of liquor control shall suspend or revoke the license of  
53 such person on such terms and conditions as the supervisor  
54 of liquor control deems appropriate, provided such person

55 shall be given ten days to remove such gambling device from  
56 the premises prior to the supervisor of liquor control  
57 taking action pursuant to this subsection. Upon a second or  
58 subsequent notification pursuant to this subsection of the  
59 possession of a gambling device by a person licensed  
60 pursuant to this chapter, the supervisor of liquor control  
61 shall not be required to give such person ten days to remove  
62 such gambling device from the premises prior to taking  
63 action pursuant to this subsection.

64 (2) The supervisor of liquor control shall, by no  
65 later than August 15, 2021, provide written or electronic  
66 notice to all persons licensed pursuant to this chapter  
67 informing such persons of the provisions of this subsection  
68 and section 311.720.

69 7. Any aggrieved person may appeal to the  
70 administrative hearing commission in accordance with section  
71 311.691.

72 [7.] 8. In order to encourage the early resolution of  
73 disputes between the supervisor of liquor control and  
74 licensees, the supervisor of liquor control, prior to  
75 issuing an order of warning, probation, revocation,  
76 suspension, or fine, shall provide the licensee with the  
77 opportunity to meet or to confer with the supervisor of  
78 liquor control, or his or her designee, concerning the  
79 alleged violations. At least ten days prior to such meeting  
80 or conference, the supervisor shall provide the licensee  
81 with notice of the time and place of such meeting or  
82 conference, and the supervisor of liquor control shall also  
83 provide the licensee with a written description of the  
84 specific conduct for which discipline is sought, a citation  
85 of the law or rules allegedly violated, and, upon request,  
86 copies of any violation report or any other documents which  
87 are the basis for such action. Any order of warning,

88 probation, revocation, suspension, or fine shall be  
89 effective no sooner than thirty days from the date of such  
90 order.

91 311.710. 1. In addition to the penalties and  
92 proceedings for suspension or revocation of licenses  
93 provided for in this chapter, and without limiting them,  
94 proceedings for the suspension or revocation of any license  
95 authorizing the sale of intoxicating liquor at retail may be  
96 brought in the circuit court of any county in this state, or  
97 in the city of St. Louis, in which the licensed premises are  
98 located and such proceedings may be brought by the sheriff  
99 or any peace officer of that county or by any eight or more  
100 persons who are taxpaying citizens of the county or city for  
101 any of the following offenses:

102 (1) Selling, giving or otherwise supplying  
103 intoxicating liquor to a habitual drunkard or to any person  
104 who is under or apparently under the influence of  
105 intoxicating liquor;

106 (2) Knowingly permitting any prostitute, degenerate,  
107 or dissolute person to frequent the licensed premises;

108 (3) Permitting on the licensed premises any disorderly  
109 conduct, breach of the peace, or any lewd, immoral or  
110 improper entertainment, conduct or practices;

111 (4) Selling, offering for sale, possessing or  
112 knowingly permitting the consumption on the licensed  
113 premises of any kind of intoxicating liquors, the sale,  
114 possession or consumption of which is not authorized under  
115 his license;

116 (5) Selling, giving, or otherwise supplying  
117 intoxicating liquor to any person under the age of twenty-  
118 one years;

119           (6) Selling, giving or otherwise supplying  
120 intoxicating liquors between the hours of 12:00 midnight  
121 Saturday night and 12:00 midnight Sunday night;

122           (7) Permitting on the licensed premises any form of  
123 gambling device punishable pursuant to chapter 572.

124           2. Provided, that said taxpaying citizen shall submit  
125 in writing, under oath, by registered United States mail to  
126 the supervisor of liquor control a joint complaint, stating  
127 the name of the licensee, the name under which the  
128 licensee's business is conducted and the address of the  
129 licensed premises, setting out in general the character and  
130 nature of the offense or offenses charged, together with the  
131 names and addresses of the witnesses by whom proof thereof  
132 is expected to be made; and provided, that after a period of  
133 thirty days after the mailing of such complaint to the  
134 supervisor of liquor control the person therein complained  
135 of shall not have been cited by the supervisor to appear and  
136 show cause why his license should not be suspended or  
137 revoked then they shall file with the circuit clerk of the  
138 county or city in which the premises are located a copy of  
139 the complaint on file with the supervisor of liquor control.

