

MISSOURI GAMING REGULATIONS

TITLE V. MILITARY AFFAIRS AND POLICE

CHAPTER 43. HIGHWAY PATROL, STATE

Chapter 43 Highway Patrol, State

Section 43.050

August 28, 1998

Officers and other personnel, numbers authorized--exception for gaming commission--discrimination prohibited.

43.050. 1. The superintendent may appoint not more than twenty-two captains and one director of radio, each of whom shall have the same qualifications as the superintendent, nor more than forty-six lieutenants, and such additional force of sergeants, corporals and patrolmen, so that the total number of members of the patrol shall not exceed nine hundred forty officers and patrolmen and such numbers of radio personnel as he deems necessary.

2. In case of a national emergency the superintendent may name additional patrolmen and radio personnel in a number sufficient to replace, temporarily, patrolmen and radio personnel called into military services.

3. Members of the patrol hired in conjunction with any agreement with the Missouri gaming commission shall not be subject to the personnel cap referenced in subsection 1 of this section. If such agreement is subsequently terminated or modified to reduce the number of personnel used in such agreement, those members affected by such termination or modification shall not be subject to the personnel cap referenced in subsection 1 of this section for a period of three years.

4. Members of the patrol hired in conjunction with the community-oriented policing services federal grant shall not be subject to the personnel cap referenced in subsection 1 of this section until such time the federal grant expires.

5. Applicants shall not be discriminated against because of race, creed, color, national origin or sex.

(RSMo 1939 § 8349, A.L. 1943 p. 652, A.L. 1945 p. 978, A.L. 1949 p. 293, A.L. 1951 p. 651, A.L. 1953 p. 565, A.L. 1955 p. 615, A.L. 1957 p. 619, A.L. 1961 p. 482, A.L. 1965 p. 149, A.L. 1967 pp. 120, 121, A.L. 1973 H.B. 539, A.L. 1975 H.B. 695, A.L. 1978 S.B. 772, A.L. 1985 H.B. 671, A.L. 1992 S.B. 550, A.L. 1993 H.B. 220, A.L. 1996 S.B. 578)

TITLE VII CITIES, TOWNS AND VILLAGES

Chapter 77 Third Class Cities

Section 77.570

August 28, 1998

Police regulations.

77.570. The council shall enact ordinances to prohibit and suppress houses of prostitution and other disorderly houses and practices, and gambling houses and all kinds of public indecencies, and may prohibit the selling or giving intoxicating liquors to any minor or habitual drunkard. The council shall also enact ordinances to restrain and prohibit riots, noises, assaults and battery, petit larceny, disturbances of the peace, disturbances of religious and other lawful assemblies, indecent shows, exhibitions or concerts in any street, house or place in the city, disorderly assemblies, and to regulate, restrain and prevent the discharge of firearms and the keeping and discharge of rockets, powder, fireworks or other dangerous combustible materials in the streets or in the limits of the city.

(RSMo 1939 § 6950)

Prior revisions: 1929 § 6804; 1919 § 8291; 1909 § 9228

TITLE VII CITIES, TOWNS AND VILLAGES

Chapter 79 Fourth Class Cities

Section 79.450

August 28, 1998

Certain activities to be prohibited and suppressed.

79.450. 1. The board of aldermen shall enact ordinances to prohibit and suppress houses of prostitution and other disorderly houses and practices, including gambling and gambling houses, and all kinds of public indecencies, and may prohibit the selling or giving of intoxicating liquors to any minor or habitual drunkard.

2. The board of aldermen shall also enact ordinances to restrain and prohibit riots, noises, assaults and batteries, disturbances of the peace, disturbances of religious and other lawful assemblies, indecent shows, exhibitions or concerts in any street, house or place in the city, disorderly assemblies, and to regulate, restrain and prevent the discharge of firearms, and the keeping and discharge of rockets, powder, fireworks or other dangerous combustible materials in the streets or in limits of the city.

3. The board of aldermen may also regulate and control the construction of buildings, the construction and cleaning of fireplaces, chimneys, stoves and stovepipes, ovens, boilers, kettles, forges or any apparatus used in any building, manufactory or business which may be dangerous in causing or promoting fires, and may provide for the inspection of the same.

4. The board of aldermen may also provide by ordinance limits within which no building shall be constructed except of brick or stone or other incombustible materials, with fireproof roofs, and impose a penalty for the violation of such ordinance, and may cause buildings commenced, put up or removed into such limits in violation of such ordinance, to be removed or abated.

5. The board of aldermen may also purchase fire engines, hook and ladder outfits, hose and hose carts, buckets and all other apparatus useful in the extinguishing of fires, and organize fire companies and prescribe rules of duty for the government thereof, with such penalties for the violation thereof as they may deem proper, and not exceeding one hundred dollars and to make all necessary expenditures for the purchase of such fire apparatus and the payment of such fire companies.

6. The board of aldermen may enact or make all ordinances, rules and regulations necessary to carry out the purposes of this chapter.

7. The board of aldermen may enact or make all ordinances, rules and regulations, not inconsistent with the laws of the state, expedient for maintaining the peace, good government and welfare of the city and its trade and commerce.

(RSMo 1939 § 7169, A.L. 1971 S.B. 299)

Prior revisions: 1929 § 7019; 1919 § 8470; 1909 § 9372

(1979) The general police power of a municipality does not authorize a municipality to restrict or limit use of public property for public purposes. City of Kirkwood v. City of Sunset Hills (A.), 589 S.W.2d 31.

TITLE VII CITIES TOWNS AND VILLAGES

Chapter 80 Towns and Villages

Section 80.090

August 28, 1998

Trustees--power to pass certain ordinances.

80.090. Such board of trustees shall have power:

- (1) To pass bylaws and ordinances to prevent and remove nuisances;
- (2) To prevent, restrain and suppress bawdy-houses, gambling houses and other disorderly houses within the limits of such town, or any addition to said town, or any commons thereto attached;
- (3) To restrain and prohibit gambling;
- (4) To license, tax and regulate merchants, peddlers and auctioneers, and to regulate and prohibit the sale or giving away of intoxicating liquors under merchants' licenses in such towns; provided, that druggists and pharmacists may sell upon prescriptions, as is provided by law;
- (5) To provide for licensing and regulating and prohibiting dramshops and tippling houses, public shows, circuses, theatrical and other amusements, to the distance of one-half mile from the corporate limits of such town;
- (6) To prohibit the firing of firearms;
- (7) To prevent furious and unnecessary riding or driving of any horse or other animal within such town, or such part thereof as they may think proper;
- (8) To establish night watches and patrols;
- (9) To erect and maintain calaboooses, poorhouses and hospitals;
- (10) To prevent the introduction and spreading of contagious diseases;
- (11) To organize and maintain fire companies;
- (12) To prevent and extinguish fires;
- (13) To establish fire limits and to define the limits within which wooden buildings, stables, manufactories and other structures which may increase the danger of calamities from fires shall not be erected;
- (14) To establish and provide for wells, cisterns and pumps;
- (15) To regulate the construction of chimneys and flues thereof, and to appoint an inspector of chimneys and flues, and to define the duties and fix the compensation thereof;
- (16) To establish and regulate markets;
- (17) To erect and repair bridges and culverts;
- (18) To erect, repair and regulate wharves and the rate of wharfage;
- (19) To regulate the landing and stationing of steamboats, rafts and other watercraft;
- (20) To provide for the inspection of lumber, building material and for provisions to be used or offered for sale in such town, or to be exported therefrom;
- (21) To regulate the storage of gunpowder and other combustible materials;
- (22) To regulate the slaughtering of animals;
- (23) To license, tax, regulate and prohibit ball and tenpin alleys, billiards and pool tables, or other tables upon which games are played for pay or amusement;
- (24) To license, tax, regulate and prohibit all other games for pay or amusement; provided, that no permission shall be given to bet money, property or other thing upon any game, or to license any such game;
- (25) To license, tax and regulate wagons and teams, livery, sale and feed stables, and any vehicle or team kept or let for pay;
- (26) To license, tax and regulate hay, grain and stock scales;

- (27) To levy and collect taxes upon property and the licenses herein provided for;
- (28) To borrow money for the improvement of such town, or to supply the same with water or gas;
- (29) To open and form public squares, avenues, drains and sewers, and to keep the same cleaned and in order;
- (30) To locate and lay out new streets and alleys;
- (31) To establish the grade of streets and alleys;
- (32) To determine and fix the width of sidewalks, and the material of which the same may be built; and
- (33) To widen streets heretofore laid out in such town, and to appoint three commissioners to assess the damages done to property upon which such street or alley may be located, deducting from such damages the amount of benefit, if any, such street or alley, or the widening thereof, may be to the same; but all assessments so made by the commissioners shall be reported, as soon as may be, to the board of trustees, who may approve or reject the same; and all persons aggrieved by such assessment may, within fifteen days after receiving notice of such assessment, appeal therefrom to the next circuit court of the county, by giving notice of such appeal to said board of trustees at least fifteen days before the first day of the term to which said appeal is taken; and the circuit court, on such appeal, shall be possessed of the case and proceed therewith to final judgment, according to law. In all cases of assessment or appeal, the land to be used for or occupied by the street or alley may be taken possession of for the purpose of establishing and improving such street or alley, as soon as the amount of damages so assessed shall be tendered to the owner;
- (34) Also to open, clear, regulate, grade, pave or improve the streets and alleys of such town;
- (35) To provide for lighting the streets and erecting lamps thereon;
- (36) To regulate and prohibit the running at large of dogs, hogs, cattle and horses in the streets and alleys of such town, and to impose and collect tax on dogs not exceeding one dollar each;
- (37) To impose and appropriate fines for forfeitures and penalties for breaking or violating their ordinances;
- (38) To levy and collect taxes;
- (39) To regulate the enclosure of any common field belonging to or within the limits of such town; and
- (40) To pass such other bylaws and ordinances for the regulation and police of such town and commons thereto appertaining as they shall deem necessary, not repugnant to and contrary to the laws of the state.

(RSMo 1939 § 7248)

Prior revisions: 1929 § 7097; 1919 § 8547; 1909 § 9436

CROSS REFERENCES: Auctioneers, not maintaining a business office in municipality, exempt from license, RSMo 71.620 Farmers, selling own produce, exempt from license, RSMo 150.030

(1955) Where retail supermarket store building was located partly in village and partly in fourth class city, each could impose on operator thereof a merchant's license tax (or privilege tax) measured by gross sales of supermarket, and village tax was valid although most of sales were without its boundaries. *Food Center of St. Louis v. Village of Warson Woods (Mo.)*, 277 S.W.2d 573.

1965) Insofar as this section purports to permit a charter city to annex territory by ordinance alone it is unconstitutional. *City of Hannibal v. Winchester (Mo.)*, 391 S.W.2d 279.

TITLE VII CITIES TOWNS AND VILLAGES

Chapter 84

Police Departments in St. Louis and Kansas City

Section 84.420

August 28, 1998

Board of police--duties, responsibilities, determination of policies (Kansas City).

84.420. 1. The board of police commissioners shall have the duty and responsibility at all times of the day and night within the boundaries of these cities, and on other public property of these cities beyond the corporate limits thereof to*:

- (1) Preserve the public peace;
- (2) Prevent crime and arrest offenders;
- (3) Protect the rights of persons and property;
- (4) Guard the public health;
- (5) Preserve order at every public election, and at all public meetings and places and on all public occasions;
- (6) Prevent and remove nuisances on all streets, alleys, highways, waters, and other places;
- (7) Provide a proper police force at fires for the protection of firemen and property;
- (8) Protect transients at public wharves, airports, railway and bus stations;
- (9) See that all laws relating to elections and to the observance of Sunday, and relating to pawnbrokers, intemperance, lotteries and lottery policies, vagrants, disorderly persons, and the public health are enforced;
- (10) Suppress gambling and bawdyhouses, and every other manner and kind of disorder and offense against law and the public health; and
- (11) Enforce all laws and ordinances passed, or which may hereafter be passed, by the common council of such cities, not inconsistent with the provisions of sections 84.350 to 84.860.

2. The board shall determine the policy and in fulfillment of the duties and responsibilities herein provided and to this end shall:

- (1) Adopt rules and regulations not inconsistent herewith governing the conduct of such police department;
- (2) Appoint a chief of police who shall be responsible to the board for the proper execution of the policies, duties, and responsibilities established for the administration of the police department;
- (3) Act as a board of review in personnel disciplinary cases as provided in section 84.430;
- (4) Appoint a secretary to the board who shall appoint the necessary clerical assistants to the secretary for the conduct of affairs relating purely to activities and affairs of the board, other than those delegated to the chief in sections 84.350 to 84.860. The salary of the secretary shall be fixed by the board at not less than two thousand five hundred dollars nor more than three thousand seven hundred and fifty dollars per annum. Salaries of clerical assistants shall be determined as herein provided in section 84.520 for other clerical employees;
- (5) Have the power to provide for a business manager who shall also act as an assistant secretary to the board at a salary of not less than four thousand five hundred dollars nor more than six thousand six hundred dollars per annum;
- (6) Provide for and employ such medical assistants, including police surgeons and police physicians, as the board may deem necessary to perform such duties as the board may prescribe for the care and health of policemen, officers of police, and employees;
- (7) Retain or employ attorneys or other consultants as necessary to advise the board or the chief;
- (8) Have the power to provide and contract for insurance benefits providing for health and medical coverage;
- (9) Have the power to provide and contract for liability insurance coverage for officers and employees of the police department, insuring liabilities incurred during the performance of duty and in the scope of employment for the police department;
- (10) Perform such other duties and exercise such other powers not inconsistent with the provisions of sections 84.350 to 84.860 as shall further the efficient and economical operation of the police department.

3. The provisions of chapter 287, RSMo, governing workers' compensation may be extended to include the employees of the police department as herein provided. The police department shall have authority by resolution to elect, under the provisions of section 287.030, RSMo, to accept the provisions of chapter 287, RSMo, and to pay compensation to its employees and uniformed officers of the department for injury or death arising out of and in the course of their employment in accordance with the provisions and restrictions as set forth in chapter 287, RSMo. The board shall adopt rules classifying the employees who may be eligible for compensation under this section and section 226.170, RSMo, and its classification shall be decisive as to whether or not an employee falls within the definition of an employee eligible for compensation coverage under this section and section 226.170, RSMo. In case the board shall elect to accept said provisions, it shall purchase insurance for such purpose. The board shall have authority to perform such other duties as may be necessary or incidental effectually to carry out the purposes of this law. No election of the board to come under the provisions of chapter 287, RSMo, shall ever be construed as acknowledging or creating any liability in tort or as incurring other obligations or duties except only the duty and

obligation of complying with the provisions of said chapter 287, RSMo, so long as said board may elect to remain under the provisions of chapter 287, RSMo.

(RSMo 1939 § 7650, A.L. 1943 p. 727 § 7651, A.L. 1953 p. 304, A.L. 1958 2d Ex. Sess. p. 152, A.L. 1963 p. 133, A.L. 1978 S.B. 508)

Prior revisions: 1929 § 7507; 1919 § 8919; 1909 § 9771

*Word "to" does not appear in original rolls.

TITLE X TAXATION AND REVENUE

Chapter 135 Tax Relief

Section 135.247

August 28, 1998

Federal empowerment, enterprise community deemed state enterprise zone--credits, exemption, refund--retail businesses eligible for benefits.

135.247. 1. Notwithstanding the provisions of sections 135.205, 135.207, and 135.210 or any other provisions to the contrary, any area having been designated by the United States Department of Housing and Urban Development as a federal empowerment zone or by the United States Department of Agriculture as an enterprise community pursuant to the federal Omnibus Budget Reconciliation Act of 1993, title XIII, chapter I, subchapter c, shall immediately upon such federal designation become and remain a state enterprise zone until the expiration of such federal designation.

2. The credits otherwise provided by sections 135.225 and 135.235, the exemption provided by section 135.220, and the refund provided by section 135.245 shall be available to any taxpayer who establishes and operates a new business facility located within a federal empowerment zone or enterprise community on the same terms and conditions specified in sections 135.100 to 135.256. The exemption provided in section 135.215 shall be available to any taxpayer who makes improvements to real property after the date the area is designated as a federal empowerment zone or enterprise community pursuant to the same terms and conditions specified in section 135.215.

3. Notwithstanding any provision of law to the contrary, retail businesses, as defined by SICs 52 through 59, hotels and motels, as defined by SIC 7011, and recreational facilities as defined by SIC 7999, shall be eligible for all benefits provided pursuant to the provisions of sections 135.200 to 135.256, if:

(1) In the case of a retail business, such business is located within a state-designated enterprise zone located wholly or partially within a federal empowerment zone or enterprise community; or

(2) Such business is located within a satellite enterprise zone, established pursuant to subdivision (1) or (3) of subsection 1 of section 135.207, whether or not such satellite zone is contained within a federal empowerment zone or enterprise community; and

(3) In the case of a hotel or motel, such business is located within an enterprise zone which is located within any county of the first classification with a population of at least five hundred thousand but less than seven hundred thousand inhabitants according to the last decennial census, or in an enterprise zone which is located within any city of the third classification which is partially located within a county of the first class with a population of one hundred fifty thousand or more which is adjacent to a county of the first classification with a population of at least five hundred thousand but less than seven hundred thousand according to the last decennial census; and

(4) In the case of a recreational facility, such business is located within an area designated a satellite enterprise zone pursuant to subdivision (1) of subsection 1 of section 135.207, by the director after January 1, 1991, and before January 1, 1992, in any city not within a county, and further provided the director approves the eligibility of such recreational facility to claim tax benefits otherwise allowed in sections 135.200 to 135.256. When making such

determination, the director shall consider the number and quality of new jobs to be created, the amount of payroll and investment to be generated from the proposed project, the extent to which such tax concessions are needed to induce the development, whether the area is unlikely to support reasonable tax assessment or to experience reasonable economic growth without such designation and the overall economic benefits to be realized from the proposed project.

4. For purposes of qualifying for benefits pursuant to this section, recreational facilities, as defined by SIC 7999, shall not include:

(1) An excursion gambling boat licensed pursuant to sections 313.800 to 313.850, RSMo, and the docking facility associated with such licensed excursion gambling boat; or

(2) An excursion gambling boat and docking facility as proposed on an application filed with the Missouri gaming commission.

(L. 1994 H.B. 1248 & 1048, A.L. 1995 H.B. 414, A.L. 1996 H.B. 1237, A.L. 1997 2d Ex. Sess. S.B. 1)

Effective 12-23-97

TITLE XI EDUCATION AND LIBRARIIES

Chapter 160

Schools--General Provisions

Section 160.534

August 28, 1998

Excursion gambling boat proceeds, transfer to gaming proceeds for education fund and state school moneys fund.

160.534. For fiscal year 1996 and each subsequent fiscal year, any amount of the excursion gambling boat proceeds deposited in the gaming proceeds for education fund in excess of the amount transferred to the school district bond fund as provided in section 164.303, RSMo, shall be transferred to the state school moneys fund. Such moneys shall be transferred on a monthly basis and shall be distributed in the manner provided in section 163.031, RSMo.

(L. 1993 S.B. 380 § 8 subsec. 1, A.L. 1995 S.B. 301)

Effective 6-27-95

*Contingent expiration date. See section 143.107.

(1996) Contingent referendum provision was found to be an unconstitutional delegation of legislative authority thereby making section 143.107 void. *Akin v. Director of Revenue*, 934 S.W.2d 295 (Mo.banc 1996).

Chapter 164

Tax Levies and Bonded Indebtedness

Section 164.303

August 28, 1998

School district bond fund established, purpose to fund health and educational facilities authority, costs and grants--lapse into general revenue fund, prohibited.

164.303. There is hereby established in the state treasury the "School District Bond Fund". Such amounts as may be necessary to fund the annual requests submitted by the health and educational facilities authority to fund the payment of costs and grants as provided in subsection 7 of section 360.106 and sections 360.111 to 360.118, RSMo, and necessary costs for administration of those provisions, but not to exceed seven million dollars per year, shall be transferred by appropriation to the fund from the gaming proceeds for education fund before any amounts in the gaming proceeds for education fund are transferred to the state school moneys fund, as provided in section 160.534, RSMo. Moneys deposited in the school district bond fund shall be used by the health and educational facilities authority, subject to appropriation, to fund the payment of costs and grants as provided in subsection 7 of section 360.106 and sections 360.111 to 360.118, RSMo, and necessary costs for administration of those provisions. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to the credit of the general revenue fund at the end of each biennium.

(L. 1995 S.B. 301)

Effective 6-27-95

TITLE XVII AGRICULTURE AND ANIMALS

Chapter 262

Promotion of Agriculture and Horticulture

Section 262.270

August 28, 1998

Director, powers--gambling prohibited, exception for pari-mutuel wagering--serving intoxicating liquor prohibited, exception--cooperation from other agencies, reimbursement.

262.270. 1. The director shall make and, after its creation, the commission shall approve all rules, regulations and bylaws necessary and suitable for the conduct and control of the exhibitions, the sale of privileges, and for the proper control, operation and conduct of the fair not inconsistent with the law relevant to the operation of the state fair or with the constitution and laws of this state. All contracts granted after January 1, 1996, in relation to the state fair and state fairgrounds shall be approved by the commission and shall not be valid until approved. The director may employ necessary personnel for the proper management of the fair, and may rent or enter into long-term leases for a period not to exceed fifteen years with a right of renewal on consent of all parties or donate the use of any portion of the grounds and buildings for such purposes as he deems proper, section 37.005, RSMo, or any other law to the contrary notwithstanding, and the grounds may be used, free of charge, by the state for encampment grounds for the state troops under the direction of the adjutant general of Missouri; except that in no event shall the rental or donation of the use of the grounds be allowed to interfere with the preparation for or the holding of the Missouri state fair. He shall not, directly or indirectly, permit any gambling devices of whatever nature other than for licensed pari-mutuel wagering conducted under the direction of the Missouri horse racing commission to be operated on the grounds, nor permit any intoxicating liquors, wine or beer to be sold thereon except in a facility operated as a part of and in conjunction with a restaurant facility operated in conjunction with and as a part of the facilities used for the conducting of horse racing and pari-mutuel wagering or except as provided in section 311.487, RSMo.

2. The director with the approval of the commission may appoint and employ as many special policemen as are needed to maintain order or prevent breaches of the peace on and about the grounds whereon the fair is held. Before entering upon the discharge of his office, each special policeman shall take and subscribe an oath of office to

faithfully and impartially discharge the duties thereof before an associate circuit judge or other official empowered to administer oaths in the county wherein the fair is held; and the officer shall give to such special policeman a certificate of his appointment and qualification, which shall clothe him with the same power to maintain order, preserve the peace and make arrests as is now held by a peace officer. In addition, any such special policeman may arrest and expel from the grounds persons violating the rules, regulations and bylaws of the Missouri state fair, under order of the director or his duly authorized representative.

3. The commission may request assistance from any state agency and may reimburse the contributing agency for the expense of cooperation involved from state fair fund.

(RSMo 1939 § 14159, A. 1949 S.B. 1091, A.L. 1967 p. 370, A.L. 1986 S.B. 572, A.L. 1987 S.B. 384, A.L. 1993 S.B. 76, A.L. 1994 S.B. 692)

Prior revisions: 1929 § 12480; 1919 § 12049; 1909 § 681

TITLE XVII AGRICULTURE AND ANIMALS

Chapter 262

Promotion of Agriculture and Horticulture

Section 262.480

August 28, 1998

Claims for benefits--procedure.

262.480. On or before a date set by the director of agriculture the president and secretary of any fair or agricultural society claiming benefits under sections 262.450 and 262.460, shall file with the director of agriculture a sworn statement in duplicate of the actual amount of cash premiums paid for the current season, which must correspond with the public offer of premiums, and a further sworn statement that at such fair or exhibition all gambling and gambling devices of whatsoever kind, and the sale of intoxicating liquors, and all obscene exhibitions, have been prohibited and excluded from the grounds of such fair, agricultural society or exhibition, and all adjacent grounds under their authority or control. Such statement in duplicate shall be accompanied by an itemized list in duplicate of all premiums paid, upon which aid is claimed under sections 262.450 and 262.460, two copies of the published premium list of such fair, and a full detailed statement of the receipts and expenditures in duplicate for the current year, all duly verified by the president and secretary of such fair, agricultural society or exhibition, and such other reports and data as may be required by the director of agriculture.

(RSMo 1939 § 14182, A.L. 1947 V. I p. 21)

Prior revision: 1929 § 12505

TITLE XVIII LABOR AND INDUSTRIAL RELATIONS

Chapter 289

Private Employment Agencies

Section 289.120

August 28, 1998

Engagement for applicant--restrictions.

289.120. In addition to the restrictions of sections 289.010 to 289.050, no theatrical booking agency shall

- (1) Send any applicant to or obtain any engagement for an applicant in any house where prostitution or gambling is permitted;
- (2) Send any applicant under twenty-one years of age to, or obtain any engagement for any such applicant in any establishment where intoxicating liquors are sold, or in any room adjacent thereto;
- (3) Send any applicant to any place or obtain any engagement for an applicant in any place where the applicant will be required, permitted or encouraged to sell, offer for sale or solicit the sale of intoxicating liquors, or sit with or mingle with those present or assembled for the purpose of selling intoxicating liquors in the place, or in any room or building adjacent thereto;
- (4) Refer an applicant, or obtain engagements for an applicant to appear in an act or performance which would be considered lewd, immoral or indecent, or which may convey, either directly or by implication, an immoral meaning, or any strip or nude act, in violation of the laws of this state or the ordinances of any political subdivision thereof.

(L. 1963 p. 412)

TITLE XX ALCOHOLIC BEVERAGES

Chapter 311 Liquor Control Law

Section 311.180

August 28, 1998

Manufacturers, wholesalers, solicitors--license fees--wholesalers, sale to gaming commission licensees, allowed.

311.180. 1. No person, partnership, association of persons or corporation shall manufacture, distill, blend, sell or offer for sale intoxicating liquor within this state at wholesale or retail, or solicit orders for the sale of intoxicating liquor within this state without procuring a license from the supervisor of liquor control authorizing them so to do. For such license there shall be paid to and collected by the director of revenue annual charges as follows:

- (1) For the privilege of manufacturing and brewing in this state malt liquor containing not in excess of five percent of alcohol by weight and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of malt liquors containing not in excess of five percent of alcohol by weight, to, by or through a duly licensed wholesaler within this state, the sum of two hundred fifty dollars;
- (2) For the privilege of manufacturing in this state intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight, to, by or through a duly licensed wholesaler within this state, the sum of two hundred dollars;
- (3) For the privilege of manufacturing, distilling or blending intoxicating liquor of all kinds within this state and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this state, the sum of four hundred and fifty dollars;
- (4) For the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of malt liquor containing not in excess of five percent of alcohol by weight, to, by or through a duly licensed wholesaler within this state, the sum of fifty dollars;
- (5) For the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight, to, by or through a duly licensed wholesaler within this state, the sum of one hundred dollars;

(6) For the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this state, the sum of two hundred and fifty dollars;

(7) For the privilege of selling intoxicating liquor containing not in excess of five percent of alcohol by weight by a wholesaler to a person duly licensed to sell such malt liquor at retail and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of malt liquor containing not in excess of five percent of alcohol by weight, to, by or through a duly licensed wholesaler within this state, the sum of one hundred dollars;

(8) For the privilege of selling intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight, to, by or through a duly licensed wholesaler within this state, the sum of two hundred dollars;

(9) For the privilege of selling intoxicating liquor of all kinds by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this state, the sum of five hundred dollars, except that a license authorizing the holder to sell to duly licensed wholesalers and to solicit orders for sale of intoxicating liquor, to, by or through a duly licensed wholesaler, shall not entitle the holder thereof to sell within the state of Missouri, direct to retailers.

2. Solicitors, manufacturers and blenders of intoxicating liquor shall not be required to take out a merchant's license for the sale of their products at the place of manufacture or in quantities of not less than one gallon.

3. The provisions of this section relating to the privilege of selling malt liquor are subject to and limited by the provisions of sections 311.181 and 311.182.

4. The licenses prescribed in this section for the privilege of selling intoxicating liquor by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail shall allow such wholesaler to sell intoxicating liquor to licensees licensed by the gaming commission to sell beer or alcoholic beverages pursuant to section 313.840, RSMo.

(RSMo 1939 § 4898, A.L. 1945 p. 1043, A.L. 1985 H.B. 369, A.L. 1994 S.B. 651, A.L. 1995 S.B. 43)

Chapter 311 Liquor Control Law

Section 311.211

August 28, 1998

Fishing skills contest, ticket sales to participants on premises not ground to deny license.

