

FIRST REGULAR SESSION

# SENATE BILL NO. 279

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

0802S.01H

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 313.800, RSMo, and to enact in lieu thereof one new section relating to gaming.

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

Section A. Section 313.800, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 313.800,  
3 to read as follows:

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

4 (1) "Adjusted gross receipts", the gross receipts from  
5 licensed gambling games and devices less winnings paid to  
6 wagerers;

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

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

13 (4) "Capital, cultural, and special law enforcement  
14 purpose expenditures" shall include any disbursement,  
15 including disbursements for principal, interest, and costs  
16 of issuance and trustee administration related to any  
17 indebtedness, for the acquisition of land, land  
18 improvements, buildings and building improvements, vehicles,  
19 machinery, equipment, works of art, intersections, signing,

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

20 signalization, parking lot, bus stop, station, garage,  
21 terminal, hanger, shelter, dock, wharf, rest area, river  
22 port, airport, light rail, railroad, other mass transit,  
23 pedestrian shopping malls and plazas, parks, lawns, trees,  
24 and other landscape, convention center, roads, traffic  
25 control devices, sidewalks, alleys, ramps, tunnels,  
26 overpasses and underpasses, utilities, streetscape,  
27 lighting, trash receptacles, marquees, paintings, murals,  
28 fountains, sculptures, water and sewer systems, dams,  
29 drainage systems, creek bank restoration, any asset with a  
30 useful life greater than one year, cultural events, and any  
31 expenditure related to a law enforcement officer deployed as  
32 horse-mounted patrol, school resource or drug awareness  
33 resistance education (D.A.R.E) officer;

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

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

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

51           (8) "Dock", the location in a city or county  
52 authorized under subsection 10 of section 313.812 which  
53 contains any natural or artificial space, inlet, hollow, or  
54 basin, in or adjacent to a bank of the Mississippi or  
55 Missouri Rivers, next to a wharf or landing devoted to the  
56 embarking of passengers on and disembarking of passengers  
57 from a gambling excursion but shall not include any  
58 artificial space created after May 20, 1994, and is located  
59 more than one thousand feet from the closest edge of the  
60 main channel of the river as established by the United  
61 States Army Corps of Engineers;

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

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

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

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

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

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

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

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

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

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

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

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

114 or in rigid or semirigid storage containers, tanks, or  
115 structures;

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

118 2. (1) In addition to the games of skill defined in  
119 this section, the commission may approve other games of  
120 skill upon receiving a petition requesting approval of a  
121 gambling game from any applicant or licensee. The  
122 commission may set the matter for hearing by serving the  
123 applicant or licensee with written notice of the time and  
124 place of the hearing not less than five days prior to the  
125 date of the hearing and posting a public notice at each  
126 commission office. The commission shall require the  
127 applicant or licensee to pay the cost of placing a notice in  
128 a newspaper of general circulation in the applicant's or  
129 licensee's home dock city or county. The burden of proof  
130 that the gambling game is a game of skill is at all times on  
131 the petitioner. The petitioner shall have the affirmative  
132 responsibility of establishing the petitioner's case by a  
133 preponderance of evidence including:

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

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

138 (2) All testimony shall be given under oath or  
139 affirmation. Any citizen of this state shall have the  
140 opportunity to testify on the merits of the petition. The  
141 commission may subpoena witnesses to offer expert  
142 testimony. Upon conclusion of the hearing, the commission  
143 shall evaluate the record of the hearing and issue written  
144 findings of fact that shall be based exclusively on the  
145 evidence and on matters officially noticed. The commission

146 shall then render a written decision on the merits which  
147 shall contain findings of fact, conclusions of law and a  
148 final commission order. The final commission order shall be  
149 within thirty days of the hearing. Copies of the final  
150 commission order shall be served on the petitioner by  
151 certified or overnight express mail, postage prepaid, or by  
152 personal delivery.

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