

**SENATE AMENDMENT NO. \_\_\_\_\_**

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

Amend SS/HCS/House Bill No. 2587, Page 43, Section 285.730, Line 143,

2 by inserting after all of said line the following:

3 "311.660. 1. The supervisor of liquor control shall  
4 have the authority to suspend or revoke for cause all such  
5 licenses; and to make the following regulations, without  
6 limiting the generality of provisions empowering the  
7 supervisor of liquor control as in this chapter set forth as  
8 to the following matters, acts and things:

9 (1) Fix and determine the nature, form and capacity of  
10 all packages used for containing intoxicating liquor of any  
11 kind, to be kept or sold under this law;

12 (2) Prescribe an official seal and label and determine  
13 the manner in which such seal or label shall be attached to  
14 every package of intoxicating liquor so sold under this law;  
15 this includes prescribing different official seals or  
16 different labels for the different classes, varieties or  
17 brands of intoxicating liquor;

18 (3) Prescribe all forms, applications and licenses and  
19 such other forms as are necessary to carry out the  
20 provisions of this chapter, except that when a licensee  
21 substantially complies with all requirements for the renewal  
22 of a license by the date on which the application for  
23 renewal is due, such licensee shall be permitted at least an  
24 additional ten days from the date notice is sent that the  
25 application is deficient, in which to complete the  
26 application;

27           (4) Prescribe the terms and conditions of the licenses  
28 issued and granted under this law;

29           (5) Prescribe the nature of the proof to be furnished  
30 and conditions to be observed in the issuance of duplicate  
31 licenses, in lieu of those lost or destroyed;

32           (6) Establish rules and regulations for the conduct of  
33 the business carried on by each specific licensee under the  
34 license, and such rules and regulations if not obeyed by  
35 every licensee shall be grounds for the revocation or  
36 suspension of the license;

37           (7) The right to examine books, records and papers of  
38 each licensee and to hear and determine complaints against  
39 any licensee;

40           (8) To issue subpoenas and all necessary processes and  
41 require the production of papers, to administer oaths and to  
42 take testimony;

43           (9) Prescribe all forms of labels to be affixed to all  
44 packages containing intoxicating liquor of any kind; [and]

45           (10) To refer to the Missouri gaming commission,  
46 Missouri state highway patrol, and local law enforcement  
47 agencies any suspected illegal gambling activity punishable  
48 under chapter 572 being conducted on the premises of a  
49 location licensed under this chapter, which shall be  
50 investigated under section 43.380; and

51           (11) To make such other rules and regulations as are  
52 necessary and feasible for carrying out the provisions of  
53 this chapter, as are not inconsistent with this law.

54           2. Notwithstanding subsection 1 of this section, the  
55 supervisor of liquor control shall not prohibit persons from  
56 participating in the sale of intoxicating liquor within the  
57 scope of their employment solely on the basis of being found  
58 guilty of any felony offense, except for prohibitions set  
59 forth in sections 311.191 and 311.193.

60           311.680. 1. Whenever it shall be shown, or whenever  
61 the supervisor of liquor control has knowledge, that a  
62 person licensed hereunder has not at all times kept an  
63 orderly place or house, or has violated any of the  
64 provisions of this chapter, the supervisor of liquor control  
65 may warn, place on probation on such terms and conditions as  
66 the supervisor of liquor control deems appropriate for a  
67 period not to exceed twelve months, suspend or revoke the  
68 license of that person, but the person shall have ten days'  
69 notice of the application to warn, place on probation,  
70 suspend or revoke the person's license prior to the order of  
71 warning, probation, revocation or suspension issuing.

72           2. Any wholesaler licensed pursuant to this chapter in  
73 lieu of, or in addition to, the warning, probation,  
74 suspension or revocation authorized in subsection 1 of this  
75 section, may be assessed a civil penalty by the supervisor  
76 of liquor control of not less than one hundred dollars or  
77 more than twenty-five hundred dollars for each violation.

