

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming

PROPOSED AMENDMENT

11 CSR 45-5.181 Promotional Activities. The commission is amending sections (2), (3), and (6).

PURPOSE: This amendment removes the requirement for a legal affidavit for promotions and provides an exception to the rule for activities exclusively related to food, concerts, hotels, and other non-gaming establishments.

(2) Class B licensees may provide promotional activities such as promotional giveaways, promotional coupons, promotional games, player reward programs or similar activities for patrons without the prior approval of the commission, provided the promotional activity is not structured or conducted in a manner that reflects negatively on the licensee, the commission, or the integrity of gaming in Missouri and complies with the following:

(B) The promotional activity shall comply with all applicable laws and regulations and shall not constitute illegal gambling under federal or state law[. *An affidavit of such compliance shall be signed by the legal counsel of the licensee and be maintained on file for two (2) years from the last day of the event*];

(E) The licensee's employees shall not be permitted to participate as a player in any gambling game as defined in section 313.800, RSMo, including games for which there is no cost to participate; *[and]*

(F) The Class B licensee shall designate in its internal control system an employee position acceptable to the commission that shall be responsible for ensuring adherence to the rules set forth in this section[.]; **and**

(G) These standards do not apply to promotional activities exclusively related to food, concerts, hotels, and other non-gaming establishments.

(3) Documentation of any change or cancellation of a promotional activity shall be maintained on file for two (2) years. *[with the legal counsel's affidavit.]*

(6) Class B licensees may use mass media to provide promotional coupon offers to prospective patrons; however, such offers may only be redeemed for a preprinted coupon that contains all of the information required for a promotional coupon in section (5) of this rule. *[This does not apply to coupons issued via mass media for food.]*

AUTHORITY: sections 313.004[, RSMo 2000,] and [section] 313.805, RSMo [Supp. 2011] 2016. Original rule filed July 9, 2004, effective Jan. 30, 2005. Amended: Filed June 30, 2005, effective Jan. 30, 2006. Amended: Filed March 29, 2012, effective Nov. 30, 2012. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
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Chapter 5—Conduct of Gaming

PROPOSED AMENDMENT

11 CSR 45-5.184 Table Game Cards—Receipt, Storage, Inspections, and Removal from Use.
The commission is amending section (7).

PURPOSE: This amendment allows all decks to be inspected at an alternate table.

(7) Prior to being placed into play, all decks shall be inspected by the dealer, and the entire inspection observed by a floor supervisor or above. Card inspection at the gaming table shall require each deck to either be sorted into sequence and into suit or processed through an automated shuffler or similar device capable of reading the card faces to ensure that all cards are in the deck. For decks that may be used more than once, the inspection shall also require the dealer to check the back of each card to ensure that it is not flawed, scratched, or marked in any way. Card inspection for games [which use at least a six (6)-deck shoe and allow players to handle the cards] may be conducted at an alternate table in the same pit. In this instance, the floor supervisor or above shall notify surveillance and surveillance shall record on the surveillance shift log both the table number where the card inspection is conducted and the table number at which the cards are to be placed into play.

AUTHORITY: sections 313.004, 313.805, and 313.830, [and 313.845], RSMo 2016. Original rule filed Dec. 17, 1996, effective Aug. 30, 1997. Amended: Filed Feb. 28, 2007, effective Oct. 30, 2007. Amended: Filed Aug. 30, 2012, effective March 30, 2013. Amended: Filed July 31, 2014, effective Feb. 28, 2015. Amended: Filed Oct. 27, 2016, effective June 30, 2017. Amended: Filed April 26, 2018.

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PROPOSED AMENDMENT

11 CSR 45-5.260 Dice Specifications. The commission is renumbering subsection (2)(F) to section (3).

PURPOSE: This amendment corrects the lettering and numbering structure of the rule.

