

SECOND REGULAR SESSION

# HOUSE BILL NO. 1387

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DUSENBERG (Sponsor), PRATT, JONES, YATES, EMERY, HOBBS, COOPER (155), BROWN (30), KRAUS, WRIGHT (159), SUTHERLAND, BEARDEN, FISHER, MUNZLINGER, SATER, RICHARD, WILSON (119), MEADOWS, WILDBERGER, WHORTON, BAKER (123), DARROUGH, BIVINS, McGHEE, MOORE AND QUINN (Co-sponsors).

Read 1st time January 12, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4121L.01I

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### AN ACT

To repeal section 313.805, RSMo, and to enact in lieu thereof one new section relating to the gaming commission.

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

Section A. Section 313.805, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 313.805, to read as follows:

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

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

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

(3) To adopt standards under which all excursion gambling boat operations shall be held and standards for the facilities within which the gambling operations are to be held.

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.

14 Notwithstanding the provisions of chapter 311, RSMo, to the contrary, the commission may  
15 authorize the operation of gambling games on an excursion gambling boat which is also licensed  
16 to sell or serve alcoholic beverages, wine, or beer. The commission shall regulate the wagering  
17 structure for gambling excursions including providing a maximum loss of five hundred dollars  
18 per individual player per gambling excursion;

19 (4) To enter the premises of excursion gambling boats, facilities, or other places of  
20 business of a licensee within this state to determine compliance with sections 313.800 to  
21 313.850;

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

24 (6) To assess any appropriate administrative penalty against a licensee, including, but  
25 not limited to, suspension, revocation, and penalties of an amount as determined by the  
26 commission up to three times the highest daily amount of gross receipts derived from wagering  
27 on the gambling games, whether unauthorized or authorized, conducted during the previous  
28 twelve months as well as confiscation and forfeiture of all gambling game equipment used in the  
29 conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced  
30 as provided in sections 513.600 to 513.645, RSMo;

31 (7) To require a licensee, an employee of a licensee or holder of an occupational license  
32 to remove a person violating a provision of sections 313.800 to 313.850 or the commission rules,  
33 orders, or final orders, or other person deemed to be undesirable from the excursion gambling  
34 boat or adjacent facilities;

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

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

40 (10) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for  
41 the production of books, records, and other pertinent documents, and to administer oaths and  
42 affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce  
43 sections 313.800 to 313.850 or the commission rules;

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

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

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

51           (14) To require excursion gambling boat licensees to develop a system, approved by the  
52 commission, that allows patrons the option to prohibit the excursion gambling boat licensee from  
53 using identifying information for marketing purposes. The provisions of this subdivision shall  
54 apply only to patrons giving identifying information for the first time. Such system shall be  
55 submitted to the commission by October 1, 2000, and approved by the commission by January  
56 1, 2001. The excursion gambling boat licensee shall use identifying information obtained from  
57 patrons who have elected to have marketing blocked under the provisions of this section only for  
58 the purposes of enforcing the requirements contained in sections 313.800 to 313.850. This  
59 section shall not prohibit the commission from accessing identifying information for the  
60 purposes of enforcing section 313.004 and sections 313.800 to 313.850;

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

63           (16) Excursion gambling boats shall cruise, unless the commission finds that the best  
64 interest of Missouri and the safety of the public indicate the need for continuous docking of the  
65 excursion gambling boat in any city or county authorized pursuant to subsection 10 of section  
66 313.812. The commission shall base its decision to allow continuously docked excursion  
67 gambling boats on any of the following criteria: the docking location or the excursion cruise  
68 could cause danger to the boat's passengers, violate federal law or the law of another state, or  
69 cause disruption of interstate commerce or possible interference with railway or barge  
70 transportation. In addition, the commission shall consider economic feasibility or impact that  
71 would benefit land-based development and permanent job creation. The commission shall not  
72 discriminate among applicants for continuous-docking excursion gambling that are similarly  
73 situated with respect to the criteria set forth in this section;

74           (17) The commission shall render a finding concerning the possibility of continuous  
75 docking, as described in subdivision (15) of this section, within thirty days after a hearing on any  
76 request from an applicant or licensee. Such hearing may be held prior to any final action on  
77 licensing to assist an applicant and any city or county in the finalizing of their economic  
78 development plan;

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

84 VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. At license  
85 renewal, the licensee will report on the effectiveness of the plan. The commission shall include  
86 the licensee's reported information in its annual report to the joint committee on gaming and  
87 wagering;

88 (19) To take any other action as may be reasonable or appropriate to enforce sections  
89 313.800 to 313.850 and the commission rules;

90 **(20) To request that the Missouri state highway patrol investigate or participate in**  
91 **such matters as it deems necessary. Regardless of such a request, the Missouri state**  
92 **highway patrol shall have authority to investigate the commission relating to the operation**  
93 **and administration of sections 313.800 to 313.850, and to report suspected violations of**  
94 **criminal law by the commission to the proper prosecuting authorities. In the event that a**  
95 **violation of state law is reported to the proper prosecuting authority and no prosecution**  
96 **is commenced within thirty days after such report, the attorney general shall have**  
97 **authority to commence prosecution for alleged violations of sections 313.800 to 313.850, or**  
98 **other criminal laws alleged to have violated.**

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