78           3. Any solicitor licensed pursuant to this chapter in  
79 lieu of the suspension or revocation authorized in  
80 subsection 1 of this section may be assessed a civil penalty  
81 or fine by the supervisor of liquor control of not less than  
82 one hundred dollars nor more than five thousand dollars for  
83 each violation.

84           4. Any retailer with less than five thousand occupant  
85 capacity licensed pursuant to this chapter in lieu of the  
86 suspension or revocation authorized by subsection 1 of this  
87 section may be assessed a civil penalty or fine by the  
88 supervisor of liquor control of not less than fifty dollars  
89 nor more than one thousand dollars for each violation.

90           5. Any retailer with five thousand or more occupant  
91 capacity licensed pursuant to this chapter in lieu of the  
92 suspension or revocation authorized by subsection 1 of this

93 section, may be assessed a civil penalty or fine by the  
94 supervisor of liquor control of not less than fifty dollars  
95 nor more than five thousand dollars for each violation.

96 6. (1) Upon notification by the Missouri gaming  
97 commission or a law enforcement agency of possession of a  
98 gambling device, as defined pursuant to section 572.010, by  
99 a person licensed pursuant to this chapter, the supervisor  
100 of liquor control shall suspend or revoke the license of  
101 such person on such terms and conditions as the supervisor  
102 of liquor control deems appropriate, provided such person  
103 shall be given ten days to remove such gambling device from  
104 the premises prior to the supervisor of liquor control  
105 taking action pursuant to this subsection. Upon a second or  
106 subsequent notification pursuant to this subsection of the  
107 possession of a gambling device by a person licensed  
108 pursuant to this chapter, the supervisor of liquor control  
109 shall not be required to give such person ten days to remove  
110 such gambling device from the premises prior to taking  
111 action pursuant to this subsection.

112 (2) The supervisor of liquor control shall, by no  
113 later than August 15, 2022, provide written or electronic  
114 notice to all persons licensed pursuant to this chapter  
115 informing such persons of the provisions of this subsection  
116 and section 311.720.

117 7. Any aggrieved person may appeal to the  
118 administrative hearing commission in accordance with section  
119 311.691.

120 **[7.]** 8. In order to encourage the early resolution of  
121 disputes between the supervisor of liquor control and  
122 licensees, the supervisor of liquor control, prior to  
123 issuing an order of warning, probation, revocation,  
124 suspension, or fine, shall provide the licensee with the  
125 opportunity to meet or to confer with the supervisor of

126 liquor control, or his or her designee, concerning the  
127 alleged violations. At least ten days prior to such meeting  
128 or conference, the supervisor shall provide the licensee  
129 with notice of the time and place of such meeting or  
130 conference, and the supervisor of liquor control shall also  
131 provide the licensee with a written description of the  
132 specific conduct for which discipline is sought, a citation  
133 of the law or rules allegedly violated, and, upon request,  
134 copies of any violation report or any other documents which  
135 are the basis for such action. Any order of warning,  
136 probation, revocation, suspension, or fine shall be  
137 effective no sooner than thirty days from the date of such  
138 order.

139 311.710. 1. In addition to the penalties and  
140 proceedings for suspension or revocation of licenses  
141 provided for in this chapter, and without limiting them,  
142 proceedings for the suspension or revocation of any license  
143 authorizing the sale of intoxicating liquor at retail may be  
144 brought in the circuit court of any county in this state, or  
145 in the City of St. Louis, in which the licensed premises are  
146 located and such proceedings may be brought by the sheriff  
147 or any peace officer of that county or by any eight or more  
148 persons who are taxpaying citizens of the county or city for  
149 any of the following offenses:

150 (1) Selling, giving or otherwise supplying  
151 intoxicating liquor to a habitual drunkard or to any person  
152 who is under or apparently under the influence of  
153 intoxicating liquor;

154 (2) Knowingly permitting any prostitute, degenerate,  
155 or dissolute person to frequent the licensed premises;