(2) Each die used in gaming at pai gow poker shall comply with the requirements of section (1) except as follows:

(D) Edges and corners may be beveled so long as beveling is similar on each edge and each corner; **and**

(E) Tolerances required by subsection (1)(H) of this regulation as applied to pai gow poker dice shall require accuracy of only .004 of an inch (.004"). [*; and*]

~~[(F)]~~ **(3)** Dice designs shall be submitted by the Class B licensee to the commission and must be approved by the commission prior to use.

AUTHORITY: sections 313.004, [and 313.845 RSMo 2000, and sections] 313.805 and 313.830, RSMo [Supp. 2014] 2016. Original rule filed Dec. 17, 1996, effective Aug. 30, 1997. Amended: Filed Feb. 19, 1998, effective Aug. 30, 1998. Amended: Filed May 13, 1998, effective Jan. 30, 1999. Amended: Filed July 31, 2014, effective Feb. 28, 2015. Amended: Filed April 26, 2018.

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Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 6—[Operation of the Riverboat] Safety and Environment Standards and Inspections

PROPOSED AMENDMENT

11 CSR 45-6.010 Safety and Environment. The commission is amending sections (1) and (2), and adding section (3).

PURPOSE: This amendment modifies requirements for safety and environment.

[Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.]

(1) The licensee shall maintain the excursion gambling boat in a physically safe and environmentally sound manner so as to protect the health and welfare of all employees and passengers as well as the environment and water quality. *[The minimum standards for safety and environment shall be those provided by the United States Coast Guard, United States Army Corp of Engineers, United States Environmental Protection Agency and Chapter 306, RSMo.]*

(2) The licensee shall provide **annually to** the commission *[annually with]* a safety *[and environmental]* plan for the operation of the excursion gambling boat. The **safety** plan shall *[include the following:]*

[(A) Compliance] **comply** with all applicable federal, *[and]* state, **and local** laws, **and shall include the following:** *[including, but not limited to, the United States Coast Guard safety rules and Chapter 306, RSMo;]*

[(B)] (A) Training of *[all crew members]* **designated employees** to *[insure]* **ensure** the life safety of the public, *[and the protection of the environment and water quality;]* **to include:**

- 1. A description of the training;**
- 2. The frequency of the training; and**
- 3. Documentation of all training;**

[(C)] (B) Self-inspection procedures to *[insure]* **ensure** compliance with *[public]* **life** safety *[and the environmental]* standards;

[(D)] (C) Procedures to *[insure]* **ensure** disabled persons access to the boat; and

(D) An Emergency Operations/Response Plan (EOP) that ensures the safety and, when applicable, evacuation of excursion gambling boat employees and guests, to include the disabled, in the event of an emergency within or immediately around the excursion gambling boat. The EOP shall include, but not be limited to, response plans to the following:

- 1. Medical emergency;**
- 2. Fire;**
- 3. Explosion;**
- 4. Elevator failure;**

5. Chemical/biological threat;
6. Person overboard;
7. Tornado and/or severe weather;
8. Flooding;
9. Earthquake;
10. Power failure;
11. Civil disturbance;
12. Bomb threat;
13. Armed intruders/robbery/hostage situations; and
14. Terrorism.

(3) The licensee shall provide annually to the commission an environmental plan for the operation of the excursion gambling boat. The environmental plan shall comply with all applicable federal, state and local laws, and shall include the following:

(A) Training of designated employees to ensure the protection of the environment and water quality;

(B) Self-inspection procedures to ensure compliance with environmental and water quality standards; and

[(E)] (C) Procedures to [insure] ensure safe methods for sewage treatment and discharge and disposal of solid waste.

AUTHORITY: sections 313.004, 313.805 and 313.824, RSMo [1994] 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed March 18, 1996, effective Oct. 30, 1996. Amended: Filed April 26, 2018.

