

SECOND REGULAR SESSION

HOUSE BILL NO. 2406

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ALFERMAN.

6323H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 313.800, RSMo, and to enact in lieu thereof twelve new sections relating to sports wagering.

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

Section A. Section 313.800, RSMo, is repealed and twelve new sections enacted in lieu thereof, to be known as sections 313.800, 313.1000, 313.1002, 313.1004, 313.1006, 313.1008, 313.1010, 313.1012, 313.1014, 313.1016, 313.1018, and 313.1020, to read as follows:

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

(1) "Adjusted gross receipts", the gross receipts from licensed gambling games and devices less winnings paid to wagerers. **"Adjusted gross receipts" shall not include adjusted gross receipts from sports wagering as defined in section 313.1000;**

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

26 (7) "Credit instrument", a written check, negotiable instrument, automatic bank draft or
27 other authorization from a qualified person to an excursion gambling boat licensee or any of its
28 affiliated companies licensed by the commission authorizing the licensee to withdraw the amount
29 of credit extended by the licensee to such person from the qualified person's banking account in
30 an amount determined under section 313.817 on or after a date certain of not more than thirty
31 days from the date the credit was extended, and includes any such writing taken in consolidation,
32 redemption or payment of a previous credit instrument, but does not include any interest-bearing
33 installment loan or other extension of credit secured by collateral;

34 (8) "Dock", the location in a city or county authorized under subsection 10 of section
35 313.812 which contains any natural or artificial space, inlet, hollow, or basin, in or adjacent to
36 a bank of the Mississippi or Missouri Rivers, next to a wharf or landing devoted to the
37 embarking of passengers on and disembarking of passengers from a gambling excursion but shall
38 not include any artificial space created after May 20, 1994, and is located more than one
39 thousand feet from the closest edge of the main channel of the river as established by the United
40 States Army Corps of Engineers;

41 (9) "Excursion gambling boat", a boat, ferry or other floating facility licensed by the
42 commission on which gambling games are allowed;

43 (10) "Fiscal year" shall for the purposes of ~~[subsections 3 and 4 of]~~ section 313.820 mean
44 the fiscal year of a home dock city or county;

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

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

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

52 (14) "Games of chance", any gambling game in which the player's expected return is not
53 favorably increased by his or her reason, foresight, dexterity, sagacity, design, information or
54 strategy;

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

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

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

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

65 (19) "Mississippi River" and "Missouri River", the water, bed and banks of those rivers,
66 including any space filled by the water of those rivers for docking purposes in a manner approved
67 by the commission but shall not include any artificial space created after May 20, 1994, and is
68 located more than one thousand feet from the closest edge of the main channel of the river as
69 established by the United States Army Corps of Engineers;

70 (20) "Supplier", a person who sells or leases gambling equipment and gambling supplies
71 to any licensee.

72 2. In addition to the games of skill defined in this section, the commission may approve
73 other games of skill upon receiving a petition requesting approval of a gambling game from any
74 applicant or licensee. The commission may set the matter for hearing by serving the applicant
75 or licensee with written notice of the time and place of the hearing not less than five days prior
76 to the date of the hearing and posting a public notice at each commission office. The
77 commission shall require the applicant or licensee to pay the cost of placing a notice in a
78 newspaper of general circulation in the applicant's or licensee's home dock city or county. The
79 burden of proof that the gambling game is a game of skill is at all times on the petitioner. The
80 petitioner shall have the affirmative responsibility of establishing his or her case by a
81 preponderance of evidence including:

82 (1) Is it in the best interest of gaming to allow the game; and

83 (2) Is the gambling game a game of chance or a game of skill?

84

85 All testimony shall be given under oath or affirmation. Any citizen of this state shall have the
86 opportunity to testify on the merits of the petition. The commission may subpoena witnesses to
87 offer expert testimony. Upon conclusion of the hearing, the commission shall evaluate the record

88 of the hearing and issue written findings of fact that shall be based exclusively on the evidence
89 and on matters officially noticed. The commission shall then render a written decision on the
90 merits which shall contain findings of fact, conclusions of law and a final commission order.
91 The final commission order shall be within thirty days of the hearing. Copies of the final
92 commission order shall be served on the petitioner by certified or overnight express mail, postage
93 prepaid, or by personal delivery.