156 (3) Permitting on the licensed premises any disorderly  
157 conduct, breach of the peace, or any lewd, immoral or  
158 improper entertainment, conduct or practices;

159           (4) Selling, offering for sale, possessing or  
160 knowingly permitting the consumption on the licensed  
161 premises of any kind of intoxicating liquors, the sale,  
162 possession or consumption of which is not authorized under  
163 his or her license;

164           (5) Selling, giving, or otherwise supplying  
165 intoxicating liquor to any person under the age of twenty-  
166 one years;

167           (6) Selling, giving or otherwise supplying  
168 intoxicating liquors between the hours of 1:30 a.m. and 6:00  
169 a.m. any day of the week;

170           (7) Permitting on the licensed premises any form of  
171 gambling device punishable under chapter 572.

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

189           3. If, pursuant to the receipt of such complaint by  
190 the supervisor of alcohol and tobacco control, the licensee  
191 appears and shows cause why his or her license should not be

192 suspended or revoked at a hearing held for that purpose by  
193 the supervisor and either the complainants or the licensee  
194 consider themselves aggrieved with the order of the  
195 supervisor then, after a request in writing by either the  
196 complainants or the licensee, the supervisor shall certify  
197 to the circuit clerk of the county or city in which the  
198 licensed premises are located a copy of the original  
199 complaint filed with him or her, together with a copy of the  
200 transcript of the evidence adduced at the hearing held by  
201 him or her. Such certification by the supervisor shall not  
202 act as a supersedeas of any order made by him or her.

203 4. Upon receipt of such complaint, whether from the  
204 complainant directly or from the supervisor of alcohol and  
205 tobacco control, the court shall set a date for an early  
206 hearing thereon and it shall be the duty of the circuit  
207 clerk to cause to be delivered by registered United States  
208 mail to the prosecuting attorney of the county or to the  
209 circuit attorney of the City of St. Louis and to the  
210 licensee copies of the complaint and he or she shall, at the  
211 same time, give notice of the time and place of the  
212 hearing. Such notice shall be delivered to the prosecuting  
213 attorney or to the circuit attorney and to the licensee at  
214 least fifteen days prior to the date of the hearing.

215 5. The complaint shall be heard by the court without a  
216 jury and if there has been a prior hearing thereon by the  
217 supervisor of alcohol and tobacco control then the case  
218 shall be heard de novo and both the complainants and the  
219 licensee may produce new and additional evidence material to  
220 the issues.

221 6. If the court shall find upon the hearing that the  
222 offense or offenses charged in the complaint have been  
223 established by the evidence, the court shall order the  
224 suspension or revocation of the license but, in so doing,

225 shall take into consideration whatever order, if any, may  
226 have been made in the premises by the supervisor of alcohol  
227 and tobacco control. If the court finds that to revoke the  
228 license would be unduly severe, then the court may suspend  
229 the license for such period of time as the court deems  
230 proper.

231 7. The judgment of the court in no event shall be  
232 superseded or stayed during pendency of any appeal therefrom.

233 8. It shall be the duty of the prosecuting attorney or  
234 circuit attorney to prosecute diligently and without delay  
235 any such complaints coming to him or her by virtue of this  
236 section.

237 9. The jurisdiction herein conferred upon the circuit  
238 courts to hear and determine complaints for the suspension  
239 or revocation of licenses in the manner provided in this  
240 section shall not be exclusive and any authority conferred  
241 upon the supervisor of alcohol and tobacco control to revoke  
242 or suspend licenses shall remain in full force and effect,  
243 and the suspension or revocation of a license as provided in  
244 this section shall be in addition to and not in lieu of any  
245 other revocation or suspension provided by this chapter.

246 10. Costs accruing because of such hearings in the  
247 circuit court shall be taxed in the same manner as criminal  
248 costs.