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Division 45—Missouri Gaming Commission
Chapter 6—[Operation of the Riverboat] Safety and Environment Standards and Inspections

PROPOSED AMENDMENT

11 CSR 45-6.020 Safety Standards. The commission is amending and renumbering sections (1), (2), (3), and (4).

PURPOSE: This amendment changes the definition for certificate of inspection, provides for compliance with local, state and federal building and fire codes, and deletes references to the United States Coast Guard standards and inspections.

(1) For the purposes of this [11 CSR 45-6.020] **chapter**, the following definitions shall apply:

(A) Certificate of inspection—*[a vessel subject to United States Coast Guard passenger-carrying capacity regulation]* **a finding of compliance with requirements of all applicable laws and regulations that is issued to a licensee operating an excursion gambling boat by a third-party examiner;**

(D) Third party examiner—an individual or entity specifically approved by the commission to conduct safety inspections as required by Missouri laws and rules.

(2) Third Party Examiner.

(A) At a minimum the third party examiner must provide evidence of experience with similar inspection services on similar vessels, financial responsibility in a minimum amount of one (1) million dollars each in general liability insurance, Worker’s Compensation and longshoreman’s insurance (if required by law), and meet at least the following criteria:

1. Inspectors for superstructure and life safety systems must have at least five (5) years **of** experience in work directly relating to the design and/or fabrication and/or inspection of similar vessels, and knowledge of the fire safety standards of the Missouri laws and rules, as well as the building and fire codes adopted within the jurisdiction where the structure will be placed into service *[, or a recognized building and fire code approved by the commission,]* and be one of the following:

A. An architect licensed in the state of Missouri with at least five (5) years of experience in work directly relating to the design and/or inspection of similarly sized vessels; *[or]*

B. A professional engineer licensed in the state of Missouri with at least five (5) years of experience in work directly relating to the design and/or inspection of similarly sized vessels; or

C. An architect or qualified engineer with a regulatory and review agency *[, such as the American Bureau of Shipping (or affiliate)]*; **and**

2. Marine surveyors for hull inspections must have at least ten (10) years of experience in marine surveying work associated with the inspection of similar vessels and be one of the following criteria:

A. An architect licensed in the state of Missouri; *[or]*

B. A professional engineer licensed in the state of Missouri; or

C. A marine surveyor with a regulatory and review agency. *[, such as the American Bureau of Shipping (or affiliate).]*

[(2)] **(3) Fire Safety and Building Code Standards .**

(A) Any [establishment to be constructed for dockside gaming that will be permanently moored or] **excursion gambling boat that is** continuously [moored] **docked pursuant to section 313.805(16), RSMo** will be required to meet—

[1)] **1.** the fire safety standards of the Missouri laws and rules;[,] and

[2)] **2.** the building and fire codes adopted within the jurisdiction where the structure will be placed into service[, or if there is no locally adopted code then a nationally recognized building and fire code approved by the commission].

[(3)] **(4) Certification of Passenger-Carrying Capacity.**

(A) A stability test shall be conducted by the licensee in accordance with 46 CFR, subchapter S, part 170[, subpart F]. This test shall be witnessed by a third party examiner [approved by the commission]. In lieu of a stability test, the licensee may elect to perform a Deadweight Survey to determine the Lightweight Displacement and Longitudinal Center of Gravity. The Vertical Center of Gravity shall be determined by a conservative estimate, subject to approval by a third party examiner [approved by the commission].

[(B) The intact stability characteristics for each vessel must comply with the following criteria:

1. 46 CFR, subchapter S, part 170, subpart E; sections 170.160, 170.170 and 170.173;

2. In lieu of compliance with 170.173, the licensee may elect to comply with alternate criteria for Vessels of Unusual Proportion and Form, as may be acceptable at that time to the United States Coast Guard, for certified passenger vessels; and

3. 46 CFR, subchapter S, part 171, subpart C, section 171.050.]