313.1000. As used in sections 313.1000 to 313.1020, the following terms shall mean:

- 2 **(1) "Adjusted gross receipts":**
3 **(a) The total of all cash and cash equivalents received by a sports wagering**
4 **operator from sports wagering minus;**
5 **(b) The total of:**
6 **a. All cash and cash equivalents paid out as winnings to sports wagering patrons;**
7 **b. The actual costs paid by a sports wagering operator for any personal property**
8 **or services distributed to sports wagering patrons as prizes; and**
9 **c. Uncollectible sports wagering receivables, not to exceed the lesser of:**
10 **(i) A reasonable provision for uncollectible patron checks received from sports**
11 **wagering operations; or**
12 **(ii) Two percent of the total of all sums, including checks, whether collected or not,**
13 **less the amount paid out as winnings to sports wagering patrons. For purposes of this**
14 **section, a counter or personal check that is invalid or unenforceable under this section is**
15 **considered cash received by the sports wagering operator from sports wagering operations;**
16 **(2) "Approved limited mobile gaming system", a limited mobile gaming system**
17 **approved by the commission;**
18 **(3) "Certificate holder", a licensed applicant issued a certificate of authority by the**
19 **commission;**
20 **(4) "Certificate of authority", a certificate issued by the commission authorizing**
21 **a licensed applicant to conduct sports wagering under sections 313.1000 to 313.1020;**
22 **(5) "Commission", the Missouri gaming commission;**
23 **(6) "Department", the department of revenue;**
24 **(7) "Excursion gambling boat", the same meaning as defined under 313.800;**
25 **(8) "Gross receipts", the total amount of cash and cash equivalents paid by sports**
26 **wagering patrons to a sports wagering operator to participate in sports wagering;**
27 **(9) "Interactive sports wagering platform" or "platform", a person that offers**
28 **sports wagering over the internet, including on internet websites and mobile devices on**
29 **behalf of a certificate holder;**

30 (10) "Licensed applicant", a person holding a license issued under section 313.807
31 to operate an excursion gambling boat;

32 (11) "Licensed facility", an excursion gambling boat licensed under this chapter;

33 (12) "Licensed supplier", a person holding a supplier's license issued by the
34 commission;

35 (13) "Limited mobile gaming system", a system that enables a certificate holder to
36 accept sports wagers through the use of mobile gaming devices;

37 (14) "Occupational license", a license issued by the commission;

38 (15) "Person", an individual, sole proprietorship, partnership, association,
39 fiduciary, corporation, limited liability company, or any other business entity;

40 (16) "Sports wagering", wagering conducted under sections 313.1000 to 313.1020
41 on athletic and sporting events involving human competitors. Sports wagering shall not
42 include money spent to participate in paid fantasy sports under sections 313.900 to
43 313.955;

44 (17) "Sports wagering device", a mechanical, electrical, or computerized
45 contrivance, terminal, device, apparatus, piece of equipment, or supply approved by the
46 commission for conducting sports wagering under sections 313.1000 to 313.1020. "Sports
47 wagering device" shall not include a device used by a sports wagering patron to access an
48 interactive sports wagering platform;

49 (18) "Sports wagering operator" or "operator", a certificate holder or an
50 interactive sports wagering platform offering sports wagering on behalf of a certificate
51 holder;

52 (19) "Supplier's license", a license issued by the commission under section 313.807.
313.1002. 1. The state of Missouri shall be exempt from the provisions of 15 U.S.C.
2 Section 1172.

3 2. All shipments of gambling devices used to conduct sports wagering under
4 sections 313.1000 to 313.1020 to certificate holders, the registering, recording, and labeling
5 of which have been completed by the manufacturer or dealer thereof in accordance with
6 15 U.S.C. Sections 1171 to 1178, shall be legal shipments of gambling devices into this state.

