

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FIFTH DAY—MONDAY, APRIL 26, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“The heavens are telling the glory of God; and the firmament proclaims his handiwork.” (Psalm 19:1)

Heavenly Father, what a wonderful day for us to be up and about. It is always wonderful to see and feel the sun on our face and the joy at seeing the changing landscape. We celebrate the joy of this ordinary day and the gift that it holds for us. It is good to have the quiet of our drive here before the diversions pile up and the demand for more late nights call out for our attention. Be with us and provide more of such quiet moments so we can be attentive to what You require for us to complete. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 22, 2021 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator May offered Senate Resolution No. 320, regarding Susan D. Kidder, Saint Louis, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 321, regarding Jacob Matthew Heflin, Jefferson City, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 322, regarding Emmit James Gabelsberger, Taos, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 323, regarding Trevor Dudenhoeffer, Taos, which was adopted.

Senator Eigel offered Senate Resolution No. 324, regarding Tristan Jenkins, Saint Charles, which was adopted.

Senator Hoskins offered Senate Resolution No. 325, regarding Allison R. Weber, Marshall, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 326, regarding the death of Henry Vernon Dahl, which was adopted.

Senator Wieland offered Senate Resolution No. 327, regarding Dillon Houser, Barnhart, which was adopted.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

April 22, 2021

TO THE SECRETARY OF THE SENATE
101st GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Substitute for Senate Bill No. 2 entitled:

AN ACT

To repeal sections 620.2005 and 620.2010, RSMo, and to enact in lieu thereof two new sections relating to economic incentives for the creation of military jobs, with an emergency clause.

On April 22, 2021, I approved Senate Substitute for Senate Bill No. 2.

Respectfully Submitted,

/s/ Michael L. Parson

Michael L. Parson

Governor

MESSAGES FROM THE HOUSE

The following corrected message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 352**, entitled:

An Act to repeal section 217.195, RSMo, and to enact in lieu thereof one new section relating to the

inmate canteen fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 835**, entitled:

An Act to repeal sections 153.030, 153.034, 204.300, 204.569, 204.610, 386.370, 393.106, 393.135, 393.137, 393.170, 393.355, 393.358, 393.1073, 394.120, 400.9-109, and 523.262, RSMo, and to enact in lieu thereof twenty-six new sections relating to utilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1212**, entitled:

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to the joint committee on federal government oversight.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 253**, entitled:

An Act to repeal sections 162.261, 162.281, 162.291, 162.471, 162.481, 162.491, and 167.151, RSMo, and to enact in lieu thereof seven new sections relating to elementary and secondary education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 849**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto two new sections relating to historic buildings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 158—Local Government and Elections.

HB 352—Transportation, Infrastructure and Public Safety.

HCS for HB 1204—Governmental Accountability and Fiscal Oversight.

HCS for HBs 928 & 927—Insurance and Banking.

HCS for HB 160—Local Government and Elections.

HCS for HB 734—Commerce, Consumer Protection, Energy and the Environment.

REFERRALS

President Pro Tem Schatz referred **HCS for HB 529**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Schatz assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following reports:

Mr. President: Your Committee on Insurance and Banking, to which was referred **HCS for HB 384**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **HCS for HB 697**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **HB 604**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **HCS for HJR 35**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following report:

Mr. President: Your Committee on Professional Registration, to which was referred **HB 542**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hoskins, Chairman of the Committee on Economic Development, submitted the following reports:

Mr. President: Your Committee on Economic Development, to which was referred **HB 948**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, to which was referred **HB 249**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS for HB 685**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Eigel, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HCS for HBs 85 and 310**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 670**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Cierpiot, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HB 488**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Hegeman, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 1**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 2**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 3**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 4**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 6**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 7**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 8**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 9**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 10**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 11**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 12**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 13**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Burlison, Chairman of the Committee on Small Business and Industry, submitted the

following report:

Mr. President: Your Committee on Small Business and Industry, to which was referred **HCS No. 2** for **HB 69**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator White, Chairman of the Committee on Seniors, Families, Veterans and Military Affairs, submitted the following report:

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **HCS** for **HBs 557** and **560**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Brown, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 578**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 687**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 661**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 530** and **HCS** for **HB 292**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator O’Laughlin, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HS** for **HB 297**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 624**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Kehoe assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Hoskins moved that **SB 98**, with **SCS**, be called from the Informal Calendar and taken up

for perfection, which motion prevailed.