249 311.720. Conviction in any court of any violation of  
250 this chapter, or any felony violation of chapter 195 or  
251 chapter 572, in the course of business, shall have the  
252 effect of automatically revoking the license of the person  
253 convicted, and such revocation shall continue operative  
254 until said case is finally disposed of, and if the defendant  
255 is finally acquitted, he may apply for and receive a license  
256 hereunder, upon paying the regular license charge therefor,  
257 in the same manner as though he had never had a license



258 hereunder; provided, however, that the provisions of this  
259 section shall not apply to violations of section 311.070,  
260 and violations of said section shall be punished only as  
261 therein provided.

262 313.004. 1. There is hereby created the "Missouri  
263 Gaming Commission" consisting of five members appointed by  
264 the governor, with the advice and consent of the senate.  
265 Each member of the Missouri gaming commission shall be a  
266 resident of this state. No member shall have pled guilty to  
267 or shall have been convicted of a felony or gambling-related  
268 offense. Not more than three members shall be affiliated  
269 with the same political party. No member of the commission  
270 shall be an elected official. The overall membership of the  
271 commission shall reflect experience in law enforcement,  
272 civil and criminal investigation and financial principles.

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

288 3. The commission shall meet at least quarterly in  
289 accordance with its rules. In addition, special meetings  
290 may be called by the chair or any two members of the

291 commission upon twenty-four-hour written notice to each  
292 member. No action of the commission shall be binding unless  
293 taken at a meeting at which at least three of the five  
294 members are present and shall vote in favor thereof.

295 4. The commission shall perform all duties and have  
296 all the powers and responsibilities conferred and imposed  
297 upon it relating to excursion gambling boats and, after June  
298 30, 1994, the lawful operation of the game of bingo under  
299 this chapter. Within the commission, there shall be  
300 established a division of gambling and after June 30, 1994,  
301 the division of bingo. Subject to appropriations, the  
302 commission may hire an executive director and any employees  
303 as it may deem necessary to carry out the commission's  
304 duties. The commission shall have authority to require  
305 investigations of any employee or applicant for employment  
306 as deemed necessary and use such information or any other  
307 information in the determination of employment. The  
308 commission shall promulgate rules and regulations  
309 establishing a code of ethics for its employees which shall  
310 include, but not be limited to, restrictions on which  
311 employees shall be prohibited from participating in or  
312 wagering on any game or gaming operation subject to the  
313 jurisdiction of the commission. The commission shall  
314 determine if any other employees of the commission or any  
315 licensee of the commission shall participate or wager in any  
316 operation under the jurisdiction of the commission.

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

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

329           7. Members of the Missouri gaming commission shall  
330 receive as compensation, the amount of one hundred dollars  
331 for every day in which the commission holds a meeting, when  
332 such meeting is subject to the recording of minutes as  
333 provided in chapter 610, and shall be reimbursed for  
334 reasonable expenses incurred in the performance of their  
335 duties. The chair shall receive as additional compensation  
336 one hundred dollars for each month such person serves on the  
337 commission in that capacity.

338           8. No member or employee of the commission shall be  
339 appointed or continue to be a member or employee who is  
340 licensed by the commission as an excursion gambling boat  
341 operator or supplier and no member or employee of the  
342 commission shall be appointed or continue to be a member or  
343 employee who is related to any person within the second  
344 degree of consanguinity or affinity who is licensed by the  
345 commission as an excursion gambling boat operator or  
346 supplier. The commission shall determine by rule and  
347 regulation appropriate restrictions on the relationship of  
348 members and employees of the commission to persons holding  
349 or applying for occupational licenses from the commission or  
350 to employees of any licensee of the commission. No peace  
351 officer, as defined by section 590.010, who is designated to  
352 have direct regulator authority related to excursion  
353 gambling boats shall be employed by any excursion gambling  
354 boat or supplier licensed by the commission while employed  
355 as a peace officer. No member or employee of the commission  
356 or any employee of the state attorney general's office or

357 the state highway patrol who has direct authority over the  
358 regulation or investigation of any applicant or licensee of  
359 the commission or any peace officer of any city or county  
360 which has approved excursion boat gambling shall accept any  
361 gift or gratuity from an applicant or licensee while serving  
362 as a member or while under such employment. Any person  
363 knowingly in violation of the provisions of this subsection  
364 is guilty of a class A misdemeanor. Any such member,  
365 officer or employee who personally or whose prohibited  
366 relative knowingly violates the provisions of this  
367 subsection, in addition to the foregoing penalty, shall,  
368 upon conviction, immediately and thereupon forfeit his  
369 office or employment.

