

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

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

Amend SS/SCS/Senate Bill No. 98, Page 42, Section 313.800, Line 66,

2 by striking the word "or" and inserting in lieu thereof a  
 3 comma ","; and further amend line 67, by inserting  
 4 immediately after "facility" the following: ", or any  
 5 nonfloating facility"; and further amend line 69, by  
 6 striking the following: "shall for the purposes of"; and  
 7 further amend line 70, by striking "section 313.820 mean";  
 8 and

9 Further amend said bill and section, page 43, lines 84-  
 10 85, by striking "his or her" and inserting in lieu thereof  
 11 the following: "the player's"; and further amend line 88,  
 12 by striking "his or her" and inserting in lieu thereof the  
 13 following: "the player's"; and further amend line 105, by  
 14 inserting immediately after "filled" the following: "wholly  
 15 or partially"; and further amend said line, by striking the  
 16 following: "for docking purposes"; and further amend line  
 17 111, by inserting immediately after "(20)" the following:  
 18 "Nonfloating facility", any structure within one thousand  
 19 feet of the Missouri or Mississippi River that contains at  
 20 least two thousand gallons of water beneath or inside the  
 21 facility either by an enclosed space containing such water  
 22 or in rigid or semirigid storage containers or structures;  
 23 (21)"; and further amend said section by renumbering  
 24 the remaining subdivision accordingly; and

25 Further amend said bill and section, page 44, line 118,  
 26 by inserting immediately after "2." the following: "(1)";

27 and further amend line 132, by striking "his or her" and  
28 inserting in lieu thereof the following: "the  
29 petitioner's"; and further amend line 134, by striking "(1)"  
30 and inserting in lieu thereof the following: "(a)"; and  
31 further amend line 136, by striking "(2)" and inserting in  
32 lieu thereof the following: "(b)"; and further amend line  
33 138, by inserting immediately before the word "All" the  
34 following: "(2)"; and

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

37 "313.805. The commission shall have full jurisdiction  
38 over and shall supervise all gambling operations governed by  
39 sections 313.800 to 313.850. The commission shall have the  
40 following powers and shall promulgate rules and regulations  
41 to implement sections 313.800 to 313.850:

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

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

53 (3) To adopt standards under which all excursion  
54 gambling boat operations shall be held and standards for the  
55 facilities within which the gambling operations are to be  
56 held. Notwithstanding the provisions of chapter 311 to the  
57 contrary, the commission may authorize the operation of  
58 gambling games on an excursion gambling boat which is also  
59 licensed to sell or serve alcoholic beverages, wine, or

60 beer. The commission shall regulate the wagering structure  
61 for gambling excursions, provided that the commission shall  
62 not establish any regulations or policies that limit the  
63 amount of wagers, losses, or buy-in amounts;

64 (4) To enter the premises of excursion gambling boats,  
65 facilities, or other places of business of a licensee within  
66 this state to determine compliance with sections 313.800 to  
67 313.850;

68 (5) To investigate alleged violations of sections  
69 313.800 to 313.850 or the commission rules, orders, or final  
70 decisions;

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

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

88 (8) To require the removal from the premises of a  
89 licensee, an employee of a licensee, or a holder of an  
90 occupational license for a violation of sections 313.800 to  
91 313.850 or a commission rule or engaging in a fraudulent  
92 practice;

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

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

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

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

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

111           (14) To require excursion gambling boat licensees to  
112 develop a system, approved by the commission, that allows  
113 patrons the option to prohibit the excursion gambling boat  
114 licensee from using identifying information for marketing  
115 purposes. The provisions of this subdivision shall apply  
116 only to patrons giving identifying information for the first  
117 time. Such system shall be submitted to the commission by  
118 October 1, 2000, and approved by the commission by January  
119 1, 2001. The excursion gambling boat licensee shall use  
120 identifying information obtained from patrons who have  
121 elected to have marketing blocked under the provisions of  
122 this section only for the purposes of enforcing the  
123 requirements contained in sections 313.800 to 313.850. This  
124 section shall not prohibit the commission from accessing