SCS for **SB 98**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 98

An Act to repeal sections 311.660, 311.680, 311.710, 311.720, 313.004, 313.230, 313.255, 313.800, 572.010, 572.015, and 572.100, RSMo, and to enact in lieu thereof thirty-three new sections relating to gaming, with penalty provisions and a referendum clause.

Was taken up.

Senator Hoskins moved that **SCS** for **SB 98** be adopted.

Senator Hoskins offered **SS** for **SCS** for **SB 98**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 98

An Act to repeal sections 311.660, 311.680, 311.710, 311.720, 313.004, 313.230, 313.255, 313.800, 313.905, 313.915, 572.010, 572.015, and 572.100, RSMo, and to enact in lieu thereof thirty-five new sections relating to gaming, with penalty provisions.

Senator Hoskins moved that **SS** for **SCS** for **SB 98** be adopted.

Senator Hoskins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Pages 39-40, Section 313.435, Lines 1-20, by striking all of said lines and inserting in lieu thereof the following:

“313.435. No video lottery game terminal authorized pursuant to the provisions of sections 313.425 to 313.437 shall be placed or operated within the corporate limits of a municipality or an unincorporated area of a county unless such municipality’s governing body or such county’s governing body has adopted an ordinance authorizing the placement and operation of such video lottery game terminals. A municipality or county governing body adopting an ordinance authorizing the placement and operation of video lottery game terminals shall file a copy of such ordinance with the commission within thirty days of adopting such ordinance. Upon receipt of a notification of such ordinance authorizing the placement of video lottery game terminals, the commission may license video lottery game retailers in such municipality and unincorporated areas of a county and allow licensed video lottery game terminal operators to place and operate video lottery game terminals in accordance with the provisions of sections 313.425 to 313.437.”.

Senator Hoskins moved that the above amendment be adopted.

Senator Eslinger assumed the Chair.

Senator Hoskins offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 39, Section

313.435, Lines 3-4, by striking “hundred eighty days” and inserting in lieu thereof the following: “**year**”; and

Further amend said bill and section, page 40, line 8, by striking “hundred eighty days” and inserting in lieu thereof the following: “**year**”.

Senator Hoskins moved that the above substitute amendment be adopted, which motion prevailed, rendering **SA 1** moot.

Senator Eslinger assumed the Chair.

President Kehoe assumed the Chair.

Senator Roberts offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 28, Section 313.429, Line 93, by striking “felony or a”.

Senator Roberts moved that the above amendment be adopted.

Senator White offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 28, Section 313.429, Line 93, by inserting immediately after “felony” the following: “**involving fraud or dishonesty,**”.

Senator White moved that the above substitute amendment be adopted.

Senator Schatz requested a roll call vote be taken on the adoption of **SSA 1** for **SA 2**. He was joined in his request by Senators Burlison, Luetkemeyer, Moon and Onder.

At the request of Senator White, **SSA 1** for **SA 2** was withdrawn.

At the request of Senator Roberts **SA 2** was withdrawn.

Senator Brattin offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Pages 55-56, Section 313.1000, Lines 99-105, by striking all of said lines; and further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend page 68, section 313.1014, line 95, by inserting immediately after “one” the following: “**and tier two**”; and further amend lines 96-101, by striking all of said lines; and further amend said section by renumbering the remaining subdivision accordingly.