311.211. Sales of tickets for participation in fishing contests wherein the skill of the participant is an element shall not be construed as gambling or participation in gambling activities for the purpose of administering the provisions of chapters 311 and 312, RSMo, or rules and regulations made pursuant thereto. The division of liquor control shall not deny, suspend or revoke any license issued under those chapters because of the sale of such tickets on the licensed premises.

(L. 1989 S.B. 419 § 1)

Effective 3-16-89

Title XXI PUBLIC SAFETY AND MORALS

Chapter 313 Licensed Gaming Activities

Section 313.001

August 28, 1998

Committee on gaming and wagering, established--members, compensation-- activities.

313.001. 1. There is established a permanent joint committee of the general assembly to be known as the "Committee on Gaming and Wagering" which shall be composed of five members of the senate, appointed by the president pro tem of the senate and five members of the house of representatives, appointed by the speaker of the house. A majority of the members of the committee shall constitute a quorum. The members shall annually select one of the members to be the chairman and one of the members to be the vice chairman. The general assembly by a majority vote of the elected members may discharge any or all members of the committee and select their successors.

2. The members shall receive no additional compensation, but shall be reimbursed for actual and necessary expenses incurred by them in the performance of their duties.

3. The committee shall be responsible for, but not limited to, legislative review of all state authorized gaming and wagering activities including proposed constitutional and statutory changes or other pertinent information that may affect the integrity of these activities. The committee is authorized to meet and act year round, employ the necessary personnel within the limits of appropriations and to report its findings annually to the general assembly.

—(L. 1988 S.B. 643 § 1)

Effective 9-1-88

Chapter 313 Licensed Gaming Activities

Section 313.004

August 28, 1998

Gaming commission, established, members, appointment--meetings-- powers, duties--assigned to department of public safety--compensation, expenses--restricted activities--contracts, permissible--criminal records of applicants open to commission.

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

2. The initial members of the commission shall be appointed within thirty days of April 29, 1993. Of the members first appointed, one shall be appointed for a one-year term, two shall be appointed for a two-year term and two shall be appointed for a three-year term. Thereafter, all members appointed shall serve for a three-year term. No person

shall serve as a member more than six years. The governor shall designate one of the members as the chair. The governor may remove any member of the commission from office for malfeasance or neglect of duty in office. The governor may also replace any member of the commission, with the advice and consent of the senate, when any responsibility concerning the state lottery, pari-mutuel wagering or any other form of gaming is placed under the jurisdiction of the commission.

3. The commission shall meet at least quarterly in accordance with its rules. In addition, special meetings may be called by the chair or any two members of the commission upon twenty-four-hour written notice to each member. No action of the commission shall be binding unless taken at a meeting at which at least three of the five members are present and shall vote in favor thereof.

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

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

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

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

8. No member or employee of the commission shall be appointed or continue to be a member or employee who is licensed by the commission as an excursion gambling boat operator or supplier and no member or employee of the commission shall be appointed or continue to be a member or employee who is related to any person within the second degree of consanguinity or affinity who is licensed by the commission as an excursion gambling boat operator or supplier. The commission shall determine by rule and regulation appropriate restrictions on the relationship of members and employees of the commission to persons holding or applying for occupational licenses from the commission or to employees of any licensee of the commission. No peace officer, as defined by section 590.100, RSMo, who is designated to have direct regulator authority related to excursion gambling boats shall be employed by any excursion gambling boat or supplier licensed by the commission while employed as a peace officer. No member or employee of the commission or any employee of the state attorney general's office or the state highway patrol who has direct authority over the regulation or investigation of any applicant or licensee of the commission or any peace officer of any city or county which has approved excursion boat gambling shall accept any gift or gratuity from an applicant or licensee while serving as a member or while under such employment. Any person knowingly in violation of the provisions of this subsection is guilty of a class A misdemeanor. Any such member, officer or employee who personally or whose prohibited relative knowingly violates the provisions of this subsection, in addition to the foregoing penalty, shall, upon conviction, immediately and thereupon forfeit his office or employment.

9. The commission may enter into agreements with the Federal Bureau of Investigation, the Federal Internal Revenue Service, the state attorney general or any state, federal or local agency the commission deems necessary to carry out the duties of the commission. No state agency shall count employees used in any agreements entered into with the commission against any personnel cap authorized by any statute. Any consideration paid by the commission for the purpose of entering into, or to carry out, any agreement shall be considered an administrative expense of the commission. When such agreements are entered into for responsibilities relating to excursion gambling boats, the commission shall require excursion gambling boat licensees to pay for such services under rules and regulations of the commission. The commission may provide by rules and regulations for the offset of any prize or winnings won

by any person making a wager subject to the jurisdiction of the commission, when practical, when such person has an outstanding debt owed the state of Missouri.

10. No person who has served as a member or employee of the commission, as a member of the general assembly, as an elected or appointed official of the state or of any city or county of this state in which the licensing of excursion gambling boats has been approved in either the city or county or both or any employee of the state highway patrol designated by the superintendent of the highway patrol or any employee of the state attorney general's office designated by the state attorney general to have direct regulatory authority related to excursion gambling boats shall, while in such office or during such employment and during the first two years after termination of his office or position, obtain direct ownership interest in or be employed by any excursion gambling boat licensed by the commission or which has applied for a license to the commission or enter into a contractual relationship related to direct gaming activity. A "direct ownership interest" shall be defined as any financial interest, equitable interest, beneficial interest, or ownership control held by the public official or employee, or such person's family member related within* the second degree of consanguinity or affinity, in any excursion gambling boat operation or any parent or subsidiary company which owns or operates an excursion gambling boat or as a supplier to any excursion gambling boat which has applied for or been granted a license by the commission, provided that a direct ownership interest shall not include any equity interest purchased at fair market value or equity interest received as consideration for goods and services provided at fair market value of less than one percent of the total outstanding shares of stock of any publicly traded corporation or certificates of partnership of any limited partnership which is listed on a regulated stock exchange or automated quotation system. Any person who knowingly violates the provisions of this subsection is guilty of a class D felony. Any such member, officer or employee who personally and knowingly violates the provisions of this subsection, in addition to the foregoing penalty, shall, upon conviction, immediately and thereupon forfeit his office or employment. For purposes of this subsection, "appointed official" shall mean any official of this state or of any city or county authorized under subsection 10 of section 313.812 appointed to a position which has discretionary powers over the operations of any licensee or applicant for licensure by the commission. This shall only apply if the appointed official has a direct ownership interest in an excursion gambling boat licensed by the commission or which has applied for a license to the commission to be docked within the jurisdiction of his or her appointment. No elected or appointed official, his or her spouse or dependent child shall, while in such office or within two years after termination of his or her office or position, be employed by an applicant for an excursion gambling boat license or an excursion gambling boat licensed by the commission. Any other person related to an elected or appointed official within the second degree of consanguinity or affinity employed by an applicant for an excursion gambling boat license or excursion gambling boat licensed by the commission shall disclose this relationship to the commission. Such disclosure shall be in writing and shall include who is employing such individual, that person's relationship to the elected or appointed official, and a job description for which the person is being employed. The commission may require additional information as it may determine necessary.

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

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

(L. 1993 S.B. 10 & 11, A.L. 1994 S.B. 740)

Effective 5-20-94

*Word "to" appears in original rolls.

Definitions.

313.005. As used in sections 313.005 to 313.080, the following terms shall mean:

(1) "Bingo", a game in which each participant receives one or more cards, including, but not limited to, pull-tab cards, marked off into twenty-five squares arranged on five horizontal rows of five squares each; or, one or more cards marked off into twenty-five squares arranged on five horizontal rows of five squares each which are not pull-tab cards and, in addition thereto, one or more pull-tab cards. Each square is designated by number, letter or by a

combination of numbers and letters, except that the center square on the card shall be designated with the word "free". No two cards shall be identical. As the announcer of the game announces a number, letter or a combination of numbers and letters, each player covers the square corresponding to the announced number, letter or combination by marking such card in ink. The numbers, letters or combination of numbers and letters which are announced shall appear on an object selected by chance, either manually or mechanically, from a receptacle containing the objects bearing numbers, letters or combinations of numbers and letters. The winner of each game shall be the player or players who are first to properly cover a predetermined and announced pattern of squares upon the card or cards used by such player or players. A prize or prizes may be awarded to the winner or winners of a game;

(2) "Bingo card", an individual game face marked off into twenty-five squares arranged on five horizontal rows of five squares each, one or more of which may be contained on a bingo sheet;

(3) "Bingo equipment", all paraphernalia used to conduct a bingo game including selection equipment, number display boards, and bingo cards and faces and other such related equipment as may be defined by the rules and regulations of the commission. This definition does not include audio or video equipment which plays no part in the conduct of the game other than communicating the progress of the game or items used to mark numbers on the cards;

(4) "Bingo sheet", a disposable piece of paper containing one or more bingo cards;

(5) "Charitable organization", any organization which is organized and operated for the relief of poverty, distress, or other condition of public concern within this state or organized for financially supporting the activities of a charitable organization as hereinbefore defined. In order to qualify as a charitable organization, no part of the net earnings of the organization may inure to the benefit of any private shareholder or individual member of the organization. Charitable organizations must have obtained an exemption from the payment of federal income taxes as provided in section 501(c)(3) of the Internal Revenue Code of 1954, as amended;

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

(7) "Director", the director or other person in charge of the regulation of the game of bingo, as designated by the Missouri gaming commission;

(8) "Fraternal organization", any organization within this state operating under the lodge system which exists for the common benefit, brotherhood or other interest of its members except college fraternities and sororities and of which no part of the net earnings inures to the benefit of any private shareholder or any individual member of such organization and which has been exempted from the payment of federal income tax as provided in section 501(c)(5), 501(c)(8), or 501(c)(10) Internal Revenue Code of 1954, as amended;

(9) "Hall provider", a person or business entity which leases premises in which bingo games are conducted;

(10) "Pull-tab card", any disposable card or ticket which accords a person an opportunity to win something of value by opening, pulling, detaching, or otherwise removing tabs from the card or ticket to reveal a set of numbers, letters, symbols, or configurations, or any combination thereof. The term "pull-tab card" shall include any card known as a pickle ticket, pickle, break-open, or pull-tab card;

(11) "Religious organization", any organization, church, body of communicants, or group, gathered in common membership for mutual support and edification in piety, worship and religious observances. Such an organization may be a society of individuals united for religious purposes at a definite place. In order to qualify as a religious organization, no part of the net earnings of the organization may inure to the benefit of any private shareholder or any individual member of such organization. Religious organizations shall maintain an established place of worship within this state and shall have a regular schedule of services or meetings at least on a weekly basis. Religious organizations must have obtained an exemption from the payment of federal income taxes as provided by section 501(c)(3) or section 501(d) of the Internal Revenue Code of 1954, as amended;

(12) "Service organization", any organization commonly known as a civic club or county fair or other organization if such organization is a religious, charitable, fraternal, veteran or service organization as described in article III, section 39(a) of the Missouri Constitution and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization. Service organizations must have obtained an exemption from the payment of federal income taxes as provided in section 501(c)(4), 501(c)(5) or 501(c)(7) of the Internal Revenue Code of 1954, as amended;

(13) "Supplier", a person or business entity that sells, markets or otherwise provides bingo equipment or supplies to any bona fide religious, charitable, fraternal, veteran or service organization;

(14) "Veterans' organization", a post or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization:

(a) Organized in the United States or any of its possessions;

(b) In which at least seventy-five percent of the members of which are war veterans and substantially all of the other members of which are individuals who are veterans (but not war veterans) or are cadets, or are spouses, widows or widowers of war veterans of such individuals; and

(c) In which no part of the net earnings of which inures to the benefit of any private shareholder or individual and which has been exempted from payment of federal income taxes as provided by section 501(c)(19) of the Internal Revenue Code of 1954, as amended.

(L. 1981 H.B. 322 § 1, A.L. 1982 H.B. 1503, A.L. 1984 S.B. 720, A.L. 1986 S.B. 461, A.L. 1993 S.B. 10 & 11, A.L. 1994 S.B. 427)

Effective 6-28-94

Chapter 313
Licensed Gaming Activities

Section 313.007

August 28, 1998

Bingo proceeds for education fund, established, purpose.

313.007. 1. Notwithstanding any other provisions of law to the contrary, all net proceeds derived from the state taxes contained in this chapter relating to bingo shall be deposited in the "Bingo Proceeds for Education Fund", which is hereby created in the state treasury. Moneys in this fund shall be considered state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on bingo proceeds for education fund shall be credited to the bingo proceeds for education fund. Appropriations of the moneys deposited in the bingo proceeds for education fund shall be pursuant to state law. The provisions of section 33.080, RSMo, requiring all unexpended balances remaining in various state funds to be transferred and placed to the credit of the ordinary revenue fund of this state at the end of each biennium shall not apply to the bingo proceeds for education fund. All net tax receipts collected pursuant to subsection 10* of section 313.057 shall be paid over immediately to the state treasurer to be deposited to the credit of the bingo proceeds for education fund.

2. This section shall become effective July 1, 1993**.

(L. 1993 S.B. 10 & 11, A.L. 1994 S.B. 427)

Effective 6-28-94

*Original rolls show "subsection 9", but through amendment and renumbering in S.B. 427, 1994, "subsection 10" becomes germane.

**Original rolls show "July 1, 1993", an obvious drafting oversight, since the 1994 S.B. 427 reenactment was of an emergency nature and was signed by governor June 28, 1994.

Chapter 313
Licensed Gaming Activities

Section 313.008

August 28, 1998

Gaming commission bingo fund, established, purpose.

313.008. All revenue received by the commission from license fees, penalties, and administrative fees authorized under the provisions of sections 313.005 to 313.085 shall be deposited in the state treasury to the credit of the "Gaming Commission Bingo Fund" which is hereby created for the sole purpose of funding the administrative costs of the commission relating to the regulation of bingo operations, subject to appropriation. Money deposited into this fund shall not be considered proceeds of bingo operations. Moneys deposited into the gaming commission bingo fund shall be considered state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the gaming commission bingo fund shall be credited to the gaming commission bingo fund.

(L. 1994 S.B. 427)

Effective 6-28-94

Chapter 313
Licensed Gaming Activities

Section 313.010

August 28, 1998

Bingo, who may conduct game--joint license, procedure--abbreviated licenses, fees limitations, exemptions.

313.010. 1. Any bona fide religious, charitable, fraternal, veteran or service organization, which has been in existence for at least five years immediately prior to making an application for a license and which, during that period, has had twenty bona fide members, may conduct the game of bingo upon receiving a license from the commission. Any combination of unlicensed but eligible organizations, not to exceed five, may join in making an application and may receive a single license to conduct the game of bingo. Any information or report required by sections 313.005 to 313.080 from an organization shall contain the required information regarding all of the organizations joined in the license and all requirements under sections 313.005 to 313.080 shall apply with respect to all joined organizations and the membership thereof.

2. Notwithstanding any other provisions to the contrary, the commission shall require only an abbreviated license, pursuant to the provisions of section 313.020, and an abbreviated licensing fee of ten dollars per event, for any bona fide religious, charitable, fraternal, veteran or service organization which conducts a bingo game on not more than four occasions annually at which only pull-tab cards may be used. The organization shall have been in existence for at least five years immediately prior to the first occasion on which such organization conducts a bingo pull-tab game and during this period shall have had twenty bona fide members. For the purposes of this subsection, "occasion" means an event having a duration of less than twenty-four hours. An organization that has been granted an abbreviated license shall be exempt from the provisions of subdivisions (11) and (14) of section 313.040.

(L. 1981 H.B. 322 § 2, A.L. 1983 H.B. 95 & 223, A.L. 1993 S.B. 10 & 11, A.L. 1996 H.B. 1159)

Chapter 313
Licensed Gaming Activities

Section 313.013

August 28, 1998

Progressive bingo games, permitted, defined.

313.013. Any organization licensed to conduct bingo games pursuant to sections 313.005 to 313.085 may also conduct progressive bingo games as defined by this section. A progressive bingo game may include, but shall not be limited to, any coverall or blackout game or other game where a stated quantity of numbers are called and, if no winner occurs, prizes are added to the next session's occasion conducted by that charity.

(L. 1996 H.B. 1159 § 1)

Chapter 313
Licensed Gaming Activities

Section 313.015

August 28, 1998

License--fee--expiration--special license, fairs, celebrations, requirements, fee, annual report, when.

313.015. 1. The commission shall issue a license for the conducting of bingo to any bona fide religious, charitable, fraternal, veteran or service organization or to any combination of eligible organizations, not to exceed five, which submits an application on a form prescribed by the director and which satisfies the director that such organization meets all of the requirements of sections 313.005 to 313.080. The burden of proof is at all times on the applicant to demonstrate by clear and convincing evidence its suitability to be licensed. Each license so issued shall expire at midnight one year from its date of issuance. The commission, in its sole discretion, may reopen licensure hearings for any licensee at any time.

2. An applicant may hold only one license and that license may not be transferred or assigned to any other organization other than the organization named in the license. Each licensed organization shall pay to the director an annual, nonrefundable license fee of fifty dollars; provided, however, each licensed organization which awards to winners of bingo games prizes or merchandise having an aggregate retail value of five thousand dollars or less annually and less than one hundred dollars in any single day shall pay to the director an annual fee of ten dollars to be paid into the state treasury to the credit of the gaming commission bingo fund. The director may, upon application made by a county fair organization or by any organization qualified to receive a regular license, issue a special license authorizing such organization to conduct bingo for the period of any fair, picnic, festival or celebration conducted by such qualified organization not exceeding one week and which is held not more than once annually, and a special licensee shall be exempt from the provisions of subdivisions (7) and (11) of section 313.040. Each organization receiving a special license shall pay to the director a fee of twenty-five dollars, to be paid into the state treasury to the credit of the gaming commission bingo fund.

3. Any organization that obtains more than three special bingo licenses during any calendar year shall be required to file an annual report as required in section 313.045.

(L. 1981 H.B. 322 § 3, A.L. 1983 H.B. 95 & 223, A.L. 1993 S.B. 10 & 11, A.L. 1994 S.B. 427, A.L. 1996 H.B. 1159)

Chapter 313
Licensed Gaming Activities

Section 313.020

August 28, 1998

Application for license, contents--false statement on application, penalty--renewal, information required--abbreviated license, application contents.

313.020. 1. The application form for licensure under sections 313.005 to 313.080 shall be prescribed by the commission and shall contain the following information:

- (1) The name and address of the organization;
- (2) A copy of the document from the United States Internal Revenue Service which grants the applicant tax-exempt status and the federal identification number;
- (3) A statement that the organization has been in continuing existence in this state for five years immediately preceding the making of the application and that it has had during that period a bona fide membership of at least twenty persons;
- (4) A statement as to whether the organization has had any previous application refused, revoked or suspended;
- (5) A statement of the purpose for which the bingo proceeds will be used;
- (6) A copy of the articles of incorporation and certificate of incorporation of the organization, if applicable;
- (7) A sworn statement signed by the chief officer and the secretary of the organization verifying that the statements contained in the application are true;
- (8) The name and address of a person authorized to receive service of process on behalf of the organization;
- (9) Such other information deemed necessary by the commission.

2. The commission shall issue an abbreviated license for conducting bingo pull-tab card games to any organization which submits an application on a form prescribed by the director and which satisfies the director that such organization meets the requirements for an abbreviated license pursuant to the provisions of section 313.010. The application for an abbreviated license shall contain only the following information:

- (1) The name and address of the organization;
- (2) A statement that the organization satisfies the requirements established by section 313.010, for an abbreviated license, and all other applicable requirements for conducting bingo games pursuant to the provisions of sections 313.005 to 313.085;
- (3) The location where the bingo pull-tab game will occur;
- (4) The approximate date when the bingo pull-tab game will occur;
- (5) The signature of the chief officer or secretary of the organization verifying that the statements contained in the application are true.

3. A person who knowingly makes a false statement on an application is guilty of a class A misdemeanor and shall not ever again be considered for application by the commission, nor shall such person ever again assist in any manner with the management, conduct or operation of any game.

4. A renewal application shall only include any changes in the information required to be submitted with the initial application.

(L. 1981 H.B. 322 § 4, A.L. 1993 S.B. 10 & 11, A.L. 1994 S.B. 427, A.L. 1996 H.B. 1159)

Chapter 313

Licensed Gaming Activities

Section 313.025

August 28, 1998

Leases, approval by commission--percentage of gross receipts as rent prohibited--lessors and suppliers may not operate games.

313.025. 1. If any applicant for licensure or organization licensed under sections 313.005 to 313.080 proposes to conduct bingo on leased premises or use leased equipment, the terms of the lease shall be reduced to writing and a copy of the lease shall be submitted to the commission. The commission may approve or disapprove any such lease. No lease which has been approved by the commission shall be amended, modified or renewed in any manner until

such amendments, modifications or renewals have been approved by the commission. No lease providing for a rental arrangement for premises or equipment for use in the game shall provide for payment in excess of the reasonable market rental rate for such premises or equipment and in no case shall any payment be based on a percentage of gross receipts or proceeds. The reasonable market rental rate shall be determined by the commission.

2. If any applicant for licensure or any organization licensed under the provisions of sections 313.005 to 313.080 proposes to purchase or lease bingo supplies, bingo equipment, or bingo services or premises in which bingo will be conducted, the applicant or licensee may be required at the discretion of the commission to submit in writing a detailed listing of the supplies to be purchased or leased together with the quoted price therefor and a copy of the lease, if such supplies are to be leased. No purchase or lease of bingo supplies shall provide for payment in excess of the reasonable market purchase price or reasonable market rental rate for such equipment and in no case shall any payment be based on a percentage of gross receipts or proceeds. The reasonable market purchase price or reasonable market rental rate shall be determined by the commission.

3. Persons who lease premises, sell or lease supplies or equipment, or furnish commodities or services to sponsoring organizations to conduct bingo games shall take no part in operating such bingo games.

(L. 1981 H.B. 322 § 5, A.L. 1984 S.B. 720, A.L. 1993 S.B. 10 & 11)

Effective 7-1-94

Chapter 313
Licensed Gaming Activities

Section 313.030

August 28, 1998

Change in officers to be reported to commission--license to be displayed.

313.030. Any organization licensed to play bingo which changes any of its officers, directors or officials during the term of the bingo license shall immediately report the names and addresses of such individuals to the director, along with a sworn statement of each such individual as required on forms furnished by the director. Each licensee shall display the license in a prominent place in the area where it is to conduct bingo. The license issued by the commission shall authorize the licensee to conduct only the game commonly known as bingo.

(L. 1981 H.B. 322 § 6, A.L. 1993 S.B. 10 & 11)

Effective 7-1-94

Chapter 313
Licensed Gaming Activities

Section 313.035

August 28, 1998

Ineligible persons and organizations--revocation, eligibility for relicensure.

313.035. 1. The following persons and organizations are not eligible for any license under the provisions of sections 313.005 to 313.080 and shall not participate in the management, conduct or operation of any game:

- (1) Any person who has been convicted of a felony;
- (2) Any person who is or has been a professional gambler or gambling promoter;

- (3) Any person who has ever purchased a tax stamp for wagering or gambling activity;
- (4) Any person who has been convicted of or pleaded nolo contendere to any illegal gambling activity or forfeited bond for not appearing while charged with any illegal gambling activity;
- (5) Any person the commission has determined, based on the person's prior activities or criminal record, if any, poses a threat to the public interest or to the effective regulation and control of bingo, or creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of bingo or the carrying on of the business and financial arrangements incidental to the conduct of bingo;
- (6) Any firm, organization or corporation in which a person defined in subdivision (5) of this subsection is an officer, director or employee, whether compensated or not;
- (7) Any firm, organization or corporation in which a person defined in subdivision (5) of this subsection is to participate in the management or operations of a bingo game;
- (8) Any person who, at the time of the application for renewal of a bingo license, would not be eligible for such license upon first application.

2. Any bona fide religious, charitable, fraternal, veteran or service organization whose license has been revoked under sections 313.005 to 313.085 shall not be eligible for any license under sections 313.005 to 313.085 until such organization has demonstrated to the commission, through clear and convincing evidence, that the person or persons who were directly involved in the event or events which led to the revocation or had knowledge of the event or events which led to the revocation and failed to report such event or events to the commission, have been dismissed from any involvement, directly or indirectly, with the conducting of a bingo game for that organization or, if the organization owns the premises where bingo is conducted, that person or persons may not participate in the management, conduct or operation of any bingo game at that premises.

(L. 1981 H.B. 322 § 7, A.L. 1989 S.B. 153, A.L. 1994 S.B. 427)

Effective 6-28-94

Chapter 313
Licensed Gaming Activities

Section 313.040

August 28, 1998

Restrictions, penalties.

313.040. The conducting of bingo is subject to the following restrictions:

- (1) (a) The entire net receipts over and above the actual cost of conducting the game shall be exclusively devoted to the lawful, charitable, religious or philanthropic purposes of the organization permitted to conduct that game and no receipts shall be used to compensate in any manner any person who works for or is in any way affiliated with the licensed organization. Any person who violates the provisions of this paragraph shall be guilty of a class D felony;
- (b) Proceeds from the game of bingo may not be loaned to any person, except that this provision shall not prohibit the investment of the proceeds in any licensed banking or savings institution, instrument of the United States, Missouri, or any political subdivision thereof. Any person who violates the provisions of this paragraph shall be guilty of a class C misdemeanor; and
- (c) The actual cost of conducting the game shall only include the following:
 - a. The cost of the prizes;
 - b. The purchasing of the bingo cards from a licensed supplier;
 - c. The purchasing or leasing of the equipment used in conducting the game;
 - d. The lease rental on the premises in which the game is conducted to include an allocation of utility costs, if applicable, costs of providing security, including the employment of a reasonable number of security personnel at a compensation level which complies with rules and regulations promulgated by the commission and such personnel is actually present and engaged in security duties, and bookkeeping and accounting expenses;

e. The actual cost of providing reasonable janitorial services. The cost of such services shall not be above the fair market rate charged for similar services in the community where the bingo game is being conducted;

f. Subject to constitutional restrictions, if any, the fair market cost of advertising each bingo occasion. Such advertising shall be procured in accordance with the rules and regulations of the commission;

(2) No person shall participate in conducting or managing the game of bingo except a person who has been a bona fide member of the licensed organization for at least two years immediately preceding such participation, who is not a paid staff person of the licensed organization employed and compensated specifically for conducting or managing the game of bingo and who volunteers the time and service necessary to conduct the game. Subject to constitutional restrictions, if any, no person shall participate in the actual operation of the game of bingo under the direction of a person conducting or managing the game of bingo, except a person who has been a bona fide member of the licensed organization for at least one year immediately preceding such participation, who is not a paid staff person of the licensed organization employed and compensated specifically for operating the game of bingo and who volunteers the time and service necessary to operate the game. If any post or organization, by its national charter, has established an auxiliary organization for spouses, then members of the auxiliary organization shall be considered bona fide members of the licensed organization and members of the post or organization shall be considered bona fide members of the auxiliary organization for the purposes of this subdivision. Any person who is a duly ordained member of the clergy and any person who is a full-time employee or staff member of the licensed organization employed for at least two years by that organization in a capacity not directly related to the conducting or managing of the game of bingo, who has specific assigned duties under a definite job description with the licensed organization, and who volunteers time and assistance to the organization without compensation for such time and assistance in the conducting and managing of the game of bingo by the organization shall not be considered a paid staff person for the purposes of this subdivision. No full-time employee or staff member shall volunteer such time and assistance to more than one organization nor more than one day in any week. The commission shall establish guidelines for the determination of whether a person is a paid staff person within the meaning of this subdivision and shall specifically approve any full-time employee or staff member of the organization before such employee or staff member may volunteer time and assistance in the conducting and managing of bingo games for any organization. The commission may suspend the approval of any employee or staff member;

(3) No person, firm, partnership or corporation shall receive any remuneration, profit or gift for participating in the management, conduct or operation of the game, including the granting or use of bingo cards without charge or at a reduced charge from the licensed organization or from any other source;

(4) The aggregate retail value of all prizes or merchandise awarded, except prizes or merchandise awarded by pull-tab cards and progressive bingo games, in any single day of bingo may not exceed three thousand six hundred dollars and the prize awarded for any one game, other than progressive bingo games authorized pursuant to section 313.013, may not exceed five hundred dollars cash or its equivalent. No more than one five-hundred-dollar prize, other than prizes in progressive bingo games, shall be awarded on any single day of bingo;

(5) The number of games may not exceed sixty-two in any one day, including regular and special games. For purposes of this subdivision, the use of a pull-tab card and progressive bingo games shall not count as one of the sixty-two games per day, as limited by this subdivision, but no pull-tab card may be used except in conjunction with one of such sixty-two games;

(6) The price paid for a single bingo card under the license may not exceed one dollar. The commission may establish by rule or regulation the number of bingo cards which may be placed on a single bingo sheet. The price for a single pull-tab card may not exceed one dollar. The price for a single special game bingo card may not exceed fifty cents. A licensee may not require a minimum number of cards to be purchased by any individual;

(7) The number of bingo days conducted by a licensee under the provisions of sections 313.005 to 313.080 shall be limited to one day per week;

(8) Any person, officer or director of any firm or corporation, and any partner of any partnership renting or leasing to a licensed organization equipment or premises for use in a game shall meet all the qualifications set forth in subdivisions (1) to (5) and (8) of section 313.035 and shall not be a paid staff person of the licensee. Proof of compliance with this subdivision shall be submitted to the commission by the licensee in the manner required by the commission;

(9) Subject to constitutional restrictions, if any, an organization licensed to conduct bingo in the state of Missouri may advertise a bingo occasion or special event bingo if expenditures for advertisement do not exceed two percent of the total amount expended from receipts of bingo conducted by the licensed organization for charitable, religious or philanthropic purposes. No advertising for any bingo occasion or occasions conducted by any organization shall include any reference to an aggregate value of bingo prizes which exceed the amount authorized by law to be paid out in a single bingo occasion;

- (10) No person under the age of sixteen years may play or participate in the conducting of bingo. Any person under the age of sixteen years may be within the area where bingo is being played only when accompanied by his parent or guardian;
- (11) No licensee shall lease premises in which it conducts bingo games from someone who is not a hall provider licensed by the commission;
- (12) No licensee shall pay any consulting fees to any person for any service performed in relation to the bingo game;
- (13) No licensee shall pay concession fees to any person who provides refreshments to the participants in the bingo game;
- (14) No licensee shall conduct a bingo session at any time during the ten-hour period between midnight and 10:00 a.m.;
- (15) No licensee, while a bingo game is being conducted, shall knowingly permit entry to any part of the licensed premises to any person of notorious or unsavory reputation or who has an extensive police record or who has been convicted of a felony;
- (16) No vending machine or any mechanized coin-operated machine may be used to sell pull-tab cards or to pay prize money, merchandise gifts or any other form of a prize;
- (17) No rented or reusable bingo cards may be used to conduct any game. All games must be conducted with disposable paper bingo cards that are marked by permanent ink as prescribed by the rules and regulations of the commission;
- (18) No licensee shall purchase or use any bingo supplies from a person who is not licensed by the state of Missouri as a bingo supplier.

