

# SENATE AMENDMENT NO. \_\_\_\_\_

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

Amend SS/House Bill No. 2400, Page 5, Section 285.730, Line 143,

2 by inserting after all of said line the following:

3 "313.800. 1. As used in sections 313.800 to 313.850,  
4 unless the context clearly requires otherwise, the following  
5 terms mean:

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

9 (2) "Applicant", any person applying for a license  
10 authorized under the provisions of sections 313.800 to  
11 313.850;

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

15 (4) "Capital, cultural, and special law enforcement  
16 purpose expenditures" shall include any disbursement,  
17 including disbursements for principal, interest, and costs  
18 of issuance and trustee administration related to any  
19 indebtedness, for the acquisition of land, land  
20 improvements, buildings and building improvements, vehicles,  
21 machinery, equipment, works of art, intersections, signing,  
22 signalization, parking lot, bus stop, station, garage,  
23 terminal, hanger, shelter, dock, wharf, rest area, river  
24 port, airport, light rail, railroad, other mass transit,  
25 pedestrian shopping malls and plazas, parks, lawns, trees,  
26 and other landscape, convention center, roads, traffic

27 control devices, sidewalks, alleys, ramps, tunnels,  
28 overpasses and underpasses, utilities, streetscape,  
29 lighting, trash receptacles, marquees, paintings, murals,  
30 fountains, sculptures, water and sewer systems, dams,  
31 drainage systems, creek bank restoration, any asset with a  
32 useful life greater than one year, cultural events, and any  
33 expenditure related to a law enforcement officer deployed as  
34 horse-mounted patrol, school resource or drug awareness  
35 resistance education (D.A.R.E) officer;

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

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

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

53 (8) "Dock", the location in a city or county  
54 authorized under subsection 10 of section 313.812 which  
55 contains any natural or artificial space, inlet, hollow, or  
56 basin, in or adjacent to a bank of the Mississippi or  
57 Missouri Rivers, next to a wharf or landing devoted to the  
58 embarking of passengers on and disembarking of passengers  
59 from a gambling excursion but shall not include any

60 artificial space created after May 20, 1994, and is located  
61 more than one thousand feet from the closest edge of the  
62 main channel of the river as established by the United  
63 States Army Corps of Engineers;

64 (9) "Excursion gambling boat", a boat, ferry, other  
65 floating facility, or any nonfloating facility licensed by  
66 the commission on or inside of which gambling games are  
67 allowed;

68 (10) "Fiscal year", the fiscal year of a home dock  
69 city or county;

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

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

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

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

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

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

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

99           (18) "Licensee", any person licensed under sections  
100 313.800 to 313.850;

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

109           (20) "Nonfloating facility", any structure within one  
110 thousand feet from the closest edge of the main channel of  
111 the Missouri or Mississippi River, as established by the  
112 United States Army Corps of Engineers, that contains at  
113 least two thousand gallons of water beneath or inside the  
114 facility either by an enclosed space containing such water  
115 or in rigid or semirigid storage containers, tanks, or  
116 structures;

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

119           2. (1) In addition to the games of skill defined in  
120 this section, the commission may approve other games of  
121 skill upon receiving a petition requesting approval of a  
122 gambling game from any applicant or licensee. The  
123 commission may set the matter for hearing by serving the  
124 applicant or licensee with written notice of the time and  
125 place of the hearing not less than five days prior to the

126 date of the hearing and posting a public notice at each  
127 commission office. The commission shall require the  
128 applicant or licensee to pay the cost of placing a notice in  
129 a newspaper of general circulation in the applicant's or  
130 licensee's home dock city or county. The burden of proof  
131 that the gambling game is a game of skill is at all times on  
132 the petitioner. The petitioner shall have the affirmative  
133 responsibility of establishing the petitioner's case by a  
134 preponderance of evidence including:

135 (a) Is it in the best interest of gaming to allow the  
136 game; and

137 (b) Is the gambling game a game of chance or a game of  
138 skill?

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

154 313.805. The commission shall have full jurisdiction  
155 over and shall supervise all gambling operations governed by  
156 sections 313.800 to 313.850. The commission shall have the  
157 following powers and shall promulgate rules and regulations  
158 to implement sections 313.800 to 313.850:

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

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

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

181           (4) To enter the premises of excursion gambling boats,  
182 facilities, or other places of business of a licensee within  
183 this state to determine compliance with sections 313.800 to  
184 313.850;

185           (5) To investigate alleged violations of sections  
186 313.800 to 313.850 or the commission rules, orders, or final  
187 decisions;

188           (6) To assess any appropriate administrative penalty  
189 against a licensee, including, but not limited to,  
190 suspension, revocation, and penalties of an amount as  
191 determined by the commission up to three times the highest

192 daily amount of gross receipts derived from wagering on the  
193 gambling games, whether unauthorized or authorized,  
194 conducted during the previous twelve months as well as  
195 confiscation and forfeiture of all gambling game equipment  
196 used in the conduct of unauthorized gambling games.  
197 Forfeitures pursuant to this section shall be enforced as  
198 provided in sections 513.600 to 513.645;

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

205 (8) To require the removal from the premises of a  
206 licensee, an employee of a licensee, or a holder of an  
207 occupational license for a violation of sections 313.800 to  
208 313.850 or a commission rule or engaging in a fraudulent  
209 practice;

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

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

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

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

223 (13) To require all licensees of gambling game  
224 operations to use a cashless wagering system whereby all

225 players' money is converted to physical or electronic  
226 tokens, electronic cards, or chips which only can be used on  
227 the excursion gambling boat;

228         (14) To require excursion gambling boat licensees to  
229 develop a system, approved by the commission, that allows  
230 patrons the option to prohibit the excursion gambling boat  
231 licensee from using identifying information for marketing  
232 purposes. The provisions of this subdivision shall apply  
233 only to patrons giving identifying information for the first  
234 time. Such system shall be submitted to the commission by  
235 October 1, 2000, and approved by the commission by January  
236 1, 2001. The excursion gambling boat licensee shall use  
237 identifying information obtained from patrons who have  
238 elected to have marketing blocked under the provisions of  
239 this section only for the purposes of enforcing the  
240 requirements contained in sections 313.800 to 313.850. This  
241 section shall not prohibit the commission from accessing  
242 identifying information for the purposes of enforcing  
243 section 313.004 and sections 313.800 to 313.850;

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

247         (16) The commission shall base its decision to license  
248 excursion gambling boats on any of the following criteria:  
249 the docking location or the excursion cruise could cause  
250 danger to the boat's passengers, violate federal law or the  
251 law of another state, or cause disruption of interstate  
252 commerce or possible interference with railway or barge  
253 transportation. The commission shall consider economic  
254 feasibility or impact that would benefit land-based  
255 development and permanent job creation. The commission  
256 shall not discriminate among applicants for excursion

257 gambling boats that are similarly situated with respect to  
258 the criteria set forth in this section;

259         (17) The commission shall render a finding or findings  
260 concerning the transition from a boat, barge, or floating  
261 facility to a nonfloating facility within thirty days after  
262 a hearing on any request from an applicant or existing  
263 licensee. Such hearing may be held prior to any final  
264 action on licensing to assist an applicant and any city or  
265 county in the finalizing of their economic development plan;

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

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

283         Further amend the title and enacting clause accordingly.