[(C)] **(B)** All permanently moored or continuously moored vessels shall be required to comply with—

1. one (1) compartment standard of flooding, as outlined in 46 CFR **section** 171.070, regardless of the passenger capacity of the vessel[.]; **and**

[(D) All permanently moored or continuously moored vessels shall be required to comply with]

2. Damage Stability Standards of 46 CFR[, subchapter S, part 171, subpart C,] section 171.080.

Additionally, all vessels must comply with requirements for Stability After Damage (Damaging Righting Energy Criteria) as may be acceptable at that time to the United States Coast Guard, for certified passenger vessels.

[(E)] **(C)** All stability calculations required by [subsection [(2)(D)] **this rule** shall be furnished by the licensee to a third party examiner [approved by the commission], for review and approval by that examiner. All vessels must have a letter from [the approved] a third party examiner stating compliance with these criteria.

[(4)] **(5) Certification of Certain Barges, Floating Platforms and Vessels Other Than Excursion Gambling Boats.**

(A) All barges, floating platforms and vessels that will be used in conjunction with a riverboat gaming operation shall be **inspected and** certified as suitable for their intended use prior to being placed into service, and annually thereafter. The certification shall be performed by a third party examiner [approved by the commission]. **The minimum standards for floating platform and/or hull integrity shall be found in Title 46 CFR, Chapter I.**

(B) Any structure constructed on any barge, floating platform, or vessel that will be normally occupied by persons, and used in conjunction with a riverboat gaming operation shall *[conform to]* **meet** the building and fire codes adopted within the jurisdiction where the structure will be placed into service. *[, except those vessels originally designed, and constructed as a vessel subject to inspection by the United States Coast Guard authority, and inspection, and issued a certificate of inspection by the United States Coast Guard and the vessel has not been changed since the issuance of the certificate. Facilities not required to hold a certificate of inspection issued by the United States Coast Guard and which are located in an area where there is no locally adopted building or fire code shall be in compliance with Missouri laws and rules and a nationally recognized building and fire code approved by the commission.*

(C) Any structure constructed on a barge, floating platform, or vessel that will be normally occupied by persons and used in conjunction with a riverboat gaming operation shall be inspected for compliance with the building, and fire codes of the local jurisdiction where the structure will be placed into service by an authority approved by the commission prior to being placed into service and, annually thereafter. Facilities not required to hold a certificate of inspection issued by the United States Coast Guard and which are located in an area where there is no locally adopted building or fire code shall be in compliance with Missouri laws and rules and a nationally recognized building and fire code approved by the commission.]

[(D)] (C) The certification conformance and inspections required *[in subsections (4)(A)–(C) of]* **by** this rule shall be submitted in writing to the commission prior to the barge, floating platform, vessel or structure being placed into service, and annually thereafter.

[(E)] (D) All costs and expenses associated with the certification conformance and inspections required in *[subsections [(4)(A)–(C) of]* **this** rule shall be paid by the Class *[A]* **B** applicant or licensee requesting to place such barge floating platform, vessel or structure into service.

AUTHORITY: sections 313.004, 313.805 and 313.824, RSMo [2000] 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Emergency amendment filed May 22, 1995, effective June 1, 1995, expired Sept. 28, 1995. Amended: Filed May 22, 1995, effective Dec. 30, 1995. Amended: Filed Feb. 19, 1998, effective Aug. 30, 1998. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Dec. 7, 2001, effective July 30, 2002. Amended: Filed April 26, 2018.

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Chapter 6—[Operation of the Riverboat] Safety and Environment Standards and Inspections

PROPOSED AMENDMENT

11 CSR 45-6.025 Safety Inspections. The commission is amending sections (1)–(3).

PURPOSE: This amendment changes safety policies for excursion gambling boats.