Senator Brattin moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Bean offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 42, Section

313.800, Line 66, by striking the word “or” and inserting in lieu thereof a comma “,”; and further amend line 67, by inserting immediately after “facility” the following: “, **or any nonfloating facility**”; and further amend line 69, by striking the following: “shall for the purposes of”; and further amend line 70, by striking “section 313.820 mean”; and

Further amend said bill and section, page 43, lines 84-85, by striking “his or her” and inserting in lieu thereof the following: “**the player’s**”; and further amend line 88, by striking “his or her” and inserting in lieu thereof the following: “**the player’s**”; and further amend line 105, by inserting immediately after “filled” the following: “**wholly or partially**”; and further amend said line, by striking the following: “for docking purposes”; and further amend line 111, by inserting immediately after “(20)” the following: “**Nonfloating facility, any structure within one thousand feet of the Missouri or Mississippi River that contains at least two thousand gallons of water beneath or inside the facility either by an enclosed space containing such water or in rigid or semirigid storage containers or structures;**

(21)”; and further amend said section by renumbering the remaining subdivision accordingly; and

Further amend said bill and section, page 44, line 118, by inserting immediately after “2.” the following: “**(1)**”; and further amend line 132, by striking “his or her” and inserting in lieu thereof the following: “**the petitioner’s**”; and further amend line 134, by striking “(1)” and inserting in lieu thereof the following: “**(a)**”; and further amend line 136, by striking “(2)” and inserting in lieu thereof the following: “**(b)**”; and further amend line 138, by inserting immediately before the word “All” the following: “**(2)**”; and

Further amend said bill and section, page 45, line 151, by inserting after all of said line the following:

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

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

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

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

(4) To enter the premises of excursion gambling boats, facilities, or other places of business of a

licensee within this state to determine compliance with sections 313.800 to 313.850;

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

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

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

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

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

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

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

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

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

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

(15) To determine which of the authorized gambling games will be permitted on any licensed

excursion gambling boat;

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

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

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

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

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

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

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

[3] **(c)** The community's economic development or impact and affirmative action plan concerning

minorities' and women's ownership, contracting and employment for the waterfront development;

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

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

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

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

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

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

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

3. The commission shall require, as a condition of granting a license, that an applicant operate an excursion gambling boat which, as nearly as practicable, resembles or is a part of Missouri's or the home dock city's or county's riverboat history.

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

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

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

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

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

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

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

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

approved the sale or transfer during the period of the license;

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

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

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

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

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

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

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

YES

NO

(3) If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the commission may license excursion gambling boats in that city or county and such boats may operate on the Mississippi River and the Missouri River. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the commission shall not license such excursion gambling boats in such city or county unless and until the question is again submitted to and approved by a majority of the qualified voters of the city or county at a later election. Excursion gambling boats may only dock in a city or unincorporated area of a county which approves licensing of such excursion gambling boats pursuant to this subsection, but gambling operations may be conducted at any point on the Mississippi River or the Missouri River during an excursion. Those cities and counties which have approved by election pursuant to this subsection,

except those cities or counties which have subsequently rejected by election, the licensing of any type of excursion gambling boats in the city or county prior to April 6, 1994, are exempt from any local election requirement of this section as such previous election shall have the same effect as if held after May 20, 1994.

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

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

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

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

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

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

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

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

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

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

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

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

(9) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by sections 313.800 to 313.850.”; and

Further amend the title and enacting clause accordingly.

Senator Bean moved that the above amendment be adopted, which motion prevailed.

Senator Hoskins offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 23, Section 313.427, Line 62, by striking “(10)” and inserting in lieu thereof the following: “**(11)**”.

Senator Hoskins moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Hoskins, **SB 98**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

INTRODUCTION OF GUESTS

Senator Hoskins introduced to the Senate, Allison Weber, Mike Weber; and Tammy Weber, Marshall.

Senator Riddle introduced to the Senate, Blake Wright, Verona.

Senator Schupp introduced to the Senate, her husband, Mark Schupp, Creve Coeur.