313.1004. 1. The commission shall adopt rules to implement the provisions of
2 sections 313.1000 to 313.1020. Any rule or portion of a rule, as that term is defined in
3 section 536.010, that is created under the authority delegated in this section shall become
4 effective only if it complies with and is subject to all of the provisions of chapter 536 and,
5 if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of
6 the powers vested with the general assembly pursuant to chapter 536 to review, to delay
7 the effective date, or to disapprove and annul a rule are subsequently held

8 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
9 **after August 28, 2018, shall be invalid and void.**

10 **2. Rules adopted under this section shall include, but shall not be limited to, the**
11 **following:**

12 **(1) Standards for the conduct of sports wagering;**

13 **(2) Standards and procedures to govern the conduct of sports wagering, including**
14 **the manner in which:**

15 **(a) Wagers are received;**

16 **(b) Payouts are paid; and**

17 **(c) Point spreads, lines, and odds are disclosed;**

18 **(3) Standards governing how a certificate holder offers sports wagering over the**
19 **internet through an interactive sports wagering platform to patrons physically located in**
20 **Missouri or in a state with which Missouri has entered into a reciprocal agreement on**
21 **sports wagering;**

22 **(4) The manner in which a certificate holder's books and financial records relating**
23 **to sports wagering are maintained and audited, including standards for the daily counting**
24 **of a certificate holder's gross receipts from sports wagering and standards to ensure that**
25 **internal controls are followed;**

26 **(5) Standards concerning the detection and prevention of compulsive gambling.**

27 **3. Rules adopted under this section shall require a certificate holder to do the**
28 **following:**

29 **(1) Designate an area within the licensed facility operated by the certificate holder**
30 **for sports wagering conducted under sections 313.1000 to 313.1020;**

31 **(2) Ensure the security and integrity of sports wagers accepted under an approved**
32 **limited mobile gaming system;**

33 **(3) Ensure that the certificate holder's surveillance system covers all areas of the**
34 **licensed facility in which sports wagering is conducted;**

35 **(4) Allow the commission to be present through the commission's gaming agents**
36 **during the time sports wagering is conducted in all areas of the certificate holder's licensed**
37 **facility in which sports wagering is conducted to do the following:**

38 **(a) Ensure maximum security of the counting and storage of the sports wagering**
39 **revenue received by the certificate holder;**

40 **(b) Certify the sports wagering revenue received by the certificate holder;**

41 **(c) Receive complaints from the public;**

42 **(5) Ensure that individuals who are under twenty-one years of age do not make**
43 **sports wagers;**

44 **(6) Provide written information to sports wagering patrons about sports wagering,**
45 **payouts, winning wagers, and other information considered relevant by the commission;**

46 **(7) Post a sign in the designated sports wagering area indicating the minimum and**
47 **maximum amounts that may be wagered.**

313.1006. 1. Sports wagering shall not be conducted except on an excursion
2 **gambling boat licensed under this chapter.**

3 **2. Sports wagering may be offered when the commission determines that:**

4 **(1) The federal statutes prohibiting sports wagering and the state regulation of**
5 **sports wagering in this state have been repealed or amended to allow the state to permit**
6 **and regulate sports wagering; or**

7 **(2) The United States Supreme Court has ruled that a federal statute described in**
8 **subdivision (1) of this subsection is unconstitutional and shall not be applied to prohibit**
9 **the state from permitting and regulating sports wagering.**

10 **3. The commission shall announce any determinations made under subsection 2 of**
11 **this section on the commission's website not more than ninety days after a change in**
12 **federal law or the issuance of a relevant United States Supreme Court ruling described in**
13 **subsection 2 of this section.**

14 **4. After making an announcement under subsection 3 of this section, the**
15 **commission may begin accepting applications for a certificate of authority from any**
16 **licensed applicant who wishes to offer sports wagering under sections 313.1000 to 313.1020.**
17 **The commission shall prescribe the form of the application.**

