

SECOND REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

SENATE BILL NO. 987

101ST GENERAL ASSEMBLY
2022

4844S.01T

AN ACT

To repeal sections 313.800 and 313.805, RSMo, and to enact in lieu thereof two new sections relating to excursion gambling boat facilities.

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

Section A. Sections 313.800 and 313.805, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 313.800 and 313.805, 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,
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", and any video representation of such games;

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

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

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

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

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

113 or in rigid or semirigid storage containers, **tanks**, or
114 structures;

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

117 2. (1) In addition to the games of skill defined in
118 this section, the commission may approve other games of
119 skill upon receiving a petition requesting approval of a
120 gambling game from any applicant or licensee. The
121 commission may set the matter for hearing by serving the
122 applicant or licensee with written notice of the time and
123 place of the hearing not less than five days prior to the
124 date of the hearing and posting a public notice at each
125 commission office. The commission shall require the
126 applicant or licensee to pay the cost of placing a notice in
127 a newspaper of general circulation in the applicant's or
128 licensee's home dock city or county. The burden of proof
129 that the gambling game is a game of skill is at all times on
130 the petitioner. The petitioner shall have the affirmative
131 responsibility of establishing the petitioner's case by a
132 preponderance of evidence including:

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

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

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

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

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

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

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

17 (3) To adopt standards under which all excursion
18 gambling boat operations shall be held and standards for the
19 facilities within which the gambling operations are to be
20 held. Notwithstanding the provisions of chapter 311 to the
21 contrary, the commission may authorize the operation of
22 gambling games on an excursion gambling boat which is also
23 licensed to sell or serve alcoholic beverages, wine, or
24 beer. The commission shall regulate the wagering structure
25 for gambling excursions, provided that the commission shall

26 not establish any regulations or policies that limit the
27 amount of wagers, losses, or buy-in amounts;

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

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

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

46 (7) To require a licensee, an employee of a licensee
47 or holder of an occupational license to remove a person
48 violating a provision of sections 313.800 to 313.850 or the
49 commission rules, orders, or final orders, or other person
50 deemed to be undesirable from the excursion gambling boat or
51 adjacent facilities;

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

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

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

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

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

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

75 (14) To require excursion gambling boat licensees to
76 develop a system, approved by the commission, that allows
77 patrons the option to prohibit the excursion gambling boat
78 licensee from using identifying information for marketing
79 purposes. The provisions of this subdivision shall apply
80 only to patrons giving identifying information for the first
81 time. Such system shall be submitted to the commission by
82 October 1, 2000, and approved by the commission by January
83 1, 2001. The excursion gambling boat licensee shall use
84 identifying information obtained from patrons who have
85 elected to have marketing blocked under the provisions of
86 this section only for the purposes of enforcing the
87 requirements contained in sections 313.800 to 313.850. This
88 section shall not prohibit the commission from accessing

89 identifying information for the purposes of enforcing
90 section 313.004 and sections 313.800 to 313.850;

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

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

106 (17) The commission shall render a finding **or findings**
107 concerning the transition from a boat, barge, or floating
108 facility to a nonfloating facility within thirty days after
109 a hearing on any request from an applicant or **existing**
110 licensee. Such hearing may be held prior to any final
111 action on licensing to assist an applicant and any city or
112 county in the finalizing of their economic development plan;

113 (18) To require any applicant for a license or renewal
114 of a license to operate an excursion gambling boat to
115 provide an affirmative action plan which has as its goal the
116 use of best efforts to achieve maximum employment of African-
117 Americans and other minorities and maximum participation in
118 the procurement of contractual purchases of goods and
119 services. This provision shall be administered in
120 accordance with all federal and state employment laws,

121 including Title VII of the Civil Rights Act of 1964, as
122 amended by the Civil Rights Act of 1991. At license
123 renewal, the licensee will report on the effectiveness of
124 the plan. The commission shall include the licensee's
125 reported information in its annual report to the joint
126 committee on gaming and wagering;

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

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