370 9. The commission may enter into agreements with the  
371 Federal Bureau of Investigation, the Federal Internal  
372 Revenue Service, the state attorney general, the Missouri  
373 state highway patrol, or any state, federal or local agency  
374 the commission deems necessary to carry out the duties of  
375 the commission, including investigations relating to and the  
376 enforcement of the provisions of chapter 572 relating to  
377 illegal gambling. No state agency shall count employees  
378 used in any agreements entered into with the commission  
379 against any personnel cap authorized by any statute. Any  
380 consideration paid by the commission for the purpose of  
381 entering into, or to carry out, any agreement shall be  
382 considered an administrative expense of the commission.  
383 When such agreements are entered into for responsibilities  
384 relating to excursion gambling boats, or for the purpose of  
385 investigating illegal gambling pursuant to chapter 572  
386 utilizing existing Missouri state highway patrol personnel  
387 assigned to enforce the regulations of licensed gaming  
388 activities governed by chapter 313, the commission shall  
389 require excursion gambling boat licensees to pay for such

390 services under rules and regulations of the commission. The  
391 commission may provide by rules and regulations for the  
392 offset of any prize or winnings won by any person making a  
393 wager subject to the jurisdiction of the commission, when  
394 practical, when such person has an outstanding debt owed the  
395 state of Missouri.

396 10. No person who has served as a member or employee  
397 of the commission, as a member of the general assembly, as  
398 an elected or appointed official of the state or of any city  
399 or county of this state in which the licensing of excursion  
400 gambling boats has been approved in either the city or  
401 county or both or any employee of the state highway patrol  
402 designated by the superintendent of the highway patrol or  
403 any employee of the state attorney general's office  
404 designated by the state attorney general to have direct  
405 regulatory authority related to excursion gambling boats  
406 shall, while in such office or during such employment and  
407 during the first two years after termination of his office  
408 or position, obtain direct ownership interest in or be  
409 employed by any excursion gambling boat licensed by the  
410 commission or which has applied for a license to the  
411 commission or enter into a contractual relationship related  
412 to direct gaming activity. A "direct ownership interest"  
413 shall be defined as any financial interest, equitable  
414 interest, beneficial interest, or ownership control held by  
415 the public official or employee, or such person's family  
416 member related within the second degree of consanguinity or  
417 affinity, in any excursion gambling boat operation or any  
418 parent or subsidiary company which owns or operates an  
419 excursion gambling boat or as a supplier to any excursion  
420 gambling boat which has applied for or been granted a  
421 license by the commission, provided that a direct ownership  
422 interest shall not include any equity interest purchased at

423 fair market value or equity interest received as  
424 consideration for goods and services provided at fair market  
425 value of less than one percent of the total outstanding  
426 shares of stock of any publicly traded corporation or  
427 certificates of partnership of any limited partnership which  
428 is listed on a regulated stock exchange or automated  
429 quotation system. Any person who knowingly violates the  
430 provisions of this subsection is guilty of a class E  
431 felony. Any such member, officer or employee who personally  
432 and knowingly violates the provisions of this subsection, in  
433 addition to the foregoing penalty, shall, upon conviction,  
434 immediately and thereupon forfeit his office or employment.  
435 For purposes of this subsection, "appointed official" shall  
436 mean any official of this state or of any city or county  
437 authorized under subsection 10 of section 313.812 appointed  
438 to a position which has discretionary powers over the  
439 operations of any licensee or applicant for licensure by the  
440 commission. This shall only apply if the appointed official  
441 has a direct ownership interest in an excursion gambling  
442 boat licensed by the commission or which has applied for a  
443 license to the commission to be docked within the  
444 jurisdiction of his or her appointment. No elected or  
445 appointed official, his or her spouse or dependent child  
446 shall, while in such office or within two years after  
447 termination of his or her office or position, be employed by  
448 an applicant for an excursion gambling boat license or an  
449 excursion gambling boat licensed by the commission. Any  
450 other person related to an elected or appointed official  
451 within the second degree of consanguinity or affinity  
452 employed by an applicant for an excursion gambling boat  
453 license or excursion gambling boat licensed by the  
454 commission shall disclose this relationship to the  
455 commission. Such disclosure shall be in writing and shall