Senator Hough introduced to the Senate, his sons, William and Samuel Hough.

Senator Hoskins introduced to the Senate, his wife, Michelle Hoskins.

On motion of Senator Rowden, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-SIXTH DAY—TUESDAY, APRIL 27, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 253-Fishel

HCS for HB 849

THIRD READING OF SENATE BILLS

SCS for SB 272-Mosley (In Fiscal Oversight)
SB 36-Bernskoetter (In Fiscal Oversight)
SS for SB 45-Hough (In Fiscal Oversight)
SB 78-Beck

SB 323-May
SS#2 for SCS for SB 202-Cierpiot
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 265-Eslinger
SB 231-Burlison

SB 263-Crawford, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 349 (Koenig)
(In Fiscal Oversight)
2. HCS for HJR 20, 2, 9 & 27 (Onder)
(In Fiscal Oversight)
3. HCS#2 for HB 75 (Onder)
4. HCS for HB 362, with SCS (Wieland)
5. HB 657-Trent, with SCS (Hough)
6. HCS for HBs 1083, 1085, 1050, 1035,
1036, 873 & 1097 (Bernskoetter)
(In Fiscal Oversight)
7. HCS for HB 59, with SCS (Luetkemeyer)
(In Fiscal Oversight)
8. HCS for HB 15, with SCS (Hegeman)
9. HB 273-Hannegan, with SCS (Riddle)
10. HCS for HB 574 (Riddle)
11. HCS for HB 529, with SCS (Hoskins)
(In Fiscal Oversight)
12. HCS for HB 384, with SCS
13. HCS for HB 697, with SCS (Crawford)
14. HB 604-Gregory (51), with SCS
(Crawford)
15. HCS for HJR 35 (Schatz)
16. HB 542-Shields (Burlison)
17. HB 948-Francis, with SCS (Hoskins)
18. HB 249-Ruth (Wieland)
19. HCS for HB 685, with SCS (Brown)
20. HCS for HBs 85 & 310, with SCS
(Burlison)
21. HB 670-Houx (Moon)
22. HB 488-Hicks, with SCS (Burlison)
23. HCS for HB 1 (Hegeman)
24. HCS for HB 2, with SCS (Hegeman)
25. HCS for HB 3, with SCS (Hegeman)
26. HCS for HB 4, with SCS (Hegeman)
27. HCS for HB 5, with SCS (Hegeman)
28. HCS for HB 6, with SCS (Hegeman)
29. HCS for HB 7, with SCS (Hegeman)
30. HCS for HB 8, with SCS (Hegeman)
31. HCS for HB 9, with SCS (Hegeman)
32. HCS for HB 10, with SCS (Hegeman)
33. HCS for HB 11, with SCS (Hegeman)
34. HCS for HB 12, with SCS (Hegeman)
35. HCS for HB 13, with SCS (Hegeman)
36. HCS#2 for HB 69, with SCS (Bean)
37. HCS for HBs 557 & 560 (White)
38. HB 578-Bromley, with SCS (Brown)