(L. 1981 H.B. 322 § 8, A.L. 1983 H.B. 95 & 223, A.L. 1984 H.B. 1356 and S.B. 720, A.L. 1986 S.B. 461, A.L. 1987 S.B. 55, A.L. 1993 S.B. 10 & 11, A.L. 1994 S.B. 427, A.L. 1996 H.B. 1159)

Chapter 313
Licensed Gaming Activities

Section 313.045

August 28, 1998

Annual reports by certain licensees--contents.

313.045. Each licensee which awards to winners of bingo games prizes or merchandise having an aggregate retail value of more than seven thousand five hundred dollars annually shall report annually to the commission on forms prescribed by the commission the following information:

- (1) The number of games it has conducted during the reporting year;
- (2) The location at which and the days it conducted games;
- (3) The gross receipts it received from each game;
- (4) An itemization of the cost of conducting each game, other than for prizes, and the names and addresses of the person to whom said expenses were paid;
- (5) The purposes for which the net proceeds of the game were used and the amounts so used;
- (6) Any other information that the director may require by rule or regulation.

(L. 1981 H.B. 322 § 9, A.L. 1984 S.B. 720, A.L. 1993 S.B. 10 & 11)

Effective 7-1-94

Chapter 313
Licensed Gaming Activities

Section 313.050

August 28, 1998

Records to be kept--retention period.

313.050. Each licensee shall keep a complete record of bingo games conducted within the previous three years. Such records shall be open to inspection by the commission.

(L. 1981 H.B. 322 § 10, A.L. 1993 S.B. 10 & 11)

Effective 7-1-94

Chapter 313 Licensed Gaming Activities

Section 313.052

August 28, 1998

Grounds for disciplinary action against licensee.

313.052. A holder of any license shall be subject to imposition of penalties, suspension or revocation of such license, or other action for any act or failure to act by himself or his agents or employees, that is injurious to the public health, safety, good order and general welfare of the people of the state of Missouri, or that would discredit or tend to discredit charitable bingo operations in Missouri or the state of Missouri unless the licensee proves by clear and convincing evidence that he is* not guilty of such action. The commission shall take appropriate action against any licensee who violates the law or the rules and regulations of the commission. Without limiting other provisions of sections 313.005 to 313.085, the following acts or omissions may be grounds for such discipline:

- (1) Failing to comply with or make provision for compliance with the provisions of sections 313.005 to 313.085, the rules and regulations of the commission or any federal, state or local law or regulation;
- (2) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to bingo;
- (3) Receiving or purchasing goods or services from a person or business entity who does not hold a supplier's or manufacturer's license issued pursuant to sections 313.005 to 313.085, but who is required to hold such license by the provisions of sections 313.005 to 313.085 or the rules and regulations of the commission;
- (4) Associating with, either socially or in business affairs, or employing persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body and would adversely affect public confidence and trust in gaming;
- (5) Employing in any bingo operation any person known to have been found guilty of cheating or using any improper device in connection with any bingo game;
- (6) Use of fraud, deception, misrepresentation or bribery in securing any permit or license issued pursuant to the provisions of sections 313.005 to 313.085;
- (7) Obtaining or attempting to obtain any fee, charge, or other compensation by fraud, deception, or misrepresentation;
- (8) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by the provisions of sections 313.005 to 313.085.

(L. 1994 S.B. 427)

Effective 6-28-94

*Words "they are" appear in original rolls.

Chapter 313 Licensed Gaming Activities

Section 313.055

August 28, 1998

Tax on organizations making certain prize awards--rate paid, when-- delinquent, penalty.

313.055. 1. Until January 1, 1995, a tax is hereby imposed on each organization conducting the game of bingo which awards to winners of bingo games prizes or merchandise having an aggregate retail value of more than five thousand dollars annually and more than one hundred dollars in any single day. The tax shall be in an amount equal to two and one-half percent of the total gross receipts realized from each game of bingo conducted, shall be paid on a monthly basis to the commission, by each person or licensee conducting a game or games of bingo and shall be due on the fifteenth day of the month following the month in which each bingo game was conducted. Beginning January 1, 1995, the tax shall be in the amount of two-tenths of one cent upon each bingo card and progressive bingo game card sold in Missouri to be paid by the supplier. The taxes, less two percent of the total amount paid which may be retained by the supplier, shall be paid on a monthly basis to the commission, by each supplier of bingo supplies and shall be due on the last day of the month following the month in which the bingo card was sold, with the date of sale being the date on the invoice evidencing the sale, along with such reports as may be required by the commission. The taxes shall be deposited in the state treasury, credited to the bingo proceeds for education fund.

2. All taxes not paid to the commission by the person or licensee required to remit the same on the date when the same becomes due and payable to the commission under the provisions of sections 313.005 to 313.085 shall bear interest at the rate to be set by the commission not to exceed two percent per calendar month, or fraction thereof, from and after such date until paid. In addition, the commission may impose a penalty not to exceed three times the amount of taxes due for failure to submit the reports required by this section and pay the taxes due.

(L. 1981 H.B. 322 § 11, A.L. 1984 S.B. 720, A.L. 1993 S.B. 10 & 11, A.L. 1994 S.B. 427, A.L. 1996 H.B. 1159)

Chapter 313 Licensed Gaming Activities

Section 313.057

August 28, 1998

Suppliers license required, exceptions, qualifications, fee--records--pull-tab cards, tax on--restrictions on use--failure to pay tax, penalty.

313.057. 1. It is unlawful for any person, either as an owner, lessee or employee, to operate, carry on, conduct or maintain any form of manufacturing, selling, leasing or distribution of any bingo equipment or supplies without having first procured and maintained a Missouri bingo equipment and supplies manufacturer or supplier license.

2. The holder of a state bingo license may, within two years of cessation of conducting bingo or upon specific approval by the commission, dispose of by sale in a manner approved by the commission, any or all of his bingo

equipment and supplies, without a supplier's license. In case of foreclosure of a lien by a bank or other person holding a security interest for which bingo equipment is security in whole or in part for the lien, the commission may authorize the disposition of the bingo equipment without requiring a supplier's license.

3. Any person whom the commission determines to be a suitable person to receive a license under the provisions of this section may be issued a manufacturer's or supplier's license. The commission may require suppliers to post a bond with the commission in an amount and in the manner prescribed by the commission. The burden of proving his qualification to receive or hold a license under this section is at all times on the applicant or licensee.

4. The commission shall charge and collect from each applicant for a supplier's license a one-time application fee set by the commission, not to exceed five thousand dollars. The commission shall charge and collect an annual renewal fee for each supplier licensee not to exceed one thousand dollars.

5. The commission shall charge and collect from each applicant for a manufacturer's license a one-time application fee set by the commission, not to exceed one thousand dollars. The commission shall charge and collect an annual renewal fee for each manufacturer licensee not to exceed five hundred dollars.

6. The commission shall charge and collect from each applicant for a hall provider's license a one-time application fee set by the commission, not to exceed seven hundred fifty dollars. The commission shall charge and collect an annual renewal fee for each hall provider licensee not to exceed five hundred dollars.

7. All licenses issued under this section shall be issued for the calendar year and shall expire on December thirty-first of each year. Regardless of the date of application or issuance of the license, the fee to be charged and collected under this section shall be the full annual fee.

8. All license fees collected pursuant to this section shall be paid over immediately to the state treasurer to be deposited to the credit of the gaming commission bingo fund.

9. All licensees under this section shall maintain for a period of not less than three years full and complete records of all business carried on in this state and shall make same available for inspection to any duly authorized representative of the commission. If a supplier does not receive payment in full from an organization within thirty days of the delivery of bingo supplies, the supplier shall notify the commission in writing, or in a manner specified by the commission in its rules and regulations, of the delinquency. Upon receipt of the notice of delinquency, the commission shall notify all suppliers that until further notice from the commission, all sales of bingo supplies to the delinquent organizations shall be on a cash-only basis. Upon receipt of the notice from the commission, no supplier may extend credit to the delinquent organization until such time as the commission approves credit sales. If a manufacturer does not receive payment in full from a supplier within ninety days of the delivery of bingo supplies, the manufacturer shall notify the commission in writing, or in a manner specified by the commission in its rules and regulations, of the delinquency. Upon receipt of the notice of delinquency, the commission shall notify all manufacturers that until further notice from the commission, all sales of bingo supplies to the delinquent supplier shall be on a cash-only basis. Upon receipt of the notice from the commission, no manufacturer may extend credit to the delinquent supplier until such time as the commission approves credit sales.

10. Until January 1, 1995, all suppliers shall pay a tax on all pull-tab cards distributed by them in the amount of ten dollars per box when sold by any organization licensed to conduct bingo under the provisions of sections 313.005 to 313.080. No box sold shall contain more than twenty-four hundred pull-tab cards. Beginning January 1, 1995, a tax is hereby imposed in the amount of two percent of the gross receipts of the retail sales value charged for each pull-tab card sold in Missouri to be paid by the supplier. The taxes, less two percent of the total amount paid which may be retained by the supplier, if timely filed and paid, shall be paid on a monthly basis to the commission by each supplier of pull-tabs and shall be due on the last day of each month following the month in which the pull-tabs were sold. The taxes shall be deposited in the state treasury, credited to the bingo proceeds for education fund. All pull-tab cards sold by suppliers in this state shall bear on the face thereof the amount for which such pull-tab cards will be sold, and the license number of the supplier shall be printed on the inventory statement commonly called the flare, enclosed in each unit container. Each unit container shall contain cards printed in such a manner as to ensure that at least sixty percent of the gross revenues generated by the ultimate sale of such cards shall be returned to the final purchasers of such cards. Any supplier who fails to pay the tax imposed under this subsection shall have his license issued under this section revoked and shall be guilty of a class A misdemeanor.

(L. 1984 S.B. 720, A.L. 1986 S.B. 461, A.L. 1993 S.B. 10 & 11, A.L. 1994 S.B. 427, A.L. 1996 H.B. 1159)

Chapter 313

Licensed Gaming Activities

Section 313.060

August 28, 1998

Veterans' hospitals, exempt from frequency provisions--net receipts to be given to hospital.

313.060. Veterans' organizations may conduct the game of bingo on a daily basis, for patients only, in federally designated veterans' hospitals. Such bingo games shall be exempt from the frequency provisions of subdivision* (7) of section 313.040. All net receipts over and above the actual cost of conducting the game as set by law shall be given to the hospital where the bingo game is conducted.

(L. 1981 H.B. 322 § 12)

*Word "subsection" is in original rolls

Chapter 313 Licensed Gaming Activities

Section 313.065

August 28, 1998

Rules and regulations, promulgation.

313.065. The administration of sections 313.005 to 313.080 shall be vested in the commission which shall have power to adopt and enforce rules and regulations to regulate and license the management, operation and conduct of games of bingo and participants therein and to properly administer and enforce the provisions of sections 313.005 to 313.080. No rule or portion of a rule promulgated under the authority of sections 313.005 to 313.080 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

(L. 1981 H.B. 322 § 13, A.L. 1993 S.B. 10 & 11, A.L. 1995 S.B. 3)

Chapter 313 Licensed Gaming Activities

Section 313.070

August 28, 1998

Licenses, suspension or revocation, when.

313.070. Any license issued under sections 313.005 to 313.080 shall be suspended or revoked by the commission if it is found that the licensee or any person connected therewith has violated any provision of sections 313.005 to 313.080 or any rule or regulation of the commission adopted pursuant to sections 313.005 to 313.080.

(L. 1981 H.B. 322 § 14, A.L. 1984 S.B. 720, A.L. 1993 S.B. 10 & 11)

Effective 7-1-94

Chapter 313
Licensed Gaming Activities

Section 313.075

August 28, 1998

Bingo not deemed gambling--licensed sales or consumption of beer and alcoholic beverages not prohibited.

313.075. The conduct or playing games of bingo under the provisions of sections 313.005 to 313.080 does not constitute gambling or gambling activities and the power of the division of liquor control to prohibit the licensing of any premises on which gambling or gambling activities are conducted or played, or to prohibit the sale or consumption of beer or alcoholic beverage on any premises on which gambling or gambling activities are conducted or played, shall not apply where the only activity is the conduct or playing of games of bingo under the provisions of sections 313.005 to 313.080. Any licensee under sections 313.005 to 313.080 may, if such licensee meets all other requirements of the liquor licensing laws of this state, be licensed by the division of liquor control as provided in chapters 311 and 312, RSMo, and the conduct or playing of games of bingo under the provisions of sections 313.005 to 313.080 shall not, by itself, be a reason for refusal to license or for suspension or revocation of a license under the provisions of chapter 311 or 312, RSMo.

(L. 1981 H.B. 322 § 15)

Chapter 313
Licensed Gaming Activities

Section 313.080

August 28, 1998

Violations, penalty.

313.080. Any person who violates any provision of sections 313.005 to 313.080 shall be guilty of a class A misdemeanor.

(L. 1981 H.B. 322 § 16)

Chapter 313
Licensed Gaming Activities

Section 313.085

August 28, 1998

Sales of bingo supplies exempt from certain taxes.

313.085. In addition to the exemptions granted under the provisions of section 144.030, RSMo, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.745, RSMo, section 238.235, RSMo, and any local sales tax law, as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed or payable under sections 144.010 to 144.525 and 144.600 to 144.745, RSMo, section 238.235, RSMo, and any local sales tax law, as defined in section 32.085, RSMo, all sales of bingo supplies, equipment or cards, including pull-tab cards, to any organization duly licensed to conduct bingo pursuant to sections 313.005 to 313.085.

(L. 1986 S.B. 461 § 1, A.L. 1993 H.B. 112, A.L. 1994 S.B. 427 and S.B. 740)

Effective 5-20-94 (S.B. 740) 6-28-94 (S.B. 427)

Chapter 313 **Licensed Gaming Activities**

Section 313.200

August 28, 1998

Citation of law.

313.200. Sections 313.200 to 313.350 shall be known and may be cited as the "State Lottery Law".

(L. 1985 S.B. 44 § 1)

Effective 6-11-85

(1988) Lottery commission may participate in multistate lottery. Tichenor v. Missouri State Lottery Commission, 742 S.W.2d 170 (Mo.En Banc 1988).

Chapter 313 **Licensed Gaming Activities**

Section 313.205

August 28, 1998

Definitions.

313.205. As used in sections 313.200 to 313.350, the following words and terms shall have the meanings ascribed to them in this section unless the context clearly requires otherwise:

(1) "Commission" or "lottery commission", the three-member body appointed by the governor to manage and oversee the lottery and to appoint a director;

- (2) "Commissioner", one of the members of the lottery commission appointed by the governor pursuant to the provisions of sections 313.200 to 313.350;
- (3) "Director", the director of the state lottery appointed by the commission as the chief administrator of the state lottery;
- (4) "Division", the division of the state lottery authorized by sections 313.200 to 313.350;
- (5) "Lottery" or "state lottery", the state lottery established and operated pursuant to the provisions of sections 313.200 to 313.350;
- (6) "Lottery contractor" or "lottery vendor", a person with whom the division has contracted to provide goods or services for the state lottery;
- (7) "Lottery game" or "game", any procedure authorized by written rule of the commission whereby prizes are distributed among persons who have paid, or have unconditionally agreed to pay, for tickets or shares which provide the opportunity to win such prizes;
- (8) "Lottery game retailer", any person with whom the lottery commission has contracted to sell tickets or shares in lottery games to the public;
- (9) "Person", any natural person, firm, corporation, or other legal entity possessing a department of revenue retail sales license, as provided by law.

(L. 1985 S.B. 44 § 2)

Effective 6-11-85

Chapter 313 Licensed Gaming Activities

Section 313.210

August 28, 1998

Commission established--offices--assignment to department.

313.210. The "State Lottery Commission" is hereby created. The commission shall control and manage the state lottery. The principal office of the commission shall be located in Jefferson City in quarters provided by the division of design and construction. That division shall also arrange for other needed office space for the commission or its staff. The commission shall be assigned to the department of revenue as a type III division, but the director of the department of revenue has no supervision, authority or control over the actions or decisions of the lottery commission or the director of the state lottery.

(L. 1985 S.B. 44 § 3)

Effective 6-11-85

Chapter 313 Licensed Gaming Activities

Section 313.215

August 28, 1998

Commission members--terms, qualifications--expense reimbursement.

313.215. The commission shall consist of five members appointed by the governor with advice and consent of the senate, no more than three of whom shall be of the same political party. Members shall be appointed for terms of three years except for the initial members, two of whom shall be appointed for a term of one year, two for a term of two years, and one for a term of three years. No person shall be appointed as a commissioner who has been convicted of a felony or gambling related offense. The commission shall elect one of its members as chairman of the commission. All appointments shall be made within thirty days after expiration of a term. Vacancies shall be filled within thirty days by the governor for the unexpired portion of the term. The governor may remove any commissioner for cause following a hearing. Commissioners shall not be compensated for their services, but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties from the state lottery fund. Each member of the commission at the time of his appointment and qualification shall have been a resident of this state for at least five years next preceding his appointment and qualification and shall also be a registered voter and at least thirty years of age.

(L. 1985 S.B. 44 § 4, A.L. 1988 S.B. 643)

Effective 9-1-88

Chapter 313 **Licensed Gaming Activities**

Section 313.220

August 28, 1998

Rules and regulations--procedure generally, this chapter.

313.220. The commission shall promulgate such rules and regulations governing the establishment and operation of a state lottery as it deems necessary and desirable to fully implement the mandate of the people expressed in the approval of the lottery amendment to article III of the Missouri Constitution. Such rules and regulations shall be designed so that a lottery may be initiated at the earliest feasible and practicable time. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

(L. 1985 S.B. 44 § 5, A.L. 1988 S.B. 643, A.L. 1993 S.B. 52, A.L. 1995 S.B. 3)

Chapter 313 **Licensed Gaming Activities**

Section 313.225

August 28, 1998

Commission meetings--quorum.

313.225. The commission shall meet at least quarterly in accordance with its rules therefor. No action of the commission shall be binding unless taken at a meeting at which at least three of the five members are present and shall vote in favor thereof.

(L. 1985 S.B. 44 § 6, A.L. 1988 S.B. 643)

Effective 9-1-88

Chapter 313
Licensed Gaming Activities

Section 313.230

August 28, 1998

Duties of commission--nepotism prohibited for employees of lottery and commission.

313.230. The commission shall:

(1) Issue rules and regulations concerning the operation of the Missouri state lottery. The rules and regulations shall include, but shall not be limited to, the following:

(a) The type of lottery to be conducted, except no lottery may use any coin- or token-operated amusement device and no lottery game shall be based in any form on the outcome of sporting events. However, it shall be legal to use clerk- or player-activated terminals, which are coin- or currency-operated, to dispense lottery tickets;

(b) The price, or prices, of tickets or shares in the lottery;

(c) The numbers and sizes of the prizes on the winning tickets or shares;

(d) The manner of selecting the winning tickets or shares;

(e) The manner of payment of prizes to the holders of winning tickets or shares;

(f) The frequency of the drawings or selections of winning tickets or shares, without limitation;

(g) The types or numbers of locations at which tickets or shares may be sold and the method to be used in selling tickets or shares;

(h) The method to be used in selling tickets or shares;

(i) The licensing of lottery game retailers to sell tickets or shares;

(j) The manner and amount of compensation, including commissions, ticket discounts, incentives and any other remuneration, to be paid to or retained by lottery game retailers;

(k) The apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources among:

a. The payment of prizes to the holders of winning tickets or shares;

b. The payment of costs incurred in the operation and administration of the lottery, including the expenses of the commission and the costs resulting from any contract or contracts entered into for promotional, advertising or operational services or for the purchase or lease of lottery equipment and materials;

c. For the repayment to the general revenue fund of any amount appropriated for initial start-up of the lottery; and

d. For timely transfer to the state lottery fund as provided by law;

(1) Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares. The commission may disburse money for payment of lottery prizes;

(2) Amend, repeal, or supplement any such rules and regulations from time to time as it deems necessary or desirable;

(3) Advise and make recommendations to the director regarding the operation and administration of the lottery;

(4) Report quarterly to the governor and the general assembly the total lottery revenues, prize disbursements and other expenses for the preceding quarter, and to make an annual report, which shall include a full and complete statement of lottery revenues, prize disbursements and other expenses, to the governor and the general assembly, and including such recommendations for changes in sections 313.200 to 313.350 as it deems necessary or desirable;

(5) Report to the governor and general assembly any matters which shall require immediate changes in the laws of this state in order to prevent abuses and evasions of sections 313.200 to 313.350 or rules and regulations promulgated thereunder or to rectify undesirable conditions in connection with the administration or operation of the lottery;

(6) Carry on a continuous study and investigation of the lottery throughout the state and to make a continuous study and investigation of the operation and the administration of similar laws which may be in effect in other states or countries, any literature on the subject which from time to time may be published or available, any federal laws

which may affect the operation of the lottery, and the reaction of Missouri citizens to existing and potential features of the lottery with a view to recommending or effecting changes that will tend to serve the purposes of sections 313.200 to 313.350;

(7) Ensure that all employees of the state lottery commission hired after July 12, 1990, shall not be related to any member of the state lottery commission or any employee of the state lottery commission within the third degree of consanguinity or affinity.

(L. 1985 S.B. 44 § 7, A.L. 1988 S.B. 643, A.L. 1990 S.B. 504, A.L. 1993 S.B. 215)

Chapter 313 **Licensed Gaming Activities**

Section 313.235

August 28, 1998

Director--appointment, qualifications, compensation.

313.235. The commission shall appoint a director. The director shall perform his duties subject to the direction of the commission. He may be removed by the commission for good cause shown after notice and an opportunity to be heard. He shall be qualified to direct the operations of a state-operated lottery. No person shall be appointed as lottery director who has been convicted of a felony or any gambling-related offense. The director shall receive a salary as set by the commission and subject to appropriation. He shall devote his entire time and attention to the duties of his office, and he shall not engage in any other profession or occupation.

(L. 1985 S.B. 44 § 8)

Effective 6-11-85

Chapter 313 **Licensed Gaming Activities**

Section 313.240

August 28, 1998

Duties of director.

313.240. The director shall, subject to the approval of the commission, perform all duties, exercise all powers, and assume and discharge all responsibilities to carry out the purpose of sections 313.200 to 313.350. The director shall act as secretary of the commission and keep all books, records, files and documents of the commission. The director shall supervise and administer the operation of the lottery in accordance with the provisions of sections 313.200 to 313.350 and the rules and regulations promulgated by the commission.

(L. 1985 S.B. 44 § 9)

Effective 6-11-85

Chapter 313 **Licensed Gaming Activities**

Section 313.245

August 28, 1998

Personnel--employment, qualifications, compensation.

313.245. The director shall employ such professional, clerical, technical and administrative personnel as may be necessary to carry out the provisions of sections 313.200 to 313.350. No person shall be employed by the lottery who has been convicted of a felony. Any person employed by the lottery in a management or policymaking position shall be a resident of this state or become a Missouri resident within six months of his appointment. Personnel shall be employed without regard to any political affiliation. Personnel shall receive a salary comparable to the salaries received by other state employees doing comparable duties.

(L. 1985 S.B. 44 § 10)

Effective 6-11-85

Chapter 313 Licensed Gaming Activities

Section 313.250

August 28, 1998

Budget preparation.

313.250. The director shall annually prepare and submit to the commission, for its approval, a proposed budget for the ensuing fiscal year, which budget shall present a complete financial plan setting forth all proposed expenditures and anticipated revenues of the state lottery.

(L. 1985 S.B. 44 § 11)

Effective 6-11-85

Chapter 313 Licensed Gaming Activities

Section 313.255

August 28, 1998

Licenses--issuance, suspension, revocation--allocation--qualifications of licensees--commission may sell tickets, when--bond.

313.255. 1. The director shall issue, suspend, revoke, and renew licenses for lottery game retailers pursuant to rules and regulations adopted by the commission. Such rules shall specify that at least ten percent of all licenses awarded

to lottery game retailers in constitutional charter cities not within a county and constitutional charter cities with a population of at least four hundred fifty thousand not located wholly within a county of the first class with a charter form of government shall be awarded to minority -owned and -controlled business enterprises. Licensing rules and regulations shall include requirements relating to the financial responsibility of the licensee, the accessibility of the licensee's place of business or activity to the public, the sufficiency of existing licenses to serve the public interest, the volume of expected sales, the security and efficient operation of the lottery, and other matters necessary to protect the public interest and trust in the lottery and to further the sales of lottery tickets or shares. Lottery game retailers shall be selected without regard to political affiliation.

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

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

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

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

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

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

(2) Has been convicted of any felony; or

(3) Has endangered the security of the lottery.

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

(1) A change of business location;

(2) An insufficient sales volume;

(3) A delinquency in remitting money owed to the lottery; or

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

(L. 1985 S.B. 44 § 12, A.L. 1988 S.B. 643)

Effective 9-1-88

Chapter 313 **Licensed Gaming Activities**

Section 313.260

August 28, 1998

Restrictions for licensees.

313.260. 1. No license shall be issued to any person to engage in business primarily as a lottery game retailer.

2. No person shall be licensed as a lottery game retailer who:

(1) Has been convicted of a felony;

(2) Is or has been a professional gambler or gambling promoter;

(3) Has been convicted of bookmaking or any other form of illegal gambling;

(4) Has been convicted of a crime involving fraud or misrepresentation;

(5) Has purchased a federal tax stamp for wagering or gambling activity;

(6) Has been convicted of or pleaded nolo contendere to any illegal gambling activity;

(7) Has had his ticket retailer's license revoked by the commission;

(8) Is a lottery contractor or lottery vendor;

(9) Is an employee of the commission or any spouse, child, brother, sister, or parent of an employee of the commission; or

(10) Is under the age of twenty-one;

(11) Is a firm, corporation or organization in which a person defined in subdivision (1), (2), (3), or (4) of this subsection is to participate in the management or sales of lottery tickets or shares.

(L. 1985 S.B. 44 § 13)

Effective 6-11-85

Chapter 313
Licensed Gaming Activities

Section 313.265

August 28, 1998

Denial of license, grounds--cause to be cited.