140           3. If, pursuant to the receipt of such complaint by  
141 the supervisor of liquor control, the licensee appears and  
142 shows cause why his license should not be suspended or  
143 revoked at a hearing held for that purpose by the supervisor  
144 and either the complainants or the licensee consider  
145 themselves aggrieved with the order of the supervisor then,  
146 after a request in writing by either the complainants or the  
147 licensee, the supervisor shall certify to the circuit clerk  
148 of the county or city in which the licensed premises are  
149 located a copy of the original complaint filed with him,  
150 together with a copy of the transcript of the evidence  
151 adduced at the hearing held by him. Such certification by

152 the supervisor shall not act as a supersedeas of any order  
153 made by him.

154 4. Upon receipt of such complaint, whether from the  
155 complainant directly or from the supervisor of liquor  
156 control, the court shall set a date for an early hearing  
157 thereon and it shall be the duty of the circuit clerk to  
158 cause to be delivered by registered United States mail to  
159 the prosecuting attorney of the county or to the circuit  
160 attorney of the city of St. Louis and to the licensee copies  
161 of the complaint and he shall, at the same time, give notice  
162 of the time and place of the hearing. Such notice shall be  
163 delivered to the prosecuting attorney or to the circuit  
164 attorney and to the licensee at least fifteen days prior to  
165 the date of the hearing.

166 5. The complaint shall be heard by the court without a  
167 jury and if there has been a prior hearing thereon by the  
168 supervisor of liquor control then the case shall be heard de  
169 novo and both the complainants and the licensee may produce  
170 new and additional evidence material to the issues.

171 6. If the court shall find upon the hearing that the  
172 offense or offenses charged in the complaint have been  
173 established by the evidence, the court shall order the  
174 suspension or revocation of the license but, in so doing,  
175 shall take into consideration whatever order, if any, may  
176 have been made in the premises by the supervisor of liquor  
177 control. If the court finds that to revoke the license  
178 would be unduly severe, then the court may suspend the  
179 license for such period of time as the court deems proper.

180 7. The judgment of the court in no event shall be  
181 superseded or stayed during pendency of any appeal therefrom.

182 8. It shall be the duty of the prosecuting attorney or  
183 circuit attorney to prosecute diligently and without delay  
184 any such complaints coming to him by virtue of this section.

185           9. The jurisdiction herein conferred upon the circuit  
186 courts to hear and determine complaints for the suspension  
187 or revocation of licenses in the manner provided in this  
188 section shall not be exclusive and any authority conferred  
189 upon the supervisor of liquor control to revoke or suspend  
190 licenses shall remain in full force and effect, and the  
191 suspension or revocation of a license as provided in this  
192 section shall be in addition to and not in lieu of any other  
193 revocation or suspension provided by this chapter.

194           10. Costs accruing because of such hearings in the  
195 circuit court shall be taxed in the same manner as criminal  
196 costs.

197           311.720. Conviction in any court of any violation of  
198 this chapter, or any felony violation of chapter 195 or  
199 chapter 572, in the course of business, shall have the  
200 effect of automatically revoking the license of the person  
201 convicted, and such revocation shall continue operative  
202 until said case is finally disposed of, and if the defendant  
203 is finally acquitted, he may apply for and receive a license  
204 hereunder, upon paying the regular license charge therefor,  
205 in the same manner as though he had never had a license  
206 hereunder; provided, however, that the provisions of this  
207 section shall not apply to violations of section 311.070,  
208 and violations of said section shall be punished only as  
209 therein provided.