456 include who is employing such individual, that person's  
457 relationship to the elected or appointed official, and a job  
458 description for which the person is being employed. The  
459 commission may require additional information as it may  
460 determine necessary.

461 11. The commission may enter into contracts with any  
462 private entity the commission deems necessary to carry out  
463 the duties of the commission, other than criminal law  
464 enforcement, provision of legal counsel before the courts  
465 and other agencies of this state, and the enforcement of  
466 liquor laws. The commission may require provisions for  
467 special auditing requirements, investigations and  
468 restrictions on the employees of any private entity with  
469 which a contract is entered into by the commission.

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

475 13. (1) The commission shall establish a telephone  
476 contact number, which shall be prominently displayed on the  
477 commission's website, to receive reports of suspected  
478 illegal gambling activities. Upon the receipt of such  
479 report, the commission shall refer such reports to the  
480 Missouri state highway patrol for investigation pursuant to  
481 this section. The commission shall notify the subject of  
482 such investigation within thirty days of receiving a report  
483 under this subsection.

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

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

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

496           (5) The provisions of this subsection shall not  
497 preclude or hinder the ability of a local law enforcement  
498 agency to conduct investigations into potential violations  
499 punishable under chapter 572 or any other crime or criminal  
500 activity in its jurisdiction.

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

508           313.255. 1. The director shall issue, suspend,  
509 revoke, and renew licenses for lottery game retailers  
510 pursuant to rules and regulations adopted by the  
511 commission. Such rules shall specify that at least ten  
512 percent of all licenses awarded to lottery game retailers in  
513 constitutional charter cities not within a county and  
514 constitutional charter cities with a population of at least  
515 four hundred fifty thousand not located wholly within a  
516 county of the first class with a charter form of government  
517 shall be awarded to minority-owned and -controlled business  
518 enterprises. Licensing rules and regulations shall include  
519 requirements relating to the financial responsibility of the  
520 licensee, the accessibility of the licensee's place of



521 business or activity to the public, the sufficiency of  
522 existing licenses to serve the public interest, the volume  
523 of expected sales, the security and efficient operation of  
524 the lottery, and other matters necessary to protect the  
525 public interest and trust in the lottery and to further the  
526 sales of lottery tickets or shares. Lottery game retailers  
527 shall be selected without regard to political affiliation.

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

530 3. The commission shall require every retailer to post  
531 a bond, a bonding fee or a letter of credit in such amount  
532 as may be required by the commission, and upon licensure  
533 shall prominently display his license, or a copy thereof, as  
534 provided in the rules and regulations of the commission.

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

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

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

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

543 (2) Has been convicted of any felony; or

544 (3) Has endangered the security of the lottery.