313.265. No person otherwise qualified under the provisions of sections 313.200 to 313.350 shall be denied a license as a lottery game retailer except for cause or for refusal to acquire such equipment and materials or meet such minimum sales requirements as the commission may deem necessary for a person to conduct a lottery game on his business premises. The reason for denial of a license shall be specified in writing by the commission.

(L. 1985 S.B. 44 § 14)

Effective 6-11-85

Chapter 313
Licensed Gaming Activities

Section 313.270

August 28, 1998

Purchase of goods and services--minority contracts, expiration date-- investigation costs--bond-- termination of vendor's contract.

313.270. 1. The director, pursuant to rules and regulations issued by the commission, may directly purchase or lease such goods or services as are necessary for effectuating the purposes of sections 313.200 to 313.350, including procurements which integrate functions such as lottery game design, supply of goods and services, and advertising. The lottery commission by approved rule may purchase goods made in the state of Missouri to be given away as prizes within the provisions of section 313.321. Contracts shall be awarded to lottery contractors or lottery vendors on the basis of lowest and best bid on an evaluated basis in order to maximize revenues to the lottery fund. The director may also utilize state purchasing procedures. The director shall award at least ten percent of the aggregate dollar amount of all contracts to provide goods and services to the lottery to minority business enterprises as defined by the office of administration and shall award at least five percent of the aggregate dollar amount of all contracts to provide goods and services to the lottery to women business enterprises as defined by the office of administration. No contract awarded or entered into by the director may be assigned by the holder thereof except by specific approval of the commission.

2. Any contract awarded to any lottery contractor or vendor shall provide that such contractor or vendor shall award a minimum of ten percent of his subcontracted business to minority business enterprises as defined by the office of administration and shall award a minimum of five percent of his subcontracted business to women business enterprises as defined by the office of administration. This section shall not apply to multistate lottery.
3. Any lottery vendor which enters into a contract to supply lottery materials, services or equipment for use in the operation of the state lottery shall first disclose such information as the commission may require, by rule and regulation, concerning the selection of lottery vendors.
4. The costs of any investigation into the background of the applicant seeking a contract shall be assessed against the applicant and shall be paid by the applicant at the time of billing by the state.
5. Performance bonds shall be posted by each contractor with the commission with a surety acceptable to the commission in an amount as may be required by the commission, but not to exceed the expected total value of the contract. The contract of any lottery contractor who does not comply with such requirements may be terminated by the commission. The commission may terminate the contract of any lottery vendor who:
 - (1) Is convicted of any felony;
 - (2) Is convicted of any gambling-related offense;
 - (3) Is convicted of any crime involving fraud or misrepresentation;
 - (4) Fails to comply with the rules and regulations of the commission existing at the time the contract was entered into; or
 - (5) Fails to periodically update any disclosure requirements.
6. The provisions in this section requiring that certain percentages of lottery contracts and subcontracts be awarded to businesses owned and controlled by women or ethnic and racial minorities shall expire on January 1, 2000.

(L. 1985 S.B. 44 § 15, A.L. 1988 S.B. 643)

Effective 9-1-88

Chapter 313 **Licensed Gaming Activities**

Section 313.275

August 28, 1998

Financial interests and gifts prohibited.

- 313.275. 1. No member of the commission or employee of the commission, including the director, and no member of their immediate families, shall have any personal pecuniary interest in any lottery or in the sale of any lottery tickets or shares or in any corporation, association, or firm contracting with the state to supply gaming equipment or materials for use in the operation of the lottery or in any corporation, association, or firm licensed as a lottery game retailer.
2. No member of the commission or employee of the commission, including the director, and no member of their immediate families, shall receive any gift, gratuity, or other thing of value from any person, corporation, association, or firm contracting with the state to supply gaming equipment or materials for use in the operation of the lottery or from any person, corporation, association, or firm licensed as a lottery game retailer.
3. No member of the commission or employee of the commission, including the director, and no member of their immediate families, shall be eligible to receive any prize awarded in such a lottery.
4. No person, firm, association, or corporation contracting to supply gaming equipment or materials to the state for use in the operation of the state lottery shall be directly connected with any person, firm, association, or corporation licensed as a lottery game retailer or a member of the commission, the director or its employees.

(L. 1985 S.B. 44 § 16)

Effective 6-11-85

Chapter 313
Licensed Gaming Activities

Section 313.280

August 28, 1998

Sale of tickets to minors.

313.280. No ticket or share shall be sold to any person under the age of eighteen, but this shall not be deemed to prohibit the purchase of a ticket or share for the purpose of making a gift by a person eighteen years of age or older to a person less than that age. The license of any licensee who knowingly sells or offers to sell a lottery ticket or share to any person under the age of eighteen shall be suspended or forfeited as prescribed by the rules adopted by the commission.

(L. 1985 S.B. 44 § 17)

Effective 6-11-85

Chapter 313
Licensed Gaming Activities

Section 313.285

August 28, 1998

Prizes not assignable except to revocable living trusts or personal custodian, requirements--death of prize winner, how prize is paid.

313.285. 1. No prize, nor any portion of a prize, nor any right of any person to a prize awarded shall be assignable, except that a prize may be paid for the use and benefit of the prize winner to the trustee of a revocable living trust established by the prize winner or a personal custodian appointed by the prize winner under the Missouri personal custodian law, chapter 404, RSMo. The prize winner's request to the director that payment be made to a trustee or personal custodian shall be submitted in a notarized letter together with a copy of the trust or written agreement with the personal custodian.

2. Any prize or portion thereof remaining unpaid at the death of a prize winner shall be paid as follows:

- (1) To the estate of the deceased prize winner;
- (2) To the trustee under a revocable living trust established by the deceased prize winner as settlor, provided that a copy of the trust has been filed with the director along with a notarized letter of direction from the settlor and no written notice of revocation has been received by the director prior to the settlor's death; or
- (3) To the surviving beneficiaries shown in a written beneficiary designation that has been executed by the prize winner and submitted to the director before the prize winner's death. If a trustee is named a beneficiary, a copy of the will or instrument creating the trust shall be filed with the director before payment is made to the trustee.

3. Notwithstanding any other provision of this section, any person pursuant to an appropriate judicial order may be paid the prize to which the winner is entitled. The commission and the director shall be discharged of all further liability upon payment of a prize pursuant to this section. Any ticket or share may be purchased by two or more

persons and any prize payable therefor shall be made in accordance with the ownership percentages of such ticket or share.

4. A beneficiary designation submitted by a prize winner is revocable by the beneficiary during lifetime and is governed by the nonprobate transfers law, chapter 461, RSMo. The rules provided in section 461.062, RSMo, shall apply in addition to any rules adopted by the director and approved by the commission that are made a part of the beneficiary designation.

5. Persons who begin to receive payment of the prize after the prize winner's death shall be treated as the prize winner for the purpose of this section and may provide for disposition of any portion of the prize remaining unpaid at their death by will, trust or beneficiary designation.

(L. 1985 S.B. 44 § 18, A.L. 1990 S.B. 504, A.L. 1993 S.B. 215)

Chapter 313 **Licensed Gaming Activities**

Section 313.290

August 28, 1998

Ticket or share prices fixed--counterfeiting prohibited--penalty.

313.290. 1. No person shall sell a ticket or share at a price other than that fixed by rule or regulation of the commission. No person other than a licensed lottery game retailer shall sell lottery tickets or shares, but nothing in this section shall be construed to prevent any person from giving lottery tickets or shares to another as a gift. Any violation of this section is a class A misdemeanor.

2. Any person who falsely or fraudulently makes, forges, alters or counterfeits, or causes or procures to be made, forged, altered or counterfeited, any state lottery ticket, or any part thereof, or who knowingly and willfully utters, publishes, passes or tenders as true, any forged, altered or counterfeited state lottery ticket is guilty of a class C felony. Any person who with intent to defraud secures, manufactures, or causes to be secured or manufactured, or has in his possession any counterfeit state lottery ticket or device, is guilty of a class D felony.

(L. 1985 S.B. 44 § 19)

Effective 6-11-85

Chapter 313 **Licensed Gaming Activities**

Section 313.295

August 28, 1998

Payment of prizes to minors and disabled adults under personal custodian law.

313.295. 1. If the person entitled to a prize, or payment of the prize after the prize winner's death, is* under the age of eighteen years or is a disabled adult person, the payment of the prize shall be made by delivery of a check or draft payable to the order of the minor's or disabled adult person's conservator, if any.

2. If the minor or disabled adult person does not have a conservator, payments not over ten thousand dollars may be made to a guardian, an adult member of the person's family or a financial institution as custodian for the minor under the Missouri transfers to minors law, or as custodian for the disabled adult person under the Missouri personal custodian law. If the payment is over ten thousand dollars and is not paid to a conservator, trustee or personal

custodian designated by the prize winner, or a financial institution, the approval of the probate division of the circuit court shall first be obtained for any payment to a custodian, under subsection 3 of section 404.031, RSMo, for minors and subsection 2 of section 404.490, RSMo, for disabled adult persons, and payment shall be made in accordance with the court's order.

3. The commission and the director shall be discharged of all further liability upon payment of a prize to a minor or disabled adult person pursuant to this section.

(L. 1985 S.B. 44 § 20, A.L. 1993 S.B. 215)

*Word "if" appears in original rolls, an apparent typographical error.

Chapter 313 **Licensed Gaming Activities**

Section 313.300

August 28, 1998

Unclaimed prizes.

313.300. Unclaimed prize money shall be retained by the commission for the person entitled thereto for one year after the time at which the prize was awarded. If no claim is made for the prize within such year, the prize money shall be reverted to the state lottery fund.

(L. 1985 S.B. 44 § 21, A.L. 1988 S.B. 643)

Effective 9-1-88

Chapter 313 **Licensed Gaming Activities**

Section 313.310

August 28, 1998

Duties of attorney general and highway patrol.

313.310. 1. The attorney general shall provide legal services for the commission. The attorney general shall make reasonable efforts to ensure that there is continuity in the legal services provided, and that the attorneys providing legal services to the commission have expertise in such field. No counsel outside the attorney general's office shall be employed to provide legal services for the commission or director without the expressed approval of the attorney general. The attorney general may hire any expert counsel necessary to protect the state's interest.

2. The commission or director may request that the attorney general make investigations, on behalf of and in the name of the commission, and bring suits or institute proceedings for any of the purposes necessary and proper for carrying out the functions of the division.

3. The Missouri state highway patrol, including the division of drug and crime control, shall have authority to make investigations relative to the operation and administration of Missouri gaming operations as authorized by law and to report suspected violations of state law or federal law to the proper prosecuting authorities. In the event that a violation of state law is reported to the proper prosecuting authority and no prosecution is commenced within thirty days for alleged violations, the attorney general shall have authority to commence prosecution for alleged violations of the state lottery law or other criminal statutes alleged to have been violated. The cost of personnel and related

expenses in the Missouri state highway patrol, including the division of drug and crime control, to accomplish the purposes of this section shall be paid within the limits of appropriations from general revenue, or from such other funding as may be authorized by the general assembly.

(L. 1985 S.B. 44 § 23, A.L. 1988 S.B. 643)

Effective 9-1-88

Chapter 313
Licensed Gaming Activities

Section 313.315

August 28, 1998

Duties of state auditor--other audits--reports to be filed.

313.315. 1. The state auditor shall conduct a biennial audit of all accounts and transactions of the state lottery pursuant to section 29.200, RSMo, and such other special audits as he may deem necessary. The auditor or his agents conducting an audit shall have access and authority to examine any and all records of the commission, its distributing agencies, lottery vendors or lottery ticket sales agents that relate to the operation, administration, or promotion of the lottery.

2. The commission shall employ an independent firm of accountants to conduct an annual audit of all accounts and transactions of the lottery. Expenses for conducting an audit pursuant to this subsection shall be paid from the state lottery fund.

3. All audit reports shall be presented to the general assembly pursuant to section 181.100, RSMo, and to the commission, the governor, the commissioner of administration, the state treasurer, attorney general, and the state auditor.

(L. 1985 S.B. 44 § 24)

Effective 6-11-85

Chapter 313
Licensed Gaming Activities

Section 313.321

August 28, 1998

State lottery fund, established--distribution of funds--imprest prize fund, created, uses--collection, investment, use of lottery funds-- taxation, set-off of prizes, when--restrictions for licensees.

313.321. 1. The money received by the Missouri state lottery commission from the sale of Missouri lottery tickets and from all other sources shall be deposited in the "State Lottery Fund", which is hereby created in the state treasury. At least forty-five percent, in the aggregate, of the money received from the sale of Missouri lottery tickets shall be appropriated to the Missouri state lottery commission and shall be used to fund prizes to lottery players. Amounts in the state lottery fund may be appropriated to the Missouri state lottery commission for administration, advertising, promotion, and retailer compensation. The general assembly shall appropriate remaining moneys not previously allocated from the state lottery fund by transferring such moneys to the general revenue fund. The lottery

commission shall make monthly transfers of moneys not previously allocated from the state lottery fund to the general revenue fund as provided by appropriation.

2. The commission may also purchase and hold title to any securities issued by the United States government or its agencies and instrumentalities thereof that mature within the term of the prize for funding multi-year payout prizes.

3. The "Missouri State Lottery Imprest Prize Fund" is hereby created. This fund is to be established by the state treasurer and funded by warrants drawn by the office of administration from the state lottery fund in amounts specified by the commission. The commission may write checks and disburse moneys from this fund for the payment of lottery prizes only and for no other purpose. All expenditures shall be made in accordance with rules and regulations established by the office of administration. Prize payments may also be made from the state lottery fund. Prize payouts made pursuant to this section shall be subject to the provisions of section 143.781, RSMo; and prize payouts made pursuant to this section shall be subject to set off for delinquent child support payments as assessed by a court of competent jurisdiction or pursuant to section 454.410, RSMo.

4. Funds of the state lottery commission not currently needed for prize money, administration costs, commissions and promotion costs shall be invested by the state treasurer in interest-bearing investments in accordance with the investment powers of the state treasurer contained in chapter 30, RSMo. All interest earned by funds in the state lottery fund shall accrue to the credit of that fund.

5. No state or local sales tax shall be imposed upon the sale of lottery tickets or shares of the state lottery or on any prize awarded by the state lottery. No state income tax or local earnings tax shall be imposed upon any lottery game prizes which accumulate to an amount of less than six hundred dollars during a prize winner's tax year. The state of Missouri shall withhold for state income tax purposes from a lottery game prize or periodic payment of six hundred dollars or more an amount equal to four percent of the prize.

6. The director of revenue is authorized to enter into agreements with the lottery commission, in conjunction with the various state agencies pursuant to sections 143.782 to 143.788, RSMo, in an effort to satisfy outstanding debts to the state from the lottery winning of any person entitled to receive lottery payments which are subject to federal withholding.


7. In addition to the restrictions provided in section 313.260, no person, firm, or corporation whose primary source of income is derived from the sale or rental of sexually oriented publications or sexually oriented materials or property shall be licensed as a lottery game retailer and any lottery game retailer license held by any such person, firm, or corporation shall be revoked.

(L. 1986 H.B. 1652, A.L. 1988 S.B. 643)

Effective 9-1-88

Chapter 313 Licensed Gaming Activities

Section 313.322

 August 28, 1998

Commission may contract operation of lottery to private organization, how.

313.322. Notwithstanding the provisions of sections 313.200 to 313.350, the lottery commission may contract the operation of the state lottery and any multistate lottery to a private organization on the basis of public bids, the best bid being to the organization which, under bond, can guarantee the state the highest return to the general revenue fund or public expenditure funds as may be designated in sections 313.200 to 313.350.

(L. 1988 S.B. 643)

Effective 9-1-88

Chapter 313 Licensed Gaming Activities

Section 313.325

August 28, 1998

Commission may subpoena records and witnesses--failure to obey.

313.325. The commission may issue subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records and other evidence before it in any matter over which it has jurisdiction, control or supervision. The commission may administer oaths and affirmations to persons whose testimony is required. If a person subpoenaed to attend in any such proceeding or hearing fails to obey the command of the subpoena without reasonable cause, or if a person in attendance in any such proceeding or hearing refuses, without lawful cause, to be examined or to answer a legal or pertinent question or to exhibit any book, account, record or other document when ordered so to do by the commission, the commission may apply to any judge of the circuit court, upon proof by affidavit of the facts, for an order returnable in not more than ten days, or as the court shall prescribe, directing such person to show cause before the court why he should not comply with such subpoena or such order. Upon return of the order, the court before whom the matter shall come on for hearing shall examine such person under oath, and if the court shall determine, after giving such person an opportunity to be heard, that he refused without legal excuse to comply with such subpoena or such order of the director, the court may order such person to comply therewith forthwith and any failure to obey the order of the court may be punished as a contempt of the court.

(L. 1985 S.B. 44 § 26)

Effective 6-11-85

Chapter 313 Licensed Gaming Activities

Section 313.340

August 28, 1998

Constitutional prohibition construed--no denial of liquor license.

313.340. 1. Notwithstanding any other provision of law to the contrary, participation by a person, firm, corporation or organization in any aspect of the state lottery in accordance with sections 313.200 to 313.350 shall not be construed to be a lottery or gift enterprise in violation of article III, section 39 of the Constitution of Missouri.
2. The sale of lottery tickets or shares in accordance with sections 313.200 to 313.350 shall not constitute a valid reason to refuse to issue or renew or to revoke or suspend any license or permit issued under the provisions of chapter 311 or 312, RSMo.

(L. 1985 S.B. 44 § 29)

Effective 6-11-85

Chapter 313 Licensed Gaming Activities

Section 313.345

August 28, 1998

Licenses and contracts may be denied to persons owing debt to state.

313.345. No license or contract shall be granted to any person in default in the payment of any obligation or debt due the state, provided no applicant shall be deemed in default in the payment of any obligation or debt due to the state as long as there is pending a hearing of any kind relevant to such matter.

(L. 1985 S.B. 44 § 30)

Effective 6-11-85

Chapter 313 Licensed Gaming Activities

Section 313.350

August 28, 1998

Venue for civil actions--advancement on docket.

313.350. Any civil action brought on any question in connection with the lottery shall be filed in the circuit court of Cole County, and all such suits shall be given priority and advanced on the court docket and shall be heard and decided by the court as quickly as possible.

(L. 1985 S.B. 44 § 31)

Effective 6-11-85

Chapter 313 Licensed Gaming Activities

Section 313.500

August 28, 1998

Definitions.

313.500. As used in sections 313.500 to 313.710, unless the context clearly indicates that a different meaning is intended, the following terms mean:

- (1) "Breakage", the odd cents by which the amount payable on each dollar wagered exceeds a multiple of ten cents;
- (2) "Commission", the Missouri gaming commission, created in section 313.004, or its designate;
- (3) "County", any county in the state of Missouri or the city of St. Louis;
- (4) "Horse", any equine, ass, mule, pony, or hybrid thereof;
- (5) "Organization", any individual, political subdivision, state agency, partnership, unincorporated association, firm, or corporation licensed by the commission to conduct a horse racing meeting;
- (6) "Pari-mutuel wagering", a form of wagering on the outcome of horse races in which those who wager purchase tickets of various denominations on a horse or horses in one or more races, all wagers are pooled, and when the outcome of the race has been declared official, the total wagers comprising each pool, less such amounts provided herein or which are provided by law or rule, will be distributed to holders of winning tickets on the winning horse or horses;

(7) "Public official", any elected member of the executive branch of state government and any director of a state department, any judge other than a judge of the municipal division of a circuit court, and any elected member of the legislative branch of state government;

(8) "Race meet" or "race meeting", the whole period of time, whether consecutive dates or those instances where nonconsecutive dates are granted, for which a race track license to race has been granted to any one organization by the commission;

(9) "Racing", any type of horse racing.

(L. 1986 S.B. 572, A.L. 1995 H.B. 574)

Chapter 313 **Licensed Gaming Activities**

Section 313.510

August 28, 1998

Horse racing commission established.

313.510. There is hereby created the "Missouri Horse Racing Commission", which shall consist of five members appointed by the governor with the advice and consent of the senate. The commission shall oversee the development and administration of the pari-mutuel horse racing industry in Missouri. The commission shall be assigned to the Missouri gaming commission.

(L. 1986 S.B. 572, A.L. 1995 H.B. 574)

Chapter 313 **Licensed Gaming Activities**

Section 313.520

August 28, 1998

Employees--executive director of gaming commission, duties.

313.520. 1. The horse racing commission shall not hire any person to be an employee of the commission.

2. The duties of the executive director of the gaming commission, in addition to all other duties prescribed by law, shall include the following:

(1) Taking and preserving records of all proceedings before the commission, maintaining its books, documents, and records, and making them available for public inspection;

(2) If so designated by the commission, acting as a hearing officer in hearings;

(3) Acting as the commission's chief personnel officer and supervising the employment, conduct, duties, and discipline of commission employees; and

(4) Performing other duties as directed by the commission.

3. Except as provided in subdivision (7) of section 313.560, the officials at any race meeting, as this term is customarily understood in racing, including by way of enumeration only and not in limitation, placing judges, patrol judges, clerks of the scales, starters and assistants, handicapper, timer, paddock judge, veterinarians, racing secretary and clerk of the course shall be paid by the race track licensee.

(L. 1986 S.B. 572, A.L. 1995 H.B. 574)

Chapter 313
Licensed Gaming Activities

Section 313.530

August 28, 1998

Revenues from horse racing--horse racing fund, established.

313.530. Except as provided in section 313.620, all revenues derived or generated from the licensing of race tracks and authorization of races under sections 313.500 to 313.710 and all moneys received by the state, the commission or the director of revenue from pari-mutuel wagering pools shall be deposited by the director of revenue in the state treasury to be held in a special account to be known as the "Missouri Horse Racing Fund". Interest earned on the Missouri horse racing fund shall be credited to that fund. The money in the Missouri horse racing fund shall be deposited in the state treasury and invested by the state treasurer, subject to appropriation as provided by the constitution and laws enacted pursuant thereto.

(L. 1986 S.B. 572, A.L. 1987 S.B. 384)

Effective 6-9-87

Chapter 313
Licensed Gaming Activities

Section 313.540

August 28, 1998

Commission, powers--rules and regulations--stewards, delegation of authority to--appeals from stewards' decisions.

313.540. The commission shall have powers to prescribe and enforce rules and regulations governing horse races and race meetings. Such rules and regulations shall contain criteria to be used by the commission for decisions on approving and revoking race track licenses and setting racing dates. The commission may delegate to the stewards such of the commission's powers and duties as may be necessary to carry out and effectuate the purposes of sections 313.500 to 313.710. Any decision or action of such stewards may be appealed to the commission or may be reviewed by the commission on its own initiative.

(L. 1986 S.B. 572)

Effective 5-6-86

Chapter 313
Licensed Gaming Activities

Section 313.550

August 28, 1998

Subpoenas, penalty for refusal to testify or produce records--penalty for false testimony.

313.550. 1. The commission may issue subpoenas for the attendance of witnesses or the production of any records, books, memoranda, documents, or other papers or things, to enable any of them to effectually discharge its or his duties, and may administer oaths or affirmations as necessary in connection therewith. In addition, the commission shall have the authority to issue subpoenas under section 536.077, RSMo, in contested cases.

2. Any person subpoenaed who fails to appear at the time and place specified in answer to the subpoena and to bring any papers or things specified in the subpoena, or who upon such appearance, refuses to testify or produce such records or things, upon conviction, is guilty of a class A misdemeanor.

3. Any person who testifies falsely under oath in any proceeding before, or any investigation by, the commission, its secretary, or the stewards, upon conviction, shall be guilty of a class D felony.

(L. 1986 S.B. 572)

Effective 5-6-86

Chapter 313 **Licensed Gaming Activities**

Section 313.560

August 28, 1998

Commission, powers.

313.560. The commission shall have all powers necessary and proper to fully and effectively execute the provisions of sections 313.500 to 313.710 including, but not limited to, the following:

(1) The provisions of chapter 34, RSMo, to the contrary notwithstanding, the executive director, pursuant to rules and regulations issued by the commission, may directly purchase or lease such goods or services as are necessary for effectuating the purposes of sections 313.500 to 313.710, provided however, that the board of public buildings shall provide the principal office space for the commission's staff. Contracts shall be awarded on the basis of lowest and best bid. The executive director shall use state purchasing procedures except for professional services or emergency purchases necessary for the race meet authorized pursuant to section 34.100, RSMo. No contract awarded or entered into by the executive director may be assigned by the holder thereof except with specific approval of the commission;

(2) The commission is vested with the power to enter without a search warrant the office, horse race track, facilities, other places of business, residences, tack rooms, vehicles and any other premises under the control of any licensee on the grounds of a licensed association at all reasonable hours to determine whether there has been compliance with the provisions of sections 313.500 to 313.710 and rules and regulations promulgated thereunder, and to discover any contraband as described in chapter 195, RSMo, or in rules promulgated pursuant to sections 313.500 to 313.710;

(3) The commission is vested with the authority to investigate alleged violations of the provisions of sections 313.500 to 313.710, its reasonable rules and regulations, orders and final decisions; the commission shall take appropriate disciplinary action, including suspension or revocation of the license, against any race track licensee or occupation licensee for violation thereof or institute appropriate legal action for the enforcement thereof pursuant to subdivision (10) of this section;

(4) The commission may eject or exclude from any race meeting or licensee grounds or any part thereof, any occupation licensee or any other individual whose conduct or reputation is such that his presence on licensee grounds may, in the opinion of the commission, call into question the honesty and integrity of horse racing or interfere with the orderly conduct of horse racing; provided, however, that no person shall be excluded or ejected from licensee grounds on the grounds of race, color, creed, national origin, ancestry, or sex. The commission shall by rule provide for an expedited hearing for any occupation licensee excluded pursuant to this subsection;

(5) The commission is vested with the power to acquire, establish, maintain and operate, or provide by contract testing laboratories and related facilities, for the purpose of conducting saliva, blood, urine and other tests on the horses run or to be run in any race meeting and to lease or purchase all equipment and supplies deemed necessary or desirable in connection with any such testing laboratories and related facilities and all such tests. The commission shall explore the feasibility of establishing such a testing facility at and in conjunction with the University of Missouri, College of Veterinary Medicine. The race track licensee shall on a per sample basis pay a fee as determined by the commission for such laboratory testing services;

(6) The commission may require that the records, including financial or other statements of any race track licensee under sections 313.500 to 313.710, shall be kept in such manner as prescribed by the commission and that any race track licensee submit to the commission on or before March fifteenth of each year, for the preceding fiscal year of the licensee an annual audited balance sheet and profit and loss statement and any other information the commission deems necessary in order to effectively administer sections 313.500 to 313.710 and all rules, regulations, orders and final decisions promulgated under sections 313.500 to 313.710. The fiscal year for any licensee shall be the calendar year;

(7) The commission shall require that there shall be three stewards at each horse race meeting, who shall be appointed by the commission. They shall be paid for by the state and shall be considered state employees for all purposes. Stewards appointed by the commission, while performing duties required by sections 313.500 to 313.710 or by the commission, shall be entitled to the same rights and immunities as granted to commission members and employees under section 313.570;

(8) The commission is vested with the power to impose civil penalties of up to five thousand dollars against individuals and up to ten thousand dollars against organizations for each violation of any provision of sections 313.500 to 313.710, any rules adopted by the commission, any lawful order of the commission or any other action which, in the commission's discretion, is found to be a detriment or impediment to horse racing. Such penalties, when recovered, shall be paid into the Missouri horse racing fund. Any civil penalties so imposed shall be sued for by the attorney general in the name of the state;

(9) The commission may request that the attorney general make investigations, on behalf of and in the name of the commission, and bring suits or institute proceedings for any of the purposes necessary and proper for carrying out the functions of the commission;

(10) The commission may request that the Missouri state highway patrol investigate or participate in such matters as it deems necessary. The Missouri state highway patrol shall have authority to investigate the commission relative to the operation and administration of sections 262.260 to 262.270, RSMo, and 313.500 to 313.710, and to report suspected violations of state law or federal law by the commission to the proper prosecuting authorities. In the event that a violation of state law is reported to the proper prosecuting authority and no prosecution is commenced within thirty days for alleged violations, the attorney general shall have authority to commence prosecution for alleged violations of sections 262.260 to 262.270, RSMo, and 313.500 to 313.710 or other criminal statutes alleged to have been violated. The cost of personnel and related expenses in the Missouri state highway patrol, including the division of drug and crime control, to accomplish the purposes of this section shall be paid within the limits of appropriations from general revenue, or from such other funding as may be authorized by the general assembly.