210           313.004. 1. There is hereby created the "Missouri  
211 Gaming Commission" consisting of five members appointed by  
212 the governor, with the advice and consent of the senate.  
213 Each member of the Missouri gaming commission shall be a  
214 resident of this state. No member shall have pled guilty to  
215 or shall have been convicted of a felony or gambling-related  
216 offense. Not more than three members shall be affiliated  
217 with the same political party. No member of the commission

218 shall be an elected official. The overall membership of the  
219 commission shall reflect experience in law enforcement,  
220 civil and criminal investigation and financial principles.

221 2. The initial members of the commission shall be  
222 appointed within thirty days of April 29, 1993. Of the  
223 members first appointed, one shall be appointed for a one-  
224 year term, two shall be appointed for a two-year term and  
225 two shall be appointed for a three-year term. Thereafter,  
226 all members appointed shall serve for a three-year term. No  
227 person shall serve as a member more than six years. The  
228 governor shall designate one of the members as the chair.  
229 The governor may remove any member of the commission from  
230 office for malfeasance or neglect of duty in office. The  
231 governor may also replace any member of the commission, with  
232 the advice and consent of the senate, when any  
233 responsibility concerning the state lottery, pari-mutuel  
234 wagering or any other form of gaming is placed under the  
235 jurisdiction of the commission.

236 3. The commission shall meet at least quarterly in  
237 accordance with its rules. In addition, special meetings  
238 may be called by the chair or any two members of the  
239 commission upon twenty-four-hour written notice to each  
240 member. No action of the commission shall be binding unless  
241 taken at a meeting at which at least three of the five  
242 members are present and shall vote in favor thereof.

243 4. The commission shall perform all duties and have  
244 all the powers and responsibilities conferred and imposed  
245 upon it relating to excursion gambling boats and, after June  
246 30, 1994, the lawful operation of the game of bingo under  
247 this chapter. Within the commission, there shall be  
248 established a division of gambling and after June 30, 1994,  
249 the division of bingo. Subject to appropriations, the  
250 commission may hire an executive director and any employees



251 as it may deem necessary to carry out the commission's  
252 duties. The commission shall have authority to require  
253 investigations of any employee or applicant for employment  
254 as deemed necessary and use such information or any other  
255 information in the determination of employment. The  
256 commission shall promulgate rules and regulations  
257 establishing a code of ethics for its employees which shall  
258 include, but not be limited to, restrictions on which  
259 employees shall be prohibited from participating in or  
260 wagering on any game or gaming operation subject to the  
261 jurisdiction of the commission. The commission shall  
262 determine if any other employees of the commission or any  
263 licensee of the commission shall participate or wager in any  
264 operation under the jurisdiction of the commission.

265 5. On April 29, 1993, all the authority, powers,  
266 duties, functions, records, personnel, property, matters  
267 pending and all other pertinent vestiges of the state  
268 tourism commission relating to the regulation of excursion  
269 gambling boats and, after June 30, 1994, of the department  
270 of revenue relating to the regulation of the game of bingo  
271 shall be transferred to the Missouri gaming commission.

272 6. The commission shall be assigned to the department  
273 of public safety as a type III division, but the director of  
274 the department of public safety has no supervision,  
275 authority or control over the actions or decisions of the  
276 commission.

277 7. Members of the Missouri gaming commission shall  
278 receive as compensation, the amount of one hundred dollars  
279 for every day in which the commission holds a meeting, when  
280 such meeting is subject to the recording of minutes as  
281 provided in chapter 610, and shall be reimbursed for  
282 reasonable expenses incurred in the performance of their  
283 duties. The chair shall receive as additional compensation

284 one hundred dollars for each month such person serves on the  
285 commission in that capacity.