18 **5. A licensed applicant who wishes to offer sports wagering under sections 313.1000**
19 **to 313.1020 shall:**

20 **(1) Submit an application to the commission in the manner prescribed by the**
21 **commission for each licensed facility in which the licensed applicant wishes to conduct**
22 **sports wagering;**

23 **(2) Pay an initial application fee of ten thousand dollars.**

24 **6. Upon receipt of the application and fee required under subsection 5 of this**
25 **section, the commission shall issue a certificate of authority to a licensed applicant**
26 **authorizing the licensed applicant to conduct sports wagering under sections 313.1000 to**
27 **313.1020 in a licensed facility, in a location authorized by sections 313.1000 to 313.1020**
28 **through an approved limited mobile gaming system, or through an interactive sports**
29 **wagering platform.**

313.1008. 1. The commission shall test new sports wagering devices and new forms,
2 **variations, or composites of sports wagering under the terms and conditions that the**

3 commission considers appropriate prior to authorizing a certificate holder to offer a new
4 sports wagering device or a new form, variation, or composite of sports wagering.

5 2. (1) A certificate holder shall designate an area within the certificate holder's
6 licensed facility for conducting sports wagering. In addition to such designated area,
7 sports wagering may be conducted at any location authorized under subsection 10 of this
8 section through the use of an approved limited mobile gaming system.

9 (2) A certificate holder may contract with an interactive sports wagering platform
10 to administer interactive sports wagering on the certificate holder's behalf.

11 3. (1) Except as provided in subdivision (2) of this subsection, a person who is less
12 than twenty-one years of age shall not be present in the area designated under subsection
13 2 of this section where sports wagering is being conducted.

14 (2) A person who is at least eighteen years of age and who is an employee of the
15 certificate holder may be present in an area where sports wagering is conducted. However,
16 an employee who is under twenty-one years of age shall not perform any function involving
17 sports wagering by patrons.

18 4. (1) Sports wagering may be conducted with chips, tokens, electronic cards, or
19 money or other negotiable currency.

20 (2) A certificate holder shall determine the minimum and maximum wagers in
21 sports wagering conducted in the certificate holder's licensed facility.

22 5. A certificate holder shall not permit any sports wagering on the premises of the
23 licensed facility except as provided under subsection 2 of this section.

24 6. A sports wagering device shall be approved by the commission and acquired by
25 a certificate holder from a licensed supplier.

26 7. The commission shall determine the occupations related to sports wagering that
27 require an occupational license.

28 8. A certificate holder may lay off one or more sports wagers.

29 9. Subject to the approval of the commission, a certificate holder may contract with
30 a third party to conduct sports wagering at the certificate holder's licensed facility.

31 10. (1) A certificate holder may request approval from the commission to use a
32 limited mobile gaming system in the certificate holder's sports wagering operations.

33 (2) The commission may approve the use of a limited mobile gaming system to allow
34 a patron to wager on sports while in the following locations:

35 (a) The area designated under subsection 2 of this section;

36 (b) A gaming or other betting area of the certificate holder's licensed facility that
37 is outside of the area designated under subsection 2 of this section;

38 **(3) A hotel, restaurant, or other amenity that is operated by the certificate holder**
39 **and subject to the supervision of the commission.**

40

41 **A patron shall not transmit a sports wager using a mobile gaming device while present in**
42 **any other location.**

313.1010. 1. An interactive sports wagering platform provider may offer sports
2 **wagering on behalf of a certificate holder only if the interactive sports wagering platform**
3 **holds an interactive sports wagering platform license issued by the commission.**

4 **2. After making an announcement under section 313.1006, the commission may**
5 **begin accepting applications for an interactive sports wagering platform license from any**
6 **provider that wishes to offer an interactive sports wagering platform to a certificate holder.**
7 **The commission shall prescribe the form of the application.**