(L. 1986 S.B. 572, A.L. 1987 S.B. 384)

Effective 6-9-87

Chapter 313 **Licensed Gaming Activities**

Section 313.570

August 28, 1998

Members or employees subject to civil action, attorney general to represent.

313.570. Any commission member or employee who is subject to any civil action arising from any act executed, pursuant to sections 313.500 to 313.710, by him while serving in his official capacity as a commission member or employee shall be represented by the attorney general. All costs of defending such suits and satisfaction of any judgment rendered shall be paid as provided in section 105.711, RSMo.

(L. 1986 S.B. 572, A.L. 1995 H.B. 574)

Chapter 313 **Licensed Gaming Activities**

Section 313.580

August 28, 1998

Track license required--grounds for refusal to issue, qualifications.

313.580. 1. Pari-mutuel wagering shall only be conducted within the grounds or enclosure of a race track licensed by the commission and shall only be conducted with respect to horse races and race meetings which have been authorized by the commission at such licensed race track. No organization shall conduct pari-mutuel wagering on horse racing without a valid race track license issued by the commission with respect to the conduct of horse racing and race meets authorized by the commission. Any organization desiring to conduct pari-mutuel wagering on horse racing shall apply to the commission for a race track license and shall provide the information required by the commission before a license may be issued.

2. The commission shall not issue any race track license to any individual or organization:

- (1) Who has or which has an officer, director, or stockholder who has been convicted of a felony;
- (2) Who has or which has an officer, director, or stockholder who has been convicted of or pleaded nolo contendere to any illegal gambling activity; or
- (3) Who is or which has an officer, director, or stockholder who is not of good moral character. As used in this subsection, the term "stockholder" shall mean record owners of any class of stock, and beneficial owners of any class of stock as provided in subsection 4 of section 313.600, which constitutes two percent or more of the licensee's stock.

3. The commission shall not issue any license for a race track unless the commission has first determined:

- (1) That the applicant would be a suitable licensee;
- (2) That a licensed race track at the proposed location would be in the public interest;
- (3) That the proposed race track operation is economically feasible;
- (4) That the proposed race track's establishment would not be detrimental to the development of a sound horse racing program for Missouri;
- (5) That any financing of applicant's proposed operations is adequate and comes from a source that is not detrimental to the public interest; and
- (6) That the applicant has complied with all requisite provisions of law and of rules and regulations promulgated by the commission.

4. If any organization is ineligible to be granted a race track license because of any of the matters set forth in this section, any other affiliated organization or person that is either controlled, directly or indirectly, by such ineligible organization or person shall also be ineligible.

5. The commission shall only license the number of race tracks and authorize the number of races which it determines to be in the public interest and economically feasible.

(L. 1986 S.B. 572)

Effective 5-6-86

Chapter 313 **Licensed Gaming Activities**

Section 313.590

August 28, 1998

Track license--bond required, purpose.

313.590. A race track licensed under section 313.580 shall post a bond payable to the state of Missouri, before the license is issued, in an amount set by the commission, with sureties to be approved by the commission. The bond shall be used to guarantee that the licensee faithfully makes the payments, keeps its books and records and makes reports, and conducts its racing activity in conformity with sections 313.500 to 313.710 and the rules adopted by the commission. The bond shall not be canceled or assigned by a surety on less than thirty days' notice in writing to the commission. If a bond is canceled and the licensee fails to file a new bond with the commission in the required amount on or before the effective date of cancellation, the licensee's license shall be revoked. The total and aggregate liability of the surety on the bond is limited to the amount specified in the bond.

(L. 1986 S.B. 572)

Effective 5-6-86

Chapter 313 Licensed Gaming Activities

Section 313.600

August 28, 1998

Track license--restrictions on transfer of ownership, record keeping requirements--disclosure requirements.

313.600. 1. Whenever any organization has been granted a race track license to conduct a horse race meeting, no officer or director of such organization, or person who will thereby become the owner or holder, directly or indirectly, of five percent or more of the shares of stock or certificates or other evidence of ownership in such organization, may become the owner or holder, directly or indirectly, of any such shares of stock or certificates or other evidence of ownership without first having obtained the approval of the commission. The commission may, after hearing, revoke or suspend a race track license granted to any organization which shall register on its books in the name of any such officer, director or person its share of stock or certificate or other evidence of ownership of any interest in the organization without the prior approval of the commission or which shall knowingly permit any such officer, director or person to be directly or indirectly interested in its share of stock or certificates or other evidences of ownership of any interest in the organization without reporting the same to the commission or which violates any rules or regulations of the commission.

2. Whenever the commission shall give to any officer or director of any organization, or person who will thereby become the owner or holder, directly or indirectly, of five percent or more of the shares of stock or certificates or other evidences of ownership of any interest in an organization, its approval to own or hold the shares of stock or certificates or other evidences of ownership of any interest in any such organization, it shall, by registered mail, notify the organization of such approval. Under no circumstances shall the commission give such approval to any such officer, director or person who has been convicted of or is under an indictment for a crime involving moral turpitude or has violated any provisions of the racing law of any state or any rules or regulations of the commission of any state.

3. The commission shall require all licensees, including any officers and stockholders thereof, to disclose fully to the commission all financial interests that they may have in horse racing.

4. The commission shall require each licensee under this section to maintain records of owners of stock of the licensee so that the names of all persons, including corporations, trusts, estates, and partnerships, who are the beneficial owners of the stock are disclosed, regardless of the manner in which, or whether, the ownership interest is stated or registered on the stock of the licensee. Beneficial ownership includes, but is not limited to record ownership and:

- (1) Stock or other ownership in one or more entities in a chain of parent and subsidiary or affiliated entities, any one of which participates in the capital or profits of a licensee, regardless of the percentage of ownership involved; or
- (2) Any interest which entitles a person to benefits substantially equivalent to ownership by reason of any contract, understanding, relationship, agreement or other arrangement even though the person is not the record owner. Unless there are special circumstances, securities held by an individual's spouse or relatives, including children, living in the home, are beneficially owned by the individual.

5. In addition to any other action which is necessary to obtain disclosure of beneficial ownership of stock, the commission shall require each licensee, at least once every calendar year, to obtain, pursuant to written notice to the record owners of all stock of the licensee, an affidavit from each record owner owning two percent or more, sworn to under the penalty of perjury, stating to the best of the affiant's knowledge, information and belief:

- (1) Whether any person other than the affiant has any right of beneficial ownership of any kind in the stock held in the name of the affiant;
- (2) The name and address of the other person; and
- (3) The amount and nature of the ownership.

6. If the licensee receives information indicating that a person other than the record owner has a beneficial ownership interest in stock of the licensee, the licensee shall request promptly by written notice to the other person, that this person submit to the licensee within sixty days from the date of the notice an affidavit, sworn to under the penalty of perjury, stating to the best of the affiant's knowledge, information and belief:

- (1) Whether the affiant has any right of ownership in stock of the licensee attributed to the affiant in the notice and the amount and nature of the ownership;
- (2) Whether any person other than the affiant and the record owner has any right of ownership of any kind in stock of the licensee attributed to the affiant by the notice to the affiant; and
- (3) The amount and nature of the ownership of any other person.

7. Notwithstanding the affidavit requirements of this subsection, the commission may limit the ownership that must be reported in an affidavit to two percent or more of the beneficial ownership of the licensee.

8. Each licensee shall submit the ownership records and affidavits required by this section to the commission annually and at the other times required by the commission. Any change in the record ownership or beneficial ownership of stock of any licensee shall be reported promptly to the commission. Upon the failure of any licensee to maintain and report records of ownership of stock, as required by this subsection, or the failure of any licensee to make a reasonable effort to obtain the affidavits required by this subsection, the commission shall suspend or revoke the license of the track for a period determined by the commission.

9. All statements required to be filed with the commission shall be filed under oath and shall be signed by the officers of the corporation, or, if unincorporated, by the owner or all the partners, general and limited, of the licensee.

(L. 1986 S.B. 572)

Effective 5-6-86

Chapter 313 **Licensed Gaming Activities**

Section 313.605

August 28, 1998

Track license--financial interest by public officials prohibited, grounds for suspension or revocation.

313.605. 1. In addition to the provisions of subsection 1 of this section, no organization shall be granted a race track license to hold a race meeting in this state and the commission may revoke or suspend a race track license if any public official of the state or his or her spouse, children or parents hold any financial interest, directly or indirectly, in the shares of stock or certificates or other evidences of ownership in the organization.

2. No organization which has been granted a race track license to hold a race meeting shall give to any public official or his or her spouse, children or parents, directly or indirectly, for or without consideration any interest in shares of stock or certificates or other evidences of ownership in the organization. The commission shall, after hearing, revoke the race track license granted to an organization which has violated this subsection.

(L. 1986 S.B. 572)

Effective 5-6-86

Chapter 313 Licensed Gaming Activities

Section 313.610

August 28, 1998

Track license--failure to secure, penalty.

313.610. Any organization conducting a horse race or race meeting at which pari-mutuel wagering is conducted without a valid license issued pursuant to sections 262.260 to 262.270, RSMo, and 313.500 to 313.710 shall upon conviction be guilty of a class B felony.

(L. 1986 S.B. 572)

Effective 5-6-86

Chapter 313 Licensed Gaming Activities

Section 313.620

August 28, 1998

Fees.

313.620. 1. The commission shall prescribe by rule the amount and frequency of application fees and per day licensing fees for race tracks where pari-mutuel wagering is permitted.

2. The commission may prescribe by rule license fees for race meets with respect to which pari-mutuel wagering is conducted.

3. All funds received from application fees, per day licensing fees and other licensing fees shall be deposited in the state treasury to the credit of the general revenue fund, and shall not be transferred except by appropriation as provided by the constitution and laws enacted pursuant thereto.

(L. 1986 S.B. 572)

Effective 5-6-86

Chapter 313 Licensed Gaming Activities

Section 313.630

August 28, 1998

Admissions tax--state aid to municipalities and counties for certain services and facilities, source, amount available.

313.630. In lieu of any state or local sales tax on the gross receipts from admissions paid by persons attending the races and in lieu of any state or local amusement or entertainment tax, there is hereby imposed on each organization licensed to conduct horse races under the provisions of sections 313.510 to 313.710 a tax equal to ten percent of all moneys received each day from admissions paid by persons attending the races for deposit in the state treasury to the credit of the general revenue fund. The general assembly shall appropriate money from general revenue, up to one-half of the amount credited annually pursuant to this section, to municipalities and counties in the area in which races are conducted to assist the funding of services and facilities required by the conduct of racing in such municipality or county. Any county or municipal racing authority shall be subject to the rules and regulations of the commission.

(L. 1986 S.B. 572, A.L. 1995 H.B. 574)

Chapter 313 Licensed Gaming Activities

Section 313.631

August 28, 1998

Track licensee--record keeping requirements, accounting to commission.

313.631. Every organization licensed to conduct horse races under the provisions of sections 262.260 to 262.270, RSMo, and 313.500 to 313.710 shall so keep its books and records as to clearly show the true number of admissions, the total amount of money contributed to each pari-mutuel pool on each race separately, and the amount of money received daily from admission fees and within thirty days after the conclusion of every race meeting, shall submit to the commission a complete accounting of all such receipts and admissions.

(L. 1986 S.B. 572)

Effective 5-6-86

Chapter 313 Licensed Gaming Activities

Section 313.632

August 28, 1998

Approval by commission, required, when.

313.632. All contracts and agreements for the payment of money and all salaries, fees and compensation paid by any organization licensed as hereinbefore provided, and all proposed extensions, additions, or improvements to the buildings, stables, improvements or tracks upon property owned or leased by such licensee shall be subject to the approval of the commission.

(L. 1986 S.B. 572)

Effective 5-6-86

Chapter 313 Licensed Gaming Activities

Section 313.640

August 28, 1998

Occupational licenses, required, exceptions--application forms, information required, fees--grounds for refusal--grounds for suspension or revocation--affirmative action plan.

313.640. 1. Every individual participating in horse racing, whether as a race track licensee, holder of any interest in a race track license, association employee, concessionaire contract holder, and owner or general manager of same, concessionaire employee, or racing official, and all other individuals whose duties require them to be present on association premises during racing hours, or to regularly visit such premises during racing hours, are required to have an occupation license from the commission authorizing them to be employed on the licensed premises and to practice their business, profession or skill. The following individuals are not required to obtain an occupation license:

- (1) Public officers and public employees engaged in the performance of their official duties; and
- (2) Individuals exempted by the commission.

License applicants shall be required to furnish to the commission a set of fingerprints and a recent photograph and shall be required to be re-fingerprinted or rephotographed periodically.

2. Each application for an occupation license shall be on forms prescribed by the commission. Such occupation license, when issued, shall be for a period up to one year, except that the commission in its discretion may grant up to three-year licenses. The application shall be accompanied by a license fee which shall be set by the commission. Each applicant shall set forth in the application his full name and address, and if he has been issued prior occupation licenses or has been licensed in any other state under any other name, such name, his age, whether a permit or license issued to him in any other state has been suspended or revoked and if so whether such suspension or revocation is in effect at the time of the application, and such other information as the commission may require. The commission shall also determine fees for registration of stable names. Fees collected for registration of stable names shall be deposited in the state treasury to the credit of general revenue and subject to appropriation as provided by law.

3. The commission may in its discretion refuse an occupation license to any individual:

- (1) Who has been convicted of a crime;
- (2) Who is unqualified to perform the duties required of such applicant;
- (3) Who fails to disclose or states falsely any information called for in the application;
- (4) Who has been found guilty of a violation of sections 313.500 to 313.710 or of the rules and regulations of the commission;
- (5) Whose occupation license or permit has been suspended, revoked or denied for just cause in any state;
- (6) Who is a past or present member or participant in organized crime as such membership or participant may be found or determined by the commission;
- (7) Who is an illegal alien;
- (8) Who is an employee of the commission or any spouse, child, brother, sister, or parent of an employee or member of the commission; or
- (9) For any other just cause.

4. The commission may suspend or revoke any occupation license:

- (1) For violation of any of the provisions of sections 313.500 to 313.710; or
- (2) For violation of any of the rules or regulations of the commission; or
- (3) For any cause which, if known to the commission, would have justified the commission in refusing to issue such occupation license; or
- (4) For any other just cause.

5. At least eighty percent of all individuals employed directly at each and every race meeting by an organization licensed to conduct horse racing under sections 313.500 to 313.710 shall be residents of the state of Missouri for a period of ninety days next preceding the date of employment and during the course of employment.

6. In acting on applications for organization licenses, the commission shall require all applicants to implement a good faith affirmative action effort to recruit, train and upgrade minorities in all classifications of employment by the applicant. The applicant shall furnish the commission with a description of plans for compliance with all laws pertaining to discrimination, equal employment, and affirmative action; policies regarding recruitment, use, and advancement of minorities; policies with respect to minority contracting; a copy of Equal Employment Opportunity Statement and Policy of the applicant dated and signed by the chief executive officer; and a copy of Affirmative Action Policy and Procedures dated and signed; and identification of the affirmative action officer, including name, title, address, and telephone number.

(L. 1986 S.B. 572, A.L. 1987 S.B. 384)

Effective 6-9-87

Chapter 313 **Licensed Gaming Activities**

Section 313.650

August 28, 1998

Refusal, revocation or suspension of occupation license--procedure-- appeal, standard of review.

313.650. 1. In the event the commission, for violation of the provisions of sections 313.500 to 313.710 or the rules and regulations of the commission or other just cause, refuses, revokes or suspends an occupation license, or the stewards at any race meeting suspends an occupation license, then the occupation license of the person shall be suspended pending a hearing of the commission.

2. The commission's hearings practice and procedure are as provided in the commission's rules.

3. All decisions, orders, or findings issued by any steward may be appealed to the commission. The provisions of chapter 536, RSMo, except those provisions in conflict with sections 313.500 to 313.710, any rule promulgated by the commission, or any civil rule hereafter adopted which supercedes an applicable provision of chapter 536, RSMo, shall apply to and govern the proceedings of the commission.

4. Final decisions of the commission shall be subject to judicial review pursuant to a petition filed in the circuit court in the county in which the hearing is held, and by delivery of copies of the petition to each party of record, within thirty days after the mailing or delivery of the final decision and notice thereof in such a case. Review under this section shall be exclusive, and decisions of the commission reviewable under this section shall not be reviewable in any other proceeding, and no other official or court shall have power to review any such decision by an action in the nature of mandamus or otherwise except under the provisions of this section or on appeal. The party seeking review shall be responsible for the filing of the transcript and record of all proceedings before the commission with the appropriate appellate court. The final decision of the commission shall be affirmed, unless there is no substantial evidence to support it, it is against the weight of the evidence, it erroneously declares the law, or it erroneously applies the law.

(L. 1986 S.B. 572)

Effective 5-6-86

Chapter 313
Licensed Gaming Activities

Section 313.652

August 28, 1998

Pari-mutuel wagering--deductions from pool, definitions--payment of tax, amount due--permitted use of breakage and unclaimed winnings--breed incentive moneys not to lapse into general revenue.

313.652. 1. Any organization licensed by the commission to conduct a horse race meeting may provide places in the race meeting grounds or enclosure and may conduct and supervise therein the pari-mutuel system of wagering by patrons of the horse races conducted by such organization licensee at such meeting.

2. No other place or method of betting, pool making, wagering or gambling shall be used or permitted by the race track licensee. Each race track licensee shall deduct the following amounts on all races conducted by it: eighteen percent of the regular mutuel pool, twenty percent of the multiple mutuel pool involving two horses, and twenty-five percent of the multiple mutuel pool involving three or more horses. "Regular mutuel pool" means a separate wagering pool in which an interest is represented by a single ticket evidencing a single wager on one horse. "Multiple mutuel pool" means a separate wagering pool in which an interest is represented by a single wager on two or more horses. For the first one hundred million dollars of the total pari-mutuel pool for the licensed race meeting, each race track licensee shall apply the amounts deducted as follows:

- (1) One percent of the regular mutuel pools, one and one-quarter percent of the multiple mutuel pools involving two horses, and one and one-half percent of the multiple mutuel pools involving three or more horses shall be paid to the commission;
- (2) Eight percent of the regular mutuel pools, eight and three-quarters percent of the multiple mutuel pools involving two horses, and eleven percent of the multiple mutuel pools involving three or more horses shall be allocated for purse money. The formula for distribution of the purse money shall be determined by an agreement between an organization representing the horsemen and the tracks, the agreement to be subject to the approval of the commission;
- (3) One-half of one percent of the regular mutuel pools, three-quarters of one percent of the multiple mutuel pools involving two horses, and one percent of the multiple mutuel pools involving three or more horses shall be used for breeder incentives. The method of payment and distribution of breeder incentives shall be set forth by the commission in rules;
- (4) Eight and one-half percent of the regular mutuel pools, nine and one-quarter percent of the multiple mutuel pools involving two horses, and eleven and one-half percent of the multiple mutuel pools involving three or more horses shall be retained by the licensee.

3. For the next fifty million dollars of the total pari-mutuel pool for the licensed race meeting, each race track licensee shall apply the amount deducted as follows:

- (1) Two percent of the regular mutuel pools, two percent of the multiple mutuel pools involving two horses, and two percent of the multiple mutuel pools involving three or more horses shall be paid to the commission;
- (2) Seven and one-half percent of the regular mutuel pools, eight and one-half percent of the multiple mutuel pools involving two horses, and ten and one-half percent of the multiple mutuel pools involving three or more horses shall be allocated for purse money. The formula for distribution of the purse money shall be determined by an agreement between an organization representing the horsemen and the tracks, the agreement to be subject to the approval of the commission;
- (3) One-half of one percent of the regular mutuel pools, three-quarters of one percent of the multiple mutuel pools involving two horses, and one percent of the multiple mutuel pools involving three or more horses shall be used for breeder incentives. The method of payment and distribution of breeder incentives shall be set forth by the commission in rules;
- (4) Eight percent of the regular mutuel pools, eight and three-quarters percent of the multiple mutuel pools involving two horses, and eleven and one-half percent of the multiple mutuel pools involving three or more horses shall be retained by the licensee.

4. For all amounts of the total pari-mutuel pool for the licensed race meeting in excess of one hundred fifty million dollars, each race track licensee shall apply the amount deducted as follows:

- (1) Four percent of the regular mutuel pools, four percent of the multiple mutuel pools involving two horses, and four percent of the multiple mutuel pools involving three or more horses shall be paid to the commission;
- (2) Six and one-half percent of the regular mutuel pools, seven and one-quarter percent of the multiple mutuel pools involving two horses, and nine and one-half percent of the multiple mutuel pools involving three or more horses shall be allocated for purse money. The formula for distribution of the purse money shall be determined by an agreement between an organization representing the horsemen and the tracks, the agreement to be subject to the approval of the commission;
- (3) One-half of one percent of the regular mutuel pools, three-quarters of one percent of the multiple mutuel pools involving two horses, and one percent of the multiple mutuel pools involving three or more horses shall be used for breeder incentives. The method of payment and distribution of breeder incentives shall be set forth by the commission in rules;
- (4) Seven percent of the regular mutuel pools, eight percent of the multiple mutuel pools involving two horses, and ten and one-half percent of the multiple mutuel pools involving three or more horses shall be retained by the licensee.

5. Each race track licensee shall pay to the commission, within three days after each day of racing, a tax at the rate specified in this section on the total amount of money wagered on all races that day. The payment of the tax shall be accompanied by a statement of the race track licensee, or his duly authorized agent under oath, showing the amount of money wagered that day.

6. Breakage paid in the Missouri horse racing fund shall not be specially allocated for purse money for special races, for breeder and owner awards and for horse racing development; however, breakage may be used for these purposes.

7. Unclaimed winnings paid into the Missouri horse racing fund shall not be specially allocated for purse money for special races, for breeder and owner awards and for horse racing development; however, unclaimed winnings may be used for these purposes.

8. All moneys provided for breeder incentives shall not lapse and interest earned on such moneys shall be credited the account. The provisions of section 33.080, RSMo, to the contrary notwithstanding, these funds shall not be transferred and placed to the credit of the general revenue fund at the end of each biennium.

(L. 1986 S.B. 521 § 313.800, A.L. 1987 S.B. 384, A.L. 1995 H.B. 574)

Chapter 313 **Licensed Gaming Activities**

Section 313.655

August 28, 1998

Simulcast races, pari-mutuel wagering.

313.655. 1. An organization licensed to conduct racing in this state, with the approval of the commission, may contract to conduct pari-mutuel wagering on a simulcast of horse races held at race tracks in this state or other states or countries where the conduct of racing and wagering is permitted by law.

2. Any wagering made under this section shall take place within the confines of the licensee's race track pursuant to rules promulgated by the commission. The licensed race track may simulcast up to, but not more than the number of days in which it conducts live racing.

3. Computation of the total takeout and breakage for wagering made under this section shall be the same as that normally applicable to racing conducted by the licensee.

4. After deducting from the takeout the applicable tax of this state on the entire pari-mutuel pool, the amount to be paid under the terms of the contract to the race track from which the race or races will be simulcast, and the cost of transmission, the remainder shall be allocated in the same proportions as normally applicable to racing conducted by the licensee.

5. The terms and conditions of any contract with a race track made under this section are subject to the approval of the respective groups which represent a majority of the horsemen racing at the track licensed by the commission and a majority of the applicable breeders in this state.
6. The provisions of the Federal Interstate Horseracing Act of 1978, Title 15, Sections 3001 through 3007, U.S. Code, shall be instructive regarding the intent of this section.

(L. 1986 S.B. 572, A.L. 1987 S.B. 384, A.L. 1995 H.B. 574)

Chapter 313
Licensed Gaming Activities

Section 313.660

August 28, 1998

Off-track wagering prohibited, penalty.

- 313.660. 1. No individual shall for a fee, directly or indirectly, accept anything of value to be wagered or to be transmitted or delivered for wager in any pari-mutuel system of wagering on horse racing or for a fee deliver anything of value which has been received outside of the enclosure of a race track holding a horse race licensed under sections 313.500 to 313.710 to be placed as wagers in the pari-mutuel pool within such enclosure.
2. Any individual violating the provisions of this section shall upon conviction be guilty of a class C felony.

(L. 1986 S.B. 572) Effective 5-6-86

Chapter 313
Licensed Gaming Activities

Section 313.665

August 28, 1998

Pari-mutuel wagering or prizes given by charities not deemed gambling, when--not grounds for denial of liquor or beer licenses.

- 313.665. 1. Notwithstanding any other provision of law to the contrary, pari-mutuel wagering on horses at licensed tracks shall not be considered to be "gambling" as that term is used in any law or regulation.
2. Pari-mutuel wagering conducted in accordance with the provisions of sections 313.500 to 313.710 shall not constitute a valid reason to refuse to issue or renew or to revoke or suspend any license or permit issued under the provisions of chapter 311, RSMo, or chapter 312, RSMo.
3. The giving of door prizes or other gifts by lot or chance after payment of a price by members or guests of a charitable organization which has obtained an exemption from payment of federal income taxes as provided in section 501(c)(3) of the Internal Revenue Code of 1954, as amended, shall not constitute a valid reason to refuse to issue or renew or to revoke or suspend any license or permit issued under the provisions of chapter 311, RSMo, or chapter 312, RSMo.

(L. 1987 S.B. 384)

Effective 6-9-87

Chapter 313
Licensed Gaming Activities

Section 313.670

August 28, 1998

Minors--prohibited from betting--presence prohibited, exceptions.

313.670. 1. No race track licensee shall knowingly permit any individual under the age of eighteen years unless accompanied by a parent or guardian over the age of eighteen to be admitted to any pari-mutuel wagering area during a race meeting, nor shall any race track licensee knowingly permit any person under the age of eighteen years to wager on any horse race conducted by the organization licensee.

2. No individual under the age of eighteen years shall knowingly make or attempt to make any wager on any horse race subject to the provisions of sections 262.260 to 262.270, RSMo, and 313.500 to 313.710.

3. Any individual who violates this section shall upon conviction be guilty of a class A misdemeanor.

(L. 1986 S.B. 572)

Effective 5-6-86

Chapter 313 Licensed Gaming Activities

Section 313.680

August 28, 1998

Names of horses--registered name required to be used, penalty.

313.680. 1. No individual shall knowingly enter or cause to be entered for competition any horse under any other name than its registered name, or out of its proper class, for any purse, prize, premium, stake, or sweepstakes offered to the winner of a contest of speed at any race meeting held by a race track licensee.

2. The name of any horse, for the purpose of entry for competition in any contest of speed, shall be the name under which the horse has been registered and has publicly performed.

3. Any individual convicted of violating the provisions of this section shall be guilty of a class B felony.

(L. 1986 S.B. 572)

Effective 5-6-86

Chapter 313 Licensed Gaming Activities

Section 313.690

August 28, 1998

Bribery of track officials prohibited--passing of altered or fraudulent betting tickets prohibited--
unauthorized sale of admission tickets prohibited--penalties.

313.690. 1. No person shall, directly or indirectly, accept anything of value to be wagered, or willfully or knowingly alter or attempt to alter the outcome of any horse race or engage or conspire with or aid, assist, or abet any other person in the commission of any corrupt act or practice, including but not limited to:

(1) The giving or offering or promising to directly or indirectly give a bribe in any form to, or the extorting of any promise from any person having official duties in relation to any race or race horse or to any trainer, jockey, or agent or to any other person having charge of, or access to, any race horse; or

(2) The passing or attempting to pass or the cashing or attempting to cash any altered or fraudulent pari-mutuel ticket; or

(3) The unauthorized sale or the attempt to make an unauthorized sale of any race track admission ticket.

2. Any person who violates the provisions of this section shall upon conviction be guilty of a class B felony.

3. The commission shall suspend or revoke the license of any organization convicted of violating the provisions of this section.

(L. 1986 S.B. 572)

Effective 5-6-86

Chapter 313 Licensed Gaming Activities

Section 313.700

August 28, 1998

Drugs or medications, unauthorized use prohibited, penalty.

313.700. No drug or medication shall be administered to any horse entered for competition in any horse race unless that specific drug or medication has been individually approved by the commission for use at times permitted by rule or rules promulgated by the commission. Any individual found guilty of administering a foreign substance to a horse entered to race, with the intent to affect the result of the race in which the horse is entered, shall be guilty of a class B felony.

(L. 1986 S.B. 572)

Effective 5-6-86

Chapter 313 Licensed Gaming Activities

Section 313.710

August 28, 1998

Missouri-bred horses, program to encourage.

313.710. A program to encourage and award the owners and breeders of Missouri-bred horses that win horse races in this state may be established by rules and regulations promulgated by the commission.