286 8. No member or employee of the commission shall be  
287 appointed or continue to be a member or employee who is  
288 licensed by the commission as an excursion gambling boat  
289 operator or supplier and no member or employee of the  
290 commission shall be appointed or continue to be a member or  
291 employee who is related to any person within the second  
292 degree of consanguinity or affinity who is licensed by the  
293 commission as an excursion gambling boat operator or  
294 supplier. The commission shall determine by rule and  
295 regulation appropriate restrictions on the relationship of  
296 members and employees of the commission to persons holding  
297 or applying for occupational licenses from the commission or  
298 to employees of any licensee of the commission. No peace  
299 officer, as defined by section 590.010, who is designated to  
300 have direct regulator authority related to excursion  
301 gambling boats shall be employed by any excursion gambling  
302 boat or supplier licensed by the commission while employed  
303 as a peace officer. No member or employee of the commission  
304 or any employee of the state attorney general's office or  
305 the state highway patrol who has direct authority over the  
306 regulation or investigation of any applicant or licensee of  
307 the commission or any peace officer of any city or county  
308 which has approved excursion boat gambling shall accept any  
309 gift or gratuity from an applicant or licensee while serving  
310 as a member or while under such employment. Any person  
311 knowingly in violation of the provisions of this subsection  
312 is guilty of a class A misdemeanor. Any such member,  
313 officer or employee who personally or whose prohibited  
314 relative knowingly violates the provisions of this  
315 subsection, in addition to the foregoing penalty, shall,

316 upon conviction, immediately and thereupon forfeit his  
317 office or employment.

318 9. The commission may enter into agreements with the  
319 Federal Bureau of Investigation, the Federal Internal  
320 Revenue Service, the state attorney general, the Missouri  
321 state highway patrol, or any state, federal or local agency  
322 the commission deems necessary to carry out the duties of  
323 the commission, including investigations relating to and the  
324 enforcement of the provisions of chapter 572 relating to  
325 illegal gambling. No state agency shall count employees  
326 used in any agreements entered into with the commission  
327 against any personnel cap authorized by any statute. Any  
328 consideration paid by the commission for the purpose of  
329 entering into, or to carry out, any agreement shall be  
330 considered an administrative expense of the commission.  
331 When such agreements are entered into for responsibilities  
332 relating to excursion gambling boats, or for the purpose of  
333 investigating illegal gambling pursuant to chapter 572  
334 utilizing existing Missouri state highway patrol personnel  
335 assigned to enforce the regulations of licensed gaming  
336 activities governed by chapter 313, the commission shall  
337 require excursion gambling boat licensees to pay for such  
338 services under rules and regulations of the commission. The  
339 commission may provide by rules and regulations for the  
340 offset of any prize or winnings won by any person making a  
341 wager subject to the jurisdiction of the commission, when  
342 practical, when such person has an outstanding debt owed the  
343 state of Missouri.

344 10. No person who has served as a member or employee  
345 of the commission, as a member of the general assembly, as  
346 an elected or appointed official of the state or of any city  
347 or county of this state in which the licensing of excursion  
348 gambling boats has been approved in either the city or

349 county or both or any employee of the state highway patrol  
350 designated by the superintendent of the highway patrol or  
351 any employee of the state attorney general's office  
352 designated by the state attorney general to have direct  
353 regulatory authority related to excursion gambling boats  
354 shall, while in such office or during such employment and  
355 during the first two years after termination of his office  
356 or position, obtain direct ownership interest in or be  
357 employed by any excursion gambling boat licensed by the  
358 commission or which has applied for a license to the  
359 commission or enter into a contractual relationship related  
360 to direct gaming activity. A "direct ownership interest"  
361 shall be defined as any financial interest, equitable  
362 interest, beneficial interest, or ownership control held by  
363 the public official or employee, or such person's family  
364 member related within the second degree of consanguinity or  
365 affinity, in any excursion gambling boat operation or any  
366 parent or subsidiary company which owns or operates an  
367 excursion gambling boat or as a supplier to any excursion  
368 gambling boat which has applied for or been granted a  
369 license by the commission, provided that a direct ownership  
370 interest shall not include any equity interest purchased at  
371 fair market value or equity interest received as  
372 consideration for goods and services provided at fair market  
373 value of less than one percent of the total outstanding  
374 shares of stock of any publicly traded corporation or  
375 certificates of partnership of any limited partnership which  
376 is listed on a regulated stock exchange or automated  
377 quotation system. Any person who knowingly violates the  
378 provisions of this subsection is guilty of a class E  
379 felony. Any such member, officer or employee who personally  
380 and knowingly violates the provisions of this subsection, in  
381 addition to the foregoing penalty, shall, upon conviction,