(1) Each excursion gambling boat shall comply with all applicable federal, state and local *[law]* laws related to safety and— *[with one (1) of the following:*

(A) Undergo an inspection prior to licensure and annually thereafter by the United States Coast Guard resulting in the issuance of a “Certificate of Inspection”; or]

[(B)] (A) Undergo an inspection prior to licensure and annually thereafter by a third party examiner [approved by the commission] resulting in a finding of safety and suitability for its intended purpose; [provided that such excursion gambling boat must also meet the following:

1. If within the jurisdiction of the United States Coast Guard, obtain approval from the United States Coast Guard or its designee for its permanent mooring or continuous mooring system and maintain such approval in good standing;] and

[2. If previously the holder of a “Certificate of Inspection” issued by the United States Coast Guard or regulatory and review agency, obtain] (B) Obtain approval by a third party examiner prior to licensure and annually thereafter of a plan for fire fighting and the protection and evacuation of personnel and maintain staff sufficiently trained as required to execute the plan.

(2) Each excursion gambling boat **as that term is defined in section 313.800.1(4), RSMo**, for which the commission has granted continuous docking status, shall comply with **all applicable** standards for safety, design, construction, inspection, survey, and moorings of permanently moored or continuously moored excursion gambling boats. *[submitted by a third party examiner and approved by the commission; except that this requirement shall not apply to vessels designed and constructed as a motor vessel under the rules and regulations of the United States Coast Guard and which have or have had a “Certificate of Inspection” issued by the United States Coast Guard or regulatory and review agency.]*

(A) Any construction or modification of any portion of the excursion gambling boat shall require a third party examiner to conduct a review of the plans and to perform code inspections.

(B) Any plan review or code inspections required for construction or modification of structures off the excursion gambling boats, including areas through which gaming patrons may egress, shall be conducted by the local jurisdiction’s building inspector, fire inspector, and any other applicable local officials.

(3) Hull inspections by third party examiners *[approved by the commission]* shall comply with the standards set forth in 11 CSR 45-6.020 and shall meet the following requirements:

(A) An annual survey shall be conducted of permanently moored vessels by a third party examiner as defined in 11 CSR 45-6.020 to determine if structural changes exist which may affect the stability of the vessel. The survey shall consist of the following:

1. General inspection of the superstructure and layout of outfitting to ensure there are no changes to the approved arrangement that may affect the stability of the vessel;
2. Inspection of the underdock spaces to ensure watertight integrity of the vessel is maintained;
3. Inspection and report on the condition of the hull and watertight bulkheads;
4. Inspection and report on the condition of watertight doors and watertight bulkhead penetration;
5. Inspection and report on the condition of ventilator, hatch covers, and manhole covers; [*This annual survey does not apply to United States Coast Guard certified vessels that are subject to United States Coast Guard regulatory inspections;*]
6. [*Permanently moored vessels*] **Excursion gambling boats** shall undergo dry-dock and internal structural examinations at intervals in accordance with 46 CFR **section** 71.50-3 or present evidence of compliance with alternative methods of hull examination as may be deemed acceptable at the time[,] by the United States Coast Guard; [*, for vessels that operate in fresh water;*]
7. Inspection of permanently moored vessels having steel, [*or*] aluminum, **or concrete** hulls may be performed in dry-dock or in-the-water. In-the-water inspections shall consist of an internal structural examination and a detailed nondestructive examination of the vessel's hull. The non-destructive hull examination may be performed by underwater inspection methods or from inside the vessel if all compartments are safely accessible. "Safely accessible" shall be dependent upon the issuance of a "gas free certificate" by a certified marine chemist or an individual otherwise qualified to issue such certificate;
8. All hull structural and in-the-water examinations and inspections of permanently moored vessels shall be under the direction of a third party examiner [*approved by the commission as provided in 11 CSR 45-6.020*]. Expertise of the [*approved*] third party examiner shall include knowledge of nondestructive testing methods and procedures for the materials being tested and the nature of testing being accomplished;
9. The inspection techniques must be under the general direction of an American Society for Nondestructive Testing (ASNT) Level III nondestructive certified technician. Inspections and measurements must be performed by an ASNT Level II (or higher) nondestructive certified technician;
10. The inspection results must be maintained in a format [*approved by the commission*] that will allow for examination by the commission's representatives, including comparison of results from the previous inspections;
11. Repairs using underwater welding shall be subject to periodic re-evaluation at subsequent inspections. Such repairs shall be completed in accordance with the standards found in the American Welding Society's "Specifications for Underwater Welding" **adopted by the jurisdiction where the structure is located; and**
12. The commission may require immediate dry-docking of the vessel if structural examinations and underwater inspections or repair work are not conducted in accordance with these rules, [*;* and
13. *All work shall be governed by and construed according to Missouri law effective on the execution date.*] **or damage to the hull is extensive and compromises the structural integrity of the hull.**