(L. 1986 S.B. 572)

Effective 5-6-86

Chapter 313
Licensed Gaming Activities

Section 313.720

August 28, 1998

Missouri breeders fund, created--administration--costs--audit--rules-- fund not to lapse into general revenue fund.

313.720. 1. There is hereby created a "Missouri Breeders Fund", which shall not represent revenue collected and moneys received by the state.

2. The fund shall consist of those funds set aside for breeder incentives as provided in section 313.710, such registration fees for the owners and breeders of Missouri bred horses as the commission may provide by rule, such gifts, or bequests as the fund may from time to time receive and such funds as the general assembly may provide. Any gift or bequest shall be credited to such account as the donor or devisee may provide. If no specific account is provided by the donor or designee, such gift or bequest shall be divided equally among the three accounts.

3. The Missouri breeders fund shall be administered by the commission, with the advice and assistance of advisory committees designated for that purpose by the rules of the commission. The commission shall, at least biennially, carry out such audits as provided by rule. The costs of administration shall be borne by the fund. The commission shall have authority to promulgate such rules as may be necessary or desirable for the efficient operation of the Missouri breeders fund and to provide incentives for breeders and owners of Missouri bred horses.

4. The Missouri breeders fund shall not lapse and the interest earned on such fund shall be credited to the fund. The provisions of section 33.080, RSMo, to the contrary notwithstanding, funds in the Missouri breeders fund shall not be transferred and placed to the credit of the general revenue fund at the end of each biennium.

(L. 1987 S.B. 384, A.L. 1995 H.B. 574)

Chapter 313
Licensed Gaming Activities

Section 313.800

August 28, 1998

Definitions--additional games of skill, commission approval, procedures.

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;
- (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) "Cheat", to alter the selection of criteria which determine the result of a gambling game or the amount or frequency of payment in a gambling game;
- (5) "Commission", the Missouri gaming commission;
- (6) "Dock", the location in a city or county authorized under subsection 10 of section 313.812 which contains any natural or artificial space, inlet, hollow, or basin, in or adjacent to a bank of the Mississippi or Missouri Rivers, next

to a wharf or landing devoted to the embarking of passengers on and disembarking of passengers from a gambling excursion but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

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

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

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

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

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

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

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

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

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

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

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

2. In addition to the games of skill referred to in subdivision (12) of subsection 1 of this section, the commission may approve other games of skill upon receiving a petition requesting approval of a gambling game from any applicant or licensee. The commission may set the matter for hearing by serving the applicant or licensee with written notice of the time and place of the hearing not less than five days prior to the date of the hearing and posting a public notice at each commission office. The commission shall require the applicant or licensee to pay the cost of placing a notice in a newspaper of general circulation in the applicant's or licensee's home dock city or county. The burden of proof that the gambling game is a game of skill is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing his or her case by a preponderance of evidence including:

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

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

All testimony shall be given under oath or affirmation. Any citizen of this state shall have the opportunity to testify on the merits of the petition. The commission may subpoena witnesses to offer expert testimony. Upon conclusion of the hearing, the commission shall evaluate the record of the hearing and issue written findings of fact that shall be based exclusively on the evidence and on matters officially noticed. The commission shall then render a written decision on the merits which shall contain findings of fact, conclusions of law and a final commission order. The final commission order shall be within thirty days of the hearing. Copies of the final commission order shall be served on the petitioner by certified or overnight express mail, postage prepaid, or by personal delivery.

(L. 1991 H.B. 149 § 1 Adopted by Referendum, Proposition A, November 3, 1992, A.L. 1993 S.B. 10 & 11 § 1, A.L. 1994 S.B. 740)

Effective 5-20-94

(1994) Bingo, keno, numbers tickets, pull tabs, jar tickets, push cards and punch-boards either fall within definition of lottery or have no element of skill as demonstrated by their similarity to lottery games and are lotteries within meaning of Art. III, Sec. 39 (9), Mo. Const. Twenty-one and poker are not lotteries within the meaning of constitution. Case is remanded for determination whether slot machines, video slot machines, baccarat, craps, roulette wheel, klondike table, faro layout and video games of chance are games

of pure chance or if there is an element of skill in game. Harris v. Missouri Gaming Commission, 869 S.W.2d 58 (Mo. en banc).

Chapter 313
Licensed Gaming Activities

Section 313.802

August 28, 1998

Law not applicable to lottery, bingo or pari-mutuel wagering.

313.802. Sections 313.800 to 313.840 do not apply to the state lottery, bingo, or to the pari-mutuel system of wagering used or intended to be used pursuant to this chapter.

(L. 1991 H.B. 149 § 2 Adopted by Referendum, Proposition A, November 3, 1992)

Effective 11-3-92

Chapter 313
Licensed Gaming Activities

Section 313.803

August 28, 1998

Two thousand feet artificial space may be created, certain licensees.

313.803. Notwithstanding the provisions of section 313.800, any person or business entity who has filed for an excursion gambling license with the Missouri gaming commission prior to May 10, 1994, shall be allowed to create an artificial space up to two thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers.

(A.L. 1994 H.B. 1248 & 1048 § 135.230 subsec. 2)

Chapter 313
Licensed Gaming Activities

Section 313.805

August 28, 1998

Powers of commission--boats to cruise, exceptions.

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. Notwithstanding the provisions of chapter 311, RSMo, to the contrary, the commission may authorize the operation of gambling games on an excursion gambling boat which is also licensed to sell or serve alcoholic beverages, wine, or beer. The commission shall regulate the wagering structure for gambling excursions including providing a maximum loss of five hundred dollars per individual player per gambling excursion;
- (4) To enter the premises of excursion gambling boats, facilities, or other places of business of a licensee within this state to determine compliance with sections 313.800 to 313.850;
- (5) To investigate alleged violations of sections 313.800 to 313.850 or the commission rules, orders, or final decisions;
- (6) To assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission up to three times the highest daily amount of gross receipts derived from wagering on the gambling games, whether unauthorized or authorized, conducted during the previous twelve months as well as confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized gambling games. Forfeitures under this section shall be enforced as provided under sections 513.600 to 513.645, RSMo;
- (7) To require a licensee, an employee of a licensee or holder of an occupational license to remove a person violating a provision of sections 313.800 to 313.850 or the commission rules, orders, or final orders, or other person deemed to be undesirable from the excursion gambling boat or adjacent facilities;
- (8) To require the removal from the premises of a licensee, an employee of a licensee, or a holder of an occupational license for a violation of sections 313.800 to 313.850 or a commission rule or engaging in a fraudulent practice;
- (9) To require all licensees to file all financial reports required by rules and regulations of the commission;
- (10) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other pertinent documents, and to administer oaths and affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce sections 313.800 to 313.850 or the commission rules;
- (11) To keep accurate and complete records of its proceedings and to certify the records as may be appropriate;
- (12) To ensure that the gambling games are conducted fairly. No gambling device shall be set to pay out less than eighty percent of all wagers;
- (13) To require all licensees of gambling game operations to use a cashless wagering system whereby all players' money is converted to tokens, electronic cards, or chips which only can be used for wagering on the excursion gambling boat;
- (14) Determine which of the authorized gambling games will be permitted on any licensed excursion gambling boat;
- (15) Excursion gambling boats shall cruise, unless the commission finds that the best interest of Missouri and the safety of the public indicate the need for continuous docking of the excursion gambling boat in any city or county authorized under subsection 10 of section 313.812. The commission shall base its decision to allow continuously docked excursion gambling boats on any of the following criteria: the docking location or the excursion cruise could cause danger to the boat's passengers, violate federal law or the law of another state, or cause disruption of interstate commerce or possible interference with railway or barge transportation. In addition, the commission shall consider economic feasibility or impact that would benefit land-based development and permanent job creation. The commission shall not discriminate among applicants for continuous docking excursion gambling that are similarly situated with respect to the criteria set forth in this section;
- (16) The commission shall render a finding concerning the possibility of continuous docking, as described in subdivision (15) of this section, within thirty days after a hearing on any request from an applicant or licensee. Such hearing may be held prior to any final action on licensing to assist an applicant and any city or county in the finalizing of their economic development plan;
- (17) To take any other action as may be reasonable or appropriate to enforce sections 313.800 to 313.850 and the commission rules.

(L. 1991 H.B. 149 § 3 Adopted by Referendum, Proposition A, November 3, 1992, A.L. 1993 S.B. 10 & 11 § 3, A.L. 1994 S.B. 740)

Effective 5-20-94

(1994) Bill enacted by general assembly, which provides for licensing of excursion gambling boats, designates area for licensing continuously docked vessel by geographic location and by precise size and type of boat. Immutable characteristics describe one area and violates prohibition against special laws. Harris v. Missouri Gaming Commission, 869 S.W.2d 58 (Mo. en banc).

Chapter 313 **Licensed Gaming Activities**

Section 313.807

August 28, 1998

Excursion gambling boat license, application, fee--occupational license, application, fee--supplier license, application, fee-- limited license, allowed, when.

313.807. 1. A person may apply to the commission for a license to conduct gambling games on an excursion gambling boat or to operate an excursion gambling boat as provided in sections 313.800 to 313.850. The application for such licenses shall be filed with the commission and shall identify the excursion gambling boat upon which gambling games will be authorized, shall specify the exact location where the excursion gambling boat will be docked, shall specify the extent of the land-based economic development or impact and an affirmative action plan for ownership, contracting and recruiting, training and hiring of minorities and women in all employment classifications for that area, a lease with a home dock city or county, or in lieu thereof a resolution adopted by a city or county supporting or opposing the docking and land-based economic development or impact plan of the operator, and shall be in a form and contain information as the commission prescribes. If a city or county fails to pass a resolution, such action shall not adversely affect the application which shall be deemed complete. The applicant for such license shall file with the application a nonrefundable fee of fifty thousand dollars or fifteen thousand dollars for each person to be investigated, whichever amount is greater. The applicant shall be responsible for the total cost of the investigation. If the cost of the investigation exceeds the total amount of fees filed by the applicant in this subsection, the commission may assess additional fees as it deems appropriate; however, if the applicant is denied a license, the applicant shall be entitled to a refund of the difference between the application fee and the actual cost of the investigation. The initial license and first subsequent license renewal of an excursion gambling boat operator shall be for a period of one year. Thereafter, license renewal periods shall be two years. However, the commission may reopen licensing hearings at any time. The annual fee for anyone licensed under this subsection shall be set by the commission at a minimum of twenty-five thousand dollars.

2. A person may apply to the commission for a license to conduct an occupation within excursion gambling boat operations which the commission has identified as requiring a license. The commission shall establish and charge holders of occupational licenses an annual license fee for each occupation in amounts determined appropriate by the commission and shall be charged each year the license is in effect. The commission shall set a nonrefundable filing fee to cover the cost of any investigation. Each applicant for a license under this subsection shall annually file for a license.

3. A supplier shall annually apply for a license. The application fee shall be a nonrefundable amount set by the commission to cover the cost of any investigation. The annual fee for such license shall be set by the commission. The commission shall set all standards for equipment and supplies.

4. A licensee licensed to conduct gambling games shall acquire all gambling games or implements of gambling from a licensed supplier. A licensee shall not sell or give gambling games or implements of gambling to another licensee. Any licensed supplier shall have a registered agent within this state.

5. The commission may issue a limited license to operate an excursion gambling boat as defined under subdivision (7)* of section 313.800 at a dock other than its home dock, if such city or county where such dock is located has approved gambling games on excursion gambling boats pursuant to subsection 10 of section 313.812.

(L. 1991 H.B. 149 § 4 Adopted by Referendum, Proposition A, November 3, 1992, A.L. 1993 S.B. 10 & 11 § 4)

Effective 4-29-93

*Reprinted due to change in definition section 313.800.

Chapter 313
Licensed Gaming Activities

Section 313.810

August 28, 1998

Application, contents--investigation, commission may conduct--false information on application, penalty.

313.810. 1. A person shall not be issued a license to conduct gambling games on an excursion gambling boat or a license to operate an excursion gambling boat, an occupational license, or a supplier license unless the person has completed and signed an application on the form prescribed and published by the commission. The application shall include the full name, residence, date of birth and other personal identifying information as the commission deems necessary, including but not limited to, the information specified in section 313.847. The application shall also indicate whether the applicant has either* of the following:

(1) A record of conviction of a felony; or

(2) A current addiction to a controlled substance.

2. An applicant for a license shall submit pictures and fingerprints to the commission in the manner prescribed on the application forms.

3. It is the burden of the applicant to show by clear and convincing evidence his suitability as to character, experience and other factors as may be deemed appropriate by the commission.

4. Before a license is granted, the commission shall conduct a thorough investigation of the applicant for a license to operate a gambling game operation on an excursion gambling boat. The applicant shall provide information on a form as required by the commission.

5. A person who knowingly makes a false statement on an application is guilty of a class A misdemeanor and shall not ever again be considered for application by the commission.

6. The licensee shall permit the commission or commission employees designated to inspect the licensee or holder's person, personal property, excursion gambling boat and effects at any time.

(L. 1991 H.B. 149 § 5 Adopted by Referendum, Proposition A, November 3, 1992, A.L. 1993 S.B. 10 & 11 § 5)

Effective 4-29-93

*Word "any" appears in original rolls.

Chapter 313
Licensed Gaming Activities

Section 313.812

August 28, 1998

Number of licenses granted in city or county, commission to determine, limits--city or county may submit plan, recommendations--conditions of operator license--boats, requirements--felons not eligible for

license, exception--local option, boats may only be locked after voter approval, ballot, prior election, effect of--licensees may be disciplined, when.

313.812. 1. The commission may issue licenses pursuant to subsection 1 of section 313.807 when it is satisfied that the applicant has complied with all rules and regulations, including an update of all information provided to the commission in the licensee's initial application. The commission shall decide the number, location and type of excursion gambling boat in a city or county under subsection 10 of this section. The license shall set forth the name of the licensee, the type of license granted, the place where the excursion gambling boat will operate and dock, including the docking of an excursion gambling boat which is continuously docked, and other information the commission deems appropriate. The commission shall have the ultimate responsibility of deciding the number, location, and type of excursion gambling boats licensed in a city or county; however, any city or county which has complied with the provisions of subsection 10 of this section shall submit to the commission a plan outlining the following:

- (1) The recommended number of licensed excursion gambling boats operating in such city or county;
- (2) The recommended licensee or licensees operating in such city or county;
- (3) The community's economic development or impact and affirmative action plan concerning minorities' and women's ownership, contracting and employment for the waterfront development;
- (4) The city or county proposed sharing of revenue with any other municipality;
- (5) Any other information such city or county deems necessary; and
- (6) Any other information the commission may determine is necessary.

The commission shall provide for due dates for receiving such plan from the city or county.

2. A license to operate an excursion gambling boat shall only be granted to an applicant upon the express conditions that:

- (1) The applicant shall not, by a lease, contract, understanding, or arrangement of any kind, grant, assign, or turn over to a person the operation of an excursion gambling boat licensed under this section or of the system of wagering described in section 313.817. This section does not prohibit a management contract with a person licensed by the commission; and
- (2) The applicant shall not in any manner permit a person other than the licensee and the management licensee to have a share, percentage, or proportion of the money received for admissions to the excursion gambling boat.

3. The commission shall require, as a condition of granting a license, that an applicant operate an excursion gambling boat which, as nearly as practicable, resembles or is a part of Missouri's or the home dock city's or county's riverboat history.

4. The commission shall encourage through its rules and regulations the use of Missouri resources, goods and services in the operation of any excursion gambling boat.

5. The excursion gambling boat shall provide for nongaming areas, food service and a Missouri theme gift shop. The amount of space used for gaming shall be determined in accordance with all rules and regulations of the commission and the United States Coast Guard safety regulations.

6. A license to operate gambling games or to operate an excursion gambling boat shall not be granted unless the applicant has, through clear and convincing evidence, demonstrated financial responsibility sufficient to meet adequately the requirements of the proposed enterprise.

7. The applicant shall establish by clear and convincing evidence its fitness to be licensed if there is evidence that any of the following apply:

- (1) The applicant has been suspended from operating an excursion gambling boat or a game of chance or gambling operation in another jurisdiction by a board or commission of that jurisdiction;
- (2) The applicant is not the true owner of the enterprise proposed;
- (3) The applicant is not the sole owner, and other persons have ownership in the enterprise, which fact has not been disclosed;
- (4) The applicant is a corporation that is not publicly traded and ten percent or more of the stock of the corporation is subject to a contract or option to purchase at any time during the period for which the license is to be issued unless the contract or option was disclosed to the commission and the commission approved the sale or transfer during the period of the license;
- (5) The applicant has knowingly made a false statement of a material fact to the commission; or
- (6) The applicant has failed to meet a valid, bona fide monetary obligation in connection with an excursion gambling boat.

8. A license shall not be granted if the applicant has not established his good repute and moral character or if the applicant has pled guilty to, or has been convicted of, a felony. No licensee shall employ or contract with any person

who has pled guilty to, or has been convicted of, a felony to perform any duties directly connected with the licensee's privileges under a license granted pursuant to this section, except that employees performing nongaming related occupations as determined by the commission shall be exempt from the requirements of this subsection.

9. A licensee shall not lend to any person money or any other thing of value for the purpose of permitting that person to wager on any gambling game authorized by law. This does not prohibit credit card or debit card transactions or cashing of checks. Any check cashed must be deposited within twenty-four hours. The commission may require licensees to verify a sufficient account balance exists before cashing any check. Any licensee who violates the provisions of this subsection shall be subject to an administrative penalty of five thousand dollars for each violation. Such administrative penalties shall be assessed and collected by the commission.

10. Gambling excursions including the operation of gambling games on an excursion gambling boat which is not continuously docked shall be allowed only on the Mississippi River and the Missouri River. No license to conduct gambling games on an excursion gambling boat in a city or county shall be issued unless and until the qualified voters of the city or county approve such activities pursuant to this subsection. The question shall be submitted to the qualified voters of the city or county at a general, primary or special election upon the motion of the governing body of the city or county or upon the petition of fifteen percent of the qualified voters of the city or county determined on the basis of the number of votes cast for governor in the city or county at the last election held prior to the filing of the petition. The question shall be submitted in substantially the following form:

Shall the City (County) of allow the licensing of excursion gambling boats or floating facilities as now or hereafter provided by Missouri gaming law in the city (county)?

YES NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the commission may license excursion gambling boats in that city or county and such boats may operate on the Mississippi River and the Missouri River. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the commission shall not license such excursion gambling boats in such city or county unless and until the question is again submitted to and approved by a majority of the qualified voters of the city or county at a later election. Excursion gambling boats may only dock in a city or unincorporated area of a county which approves licensing of such excursion gambling boats pursuant to this subsection, but gambling operations may be conducted at any point on the Mississippi River or the Missouri River during an excursion. Those cities and counties which have approved by election pursuant to this subsection, except those cities or counties which have subsequently rejected by election, the licensing of any type of excursion gambling boats in the city or county prior to April 6, 1994, are exempt from any local election requirement of this section as such previous election shall have the same effect as if held after May 20, 1994.

11. If a docking fee is charged by a city or a county, a licensee operating an excursion gambling boat shall pay the docking fee prior to the start of the excursion season.

12. Any licensee shall not be delinquent in the payment of property taxes or other taxes or fees or in the payment of any other contractual obligation or debt due or owed to the state or a political subdivision of the state.

13. An excursion gambling boat licensed by the state shall meet all of the requirements of chapter 306, RSMo, and is subject to an inspection of its sanitary facilities to protect the environment and water quality by the commission or its designee before a license to operate an excursion gambling boat is issued by the commission. Licensed excursion gambling boats shall also be subject to such inspections during the period of the license as may be deemed necessary by the commission. The cost of such inspections shall be paid by the licensee.

14. A holder of any license shall be subject to imposition of penalties, suspension or revocation of such license, or other action for any act or failure to act by himself or his agents or employees, that is injurious to the public health, safety, morals, good order and general welfare of the people of the state of Missouri, or that would discredit or tend to discredit the Missouri gaming industry or the state of Missouri unless the licensee proves by clear and convincing evidence that it is not guilty of such action. The commission shall take appropriate action against any licensee who violates the law or the rules and regulations of the commission. Without limiting other provisions of this subsection, the following acts or omissions may be grounds for such discipline:

(1) Failing to comply with or make provision for compliance with sections 313.800 to 313.850, the rules and regulations of the commission or any federal, state or local law or regulation;

(2) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to gaming;

(3) Receiving goods or services from a person or business entity who does not hold a supplier's license but who is required to hold such license by the provisions of sections 313.800 to 313.850 or the rules and regulations of the commission;

(4) Being suspended or ruled ineligible or having a license revoked or suspended in any state of gaming jurisdiction;

- (5) Associating with, either socially or in business affairs, or employing persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body and would adversely affect public confidence and trust in gaming;
- (6) Employing in any gambling games operation or any excursion gambling boat operation, any person known to have been found guilty of cheating or using any improper device in connection with any gambling game;
- (7) Use of fraud, deception, misrepresentation or bribery in securing any permit or license issued pursuant to sections 313.800 to 313.850;
- (8) Obtaining or attempting to obtain any fee, charge, or other compensation by fraud, deception, or misrepresentation;
- (9) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by sections 313.800 to 313.850.

(L. 1991 H.B. 149 § 6 Adopted by Referendum, Proposition A, November 3, 1992, A.L. 1993 S.B. 10 & 11 § 6, A.L. 1994 S.B. 740)

Effective 5-20-94

(1995) Section does not expressly or implicitly prohibit a second local option election on riverboat gambling after a prior affirmative election, therefore, section does not preclude a subsequent local option election after a prior affirmative election. *Craighead v. City of Jefferson*, 898 S.W.2d 543 (Mo. en banc).

Chapter 313 **Licensed Gaming Activities**

Section 313.815

August 28, 1998

Bond, or other surety, licensee to post, when.

313.815. A licensee licensed to operate gambling games under sections 313.800 to 313.850 shall post a bond or other form of surety from a firm licensed to conduct a surety business in this state, as approved by the commission, to the state of Missouri before the license is issued in a sum as the commission shall fix, with sureties approved by the commission. The bond or other form of surety approved by the commission shall be used to guarantee that the licensee faithfully makes the payments, keeps its books and records and makes reports, and conducts its gambling games in conformity with sections 313.800 to 313.850 and the rules adopted by the commission. The bond or other form of surety approved by the commission shall not be canceled by a surety on less than thirty days' notice in writing to the commission. If a bond or other form of surety approved by the commission is canceled and the licensee fails to file a new bond or other form of surety approved by the commission with the commission in the required amount on or before the effective date of cancellation, the licensee's license shall be revoked. The total and aggregate liability of the surety on the bond or other form of surety approved by the commission is limited to the amount specified in the bond or other form of surety approved by the commission.

(L. 1991 H.B. 149 § 7 Adopted by Referendum, Proposition A, November 3, 1992, A.L. 1993 S.B. 10 & 11 § 7)

Effective 4-29-93

Chapter 313 **Licensed Gaming Activities**

Section 313.817

August 28, 1998

Wagering, conduct of, requirements--minors not allowed to wager-- dealers must be twenty-one years of age.

313.817. 1. Except as permitted in this section, the licensee licensed to operate gambling games shall permit no form of wagering on gambling games.

2. The licensee may receive wagers only from a person present on a licensed excursion gambling boat.

3. Wagering shall not be conducted with money or other negotiable currency. The licensee shall exchange the money of each wagerer for tokens, chips, or other forms of credit to be wagered on the gambling games. The licensee shall exchange the gambling tokens, chips, or other forms of wagering credit for money at the request of the wagerer.

4. A person under twenty-one years of age shall not make a wager on an excursion gambling boat and shall not be allowed in the area of the excursion boat where gambling is being conducted; provided that employees of the licensed operator of the excursion gambling boat who have attained eighteen years of age shall be permitted in the area in which gambling is being conducted when performing employment-related duties, except that no one under twenty-one years of age may be employed as a dealer or accept a wager on an excursion gambling boat. The governing body of a home dock city or county may restrict the age of entrance onto an excursion gambling boat by passage of a local ordinance.

5. A licensee shall only allow wagering and conduct gambling games at the times allowed by the commission.

(L. 1991 H.B. 149 § 8 Adopted by Referendum, Proposition A, November 3, 1992, A.L. 1993 S.B. 10 & 11 § 8)

Effective 4-29-93

Chapter 313 Licensed Gaming Activities

Section 313.820

August 28, 1998

Admission fee, amount, division of--licensees subject to all other taxes, collection of nongaming taxes by department of revenue.

313.820. 1. An excursion boat licensee shall pay to the commission an admission fee of two dollars for each person embarking on an excursion gambling boat with a ticket of admission, and one dollar of such fee shall not be considered state funds and shall be paid to the home dock city or county. Nothing in this section shall preclude any licensee from charging any amount deemed necessary for a ticket of admission to any person embarking on an excursion gambling boat. If tickets are issued which are good for more than one excursion, the admission fee shall be paid to the commission for each person using the ticket on each excursion that the ticket is used. If free passes or complimentary admission tickets are issued, the excursion boat licensee shall pay to the commission the same fee upon these passes or complimentary tickets as if they were sold at the regular and usual admission rate; however, the excursion boat licensee may issue fee-free passes to actual and necessary officials and employees of the licensee or other persons actually working on the excursion gambling boat. The issuance of fee-free passes is subject to the rules of the commission, and a list of all persons to whom the fee-free passes are issued shall be filed with the commission.

2. All licensees are subject to all income taxes, sales taxes, earnings taxes, use taxes, property taxes or any other tax or fee now or hereafter lawfully levied by any political subdivision; however, no other license tax, permit tax, occupation tax, excursion fee, or taxes or fees shall be imposed, levied or assessed exclusively upon licensees by a

political subdivision. All state taxes not connected directly to gambling games shall be collected by the department of revenue. Notwithstanding the provisions of section 32.057, RSMo, to the contrary, the department of revenue may furnish and the commission may receive tax information to determine if applicants or licensees are complying with the tax laws of this state; however, any tax information acquired by the commission shall not become public record and shall be used exclusively for commission business.

(L. 1991 H.B. 149 § 9 Adopted by Referendum, Proposition A, November 3, 1992, A.L. 1993 S.B. 10 & 11 § 9)

Effective 4-29-93

Chapter 313 **Licensed Gaming Activities**

Section 313.821

August 28, 1998

Sales tax exemption, state or local admission fee--additional admission fee imposed by licensee not exempt.

313.821. 1. In addition to the exemptions granted under the provisions of section 144.030, RSMo, there shall also be specifically exempted from the provisions of sections 66.600 to 66.635, RSMo, sections 67.500 to 67.545, 67.547, 67.581, 67.582, 67.671 to 67.685, 67.700 to 67.729, 67.730 to 67.739, and 67.782, RSMo, sections 92.400 to 92.420, RSMo, sections 94.500 to 94.570, 94.600 to 94.655, and 94.700 to 94.755, RSMo, and sections 144.010 to 144.510 and 144.600 to 144.745, RSMo, and from the computation of the tax levied, assessed or payable under sections 66.600 to 66.635, RSMo, sections 67.500 to 67.545, 67.547, 67.581, 67.582, 67.671 to 67.685, 67.700 to 67.729, 67.730 to 67.739, and 67.782, RSMo, sections 92.400 to 92.420, RSMo, sections 94.500 to 94.570, 94.600 to 94.655, and 94.700 to 94.755, RSMo, and sections 144.010 to 144.510 and 144.600 to 144.745, RSMo, any state or local admission fees imposed upon excursion gambling boat operators to be collected from each passenger boarding such excursion gambling boats.

2. Nothing in this section shall exempt from the taxes referenced in subsection 1 of this section any fees of admission voluntarily charged by excursion boat gambling operators to passengers boarding such excursion gambling boats.

(L. 1994 S.B. 740 § 1)

Effective 5-20-94

Chapter 313 **Licensed Gaming Activities**

Section 313.822

August 28, 1998

Adjusted gross receipts, tax on, rate, collection procedures--portion to home dock city or county, procedure--gaming proceeds for education fund, created, purpose.

313.822. A tax is imposed on the adjusted gross receipts received from gambling games authorized under sections 313.800 to 313.850 at the rate of twenty percent. The taxes imposed by this section shall be returned to the commission in accordance with the commission's rules and regulations who shall transfer such taxes to the director of revenue. All checks and drafts remitted for payment of these taxes and fees shall be made payable to the director of revenue. If the commission is not satisfied with the return or payment made by any licensee, it is hereby authorized and empowered to make an assessment of the amount due based upon any information within its possession or that shall come into its possession. Any licensee against whom an assessment is made by the commission may petition for a reassessment. The request for reassessment shall be made within ten days from the date the assessment was mailed or delivered to the licensee, whichever is earlier. Whereupon the commission shall give notice of a hearing for reassessment and fix the date upon which the hearing shall be held. The assessment shall become final if a request for reassessment is not received by the commission within the ten days. Except as provided in this section, on and after April 29, 1993, all functions incident to the administration, collection, enforcement, and operation of the tax imposed by sections 144.010 to 144.525, RSMo, shall be applicable to the taxes and fees imposed by this section.