382 immediately and thereupon forfeit his office or employment.  
383 For purposes of this subsection, "appointed official" shall  
384 mean any official of this state or of any city or county  
385 authorized under subsection 10 of section 313.812 appointed  
386 to a position which has discretionary powers over the  
387 operations of any licensee or applicant for licensure by the  
388 commission. This shall only apply if the appointed official  
389 has a direct ownership interest in an excursion gambling  
390 boat licensed by the commission or which has applied for a  
391 license to the commission to be docked within the  
392 jurisdiction of his or her appointment. No elected or  
393 appointed official, his or her spouse or dependent child  
394 shall, while in such office or within two years after  
395 termination of his or her office or position, be employed by  
396 an applicant for an excursion gambling boat license or an  
397 excursion gambling boat licensed by the commission. Any  
398 other person related to an elected or appointed official  
399 within the second degree of consanguinity or affinity  
400 employed by an applicant for an excursion gambling boat  
401 license or excursion gambling boat licensed by the  
402 commission shall disclose this relationship to the  
403 commission. Such disclosure shall be in writing and shall  
404 include who is employing such individual, that person's  
405 relationship to the elected or appointed official, and a job  
406 description for which the person is being employed. The  
407 commission may require additional information as it may  
408 determine necessary.

409 11. The commission may enter into contracts with any  
410 private entity the commission deems necessary to carry out  
411 the duties of the commission, other than criminal law  
412 enforcement, provision of legal counsel before the courts  
413 and other agencies of this state, and the enforcement of  
414 liquor laws. The commission may require provisions for

415 special auditing requirements, investigations and  
416 restrictions on the employees of any private entity with  
417 which a contract is entered into by the commission.

418 12. Notwithstanding the provisions of chapter 610 to  
419 the contrary, all criminal justice records shall be  
420 available to any agency or commission responsible for  
421 licensing or investigating applicants or licensees applying  
422 to any gaming commission of this state.

423 13. (1) The commission shall establish a telephone  
424 contact number, which shall be prominently displayed on the  
425 commission's website, to receive reports of suspected  
426 illegal gambling activities. Upon the receipt of such  
427 report, the commission shall refer such reports to the  
428 Missouri state highway patrol for investigation pursuant to  
429 this section. The commission shall notify the subject of  
430 such investigation within thirty days of receiving a report  
431 under this subsection.

432 (2) The superintendent of the highway patrol shall  
433 initiate investigations of potential violations punishable  
434 pursuant to chapter 572, including referrals made by the  
435 Missouri gaming commission pursuant to this section.

436 (3) Upon the request of a prosecuting or circuit  
437 attorney, the attorney general shall aid a prosecuting or  
438 circuit attorney in prosecuting violations referred by the  
439 superintendent of the highway patrol.

440 (4) Local law enforcement agencies shall notify the  
441 supervisor of liquor control, the state lottery commission,  
442 and the Missouri gaming commission of all investigations of  
443 potential violations punishable pursuant to chapter 572.

444 (5) The provisions of this subsection shall not  
445 preclude or hinder the ability of a local law enforcement  
446 agency to conduct investigations into potential violations

447 punishable pursuant to chapter 572 or any other crime or  
448 criminal activity in its jurisdiction.

449 (6) Any person or establishment licensed under this  
450 chapter that is convicted of or pleads guilty to a violation  
451 punishable pursuant to chapter 572, and any affiliated  
452 company of such person or establishment, shall be  
453 permanently prohibited from being licensed to participate in  
454 any way in a program implementing video lottery gaming  
455 terminals should such a program be implemented in this state.