(B) Written documentation of compliance with the requirements of subsection **(3)(A)** [of this section] shall be furnished to the commission by the licensee. A third party examiner [approved by the commission] shall certify such documentation.

(C) Written documentation of all findings, recommendations or suggestions made by a third party examiner shall be furnished to the commission by the licensee. A third party examiner [approved by the commission] shall certify such documentation.

[1.] **(D)** In the event the licensee retains a subsequent third party examiner [approved by the commission], within fifteen (15) days the licensee shall:

[(a)] **1.** Notify the commission; and

[(b)] **2.** Furnish the most recent findings, recommendations or suggestions of the previous third party examiner [the] to the subsequent third party examiner.

*AUTHORITY: sections 313.004, 313.805 and **313.824**, RSMo [2000]2016. Emergency rule filed June 25, 1996, effective July 5, 1996, expired Dec. 31, 1996. Original rule filed June 25, 1996, effective Feb. 28, 1997. Amended: Filed Feb. 19, 1998, effective Aug. 30, 1998. Amended: Filed Dec. 7, 2001, effective July 30, 2002. Amended: April 26, 2018.*

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**Title 11--DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 7— Security and Surveillance**

PROPOSED AMENDMENT

11 CSR 45-7.160 *[Emergency Medical Services (EMS) First Responder]* **Designated Security Officer Trained in Basic Life Support and First Aid Required.** The commission is amending the Title, the Purpose and sections (1), (2), and (3), and adding a new section (4).

PURPOSE: This amendment reduces the requirement from certified training to basic life support training for emergency medical response staff.

*PURPOSE: This rule requires that a [certified emergency medical services (EMS) first responder] **designated security officer trained in basic life support** be **available** on [board an excursion gambling boat] **the casino property** when [gaming is being conducted] passengers are present.*

(1) *[An emergency medical services (EMS) first responder]* **A designated security officer trained in basic life support and first aid** is required to be on *[board an excursion gambling boat]* **casino property** at all times when gaming is being conducted or when *[passengers]* **patrons** are present **and shall not be assigned duties that would prevent the security officer from responding immediately.**

(2) The Class B licensee is responsible for the full cost of *[hiring EMS first responders,]* **training the designated security officer in basic life support and first aid** *[who shall be considered gaming employees for the purpose of licensure].*

(3) Each Class B licensee shall ensure all designated *[EMS first responders shall]* **security officers—**

(A) *[Be]***Are**, at a minimum, trained according to *[national]* **accepted** standards *[by a state-certified training agency pursuant to Chapter 190, RSMo, 19 CSR 30-40.331, and the National EMS Scope of Practice Model for emergency medical responder]* **in basic life support and first aid by an agency recognized for providing such training; and**

(B) *[Maintain a current nationally-recognized registration as an emergency medical responder or current emergency medical technician license pursuant to Chapter 190, RSMo; and]* **Receive training in basic life support and first aid biennially.**

[(C) Have their emergency medical activities monitored by a medical director per 19 CSR 30-40.303.]

(4) **Each Class B licensee shall maintain documentation of the training received by the designated security officers for a period of five (5) years.**

AUTHORITY: sections 313.004, [RSMo 2000, and section] 313.805, and 313.824, RSMo [Supp. 2011] 2016. Emergency rule filed June 14, 1994, effective June 24, 1994, expired Oct. 21, 1994. Original rule filed May 4, 1994, effective Sept. 30, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Aug. 25, 2011, effective March 30, 2012. Amended: Filed April 26, 2018.