(1) Each excursion gambling boat shall designate a city or county as its home dock. The home dock city or county may enter into agreements with other cities or counties authorized under subsection 10 of section 313.812 to share revenue obtained under this section. The home dock city or county shall receive ten percent of the adjusted gross receipts tax collections, as levied under this section, for use in providing services necessary for the safety of the public visiting an excursion gambling boat. Such home dock city or county shall annually submit to the commission a shared revenue agreement with any other city or county. All moneys owed the home dock city or county shall be deposited and distributed to such city or county in accordance with rules and regulations of the commission. All revenues provided for in this section to be transferred to the governing body of any city not within a county and any city with a population of over three hundred fifty thousand inhabitants shall not be considered state funds and shall be deposited in such city's general revenue fund to be expended as provided for in this section.

(2) The remaining amount of the adjusted gross receipts tax shall be deposited in the state treasury to the credit of the "Gaming Proceeds for Education Fund" which is hereby created in the state treasury. Moneys deposited in this fund shall be considered the proceeds of excursion boat gambling and state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the gaming proceeds for education fund shall be credited to the gaming proceeds for education fund. Appropriation of the moneys deposited into the gaming proceeds for education fund shall be pursuant to state law.

(L. 1991 H.B. 149 § 10 Adopted by Referendum, Proposition A, November 3, 1992, A.L. 1993 S.B. 10 & 11 § 10)

Effective 4-29-93

Chapter 313 Licensed Gaming Activities

Section 313.824

August 28, 1998

Boat and game operator licensees to furnish reports to commission-- commission security staff to be on boat, costs paid by boat licensee.

313.824. Gambling excursion boat and gambling game operator licensees shall furnish to the commission reports and information as the commission may require with respect to its activities. The commission shall establish by rules and regulations the amount of staff necessary to protect the public on any excursion gambling boat. The excursion gambling boat licensee shall reimburse the commission for the full cost of such staff.

(L. 1991 H.B. 149 § 11 Adopted by Referendum, Proposition A, November 3, 1992, A.L. 1993 S.B. 10 & 11 § 11)

Effective 4-29-93

Chapter 313
Licensed Gaming Activities

Section 313.825

August 28, 1998

Audit of licensee, contents, procedure.

313.825. In accordance with the rules established by the commission, after the end of each calendar quarter, the licensee shall transmit to the commission an audit of compliance and of the financial transactions and condition of the licensee's total operations for the calendar quarter. Any audits shall be conducted by certified public accountants registered or licensed in the state of Missouri under chapter 326, RSMo, and selected by the commission. The compensation for each certified public accountant shall be paid directly by the licensee to the certified public accountant.

(L. 1991 H.B. 149 § 12 Adopted by Referendum, Proposition A, November 3, 1992, A.L. 1993 S.B. 10 & 11 § 12)

Effective 4-29-93

Chapter 313
Licensed Gaming Activities

Section 313.827

August 28, 1998

Annual report, contents.

313.827. The commission shall make an annual report to the governor and general assembly, for the period ending December thirty-first of each year. Included in the report shall be an account of the commission's actions, its financial position and results of operation and any recommendations for legislation which the commission deems advisable.

(L. 1991 H.B. 149 § 13 Adopted by Referendum, Proposition A, November 3, 1992)

Effective 11-3-92

Chapter 313
Licensed Gaming Activities

Section 313.830

August 28, 1998

Prohibited acts, penalties--commission to refer violations to attorney general and prosecuting attorney--venue for actions.

313.830. 1. A person is guilty of a class D felony for any of the following:

(1) Operating a gambling excursion where wagering is used or to be used without a license issued by the commission;

(2) Operating a gambling excursion where wagering is permitted other than in the manner specified by section 313.817; or

(3) Acting, or employing a person to act, as a shill or decoy to encourage participation in a gambling game.

2. A person permitting a person under the age of twenty-one years to make a wager is guilty of a class B misdemeanor.

3. A person wagering or accepting a wager at any location outside the excursion gambling boat is in violation of section 572.040, RSMo.

4. A person commits a class D felony and, in addition, shall be barred for life from excursion gambling boats under the jurisdiction of the commission, if the person:

(1) Offers, promises, or gives anything of value or benefit to a person who is connected with an excursion gambling boat operator including, but not limited to, an officer or employee of a licensee or holder of an occupational license pursuant to an agreement or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the commission;

(2) Solicits or knowingly accepts or receives a promise of anything of value or benefit while the person is connected with an excursion gambling boat including, but not limited to, an officer or employee of a licensee, or holder of an occupational license, pursuant to an understanding or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the commission;

(3) Uses a device to assist in any of the following:

(a) In projecting the outcome of the game;

(b) In keeping track of the cards played;

(c) In analyzing the probability of the occurrence of an event relating to the gambling game; or

(d) In analyzing the strategy for playing or betting to be used in the game, except as permitted by the commission;

(4) Cheats at a gambling game;

(5) Manufactures, sells, or distributes any cards, chips, dice, game or device which is intended to be used to violate any provision of sections 313.800 to 313.850;

(6) Instructs a person in cheating or in the use of a device for that purpose with the knowledge or intent that the information or use conveyed may be employed to violate any provision of sections 313.800 to 313.850;

(7) Alters or misrepresents the outcome of a gambling game on which wagers have been made after the outcome is made sure but before it is revealed to the players;

(8) Places a bet after acquiring knowledge, not available to all players, of the outcome of the gambling game which is the subject of the bet or to aid a person in acquiring the knowledge for the purpose of placing a bet contingent on that outcome;

(9) Claims, collects, or takes, or attempts to claim, collect, or take, money or anything of value in or from the gambling games, with intent to defraud, without having made a wager contingent on winning a gambling game, or claims, collects, or takes an amount of money or thing of value of greater value than the amount won;

(10) Knowingly entices or induces a person to go to any place where a gambling game is being conducted or operated in violation of the provisions of sections 313.800 to 313.850 with the intent that the other person plays or participates in that gambling game;

(11) Uses counterfeit chips or tokens in a gambling game;

(12) Knowingly uses, other than chips, tokens, coin, or other methods of* credit approved by the commission, legal tender of the United States of America, or to use coin not of the denomination as the coin intended to be used in the gambling games;

(13) Has in the person's possession any device intended to be used to violate a provision of sections 313.800 to 313.850; or

(14) Has in the person's possession, except a gambling licensee or employee of a gambling licensee acting in furtherance of the employee's employment, any key or device designed for the purpose of opening, entering, or affecting the operation of a gambling game, drop box, or an electronic or mechanical device connected with the gambling game or for removing coins, tokens, chips or other contents of the gambling game.

5. The possession of one or more of the devices described in subdivision (3), (5), (13) or (14) of subsection 4 of this section permits a rebuttable inference that the possessor intended to use the devices for cheating.

6. Except for wagers on gambling games or exchanges for money as provided in section 313.817, a licensee who exchanges tokens, chips, or other forms of credit to be used on gambling games for anything of value commits a class B misdemeanor.

7. If the commission determines that reasonable grounds to believe that a violation of sections 313.800 to 313.850 has occurred or is occurring which is a criminal offense, the commission shall refer such matter to both the state attorney general and the prosecuting attorney or circuit attorney having jurisdiction. The state attorney general and the prosecuting attorney or circuit attorney with such jurisdiction shall have concurrent jurisdiction to commence actions for violations of sections 313.800 to 313.850 where such violations have occurred.

8. Venue for all crimes committed on an excursion gambling boat shall be the jurisdiction of the home dock city or county or such county where a home dock city is located.

(L. 1991 H.B. 149 § 14 Adopted by Referendum, Proposition A, November 3, 1992, A.L. 1993 S.B. 10 & 11 § 14)

Effective 4-29-93

*Word "or" appears in original rolls.

Chapter 313 Licensed Gaming Activities

Section 313.832

August 28, 1998

Forfeitures for illegal activities, enforcement procedures.

313.832. 1. Anything of value, including all traceable proceeds including but not limited to real and personal property, moneys, negotiable instruments, securities, and conveyances, is subject to forfeiture if the item was used for any of the following:

- (1) In exchange for a bribe intended to affect the outcome of a gambling game; or
- (2) In exchange for or to facilitate a violation of sections 313.800 to 313.840.

2. All moneys, coin, and currency found in close proximity of wagers, or of records of wagers are presumed forfeited. The burden of proof is upon the claimant of the property to rebut this presumption.

3. Subsections 1 and 2 of this section do not apply if the act or omission which would give rise to the forfeiture was committed or omitted without the owner's knowledge or consent.

4. Forfeitures under this section shall be enforced as provided under sections 513.600 to 513.645, RSMo.

(L. 1991 H.B. 149 § 15 Adopted by Referendum, Proposition A, November 3, 1992)

Effective 11-3-92

Chapter 313 Licensed Gaming Activities

Section 313.835

August 28, 1998

Gaming Commission Fund created, purpose, expenditures--Veterans' Commission Capital Improvement Trust Fund, created, purpose, funding --disposition of proceeds of Gaming Commission Fund--Early Childhood Development Education and Care Fund, created, purpose, funding, study, rules.

313.835. 1. All revenue received by the commission from license fees, penalties, administrative fees, reimbursement by any excursion gambling boat operators for services provided by the commission and admission fees authorized pursuant to the provisions of sections 313.800 to 313.850 shall be deposited in the state treasury to the credit of the "Gaming Commission Fund" which is hereby created for the sole purpose of funding the administrative costs of the commission, subject to appropriation. Moneys deposited into this fund shall not be considered proceeds of gambling operations. Moneys deposited into the gaming commission fund shall be considered state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the gaming commission fund shall be credited to the gaming commission fund. In each fiscal year, total revenues to the gaming commission fund for the preceding fiscal year shall be compared to total expenditures and transfers from the gaming commission fund for the preceding fiscal year. The remaining net proceeds in the gaming commission fund shall be distributed in the following manner:

- (1) The first five hundred thousand dollars shall be appropriated on a per capita basis to cities and counties that match the state portion and have demonstrated a need for funding community neighborhood organization programs for the homeless and to deter gang-related violence and crimes;
- (2) The remaining net proceeds in the gaming commission fund for fiscal year 1998 and prior years shall be transferred to the "Veterans' Commission Capital Improvement Trust Fund", as hereby created in the state treasury. The state treasurer shall administer the veterans' commission capital improvement trust fund, and the moneys in such fund shall be used solely, upon appropriation, by the Missouri veterans' commission for:
 - (a) The construction, maintenance or renovation or equipment needs of veterans' homes in this state;
 - (b) The construction, maintenance, renovation, equipment needs and operation of veterans' cemeteries in this state;
 - (c) Fund transfers to Missouri veterans' homes fund established pursuant to the provisions of section 42.121, RSMo, as necessary to maintain solvency of the fund; and
 - (d) Fund transfers to any municipality with a population greater than four hundred thousand and located in part of a county with a population greater than six hundred thousand in this state which has established a fund for the sole purpose of the restoration, renovation and maintenance of a memorial or museum or both dedicated to World War I. Appropriations from the veterans' commission capital improvement trust fund to such memorial fund shall be provided only as a one-time match for other funds devoted to the project and shall not exceed five million dollars. Additional appropriations not to exceed two million dollars total may be made from the veterans' commission capital improvement trust fund as a match to other funds for the renovation of other facilities dedicated as veterans' memorials in the state. All appropriations for renovation, reconstruction, and maintenance of veterans' memorials shall be made only for applications received by the Missouri veterans' commission prior to July 1, 2000. Any interest which accrues to the fund shall remain in the fund and shall be used in the same manner as moneys which are transferred to the fund pursuant to this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the veterans' commission capital improvement trust fund at the end of any biennium shall not be transferred to the credit of the general revenue fund;
- (3) The remaining net proceeds in the gaming commission fund for fiscal year 1999 and each fiscal year thereafter shall be distributed as follows:
 - (a) Three million dollars shall be transferred to the veterans' commission capital improvement trust fund;
 - (b) Three million dollars shall be transferred to the Missouri national guard trust fund created in section 41.214, RSMo;
 - (c) Three million dollars shall be transferred to the Missouri college guarantee fund, established pursuant to the provisions of section 173.248, RSMo, and additional moneys as annually appropriated by the general assembly shall be appropriated to such fund;
 - (d) Subject to appropriations, one hundred percent of remaining net proceeds in the gaming commission fund except as provided in paragraph (1) of this subdivision, shall be transferred to the "Early Childhood Development, Education and Care Fund" which is hereby created to give parents meaningful choices and assistance in choosing the child-care and education arrangements that are appropriate for their family. All interest received on the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, moneys in the fund at the end of any biennium shall not be transferred to the credit of the general revenue fund. Any moneys deposited in such fund shall be used to support programs that prepare children prior to the age in which they are eligible to enroll in kindergarten, pursuant to section 160.053, RSMo, to enter school ready to learn. All moneys deposited in the early childhood development, education and care fund shall be annually appropriated for voluntary, early childhood

development, education and care programs serving children in every region of the state not yet enrolled in kindergarten;

(e) No less than sixty percent of moneys deposited in the early childhood development, education and care fund shall be appropriated as provided in this paragraph to the department of elementary and secondary education and to the department of social services to provide early childhood development, education and care programs through competitive grants to, or contracts with, governmental or private agencies. Eighty percent of such moneys pursuant to the provisions of this paragraph and additional moneys as appropriated by the general assembly shall be appropriated to the department of elementary and secondary education and twenty percent of such moneys pursuant to the provisions of this paragraph shall be appropriated to the department of social services. The departments shall provide public notice and information about the grant process to potential applicants.

a. Grants or contracts may be provided for:

- (i) Start-up funds for necessary materials, supplies, equipment and facilities; and
- (ii) Ongoing costs associated with the implementation of a sliding parental fee schedule based on income;

b. Grant and contract applications shall, at a minimum, include:

- (i) A funding plan which demonstrates funding from a variety of sources including parental fees;
- (ii) A child development, education and care plan that is appropriate to meet the needs of children;
- (iii) The identity of any partner agencies or contractual service providers;
- (iv) Documentation of community input into program development;
- (v) Demonstration of financial and programmatic accountability on an annual basis;
- (vi) Commitment to state licensure within one year of the initial grant, if funding comes from the appropriation to the department of elementary and secondary education and commitment to compliance with the requirements of the department of social services, if funding comes from the department of social services; and
- (vii) With respect to applications by public schools, the establishment of a parent advisory committee within each public school program;

c. In awarding grants and contracts pursuant to this paragraph, the departments may give preference to programs which:

- (i) Are new or expanding programs which increase capacity;
- (ii) Target geographic areas of high need, namely where the ratio of program slots to children under the age of six in the area is less than the same ratio statewide;
- (iii) Are programs designed for special needs children;
- (iv) Are programs that offer services during nontraditional hours and weekends; or
- (v) Are programs that serve a high concentration of low-income families;

d. Beginning on August 28, 1998, the department of elementary and secondary education and the department of social services shall initiate and conduct a four-year study to evaluate the impact of early childhood development, education and care in this state. The study shall consist of an evaluation of children eligible for moneys pursuant to this paragraph, including an evaluation of the early childhood development, education and care of those children participating in such program and those not participating in the program over a four-year period. At the conclusion of the study, the department of elementary and secondary education and the department of social services shall, within ninety days of conclusion of the study, submit a report to the general assembly and the governor, with an analysis of the study required pursuant to this subparagraph, all data collected, findings, and other information relevant to early childhood development, education and care;

(f) No less than ten percent of moneys deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to provide early childhood development, education and care programs through child development, education and care certificates to families whose income does not exceed one hundred eighty-five percent of the federal poverty level in the manner pursuant to 42 U.S.C. 9858c(c)(2)(A) and 42 U.S.C. 9858n(2) for the purpose of funding early childhood development, education and care programs as approved by the department of social services. At a minimum, the certificate shall be of a value per child which is commensurate with the per child payment under item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or contracts. On February first of each year the department shall certify the total amount of child development, education and care certificates applied for and the unused balance of the funds shall be released to be used for supplementing the competitive grants and contracts program authorized pursuant to paragraph (e) of this subdivision;

(g) No less than ten percent of moneys deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to increase reimbursements to child care facilities for low-income children that are accredited by a recognized, early childhood accrediting organization;

(h) No less than ten percent of the funds deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to provide assistance to eligible parents whose family income does not exceed one hundred eighty-five percent of the federal poverty level who wish to care for their children under three years of age in the home, to enable such parent to take advantage of early childhood development, education and care programs for such parent's child or children. At a minimum, the certificate shall be of a value per child which is commensurate with the per child payment under item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or contracts. The department of social services shall provide assistance to these parents in the effective use of early childhood development, education and care tools and methods;

(i) In setting the value of parental certificates under paragraph (f) of this subdivision and payments under paragraph (h) of this subdivision, the department of social services may increase the value based on the following:

a. The adult caretaker of the children successfully participates in the parents as teachers program pursuant to the provisions of sections 178.691 to 178.699, RSMo, a training program provided by the department on early childhood development, education and care, the home-based Head Start program as defined in 42 U.S.C. 9832 or a similar program approved by the department;

b. The adult caretaker consents to and clears a child abuse or neglect screening pursuant to subdivision (1) of subsection 2 of section 210.152, RSMo; and

c. The degree of economic need of the family;

(j) The department of elementary and secondary education and the department of social services each shall by rule promulgated pursuant to chapter 536, RSMo, establish guidelines for the implementation of the early childhood development, education and care programs as provided in paragraphs (e) through (i) of this subdivision;

(k) Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in paragraph (j) of this subdivision shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however, nothing in this section shall be interpreted to repeal or affect the validity of any rule adopted or promulgated prior to August 28, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act* shall affect the validity of any rule adopted and promulgated prior to August 28, 1998;

(l) When the remaining net proceeds, as such term is used pursuant to paragraph (d) of this subdivision, in the gaming commission fund annually exceeds twenty-seven million dollars, one and one-half million dollars of such proceeds shall be transferred annually, subject to appropriation, to the Missouri college guarantee fund, established pursuant to the provisions of section 173.248, RSMo.

2. Upon request by the veterans' commission, the general assembly may appropriate moneys from the veterans' commission capital improvements trust fund to the Missouri national guard trust fund to support the activities described in section 41.958, RSMo.

(L. 1991 H.B. 149 § 16 Adopted by Referendum, Proposition A, November 3, 1992, A.L. 1993 S.B. 10 & 11 § 16, A.L. 1994 S.B. 427 and S.B. 740, A.L. 1996 H.B. 832, A.L. 1998 H.B. 1519 & 1165)

*"This act" (H.B. 1519 & 1165, 1998) contains numerous sections. Consult Disposition of Sections table for definitive listing.

(1997) Any penalties, forfeitures or fines collected pursuant to subdivision (6) of section 313.805 must be distributed as required by article IX, section 7 of the Missouri Constitution. Missouri Gaming Commission v. Missouri Veterans' Commission, 951 S.W.2d 611 (Mo.banc).

Chapter 313

Licensed Gaming Activities

Section 313.837

August 28, 1998

Report to general assembly, when, contents.

313.837. The commission shall report to the general assembly on September 1, 1993, and every January fifteenth thereafter, the number of excursion gambling boat licenses which the commission has issued, the status of the competitiveness of Missouri excursion gambling boats when compared to the gaming tax rate of adjoining states and the effects of* loss of limits imposed by subdivision (3) of section 313.805 on the competitiveness of the gaming industry in Missouri. The report shall contain any recommendations for changes in the adjusted gross receipts tax rate as provided in section 313.822.

(L. 1991 H.B. 149 § 17 Adopted by Referendum, Proposition A, November 3, 1992, A.L. 1993 S.B. 10 & 11 § 17)

Effective 4-29-93

*Word "of" does not appear in original rolls.

Chapter 313 Licensed Gaming Activities

Section 313.840

August 28, 1998

Liquor licenses on boats and premises, commission to authorize--judicial review of all commission decisions, appeal of.

313.840. 1. The conduct of or playing of any games on any licensed excursion gambling boat does not constitute gambling or gambling activities and the power of the division of liquor control to prohibit the licensing of any premises on which gambling or gambling activities are conducted or played, or to prohibit the consumption or sale of beer or alcoholic beverage on any premises, shall not apply where the premises is duly licensed by the commission. Notwithstanding the provisions of chapter 311 or 312, RSMo, the commission shall be the sole liquor licensing authority for liquor service aboard any excursion gambling boat and any facility neighboring an excursion gambling boat which is owned and operated by an excursion gambling boat licensee. The commission shall establish rules and regulations for the service of liquor on any premises licensed for the service of liquor by the commission, except that no rule or regulation adopted by the commission shall allow any person under the age of twenty-one to consume alcoholic beverages on any premises licensed for the service of liquor by the commission. All criminal provisions of chapter 311 or 312, RSMo, shall be applicable to liquor service aboard any premises licensed for the service of liquor by the commission.

2. Judicial review of all commission decisions relating to excursion gambling boat operations shall be directly to the state court of appeals for the western district of Missouri and shall not be subject to the provisions of chapter 621, RSMo.

(L. 1991 H.B. 149 § 19 Adopted by Referendum, Proposition A, November 3, 1992, A.L. 1993 S.B. 10 & 11 § 19, A.L. 1994 S.B. 651)

Effective 5-24-94

Chapter 313 Licensed Gaming Activities

Section 313.842

August 28, 1998

Compulsive gamblers fund, created, purpose--outpatient centers may be established--department of mental health to administer--fund not to lapse into general revenue.

313.842. There may be established an outpatient center which shall provide services for compulsive gamblers and their families. As used in this section, "compulsive gambler" means a person who is chronically and progressively preoccupied with gambling and the urge to gamble. Such centers may be funded from the taxes collected and distributed to any city or county under section 313.822. Such moneys shall be submitted to the state and credited to the "Compulsive Gamblers Fund", which is hereby established within the department of mental health.

Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund at the end of any biennium shall not be transferred to the credit of the general revenue fund. The department of mental health shall administer all programs, either directly or by contract, for compulsive gamblers.

(L. 1991 H.B. 149 § 20 Adopted by Referendum, Proposition A, November 3, 1992, A.L. 1996 H.B. 1081 and H.B. 1159)

Chapter 313 Licensed Gaming Activities

Section 313.845

August 28, 1998

Rules, procedure.

313.845. No rule or portion of a rule promulgated under the authority of sections 313.800 to 313.850 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

(L. 1991 H.B. 149 § 21 Adopted by Referendum, Proposition A, November 3, 1992, A.L. 1993 S.B. 10 & 11 § 21, A.L. 1994 S.B. 740, A.L. 1995 S.B. 3)

Chapter 313 Licensed Gaming Activities

Section 313.847

August 28, 1998

Public information on licensees, commission to provide on request, exceptions, limitations--costs.

313.847. 1. Notwithstanding any applicable statutory provision to the contrary, all investigatory, proprietary or application records, information and summaries in the possession of the commission or its agents may be treated by the commission as closed records not to be disclosed to the public; except that the commission shall, on written request from any person, provide such person with the following information furnished by an applicant or licensee:

- (1) The name, business address and business telephone number of any applicant or licensee;
- (2) An identification of any applicant or licensee, including, if an applicant or licensee is not an individual, the state of incorporation or registration, the corporate officers, and the identity of all shareholders or participants. If an

applicant or licensee has a pending registration statement filed with the Securities and Exchange Commission, the names of those persons or entities holding interest must be provided;

(3) An identification of any business, including, if applicable, the state of incorporation or registration in which an applicant or licensee or an applicant's or licensee's spouse or children have an equity interest. If an applicant or licensee is a corporation, partnership or other business entity, the applicant or licensee shall identify any other corporation, partnership or business entity in which it has an equity interest, including, if applicable, the state of incorporation or registration. This information need not be provided by a corporation, partnership or other business entity that has a pending registration statement filed with the Federal Securities and Exchange Commission;

(4) Whether an applicant or licensee has been indicted, convicted, pleaded guilty or nolo contendere, or forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or misdemeanor, except for traffic violations, including the date, the name and location of the court, arresting agency and prosecuting agency, the case number, the offense, the disposition and the location and length of incarceration;

(5) Whether an applicant or licensee has had any license or certificate issued by a licensing authority in this state or any jurisdiction denied, restricted, suspended, revoked or not renewed and a statement describing the facts and circumstances concerning the denial, restriction, suspension, revocation or nonrenewal, including the licensing authority, the date each such action was taken, and the reason for each such action;

(6) Whether an applicant or licensee has ever filed or had filed against it a proceeding in bankruptcy or has ever been involved in any formal process to adjust, defer, suspend or otherwise work out the payment of any debt, including the date of filing, the name and location of the court, the case and number of the disposition;

(7) Whether an applicant or licensee has filed, or been served with a complaint or other notice filed with any public body, regarding the delinquency in the payment of, or a dispute over the filings concerning the payment of, any tax required under federal, state or local law, including the amount, type of tax, the taxing agency and time periods involved;

(8) A statement listing the names and titles of all public officials or officers of any unit of government, and relatives of such public officials or officers who, directly or indirectly, own any financial interest in, have any beneficial interest in, are the creditors of or hold any debt instrument issued by, or hold or have any interest in any contractual or service relationship with, an applicant or licensee;

(9) Whether an applicant or licensee has made, directly or indirectly, any political contribution, or any loans, donations or other payments of one hundred dollars or more, to any candidate or office holder, within five years from the date of filing the application, including the amount and the method of payment;

(10) The name and business telephone number of the counsel representing an applicant or licensee in matters before the commission;

(11) A description of any proposed or approved riverboat gaming operation, including the type of boat, home dock location, expected economic benefit to the community, anticipated or actual number of employees, any statement from an applicant or licensee regarding compliance with federal and state affirmative action guidelines, projected or actual admissions and projected or actual adjusted gross gaming receipts; and

(12) A description of the product or service to be supplied by an applicant for a supplier's license.

2. Notwithstanding any applicable statutory provision to the contrary, the commission shall, on written request from any person, also provide the following information:

(1) The amount of the adjusted gross receipts tax and admission tax paid daily to the state by the holder of an excursion gambling boat license;

(2) Whenever the commission finds an applicant for an excursion gambling boat license unsuitable for licensing, a copy of the written letter outlining the reasons for the denial; and

(3) Whenever the commission has refused to grant leave for an applicant to withdraw his application, a copy of the letter outlining the reasons for the refusal.

3. Subject to the provisions of subsections 1 and 2 of this section, the commission shall not disclose any information which would be barred by:

(1) Chapter 610, RSMo; or

(2) The statutes, rules, regulations or intergovernmental agreements of any jurisdiction.

4. The commission may assess fees for the copying of information in accordance with chapter 610, RSMo.

(L. 1993 S.B. 10 & 11 § 22, A.L. 1994 S.B. 740)

Effective 5-20-94

Chapter 313 Licensed Gaming Activities

Section 313.848

August 28, 1998

Regulation of excursion gambling boats exempt from certain provisions of administrative procedures law. 313.848. The proceedings and activities under sections 313.800 to 313.850 are exempt from the provisions of sections 536.063 to 536.077, RSMo, and the commission shall not be required to use procedures prescribed by sections 536.063 to 536.077, RSMo, with respect to its administration of sections 313.800 to 313.850.

(L. 1994 S.B. 427)

Effective 6-28-94

Chapter 313 Licensed Gaming Activities

Section 313.850

August 28, 1998

Severability clause.

313.850. The provisions of sections 313.800 to 313.850 are severable. If any provision of sections 313.800 to 313.850 is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions are valid except to the extent that the court finds that the valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent. The provisions of this section shall be operative notwithstanding the provisions of section 1.140, RSMo, to the contrary.

(L. 1993 S.B. 10 & 11 § 23)

Effective 4-29-93

TITLE XXIII CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS

Chapter 353 Urban Redevelopment Corporations Law

Section 353.190

August 28, 1998

Real property tax abatement not to apply, excursion gambling boats.

353.190. For projects related to any riverfront development designed to enhance the location of an excursion gambling boat licensed under the provisions of section 313.800 to 313.850, RSMo, real property tax abatement under chapter 353, RSMo, shall not apply for each year of the redevelopment project to the assessed value of the

real property for taxes due and payable during the calendar year preceding the calendar year during which a redevelopment corporation acquires title to such real property, but shall apply to any increase in the assessed value of such property after the acquisition of the real property by a redevelopment corporation.