456 313.255. 1. The director shall issue, suspend,  
457 revoke, and renew licenses for lottery game retailers  
458 pursuant to rules and regulations adopted by the  
459 commission. Such rules shall specify that at least ten  
460 percent of all licenses awarded to lottery game retailers in  
461 constitutional charter cities not within a county and  
462 constitutional charter cities with a population of at least  
463 four hundred fifty thousand not located wholly within a  
464 county of the first class with a charter form of government  
465 shall be awarded to minority-owned and -controlled business  
466 enterprises. Licensing rules and regulations shall include  
467 requirements relating to the financial responsibility of the  
468 licensee, the accessibility of the licensee's place of  
469 business or activity to the public, the sufficiency of  
470 existing licenses to serve the public interest, the volume  
471 of expected sales, the security and efficient operation of  
472 the lottery, and other matters necessary to protect the  
473 public interest and trust in the lottery and to further the  
474 sales of lottery tickets or shares. Lottery game retailers  
475 shall be selected without regard to political affiliation.

476 2. The commission may sell lottery tickets at its  
477 office and at special events.

478 3. The commission shall require every retailer to post  
479 a bond, a bonding fee or a letter of credit in such amount

480 as may be required by the commission, and upon licensure  
481 shall prominently display his license, or a copy thereof, as  
482 provided in the rules and regulations of the commission.

483 4. All licenses for lottery game retailers shall  
484 specify the place such sales shall take place.

485 5. A lottery game retailer license shall not be  
486 assignable or transferable.

487 6. A license shall be revoked upon a finding that the  
488 licensee:

489 (1) Has knowingly provided false or misleading  
490 information to the commission or its employees;

491 (2) Has been convicted of any felony; or

492 (3) Has endangered the security of the lottery.

493 7. A license may be suspended, revoked, or not renewed  
494 for any of the following causes:

495 (1) A change of business location;

496 (2) An insufficient sales volume;

497 (3) A delinquency in remitting money owed to the  
498 lottery; [or]

499 (4) Any violation of any rule or regulation adopted  
500 pursuant to this section by the commission; or

501 (5) Possession of a gambling device as defined  
502 pursuant to section 572.010."; and

503 Further amend said bill, page 117, Section 571.030,  
504 line 269, by inserting after all of said line the following:

505 "572.010. As used in this chapter the following terms  
506 mean:

507 (1) "Advance gambling activity", a person advances  
508 gambling activity if, acting other than as a player, he or  
509 she engages in conduct that materially aids any form of  
510 gambling activity. Conduct of this nature includes but is  
511 not limited to conduct directed toward the creation or  
512 establishment of the particular game, lottery, contest,



513 scheme, device or activity involved, toward the acquisition  
514 or maintenance of premises, paraphernalia, equipment or  
515 apparatus therefor, toward the solicitation or inducement of  
516 persons to participate therein, toward the actual conduct of  
517 the playing phases thereof, toward the arrangement or  
518 communication of any of its financial or recording phases,  
519 or toward any other phase of its operation. A person  
520 advances gambling activity if, having substantial  
521 proprietary control or other authoritative control over  
522 premises being used with his or her knowledge for purposes  
523 of gambling activity, he or she permits that activity to  
524 occur or continue or makes no effort to prevent its  
525 occurrence or continuation. The supplying, servicing and  
526 operation of a licensed excursion gambling boat under  
527 sections 313.800 to 313.840 does not constitute advancing  
528 gambling activity;

529 (2) "Bookmaking", advancing gambling activity by  
530 unlawfully accepting bets from members of the public as a  
531 business, rather than in a casual or personal fashion, upon  
532 the outcomes of future contingent events;

533 (3) "Contest of chance", any contest, game, gaming  
534 scheme or gaming device in which the outcome depends in a  
535 material degree upon an element of chance, notwithstanding  
536 that the skill of the contestants may also be a factor  
537 therein;