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

547 (1) A change of business location;

548 (2) An insufficient sales volume;

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

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

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

555           Further amend said bill, page 44, section 407.475, line  
556 18, by inserting after all of said line the following:

557           "572.010. As used in this chapter the following terms  
558 mean:

559           (1) "Advance gambling activity", a person advances  
560 gambling activity if, acting other than as a player, he or  
561 she engages in conduct that materially aids any form of  
562 gambling activity. Conduct of this nature includes but is  
563 not limited to conduct directed toward the creation or  
564 establishment of the particular game, lottery, contest,  
565 scheme, device or activity involved, toward the acquisition  
566 or maintenance of premises, paraphernalia, equipment or  
567 apparatus therefor, toward the solicitation or inducement of  
568 persons to participate therein, toward the actual conduct of  
569 the playing phases thereof, toward the arrangement or  
570 communication of any of its financial or recording phases,  
571 or toward any other phase of its operation. A person  
572 advances gambling activity if, having substantial  
573 proprietary control or other authoritative control over  
574 premises being used with his or her knowledge for purposes  
575 of gambling activity, he or she permits that activity to  
576 occur or continue or makes no effort to prevent its  
577 occurrence or continuation. The supplying, servicing and  
578 operation of a licensed excursion gambling boat under  
579 sections 313.800 to 313.840 does not constitute advancing  
580 gambling activity;

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

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

590 (4) "Gambling", a person engages in gambling when he  
591 or she stakes or risks something of value upon the outcome  
592 of a contest of chance or a future contingent event not  
593 under his or her control or influence, upon an agreement or  
594 understanding that he or she will receive something of value  
595 in the event of a certain outcome. Gambling does not  
596 include bona fide business transactions valid under the law  
597 of contracts, including but not limited to contracts for the  
598 purchase or sale at a future date of securities or  
599 commodities, and agreements to compensate for loss caused by  
600 the happening of chance, including but not limited to  
601 contracts of indemnity or guaranty and life, health or  
602 accident insurance; nor does gambling include playing an  
603 amusement device that confers only an immediate right of  
604 replay not exchangeable for something of value. Gambling  
605 does not include any licensed activity, or persons  
606 participating in such games which are covered by sections  
607 313.800 to 313.840;

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

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

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

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

625 Any device not described in paragraphs (a) to (c) of this  
626 subdivision that a reasonable person would believe is usable  
627 or can be made readily usable in gambling or any phases of  
628 gambling activity shall be prima facia evidence of a  
629 gambling device and may be subject to seizure by any peace  
630 officer in this state. However, lottery tickets, policy  
631 slips and other items used in the playing phases of lottery  
632 and policy schemes are not gambling devices within this  
633 definition;

634           (6) "Gambling record", any article, instrument,  
635 record, receipt, ticket, certificate, token, slip or  
636 notation used or intended to be used in connection with  
637 unlawful gambling activity;

638           (7) "Lottery" or "policy", an unlawful gambling scheme  
639 in which for a consideration the participants are given an  
640 opportunity to win something of value, the award of which is  
641 determined by chance;

642           (8) "Player", a person who engages in any form of  
643 gambling solely as a contestant or bettor, without receiving  
644 or becoming entitled to receive any profit therefrom other  
645 than personal gambling winnings, and without otherwise  
646 rendering any material assistance to the establishment,  
647 conduct or operation of the particular gambling activity. A  
648 person who gambles at a social game of chance on equal terms  
649 with the other participants therein does not otherwise  
650 render material assistance to the establishment, conduct or

651 operation thereof by performing, without fee or  
652 remuneration, acts directed toward the arrangement or  
653 facilitation of the game, such as inviting persons to play,  
654 permitting the use of premises therefor and supplying cards  
655 or other equipment used therein. A person who engages in  
656 "bookmaking" as defined in subdivision (2) of this section  
657 is not a player;

658 (9) "Professional player", a player who engages in  
659 gambling for a livelihood or who has derived at least twenty  
660 percent of his or her income in any one year within the past  
661 five years from acting solely as a player;

662 (10) "Profit from gambling activity", a person profits  
663 from gambling activity if, other than as a player, he or she  
664 accepts or receives money or other property pursuant to an  
665 agreement or understanding with any person whereby he  
666 participates or is to participate in the proceeds of  
667 gambling activity;