(L. 1994 H.B. 1248 & 1048 § 16)

TITLE XXIV BUSINESS AND FINANCIAL INSTITUTIONS

Chapter 367

Pawnbrokers and Small Loans

Section 367.043

August 28, 1998

License required--qualifications--oath--bond--accounting--location within one-half mile of excursion gambling boat or facility, prohibited, when.

367.043. 1. No person shall operate a pawnshop unless such person obtains a municipal pawnshop license issued pursuant to this section. Each municipality or county may issue a pawnshop license to any person who meets the qualifications of this section. To be eligible for a pawnshop license, an applicant shall:

- (1) Be of good moral character;
- (2) Have net assets of at least fifty thousand dollars readily available for use in conducting business as a pawnshop for each licensed pawnshop; and
- (3) Show that the pawnshop will be operated lawfully and fairly within the purposes of sections 367.011 to 367.060. In addition to the qualifications specified in subdivisions (1) to (3) of this subsection, a municipality or county may also refuse to issue a pawnshop license to any applicant who has a felony or misdemeanor conviction which directly relates to the duties and responsibilities of the occupation of pawnbroker or otherwise makes the applicant presently unfit for a pawnshop license.

2. If the municipality or county is unable to verify that the applicant meets the net assets requirement for a licensed pawnshop, the municipality or county may require a finding, including the presentation of a current balance sheet, by an independent certified public accountant that the accountant has reviewed the books and records of the applicant and that the applicant meets the net assets requirement of this section.

3. An application for a new pawnshop license, the transfer of an existing pawnshop license or the approval of a change in the ownership of a licensed pawnshop shall be under oath and shall state the full name and place of residence of the applicant, the place where the business is to be conducted, and other relevant information required by the municipality or county. If the applicant is a partnership, the municipality or county may require that the application state the full name and address of each member. If the applicant is a corporation, the application shall state the full name and address of each officer, shareholder, and director. The application shall be accompanied by:

- (1) An investigation fee of five hundred dollars if the applicant is unlicensed at the time of applying for the pawnshop license or two hundred fifty dollars if the application involves a second or additional license to an applicant previously licensed for a separate location or involves substantially identical principals and owners of a licensed pawnshop at a separate location; and
- (2) Proof of general liability if required by the municipality or county, and an annual fee of five hundred dollars.

4. Each applicant for a pawnshop license at the time of filing application shall file with the municipality or county, if the municipality or county so requires, a bond satisfactory to him and in an amount not to exceed five thousand dollars for each license with a surety company qualified to do business in this state. The aggregate liability of such surety shall not exceed the amount stated in the bond. The bond shall run to the state for the use of the state and of any person or persons who may have a cause of action against the obligor of such bond under the provisions of sections 367.011 to 367.060. Such bond shall be conditioned that the obligor will comply with the provisions of sections 367.011 to 367.060 and of all rules and regulations lawfully made by the municipality or county, and will pay to the state and to any such person or persons any and all amounts of money that may become due or owing to

the state or to such person or persons from such obligor under and by virtue of the provisions of sections 367.011 to 367.060 during the time such bond is in effect.

5. Each licensee shall keep, consistent with accepted accounting practices, adequate books and records relating to the licensee's pawn transactions, which books and records shall be preserved for a period of at least two years from the date of the last transaction recorded therein.

6. No person who is lawfully operating a pawnshop on August 28, 1990, shall be required to obtain a license under this section in order to continue operating such pawnshop, so long as such person does not violate any other provision of sections 367.011 to 367.060, except that, if such person is required by the municipality or county to have an occupational license, such person shall be required to pay the five-hundred-dollar annual fee prescribed in subdivision (2) of subsection 3 of this section in lieu of any municipal or county occupational license fee.

7. In addition to the other requirements of this section for licensure, no license shall be issued under this section on or after May 20, 1994, for the initial operation of a pawnshop if such pawnshop is to be located within one-half mile of a site where an excursion gambling boat dock or facility is located or within one-half mile of a site where an application for such an excursion gambling boat dock or facility is on file with the gaming commission prior to the date the application for the pawnshop license is filed. The provisions of this subsection shall not prohibit a pawnshop from being located within one-half mile of a dock or facility or proposed dock or facility described in this subsection if the license for such pawnshop has been issued prior to May 20, 1994.

(L. 1990 H.B. 1125, A.L. 1993 S.B. 18, A.L. 1994 S.B. 740)

Effective 5-20-94

TITLE XXVIII CONTRACTS AND CONTRACTUAL RELATIONS

Chapter 434 Contracts Against Public Policy

Section 434.010

August 28, 1998

Bonds, notes founded on gaming considerations, void.

434.010. All judgments by confession, conveyances, bonds, bills, notes and securities, when the consideration is money or property won at any game, gambling device, or by any bet or wager whatever, shall be void and may be set aside and vacated by any court of competent jurisdiction, upon suit brought for that purpose by the person so confessing, giving, entering into or executing the same, or by his executors or administrators or by any creditor, heir, devisee, purchaser or other person interested therein.

(RSMo 1939 § 3394, A.L. 1953 p. 321)

Prior revisions: 1929 § 3007; 1919 § 5744; 1909 § 6625

Chapter 434 Contracts Against Public Policy

Section 434.030

August 28, 1998

Money lost at gaming recovered, how,

434.030. Any person who shall lose any money or property at any game, gambling device or by any bet or wager whatever, may recover the same by a civil action.

(RSMo 1939 § 3392, A.L. 1953 p. 321)

Prior revisions: 1929 § 3005; 1919 § 5742; 1909 § 6623

Chapter 434 **Contracts Against Public Policy**

Section 434.050

August 28, 1998

Stakeholder liable.

434.050. Every stakeholder who shall knowingly receive any money or property, staked upon any betting declared gaming by the foregoing provisions, shall be liable to the party who placed such money or property in his hands, both before and after the determination of such bet; and the delivery of the money or property to the winner shall be no defense to any action brought by the losing party for the recovery thereof; provided, that no stakeholder shall be liable afterward unless a demand has been made of such stakeholder for the money or property in his possession, previous to the expiration of the time agreed upon by the parties for the determination of the bet or wager.

(RSMo 1939 § 3399) Prior revisions: 1929 § 3012; 1919 § 5749; 1909 § 6630

Chapter 434
Contracts Against Public Policy

Section 434.060

August 28, 1998

Parents may recover minor's gaming losses.

434.060. If any minor shall lose any money or property at any game, gambling device, or by any bet or wager whatever, the parent or conservator of such minor may sue for and recover from the winner such money or property, or the value thereof, so lost by such minor.

(RSMo 1939 § 3396, A.L. 1953 p. 321, A.L. 1983 S.B. 44 & 45) Prior revisions: 1929 § 3009; 1919 § 5746; 1909 § 6627

TITLE XXIX. OWNERSHIP AND CONVEYANCE OF PROPERTY

Chapter 441 Landlord and Tenant

Section 441.020

August 28, 1998

Illegal use of premises renders lease void.

441.020. Whenever any lessee of any house, apartment or building permits any prohibited gaming table, bank or device to be set up or be kept or used upon the premises, for the purpose of gaming, or keeping in the same a bawdyhouse, brothel or common gaming house, or allowing the illegal possession, sale or distribution of controlled substances upon the premises, the lease or agreement for letting such house or building shall become void, and the lessor may enter on the premises so let, and shall have the same remedies for the recovery of the premises as in the case of a tenant holding over the tenant's term.

(RSMo 1939 § 4689, A.L. 1997 H.B. 361)

Prior revisions: 1929 § 4299; 1919 § 3549; 1909 § 4762

(1956) Evidence held insufficient to support verdict for forfeiture of lease because of gambling on premises. Blair v. Hamilton (A.), 297 S.W.2d 14.

TITLE XXXV CIVIL PROCEDURE AND LIMITATIONS

Chapter 513 Executions and Exemptions

Section 513.605

August 28, 1998

Definitions.

513.605. As used in sections 513.600 to 513.645, unless the context clearly indicates otherwise, the following terms mean:

(1) (a) "Beneficial interest":

a. The interest of a person as a beneficiary under any other trust arrangement pursuant to which a trustee holds legal or record title to real property for the benefit of such person; or

b. The interest of a person under any other form of express fiduciary arrangement pursuant to which any other person holds legal or record title to real property for the benefit of such person;

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in either a general partnership or limited partnership. A beneficial interest shall be deemed to be located where the real property owned by the trustee is located;

(2) "Civil proceeding", any civil suit commenced by an investigative agency under any provision of sections 513.600 to 513.645;

(3) "Criminal activity" is the commission, attempted commission, conspiracy to commit, or the solicitation, coercion or intimidation of another person to commit any crime which is chargeable by indictment or information under the following Missouri laws:

- (a) Chapter 195, RSMo, relating to drug regulations;
 - (b) Chapter 565, RSMo, relating to offenses against the person;
 - (c) Chapter 566, RSMo, relating to sexual offenses;
 - (d) Chapter 568, RSMo, relating to offenses against the family;
 - (e) Chapter 569, RSMo, relating to robbery, arson, burglary and related offenses;
 - (f) Chapter 570, RSMo, relating to stealing and related offenses;
 - (g) Chapter 567, RSMo, relating to prostitution;
 - (h) Chapter 573, RSMo, relating to pornography and related offenses;
 - (i) Chapter 574, RSMo, relating to offenses against public order;
 - (j) Chapter 575, RSMo, relating to offenses against the administration of justice;
 - (k) Chapter 491, RSMo, relating to witnesses;
 - (l) Chapter 572, RSMo, relating to gambling;
 - (m) Chapter 311, RSMo, but relating only to felony violations of this chapter committed by persons not duly licensed by the supervisor of liquor control;
 - (n) Chapter 571, RSMo, relating to weapons offenses;
 - (o) Chapter 409, RSMo, relating to regulation of securities;
 - (p) Chapter 301, RSMo, relating to registration and licensing of motor vehicles;
- (4) "Criminal proceeding", any criminal prosecution commenced by an investigative agency under any criminal law of this state;
- (5) "Investigative agency", the attorney general's office, or the office of any prosecuting attorney or circuit attorney;
- (6) "Pecuniary value":
- (a) Anything of value in the form of money, a negotiable instrument, a commercial interest, or anything else the primary significance of which is economic advantage; or
 - (b) Any other property or service that has a value in excess of one hundred dollars;
- (7) "Real property", any estate or legal or equitable interest in land situated in this state or any interest in such real property, including, but not limited to, any lease or deed of trust upon such real property;
- (8) (a) "Trustee":
- a. Any person who holds legal or record title to real property for which any other person has a beneficial interest; or
 - b. Any successor trustee or trustees to any of the foregoing persons;
- (b) "Trustee" does not include the following:
- a. Any person appointed or acting as a personal representative under chapter 475, RSMo, or under chapter 473, RSMo;
 - b. Any person appointed or acting as a trustee of any testamentary trust or as trustee of any indenture of trust under which any bonds are or are to be issued.

(L. 1986 S.B. 450 § 5)

Effective 3-17-86

TITLE XXXVIII. CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS

Chapter 572 Gambling

Section 572.010

August 28, 1998

Chapter definitions.

572.010. As used in this chapter:

- (1) "Advance gambling activity", a person "advances gambling activity" if, acting other than as a player, he engages in conduct that materially aids any form of gambling activity. Conduct of this nature includes but is not limited to conduct directed toward the creation or establishment of the particular game, lottery, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement or communication of any of its financial or recording phases, or toward any other phase of its operation. A person advances gambling activity if, having substantial proprietary control or other authoritative control over premises being used with his knowledge for purposes of gambling activity, he permits that activity to occur or continue or makes no effort to prevent its occurrence or continuation. The supplying, servicing and operation of a licensed excursion gambling boat under sections 313.800 to 313.840, RSMo, does not constitute advancing gambling activity;
- (2) "Bookmaking", means advancing gambling activity by unlawfully accepting bets from members of the public as a business, rather than in a casual or personal fashion, upon the outcomes of future contingent events;
- (3) "Contest of chance" means any contest, game, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that the skill of the contestants may also be a factor therein;
- (4) "Gambling", a person engages in "gambling" when he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he will receive something of value in the event of a certain outcome. Gambling does not include bona fide business transactions valid under the law of contracts, including but not limited to contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including but not limited to contracts of indemnity or guaranty and life, health or accident insurance; nor does gambling include playing an amusement device that confers only an immediate right of replay not exchangeable for something of value. Gambling does not include any licensed activity, or persons participating in such games which are covered by sections 313.800 to 313.840, RSMo;
- (5) "Gambling device" means any device, machine, paraphernalia or equipment that is used or usable in the playing phases of any gambling activity, whether that activity consists of gambling between persons or gambling by a person with a machine. However, lottery tickets, policy slips and other items used in the playing phases of lottery and policy schemes are not gambling devices within this definition;
- (6) "Gambling record" means any article, instrument, record, receipt, ticket, certificate, token, slip or notation used or intended to be used in connection with unlawful gambling activity;
- (7) "Lottery" or "policy" means an unlawful gambling scheme in which for a consideration the participants are given an opportunity to win something of value, the award of which is determined by chance;
- (8) "Player" means a person who engages in any form of gambling solely as a contestant or bettor, without receiving or becoming entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of the particular gambling activity. A person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor and supplying cards or other equipment used therein. A person who engages in "bookmaking" as defined in subdivision (2) of this section is not a "player";
- (9) "Professional player" means a player who engages in gambling for a livelihood or who has derived at least twenty percent of his income in any one year within the past five years from acting solely as a player;
- (10) "Profit from gambling activity", a person "profits from gambling activity" if, other than as a player, he accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity;
- (11) "Slot machine" means a gambling device that as a result of the insertion of a coin or other object operates, either completely automatically or with the aid of some physical act by the player, in such a manner that, depending upon elements of chance, it may eject something of value. A device so constructed or readily adaptable or convertible to such use is no less a slot machine because it is not in working order or because some mechanical act of manipulation or repair is required to accomplish its adaptation, conversion or workability. Nor is it any less a slot

machine because apart from its use or adaptability as such it may also sell or deliver something of value on a basis other than chance;

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

(13) "Unlawful" means not specifically authorized by law.

(L. 1977 S.B. 60, A.L. 1991 H.B. 149 Adopted by Referendum, Proposition A, November 3, 1992)

Effective 11-3-92

Chapter 572 Gambling

Section 572.020

August 28, 1998

Gambling.

572.020. 1. A person commits the crime of gambling if he knowingly engages in gambling.

2. Gambling is a class C misdemeanor unless:

(1) It is committed by a professional player, in which case it is a class D felony; or

(2) The person knowingly engages in gambling with a minor, in which case it is a class B misdemeanor.

(L. 1977 S.B. 60)

Effective 1-1-79

Chapter 572 Gambling

Section 572.030

August 28, 1998

Promoting gambling in the first degree.

572.030. 1. A person commits the crime of promoting gambling in the first degree if he knowingly advances or profits from unlawful gambling or lottery activity by:

(1) Setting up and operating a gambling device to the extent that more than one hundred dollars of money is gambled upon or by means of the device in any one day, or setting up and operating any slot machine; or

(2) Engaging in bookmaking to the extent that he receives or accepts in any one day more than one bet and a total of more than one hundred dollars in bets; or

(3) Receiving in connection with a lottery or policy or enterprise:

(a) Money or written records from a person other than a player whose chances or plays are represented by such money or records; or

(b) More than one hundred dollars in any one day of money played in the scheme or enterprise; or

(c) Something of value played in the scheme or enterprise with a fair market value exceeding one hundred dollars in any one day.

2. Promoting gambling in the first degree is a class D felony.

(L. 1977 S.B. 60)

Effective 1-1-79

Chapter 572 Gambling

Section 572.040

August 28, 1998

Promoting gambling in the second degree.

572.040. 1. A person commits the crime of promoting gambling in the second degree if he knowingly advances or profits from unlawful gambling or lottery activity.

2. Promoting gambling in the second degree is a class A misdemeanor.

(L. 1977 S.B. 60)

Effective 1-1-79

Chapter 572 Gambling

Section 572.050

August 28, 1998

Possession of gambling records in the first degree.

572.050. 1. A person commits the crime of possession of gambling records in the first degree if, with knowledge of the contents thereof, he possesses any gambling record of a kind used:

(1) In the operation or promotion of a bookmaking scheme or enterprise, and constituting, reflecting or representing more than five bets totaling more than five hundred dollars; or

(2) In the operation, promotion or playing of a lottery or policy scheme or enterprise, and constituting, reflecting or representing more than five hundred plays or chances therein.

2. A person does not commit a crime under subdivision (1) of subsection 1 of this section if the gambling record possessed by the defendant constituted, reflected or represented bets of the defendant himself in a number not exceeding ten.

3. The defendant shall have the burden of injecting the issue under subsection 2.

4. Possession of gambling records in the first degree is a class D felony.

(L. 1977 S.B. 60)

Effective 1-1-79

Chapter 572 Gambling

Section 572.060

August 28, 1998

Possession of gambling records in the second degree.

572.060. 1. A person commits the crime of possession of gambling records in the second degree if, with knowledge of the contents thereof, he possesses any gambling record of a kind used:

- (1) In the operation or promotion of a bookmaking scheme or enterprise; or
- (2) In the operation, promotion or playing of a lottery or policy scheme or enterprise.

2. A person does not commit a crime under subdivision (1) of subsection 1 of this section if the gambling record possessed by the defendant constituted, reflected or represented bets of the defendant himself in a number not exceeding ten.

3. The defendant shall have the burden of injecting the issue under subsection 2.

4. Possession of gambling records in the second degree is a class A misdemeanor.

(L. 1977 S.B. 60)

Effective 1-1-79

Chapter 572 Gambling

Section 572.070

August 28, 1998

Possession of a gambling device.

572.070. 1. A person commits the crime of possession of a gambling device if, with knowledge of the character thereof, he manufactures, sells, transports, places or possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody or use of:

- (1) A slot machine; or
- (2) Any other gambling device, knowing or having reason to believe that it is to be used in the state of Missouri in the advancement of unlawful gambling activity.

2. Possession of a gambling device is a class A misdemeanor.

(L. 1977 S.B. 60)

Effective 1-1-79

Chapter 572 Gambling

Section 572.080

August 28, 1998

Lottery offenses--no defense.

572.080. It is no defense under any section of this chapter relating to a lottery that the lottery itself is drawn or conducted outside Missouri and is not in violation of the laws of the jurisdiction in which it is drawn or conducted.

(L. 1977 S.B. 60)

Effective 1-1-79

Chapter 572 Gambling

Section 572.090

August 28, 1998

Gambling houses, public nuisances--abatement.

572.090. 1. Any room, building or other structure regularly used for any unlawful gambling activity prohibited by this chapter is a public nuisance.

2. The attorney general, circuit attorney or prosecuting attorney may, in addition to all criminal sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for unlawful gambling activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one year.

3. Appeals shall be allowed from the judgment of the court as in other civil actions.

(L. 1977 S.B. 60)

Effective 1-1-79

Chapter 572 Gambling

Section 572.100

August 28, 1998

Preemption--exclusions.

572.100. The general assembly by enacting this chapter intends to preempt any other regulation of the area covered by this chapter. No governmental subdivision or agency may enact or enforce a law that regulates or makes any conduct in the area covered by this chapter an offense, or the subject of a criminal or civil penalty or sanction of any kind. The term "gambling", as used in this chapter, does not include licensed activities under sections 313.800 to 313.840, RSMo.

(L. 1977 S.B. 60, A.L. 1991 H.B. 149 Adopted by Referendum, Proposition A, November 3, 1992)

Effective 11-3-92

Chapter 572 Gambling

Section 572.120

August 28, 1998

Forfeiture of gambling devices, records and money.

572.120. Any gambling device or gambling record, or any money used as bets or stakes in unlawful gambling activity, possessed or used in violation of this chapter may be seized by any peace officer and is forfeited to the state. Forfeiture procedures shall be conducted as provided by rule of court. Forfeited money and the proceeds from the sale of forfeited property shall be paid into the school fund of the county. Any forfeited gambling device or record not needed in connection with any proceedings under this chapter and which has no legitimate use shall be ordered publicly destroyed.

(L. 1977 S.B. 60)

Effective 1-1-79

Chapter 572 Gambling

Section 572.125

August 28, 1998

Antique slot machines exempt from section 572.120, when.

572.125. 1. It shall be an affirmative defense to any prosecution under this chapter relating to slot machines, if the defendant shows that the slot machine is an antique slot machine and was not operated for gambling purposes while in the defendant's possession. For the purposes of this section, an antique slot machine is one which is over thirty years old.

2. Notwithstanding section 572.120, whenever the defense provided by subsection 1 of this section is offered, no slot machine seized from any defendant shall be destroyed or otherwise altered until after a final court determination that such defense is not applicable. If the defense is applicable, any such slot machine shall be returned pursuant to provisions of law providing for the return of property.

(L. 1977 S.B. 60)

Effective 1-1-79

Chapter 573 Pornography and Related Offenses

Section 573.503

August 28, 1998

Local government may require background checks.

573.503. Notwithstanding any provision of law to the contrary, any city not within a county and any county may, by order or ordinance, require a background check be conducted on all employees of any adult cabaret to ascertain whether any such employees have been convicted of or have pled guilty to any misdemeanor or felony involving prostitution or aiding or abetting prostitution, drug possession or trafficking, money laundering, tax evasion, or illegal gambling activity.

(L. 1993 S.B. 180 § 12)

Effective 7-2-93

Chapter 595 Victims of Crimes, Compensation and Services

Section 595.045

August 28, 1998

Funding--costs for certain violations, amount, distribution of funds, audit--judgments in certain criminal cases, amount--failure to pay, effect, notice--court cost deducted--insufficient funds to pay claims, procedure--interest earned, disposition--contingent expiration date for certain subsections.

595.045. 1. There is established in the state treasury the "Crime Victims' Compensation Fund". A surcharge of five dollars shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of five dollars shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.

2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020**, RSMo, and shall be payable to the director of the department of revenue. The director of revenue shall deposit annually the amount of two hundred fifty thousand dollars to the state forensic laboratory account administered by the department of public safety to provide financial assistance to defray expenses of crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement Agency or the Missouri department of health. Subject to appropriations made therefor, such funds shall be distributed by the department of public safety to the crime laboratories serving the courts of this state making analysis of a controlled substance or analysis of blood, breath or urine in relation to a court proceeding.

3. The remaining funds collected under subsection 1 of this section shall be subject to the following provisions:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100;

(3) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available is less than one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit seventy-five percent to the credit of the crime victims' compensation fund and twenty-five percent to the services to victims' fund established in section 595.100;

4. The director of revenue or such director's designee shall at least monthly report the moneys paid pursuant to this section into the crime victims' compensation fund and the services to victims fund to the division of workers' compensation and the department of public safety, respectively.

5. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this section shall be collected and disbursed as provided by sections 488.010 to 488.020**, RSMo. Five percent of such moneys shall be payable to the city treasury of the city from which such funds were collected. The remaining ninety-five percent of such moneys shall be payable to the director of revenue. The funds received by the director of revenue pursuant to this subsection shall be distributed as follows:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100;

(3) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available is less than one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit seventy-five percent to the credit of the crime victims' compensation fund and twenty-five percent to the services to victims' fund established in section 595.100.

6. These funds shall be subject to a biennial audit by the Missouri state auditor. Such audit shall include all records associated with crime victims' compensation funds collected, held or disbursed by any state agency.

7. In addition to the moneys collected pursuant to subsection 1 of this section, the court shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight dollars if the conviction is for a class A or B felony; forty-six dollars if the conviction is for a class C or D felony; and ten dollars if the conviction is for any misdemeanor under the following Missouri laws:

(1) Chapter 195, RSMo, relating to drug regulations;

(2) Chapter 311, RSMo, but relating only to felony violations of this chapter committed by persons not duly licensed by the supervisor of liquor control;

(3) Chapter 491, RSMo, relating to witnesses;

(4) Chapter 565, RSMo, relating to offenses against the person;

(5) Chapter 566, RSMo, relating to sexual offenses;

(6) Chapter 567, RSMo, relating to prostitution;

(7) Chapter 568, RSMo, relating to offenses against the family;

(8) Chapter 569, RSMo, relating to robbery, arson, burglary and related offenses;

(9) Chapter 570, RSMo, relating to stealing and related offenses;

(10) Chapter 571, RSMo, relating to weapons offenses;

(11) Chapter 572, RSMo, relating to gambling;

(12) Chapter 573, RSMo, relating to pornography and related offenses;

(13) Chapter 574, RSMo, relating to offenses against public order;

(14) Chapter 575, RSMo, relating to offenses against the administration of justice;

(15) Chapter 577, RSMo, relating to public safety offenses.

Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation judgments in the manner provided by sections 488.010 to 488.020**, RSMo. Such funds shall be payable to the state treasury and deposited to the credit of the crime victims' compensation fund.

8. The clerk of the court processing such funds shall maintain records of all dispositions described in subsection 1 of this section and all dispositions where a judgment has been entered against a defendant in favor of the state of

Missouri in accordance with this section; all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion of a judgment entered but not collected. These records shall be subject to audit by the state auditor. The clerk of each court transmitting such funds shall report separately the amount of dollars collected on judgments entered for alcohol-related traffic offenses from other crime victims' compensation collections or services to victims collections.

9. The clerks of the court shall report all delinquent payments to the department of revenue by October first of each year for the preceding fiscal year, and such sums may be withheld pursuant to subsection 14 of this section.

10. The department of revenue shall maintain records of funds transmitted to the crime victims' compensation fund by each reporting court and collections pursuant to subsection 17 of this section and shall maintain separate records of collection for alcohol-related offenses.

11. Notwithstanding any other provision of law to the contrary, the provisions of subsections 8 and 9 of this section shall expire and be of no force and effect upon the effective date of the supreme court rule adopted pursuant to sections 488.010 to 488.020**, RSMo.

12. The state courts administrator shall include in the annual report required by section 476.350, RSMo, the circuit court caseloads and the number of crime victims' compensation judgments entered.

13. All awards made to injured victims under sections 595.010 to 595.105 and all appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance remaining in the crime victims' compensation fund at the end of each biennium shall not be subject to the provision of section 33.080, RSMo, requiring the transfer of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation fund, then no claim shall be paid until funds have again accumulated in the crime victims' compensation fund. When sufficient funds become available from the fund, awards which have not been paid shall be paid in chronological order with the oldest paid first. In the event an award was to be paid in installments and some remaining installments have not been paid due to a lack of funds, then when funds do become available that award shall be paid in full. All such awards on which installments remain due shall be paid in full in chronological order before any other postdated award shall be paid. Any award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

14. When judgment is entered against a defendant as provided in this section and such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered on the court record. Under no circumstances shall the general revenue fund be used to reimburse court costs or pay for such judgment. The director of the department of corrections shall have the authority to pay into the crime victims' compensation fund from an offender's compensation or account the amount owed by the offender to the crime victims' compensation fund, provided that the offender has failed to pay the amount owed to the fund prior to entering a correctional facility of the department of corrections.

15. All interest earned as a result of investing funds in the crime victims' compensation fund shall be paid into the crime victims' compensation fund and not into the general revenue of this state.

16. Any person who knowingly makes a fraudulent claim or false statement in connection with any claim hereunder is guilty of a class A misdemeanor.

17. Any gifts, contributions, grants or federal funds specifically given to the division for the benefit of victims of crime shall be credited to the crime victims' compensation fund. Payment or expenditure of moneys in such funds shall comply with any applicable federal crime victims' compensation laws, rules, regulations or other applicable federal guidelines.

(L. 1981 H.B. 41, et al. § 8, A.L. 1982 S.B. 497, A.L. 1984 H.B. 1226, A.L. 1985 H.B. 715, A.L. 1986 H.B. 1554 Revision, A.L. 1988 H.B. 1195, A.L. 1989 S.B. 364 and S.B. 138, A.L. 1990 H.B. 974, A.L. 1992 S.B. 638, A.L. 1993 S.B. 19, A.L. 1996 S.B. 869)

Effective 7-1-97

*Revisor's note: Section 595.045 was amended by both S.B. 769 and S.B. 869 during the 88th General Assembly, 2nd Regular Session, 1996. S.B. 248, 1997, repealed section 595.045 as amended by S.B. 769, effective 7-1-97. Therefore, section 595.045 as amended by S.B. 869 is still in effect.

**Original rolls contain "section 514.015" which was changed to effectuate the court cost bill.

CROSS REFERENCES: Crime laboratory assistance program, RSMo 650.100, 650.105 Multinational banks, securities and obligations of, investment in, when, RSMo 409.950