8 **3. An applicant for an interactive sports wagering platform license shall:**

9 **(1) Submit an application to the commission in the manner prescribed by the**
10 **commission to verify the platform's eligibility under this section; and**

11 **(2) Pay an initial application fee of ten thousand dollars.**

12 **4. Each year on or before the anniversary date of the payment of the initial**
13 **application fee under subsection 3 of this section, an interactive sports wagering platform**
14 **provider holding a license issued under this section shall pay to the commission an annual**
15 **license renewal fee of five thousand dollars.**

16 **5. Notwithstanding any other provision of law to the contrary, the following**
17 **information shall be confidential and shall not be disclosed to the public unless required**
18 **by court order or by any other provision of sections 313.1000 to 313.1020:**

19 **(1) An interactive sports wagering platform license application; and**

20 **(2) All documents, reports, and data submitted by an interactive sports wagering**
21 **platform provider to the commission containing proprietary information, trade secrets,**
22 **financial information, or personally identifiable information about any person.**

313.1012. 1. A certificate holder shall verify that a person placing a wager is of the
2 **legal minimum age for placing a wager under sections 313.1000 to 313.1020.**

3 **2. The commission shall adopt rules and regulations for a sports wagering**
4 **self-exclusion program. Any rule or portion of a rule, as that term is defined in section**
5 **536.010, that is created under the authority delegated in this section shall become effective**
6 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**
7 **applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**
8 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
9 **the effective date, or to disapprove and annul a rule are subsequently held**

10 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
11 **after August 28, 2018, shall be invalid and void.**

12 **3. Rules promulgated under subsection 2 of this section shall:**

13 **(1) Allow individuals to restrict themselves from placing wagers with the certificate**
14 **holder; and**

15 **(2) Enable the certificate holder to take reasonable steps to prevent a person from**
16 **placing wagers prohibited under sections 313.1000 to 313.1020, including sharing, upon**
17 **request of the person, the person's request for self-exclusion with the commission for the**
18 **sole purpose of disseminating the request to other sports wagering certificate holders.**

19 **4. The commission shall adopt rules to ensure that advertisements for sports**
20 **wagering:**

21 **(1) Do not target minors or other persons who are ineligible to place wagers,**
22 **problem gamblers, or other vulnerable persons;**

23 **(2) Disclose the identity of the sports wagering certificate holder;**

24 **(3) Provide information about or links to resources relating to gambling addiction;**

25 **and**

26 **(4) Are not otherwise false, misleading, or deceptive to a reasonable consumer.**

313.1014. 1. The commission shall conduct background checks on individuals
2 **seeking licenses under sections 313.1000 to 313.1020. A background check conducted**
3 **under this section shall include a search for criminal history, and any charges or**
4 **convictions involving corruption or manipulation of sporting events.**

5 **2. (1) A certificate holder shall employ commercially reasonable methods to:**

6 **(a) Prohibit the certificate holder, directors, officers, and employees of the**
7 **certificate holder, and any relative living in the same household of a person described in**
8 **this paragraph from placing sports wagers with the certificate holder;**

9 **(b) Using publicly available information and any lists of employees and affiliates**
10 **provided to the certificate holder or the commission by a sports governing body, prohibit**
11 **wagering by any athlete, coach, referee, team owner, employee of a sports governing body**
12 **or one of its member teams, or player or referee union personnel;**

13 **(c) Prohibit any individual with access to nonpublic confidential information held**
14 **by the certificate holder from placing sports wagers with the certificate holder;**

15 **(d) Prevent the sharing of confidential information that could affect sports**
16 **wagering offered by the certificate holder or by third parties until the information is made**
17 **publicly available;**

18 **(e) Prohibit persons from placing sports wagers as agents or proxies for other**
19 **persons.**

20 **(2) Nothing in this section shall preclude the use of internet- or cloud-based hosting**
21 **of data, or any disclosure of information required by court order or other provisions of**
22 **law.**