125 identifying information for the purposes of enforcing  
126 section 313.004 and sections 313.800 to 313.850;

127 (15) To determine which of the authorized gambling  
128 games will be permitted on any licensed excursion gambling  
129 boat;

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

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

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

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

175           313.812. 1. (1) The commission may issue licenses  
176 pursuant to subsection 1 of section 313.807 when it is  
177 satisfied that the applicant has complied with all rules and  
178 regulations, including an update of all information provided  
179 to the commission in the licensee's initial application.  
180 The commission shall decide the number, location and type of  
181 excursion gambling boat in a city or county under subsection  
182 10 of this section. The license shall set forth the name of  
183 the licensee, the type of license granted, the place where  
184 the excursion gambling boat will operate [and] or dock,  
185 including the docking of an excursion gambling boat which is  
186 continuously docked, and other information the commission  
187 deems appropriate. The commission shall have the ultimate  
188 responsibility of deciding the number, location, and type of  
189 excursion gambling boats licensed in a city or county;  
190 however, any city or county which has complied with the

191 provisions of subsection 10 of this section shall submit to  
192 the commission a plan outlining the following:

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

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

197       [(3)] (c) The community's economic development or  
198 impact and affirmative action plan concerning minorities'  
199 and women's ownership, contracting and employment for the  
200 waterfront development;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

256           (4) The applicant is a corporation that is not  
257 publicly traded and ten percent or more of the stock of the  
258 corporation is subject to a contract or option to purchase  
259 at any time during the period for which the license is to be  
260 issued unless the contract or option was disclosed to the  
261 commission and the commission approved the sale or transfer  
262 during the period of the license;

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

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

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

279           9. Except as provided in section 313.817, a licensee  
280 shall not lend to any person money or any other thing of  
281 value for the purpose of permitting that person to wager on  
282 any gambling game authorized by law. This does not prohibit  
283 credit card or debit card transactions or cashing of  
284 checks. Any check cashed, other than a credit instrument,  
285 [must] shall be deposited within twenty-four hours. Except  
286 for any credit instrument, the commission may require  
287 licensees to verify a sufficient account balance exists  
288 before cashing any check. Any licensee who violates the



321 voting thereon are opposed to the question, then the  
322 commission shall not license such excursion gambling boats  
323 in such city or county unless and until the question is  
324 again submitted to and approved by a majority of the  
325 qualified voters of the city or county at a later election.  
326 Excursion gambling boats may only dock in a city or  
327 unincorporated area of a county which approves licensing of  
328 such excursion gambling boats pursuant to this subsection,  
329 but gambling operations may be conducted at any point on the  
330 Mississippi River or the Missouri River during an  
331 excursion. Those cities and counties which have approved by  
332 election pursuant to this subsection, except those cities or  
333 counties which have subsequently rejected by election, the  
334 licensing of any type of excursion gambling boats in the  
335 city or county prior to April 6, 1994, are exempt from any  
336 local election requirement of this section as such previous  
337 election shall have the same effect as if held after May 20,  
338 1994.

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

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

346       13. An excursion gambling boat licensed by the state  
347 shall meet all of the requirements of chapter 306 and is  
348 subject to an inspection of its sanitary facilities to  
349 protect the environment and water quality by the commission  
350 or its designee before a license to operate an excursion  
351 gambling boat is issued by the commission. Licensed  
352 excursion gambling boats shall also be subject to such  
353 inspections during the period of the license as may be

354 deemed necessary by the commission. The cost of such  
355 inspections shall be paid by the licensee.

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

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

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

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

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

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

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

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

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

402           (9) Incompetence, misconduct, gross negligence, fraud,  
403 misrepresentation or dishonesty in the performance of the  
404 functions or duties regulated by sections 313.800 to  
405 313.850."; and

406           Further amend the title and enacting clause accordingly.