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**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 8—Accounting Records and Procedures; Audits**

PROPOSED AMENDMENT

11 CSR 45-8.050 Standard Financial and Statistical Reports. The commission is amending section (2).

PURPOSE: This amendment removes the requirement for the Missouri Gaming Commission (commission) to periodically send licensees a set of standard reporting forms and instructions for filing periodic reports.

(2) [The commission shall periodically prescribe and send licensees a set of standard reporting forms and instructions to be used in filing monthly, quarterly and annual reports.] All reports required under this rule shall be prepared in accordance with generally accepted accounting principles.

AUTHORITY: sections 313.004, 313.805 and 313.825, RSMo [2000] **2016**. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Emergency amendment filed June 14, 1994, effective June 24, 1994, expired Oct. 21, 1994. Amended: Filed May 4, 1994, effective Sept. 30, 1994. Amended: Filed June 25, 1996, effective Feb. 28, 1997. Amended: Filed Dec. 7, 2001, effective June 30, 2002. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 8—Accounting Records and Procedures; Audits**

PROPOSED AMENDMENT

11 CSR 45-8.060 Audits. The commission is amending section (3).

PURPOSE: This amendment changes the requirement for four (4) hard copies to one (1) hard copy or an electronic copy for audit reports.

(3) *[Four (4) copies]* **One (1) hard copy or an electronic copy** of the reports required by section (1) shall be received by the commission or postmarked, no later than the required filing date.

AUTHORITY: sections 313.004, [and section] 313.805, [RSMo Supp. 2012] and 313.825, RSMo [2000] 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Emergency amendment filed June 14, 1994, effective June 24, 1994, expired Oct. 21, 1994. Amended: Filed May 4, 1994, effective Sept. 30, 1994. Amended: Filed June 25, 1996, effective Feb. 28, 1997. Amended: Filed March 21, 2006, effective Nov. 30, 2006. Amended: Filed March 28, 2013, effective Nov. 30, 2013. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 8—Accounting Records and Procedures; Audits**

PROPOSED AMENDMENT

11 CSR 45-8.090 Mandatory Count Procedure. The commission is amending section (1) and deleting section (2).

PURPOSE: This amendment provides for an emergency removal of funds and eliminates some of the requirements for count personnel.

(1) Each licensee shall report to the commission[,] the time(s) when drop devices will be removed and the contents counted. All drop devices must be removed and counted at the time(s) previously designated to the commission. Removal and counting of contents at other than the designated time(s) is prohibited unless the licensee provides advance written notice to the commission of a change in time(s) or the commission requires a change of authorized times. **An emergency removal of the funds may be allowed in accordance with the procedures outlined in 11 CSR 9.107.**

[(2) Within ten (10) days after the end of each calendar quarter, each licensee shall submit a list to the commission of employees authorized to participate in the count and those employees who are authorized to be in the count room during the count (count personnel list) during and as of the end of the calendar quarter. The count personnel list shall indicate those persons, if any, who hold an interest in the licensee and shall indicate what relationship by blood or marriage, if any, exists between any person on this list or any interest holder or employee of the gaming establishment. The count personnel list shall also indicate the occupational license number of each count employee and the job position held by each count employee.]

AUTHORITY: sections 313.004, [and section] 313.805, [RSMo Supp. 2012] and 313.825, RSMo [2000] 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed March 28, 2013, effective Nov. 30, 2013. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 8—Accounting Records and Procedures; Audits**

PROPOSED AMENDMENT

11 CSR 45-8.130 Tips and Gifts. The commission is amending sections (2) and (5).

PURPOSE: This amendment adds housekeeping and environmental services (EVS) persons to employees who may receive tips and removes procedures for counting pooled tips.

