

SENATE AMENDMENT NO. _____
TO
SENATE AMENDMENT NO. _____

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;

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

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

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

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

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

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

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

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

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

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

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

7. Members of the Missouri gaming commission shall receive as compensation, the amount of one hundred dollars for every day in which the commission holds a meeting, when such meeting is subject to the recording of minutes as provided in chapter 610, and shall be reimbursed for reasonable expenses incurred in the performance of their 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,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Has been convicted of any felony; or

(3) Has endangered the security of the lottery.

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

(1) A change of business location;

(2) An insufficient sales volume;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Any device not described in paragraphs (a) to (c) of this subdivision that a reasonable person would believe is usable or can be made readily usable in gambling or any phases of gambling activity shall be prima facia evidence of a gambling device and may be subject to seizure by any peace 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".