538 (4) "Gambling", a person engages in gambling when he  
539 or she stakes or risks something of value upon the outcome  
540 of a contest of chance or a future contingent event not  
541 under his or her control or influence, upon an agreement or  
542 understanding that he or she will receive something of value  
543 in the event of a certain outcome. Gambling does not  
544 include bona fide business transactions valid under the law  
545 of contracts, including but not limited to contracts for the

546 purchase or sale at a future date of securities or  
547 commodities, and agreements to compensate for loss caused by  
548 the happening of chance, including but not limited to  
549 contracts of indemnity or guaranty and life, health or  
550 accident insurance; nor does gambling include playing an  
551 amusement device that confers only an immediate right of  
552 replay not exchangeable for something of value. Gambling  
553 does not include any licensed activity, or persons  
554 participating in such games which are covered by sections  
555 313.800 to 313.840;

556 (5) "Gambling device", any device, machine,  
557 paraphernalia or equipment that is not approved by the  
558 Missouri gaming commission or state lottery commission under  
559 the provisions of chapter 313 and that:

560 (a) Contains a random number generator where prize  
561 payout percentages are controlled or adjustable;

562 (b) Is used in any scenario where coins or cash prizes  
563 are involved or any scenario where a prize is converted to  
564 cash or monetary credit of any kind related to the use of  
565 the gambling device; or

566 (c) Is used or usable in the playing phases of any  
567 gambling activity, whether that activity consists of  
568 gambling between persons or gambling by a person with a  
569 machine, regardless of whether the machine or device or  
570 system or network of devices includes a preview of the  
571 outcome or whether the outcome is known, displayed, or  
572 capable of being known or displayed to the user;

573 Any device not described in paragraphs (a) to (c) of this  
574 subdivision that a reasonable person would believe is usable  
575 or can be made readily usable in gambling or any phases of  
576 gambling activity shall be prima facia evidence of a  
577 gambling device and may be subject to seizure by any peace  
578 officer in this state. However, lottery tickets, policy

579 slips and other items used in the playing phases of lottery  
580 and policy schemes are not gambling devices within this  
581 definition;

582 (6) "Gambling record", any article, instrument,  
583 record, receipt, ticket, certificate, token, slip or  
584 notation used or intended to be used in connection with  
585 unlawful gambling activity;

586 (7) "Lottery" or "policy", an unlawful gambling scheme  
587 in which for a consideration the participants are given an  
588 opportunity to win something of value, the award of which is  
589 determined by chance;

590 (8) "Player", a person who engages in any form of  
591 gambling solely as a contestant or bettor, without receiving  
592 or becoming entitled to receive any profit therefrom other  
593 than personal gambling winnings, and without otherwise  
594 rendering any material assistance to the establishment,  
595 conduct or operation of the particular gambling activity. A  
596 person who gambles at a social game of chance on equal terms  
597 with the other participants therein does not otherwise  
598 render material assistance to the establishment, conduct or  
599 operation thereof by performing, without fee or  
600 remuneration, acts directed toward the arrangement or  
601 facilitation of the game, such as inviting persons to play,  
602 permitting the use of premises therefor and supplying cards  
603 or other equipment used therein. A person who engages in  
604 "bookmaking" as defined in subdivision (2) of this section  
605 is not a player;

606 (9) "Professional player", a player who engages in  
607 gambling for a livelihood or who has derived at least twenty  
608 percent of his or her income in any one year within the past  
609 five years from acting solely as a player;

610 (10) "Profit from gambling activity", a person profits  
611 from gambling activity if, other than as a player, he or she

612 accepts or receives money or other property pursuant to an  
613 agreement or understanding with any person whereby he  
614 participates or is to participate in the proceeds of  
615 gambling activity;

