

SENATE BILL NO. 1432

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

6015S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 313.805, 313.820, and 313.835, RSMo, and to enact in lieu thereof three new sections relating to the Missouri gaming commission.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 313.805, 313.820, and 313.835, RSMo,
2 are repealed and three new sections enacted in lieu thereof, to
3 be known as sections 313.805, 313.820, and 313.835, to read as
4 follows:

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

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

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

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

28 (4) To enter the premises of excursion gambling boats,
29 facilities, or other places of business of a licensee within
30 this state to determine compliance with sections 313.800 to
31 313.850;

32 (5) To investigate alleged violations of sections
33 313.800 to 313.850 or the commission rules, orders, or final
34 decisions;

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

46 (7) To require a licensee, an employee of a licensee
47 or holder of an occupational license to remove a person
48 violating a provision of sections 313.800 to 313.850 or the

49 commission rules, orders, or final orders, or other person
50 deemed to be undesirable from the excursion gambling boat or
51 adjacent facilities;

52 (8) To require the removal from the premises of a
53 licensee, an employee of a licensee, or a holder of an
54 occupational license for a violation of sections 313.800 to
55 313.850 or a commission rule or engaging in a fraudulent
56 practice;

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

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

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

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

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

75 (14) To require excursion gambling boat licensees to
76 develop a system, approved by the commission, that allows
77 patrons the option to prohibit the excursion gambling boat
78 licensee from using identifying information for marketing
79 purposes. The provisions of this subdivision shall apply
80 only to patrons giving identifying information for the first

81 time. Such system shall be submitted to the commission by
82 October 1, 2000, and approved by the commission by January
83 1, 2001. The excursion gambling boat licensee shall use
84 identifying information obtained from patrons who have
85 elected to have marketing blocked under the provisions of
86 this section only for the purposes of enforcing the
87 requirements contained in sections 313.800 to 313.850. This
88 section shall not prohibit the commission from accessing
89 identifying information for the purposes of enforcing
90 section 313.004 and sections 313.800 to 313.850;

91 (15) To determine which of the authorized gambling
92 games will be permitted on any licensed excursion gambling
93 boat;

94 (16) The commission shall base its decision to license
95 excursion gambling boats on any of the following criteria:
96 the docking location or the excursion cruise could cause
97 danger to the boat's passengers, violate federal law or the
98 law of another state, or cause disruption of interstate
99 commerce or possible interference with railway or barge
100 transportation. The commission shall consider economic
101 feasibility or impact that would benefit land-based
102 development and permanent job creation. The commission
103 shall not discriminate among applicants for excursion
104 gambling boats that are similarly situated with respect to
105 the criteria set forth in this section;

106 (17) The commission shall render a finding or findings
107 concerning the transition from a boat, barge, or floating
108 facility to a nonfloating facility within thirty days after
109 a hearing on any request from an applicant or existing
110 licensee. Such hearing may be held prior to any final
111 action on licensing to assist an applicant and any city or
112 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 annually adjust the admission fee imposed pursuant to section 313.820 for inflation; and**

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

313.820. 1. An excursion boat licensee shall pay to the commission an admission fee of two dollars, **as adjusted for inflation**, for each person embarking on an excursion gambling boat with a ticket of admission. **[One dollar]** **Fifty percent** of such fee shall be deposited to the credit of the gaming commission fund as authorized pursuant to section 313.835, and **[one dollar]** **fifty percent** of such fee shall not be considered state funds and shall be paid to the home dock city or county. Subject to appropriation, one cent of such fee deposited to the credit of the gaming commission fund may be deposited to the credit of the compulsive gamblers fund created pursuant to the provisions of section 313.842. Nothing in this section shall preclude

any licensee from charging any amount deemed necessary for a ticket of admission to any person embarking on an excursion gambling boat. If tickets are issued which are good for more than one excursion, the admission fee shall be paid to the commission for each person using the ticket on each excursion that the ticket is used. If free passes or complimentary admission tickets are issued, the excursion boat licensee shall pay to the commission the same fee upon these passes or complimentary tickets as if they were sold at the regular and usual admission rate; however, the excursion boat licensee may issue fee-free passes to actual and necessary officials and employees of the licensee or other persons actually working on the excursion gambling boat. The issuance of fee-free passes is subject to the rules of the commission, and a list of all persons to whom the fee-free passes are issued shall be filed with the commission.

2. All licensees are subject to all income taxes, sales taxes, earnings taxes, use taxes, property taxes or any other tax or fee now or hereafter lawfully levied by any political subdivision; however, no other license tax, permit tax, occupation tax, excursion fee, or taxes or fees shall be imposed, levied or assessed exclusively upon licensees by a political subdivision. All state taxes not connected directly to gambling games shall be collected by the department of revenue. Notwithstanding the provisions of section 32.057 to the contrary, the department of revenue may furnish and the commission may receive tax information to determine if applicants or licensees are complying with the tax laws of this state; however, any tax information acquired by the commission shall not become public record and shall be used exclusively for commission business.

313.835. All revenue received by the commission from
license fees, penalties, administrative fees, reimbursement
by any excursion gambling boat operators for services
provided by the commission and admission fees authorized
pursuant to the provisions of sections 313.800 to 313.850,
except that portion of the admission fee, not to exceed one
cent, that may be appropriated to the compulsive gamblers
fund as provided in section 313.820, shall be deposited in
the state treasury to the credit of the "Gaming Commission
Fund" which is hereby created for the sole purpose of
funding the administrative costs of the commission, subject
to appropriation. Moneys deposited into this fund shall not
be considered proceeds of gambling operations. Moneys
deposited into the gaming commission fund shall be
considered state funds pursuant to Article IV, Section 15 of
the Missouri Constitution. All interest received on the
gaming commission fund shall be credited to the gaming
commission fund. In each fiscal year, total revenues to the
gaming commission fund for the preceding fiscal year shall
be compared to total expenditures and transfers from the
gaming commission fund for the preceding fiscal year. The
remaining net proceeds in the gaming commission fund shall
be distributed in the following manner:

(1) The first five hundred thousand dollars shall be
appropriated on a per capita basis to cities and counties
that match the state portion and have demonstrated a need
for funding community neighborhood organization programs for
the homeless and to deter gang-related violence and crimes;

(2) The remaining net proceeds in the gaming
commission fund for fiscal year 2013 and each fiscal year
thereafter shall be distributed as follows:

32 (a) The first five million dollar portion shall be
33 transferred to the access Missouri financial assistance
34 fund, established pursuant to the provisions of sections
35 173.1101 to 173.1107, and additional moneys as annually
36 appropriated by the general assembly shall be appropriated
37 to such fund;

38 (b) The second three million dollar portion shall be
39 transferred to the veterans' commission capital improvement
40 trust fund created in section 42.300;

41 (c) The third four million dollar portion shall be
42 transferred to the Missouri National Guard trust fund
43 created in section 41.214, and additional moneys as
44 appropriated by the general assembly may be appropriated to
45 such fund, up to one million five hundred thousand dollars
46 annually;

47 (d) **The fourth fifteen million dollar portion shall be**
48 **transferred to the Missouri department of natural resources**
49 **historic preservation fund and shall be used to preserve and**
50 **protect collections of historic artifacts;**

51 (e) Subject to appropriations, one hundred percent of
52 remaining net proceeds in the gaming commission fund, after
53 the appropriations are made pursuant to the provisions of
54 paragraphs (a), (b), and (c) of this subdivision, shall be
55 transferred to the veterans' commission capital improvement
56 trust fund created in section 42.300.

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