23 **3. The commission and certificate holders shall cooperate with investigations**
24 **conducted by sports governing bodies or law enforcement agencies, including by providing**
25 **or facilitating the provision of betting information and audio or video files relating to**
26 **persons placing sports wagers.**

27 **4. A certificate holder shall immediately report to the commission any information**
28 **relating to:**

29 **(1) Criminal or disciplinary proceedings commenced against the certificate holder**
30 **in connection with its operations;**

31 **(2) Bets or wagers that violate state or federal law;**

32 **(3) Abnormal wagering activity or patterns that may indicate a concern regarding**
33 **the integrity of a sporting event or events;**

34 **(4) Any other conduct that corrupts the wagering outcome of a sporting event or**
35 **events for purposes of financial gain; and**

36 **(5) Suspicious or illegal wagering activities.**

37 **5. A certificate holder shall maintain the confidentiality of information provided**
38 **by a sports governing body to the certificate holder unless disclosure is required by court**
39 **order, the commission, or any other provision of law.**

313.1016. A certificate holder shall maintain records of all bets and wagers placed,
2 **including personally identifiable information of the bettor, the amount and type of bet, the**
3 **time the bet was placed, the location of the bet, including IP address if applicable, the**
4 **outcome of the bet, records of abnormal betting activity, and video camera recordings in**
5 **the case of in-person wagers for at least three years after the sporting event occurs, and**
6 **make the data available for inspection upon request of the commission or as required by**
7 **court order.**

313.1018. 1. The performance of any act required, or the forbearance of any act
2 **prohibited, by sections 313.1000 to 313.1020, by an interactive sports wagering platform**
3 **provider is imputed to the certificate holder on behalf of which the platform is operating,**
4 **and vice versa.**

5 **2. A certificate holder is not liable under the laws of this state to any party,**
6 **including patrons, for disclosing information as required under sections 313.1000 to**
7 **313.1020, and is not liable for refusing to disclose information unless required under**
8 **sections 313.1000 to 313.1020.**

313.1020. 1. A wagering tax of six and one-quarter percent is imposed on the adjusted gross receipts received from sports wagering conducted by a certificate holder under sections 313.1000 to 313.1020. If a third party is contracted with to conduct sports wagering at a certificate holder's licensed facility, the third party contractor shall fulfill the certificate holder's duties under this section.

2. A certificate holder shall remit the tax imposed by subsection 1 of this section to the department before the close of the business day one day prior to the last business day of each month for the wagering taxes collected for such month. Any taxes collected during the month but after the day on which the taxes are required to be paid to the department shall be paid to the department at the same time the following month's taxes are due.

3. The payment of the tax under this section shall be by an electronic funds transfer by an automated clearinghouse.

4. Revenues received from the tax imposed under subsection 1 of this section shall be deposited in the state treasury to the credit of the gaming proceeds for education fund and shall be distributed as provided under section 313.822.

5. (1) A certificate holder shall pay to the commission an annual administrative fee of five thousand dollars. The fee imposed shall be due one year after the date on which the certificate holder commences sports wagering operations under sections 313.1000 to 313.1020, and on each annual anniversary date thereafter. The commission shall deposit the administrative fees received under this subsection in the sports wagering fund established under subsection 6 of this section.

(2) In addition to the annual administrative fee required under this subsection, a certificate holder shall pay to the commission a fee of ten thousand dollars to cover the costs of a full reinvestigation of the certificate holder in the fifth year after the date on which the certificate holder commences sports wagering operations under sections 313.1000 to 313.1020 and on each fifth year thereafter. The commission shall deposit the fees received under this subdivision in the sports wagering fund established under subsection 6 of this section.

6. There is hereby established the "Sports Wagering Fund", to be administered by the commission. The fund shall consist of the fees deposited under subsection 5 of this section. The state treasurer shall invest the moneys in the fund not currently needed to meet the obligations of the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue

36 **fund. Moneys in the fund shall be used by the commission to pay the costs incurred to**
37 **administer sections 313.1000 to 313.1020.**

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