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| 39. HB 687-Riley (Hough) | 42. HS for HB 297 |
| 40. HB 661-Ruth (Brown) | 43. HB 624-Richey (Arthur) |
| 41. HB 530 & HCS for HB 292, with SCS
(Luetkemeyer) | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SB 1-Hegeman, with SS#2 & SA 1 (pending) | SB 139-Bean |
| SB 3-Hegeman | SB 149-Onder |
| SB 7-Riddle, with SS & SA 1 (pending) | SB 163-Cierpiot |
| SB 10-Schatz, with SS (pending) | SB 168-Burlison |
| SB 11-Schatz, with SS & SA 1 (pending) | SB 169-Burlison |
| SB 24-Eigel, with SS#2 (pending) | SB 174-Hough, with SCS |
| SB 30-Cierpiot | SB 179-Luetkemeyer |
| SB 39-Burlison and Brattin | SB 182-O'Laughlin |
| SB 47-Hough | SB 183-O'Laughlin |
| SB 54-O'Laughlin, with SCS | SB 184-Bean, with SCS |
| SBs 55, 23 & 25-O'Laughlin, et al, with
SCS & SS for SCS (pending) | SB 195-Koenig |
| SB 62-Williams, with SCS | SB 198-Eigel, with SCS |
| SB 65-Rehder, with SCS | SB 204-Cierpiot, with SCS |
| SB 74-Bean, with SCS | SB 206-Arthur |
| SB 92-Riddle, with SCS | SB 218-Luetkemeyer, with SCS |
| SB 94-Onder with SS, SA1 to SS & SA 1 to
SA 1 (pending) | SB 227-Arthur |
| SB 95-Onder, with SCS | SB 236-Hough, with SCS |
| SB 96-Hoskins, with SCS | SB 244-Onder |
| SB 98-Hoskins, with SCS & SS for SCS
(pending) | SB 253-Hegeman |
| SB 100-Koenig, with SCS | SB 254-Riddle, with SCS, SS for SCS &
SA 2 (pending) |
| SB 105-Crawford, with SCS | SB 255-Riddle |
| SB 114-Bernskoetter | SB 282-Hegeman, with SCS |
| SB 123-Hough, with SS & SA 2 (pending) | SB 287-Crawford |
| SB 131-Luetkemeyer | SB 291-Brown |
| SB 132-O'Laughlin, with SCS | SB 295-Crawford, with SCS |
| SB 134-O'Laughlin and Cierpiot | SB 301-Bernskoetter, with SCS & SA 1
(pending) |
| SB 137-Brattin | SB 306-Bernskoetter, with SCS |
| SB 138-Brattin, with SCS | SB 313-Eigel |
| | SB 316-Hough |

SB 317-May	SB 437-Hoskins
SB 318-May, with SCS	SB 459-Brattin, with SCS
SB 334-Bernskoetter	SB 465-Hoskins, with SCS
SB 343-Brown	SB 466-Hoskins, with SCS
SB 354-Hoskins, with SCS, SS for SCS, SA 1 & point of order (pending)	SB 473-Brown
SB 360-Wieland, with SCS	SB 481-Hough, et al
SB 361-Wieland	SB 506-Bean
SB 369-White	SB 529-Cierpiot
SB 370-Brown	SB 547-Hoskins, with SCS
SB 372-Riddle	SB 561-Gannon
SB 375-Eigel	SB 562-Schupp
SB 383-Moon	SB 577-Riddle, with SCS
SB 390-Luetkemeyer	SB 582-Eslinger
SB 399-Eigel	SB 604-Koenig, with SCS
SB 400-Onder, with SCS	SJR 2-Onder, with SCS
SB 404-Riddle	SJR 4-Koenig
SB 408-Wieland	SJR 7-Eigel
SB 434-Washington	SJR 12-Luetkemeyer
	SJR 16-Eslinger

HOUSE BILLS ON THIRD READING

HCS for HB 271, with SCS (Crawford)	HB 850-Wiemann (Eigel)
HB 333-Simmons (Onder)	
HB 476-Grier (Bernskoetter) (In Fiscal Oversight)	

CONSENT CALENDAR

House Bills

Reported 4/15

HB 100-Sharp (36) (Washington)	HB 640-Morse (Bean)
HB 202-McGill (Gannon)	HB 1053-Patterson (Onder)
HB 404-Aldridge (May)	HB 296-Wallingford (White)
HB 449-Tate (Gannon)	HB 298-Wallingford (White)
HB 522-Windham (Williams)	HB 262-Black (137) (Eslinger)

RESOLUTIONS

Reported from Committee

SCR 4-Burlison
SCR 8-Hoskins
SCR 9-Moon

SCR 11-Brattin
SR 90-Onder
HCS for HCRs 4 & 5 (Roberts)

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