616 (11) "Slot machine", a gambling device that as a  
617 result of the insertion of a coin or other object operates,  
618 either completely automatically or with the aid of some  
619 physical act by the player, in such a manner that, depending  
620 upon elements of chance, from the perspective of a player or  
621 a reasonable person, it may eject something of value,  
622 regardless of whether the machine or device or system or  
623 network of devices includes a preview of the outcome or  
624 whether the outcome is known, displayed, or capable of being  
625 known or displayed to the user. A device so constructed or  
626 readily adaptable or convertible to such use is no less a  
627 slot machine because it is not in working order or because  
628 some mechanical act of manipulation or repair is required to  
629 accomplish its adaptation, conversion or workability. Nor  
630 is it any less a slot machine because apart from its use or  
631 adaptability as such it may also sell or deliver something  
632 of value on a basis other than chance;

633 (12) "Something of value", any money or property, any  
634 token, object or article exchangeable for money or property,  
635 or any form of credit or promise directly or indirectly  
636 contemplating transfer of money or property or of any  
637 interest therein or involving extension of a service,  
638 entertainment or a privilege of playing at a game or scheme  
639 without charge;

640 (13) "Unlawful", not specifically authorized by law.

641 572.015. 1. Nothing in this chapter prohibits  
642 constitutionally authorized activities under Article III,  
643 Sections 39(a) to 39(f) of the Missouri Constitution.

644 2. For the purposes of this section and Article III,  
645 Section 39(f) of the Missouri Constitution, the following  
646 terms shall mean:

647 (1) "Net proceeds", the gross amount paid for tickets  
648 for a raffle or sweepstakes minus the payment of prizes and  
649 administrative expenses. Administrative expenses relating  
650 to the purchase or rental of supplies and equipment utilized  
651 in conducting the raffle or sweepstakes shall not be in  
652 excess of the reasonable market purchase price or reasonable  
653 market rental rate for such supplies and equipment, and in  
654 no case shall such administrative expenses be based on a  
655 percentage of proceeds;

656 (2) "Raffle" or "sweepstakes", the award by chance of  
657 one or more prizes to one or more persons among a group of  
658 persons who have paid or promised something of value in  
659 exchange for a ticket that represents one or more equal  
660 chances to win a prize, and for which all tickets have been  
661 sold prior to the selection of a winner or winners;

662 (3) "Sponsor", the offering of a raffle or sweepstakes  
663 by an organization recognized as charitable or religious  
664 pursuant to federal law in which the entire net proceeds of  
665 such raffle or sweepstakes shall be exclusively devoted to  
666 the lawful purposes of the organization permitted to conduct  
667 the raffle or sweepstakes.

668 572.100. The general assembly by enacting this chapter  
669 intends to preempt any other regulation of the area covered  
670 by this chapter. No governmental subdivision or agency may  
671 enact or enforce a law that regulates or makes any conduct  
672 in the area covered by this chapter an offense, or the  
673 subject of a criminal or civil penalty or sanction of any  
674 kind, except for the revocation, suspension, or denial by  
675 the Missouri lottery commission, the Missouri gaming  
676 commission, or the division of alcohol and tobacco control

677 of a license issued under chapter 311 or 313. The term  
678 "gambling", as used in this chapter, does not include  
679 licensed activities under sections 313.800 to 313.840."; and

680 Further amend said bill, page 138, section 217.660,  
681 line 8, by inserting after all of said line the following:

682 "Section B. Because of the need to eliminate illegal  
683 gambling activity in this state, the repeal and reenactment  
684 of sections 311.660, 311.680, 311.710, 311.720, 313.004,  
685 313.255, 572.010, 572.015, and 572.100 of this act is deemed  
686 necessary for the immediate preservation of the public  
687 health, welfare, peace and safety, and is hereby declared to  
688 be an emergency act within the meaning of the constitution,  
689 and the repeal and reenactment of sections 311.660, 311.680,  
690 311.710, 311.720, 313.004, 313.255, 572.010, 572.015, and  
691 572.100 of this act shall be in full force and effect upon  
692 its passage and approval."; and".