668 (11) "Slot machine", a gambling device that as a  
669 result of the insertion of a coin or other object operates,  
670 either completely automatically or with the aid of some  
671 physical act by the player, in such a manner that, depending  
672 upon elements of chance, from the perspective of a player or  
673 a reasonable person, it may eject something of value,  
674 regardless of whether the machine or device or system or  
675 network of devices includes a preview of the outcome or  
676 whether the outcome is known, displayed, or capable of being  
677 known or displayed to the user. A device so constructed or  
678 readily adaptable or convertible to such use is no less a  
679 slot machine because it is not in working order or because  
680 some mechanical act of manipulation or repair is required to  
681 accomplish its adaptation, conversion or workability. Nor  
682 is it any less a slot machine because apart from its use or

683 adaptability as such it may also sell or deliver something  
684 of value on a basis other than chance;

685 (12) "Something of value", any money or property, any  
686 token, object or article exchangeable for money or property,  
687 or any form of credit or promise directly or indirectly  
688 contemplating transfer of money or property or of any  
689 interest therein or involving extension of a service,  
690 entertainment or a privilege of playing at a game or scheme  
691 without charge;

692 (13) "Unlawful", not specifically authorized by law.

693 572.015. 1. Nothing in this chapter prohibits  
694 constitutionally authorized activities under Article III,  
695 Sections 39(a) to 39(f) of the Missouri Constitution.

696 2. For the purposes of this section and Article III,  
697 Section 39(f) of the Missouri Constitution, the following  
698 terms shall mean:

699 (1) "Net proceeds", the gross amount paid for tickets  
700 for a raffle or sweepstakes minus the payment of prizes and  
701 administrative expenses. Administrative expenses relating  
702 to the purchase or rental of supplies and equipment utilized  
703 in conducting the raffle or sweepstakes shall not be in  
704 excess of the reasonable market purchase price or reasonable  
705 market rental rate for such supplies and equipment, and in  
706 no case shall such administrative expenses be based on a  
707 percentage of proceeds;

708 (2) "Raffle" or "sweepstakes", the award by chance of  
709 one or more prizes to one or more persons among a group of  
710 persons who have paid or promised something of value in  
711 exchange for a ticket that represents one or more equal  
712 chances to win a prize, and for which all tickets have been  
713 sold prior to the selection of a winner or winners;

714 (3) "Sponsor", the offering of a raffle or sweepstakes  
715 by an organization recognized as charitable or religious

716 pursuant to federal law in which the entire net proceeds of  
717 such raffle or sweepstakes shall be exclusively devoted to  
718 the lawful purposes of the organization permitted to conduct  
719 the raffle or sweepstakes.

720         572.100. The general assembly by enacting this chapter  
721 intends to preempt any other regulation of the area covered  
722 by this chapter. No governmental subdivision or agency may  
723 enact or enforce a law that regulates or makes any conduct  
724 in the area covered by this chapter an offense, or the  
725 subject of a criminal or civil penalty or sanction of any  
726 kind, except for the revocation, suspension, or denial by  
727 the Missouri lottery commission, the Missouri gaming  
728 commission, or the division of alcohol and tobacco control  
729 of a license issued under chapter 311 or 313. The term  
730 "gambling", as used in this chapter, does not include  
731 licensed activities under sections 313.800 to 313.840."; and

732         Further amend said bill, page 66, section 620.3930,  
733 line 123, by inserting after all of said line the following:

734         "Section B. Because of the need to eliminate illegal  
735 gambling activity in this state, the repeal and reenactment  
736 of sections 311.660, 311.680, 311.710, 311.720, 313.004,  
737 313.255, 572.010, 572.015, and 572.100 of this act is deemed  
738 necessary for the immediate preservation of the public  
739 health, welfare, peace, and safety, and is hereby declared  
740 to be an emergency act within the meaning of the  
741 constitution, and the repeal and reenactment of sections  
742 311.660, 311.680, 311.710, 311.720, 313.004, 313.255,  
743 572.010, 572.015, and 572.100 of this act shall be in full  
744 force and effect upon its passage and approval."; and

745         Further amend the title and enacting clause accordingly.