(2) Level II occupational licensees may accept tips for casino-related services performed by the licensee, or paid leave based on work, that is performed in a nonsupervisory capacity as a dealer, poker dealer, cage cashier, slot attendant, food and beverage personnel, valet, ticketing personnel, **housekeeping, environmental services (EVS)**, or other positions as approved by the director.

(5) No dealers, poker dealers, cage cashiers, or slot attendants shall accept currency from any player or patron except as a tip and only if the Class B licensee allows such a practice and has provided procedures for accepting such tips in its internal controls which have been approved by the commission. All tips given to dealers, poker dealers, cage cashiers, and slot attendants shall be—

(B) Accounted for by a recorded count [*conducted by a randomly selected dealer, poker dealer, cage cashier, or slot attendant for each respective count, and a randomly selected nongaming employee of the accounting department*]; and

*AUTHORITY: section 313.004, [RSMo 2000, and sections] 313.805, and 313.817, RSMo [Supp. 2012] 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the **Code of State Regulations**. Amended: Filed April 26, 2018.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 8—Accounting Records and Procedures; Audits

PROPOSED AMENDMENT

11 CSR 45-8.150 Cash Reserve Requirements. The commission is amending section (1) adding a section (2).

PURPOSE: This amendment removes the reference to Appendix A.

(1) The licensee shall maintain in cash or cash equivalents an amount sufficient to protect patrons against defaults in gaming debts owed by the licensee. Cash equivalents are investments with an original maturity of three (3) months or less which would be permissible investments under Missouri law for state moneys held by the state treasurer. The commission shall distribute to licensees and make available to all interested persons a formula approved by the commission by which licensees determine the minimum bankroll requirements of this rule [see Appendix A]. If, at any time, the licensee's available cash or cash equivalents should be less than the amount required by this rule, the licensee must immediately notify the commission of this deficiency. Failure to maintain the minimum bankroll required by this rule, or a higher bankroll as required by the commission pursuant to this rule, or failure to notify the commission of any deficiencies, is an unsuitable method of operation.

[Appendix A

Commission Formula Minimum Bankroll Requirements]

(2) The Class B licensee shall maintain the following minimum bankroll requirements to [insure] ensure payment of patrons' win[.]:

(A) First month of operation one hundred percent (100%) of licensee's projected payout to patrons (electronic gaming device and table game drop minus licensee win) for a weekly period, defined as seven (7) gaming days, based on the average daily payout multiplied by seven (7)[.]; and

(B) Second and subsequent months of operation one hundred percent (100%) of licensee's actual payout to patrons (electronic gaming device and table game drop minus licensee win) for a weekly period, based on the average daily payout multiplied by seven (7) from the previous month's operation.

AUTHORITY: sections 313.004, [RSMo 2000, and sections] 313.800, [and] 313.805, and 313.815 RSMo [Supp. 2012] 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Emergency amendment filed Feb. 3, 1995, effective Feb. 13, 1995, expired June 12, 1995. Amended: Filed Feb. 3, 1995, effective Aug. 30, 1995. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed March 28, 2013, effective Nov. 30, 2013. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System**

PROPOSED AMENDMENT

11 CSR 45-9.101 Minimum Internal Control Standards (MICS)—Chapter A. The commission is amending section (1).

*PURPOSE: This amendment changes the internal controls for Chapter A of the **Minimum Internal Control Standards** by removing the thirty three percent (33%) limitation for dual-rate employees and removing the requirement for the Class B licensees to obtain commission approval to allow certain job positions to dual position.*

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards (MICS) Chapter A—General and Administrative*, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter A does not incorporate any subsequent amendments or additions as adopted by the commission on [December 2, 2015] **March 28, 2018**.

AUTHORITY: sections 313.004[, RSMo 2000, section] and 313.805, RSMo [Supp. 2013, and section 313.800, RSMo Supp. 2014] 2016. Original rule filed Aug. 27, 2015, effective March 30, 2016. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

MISSOURI GAMING COMMISSION

MINIMUM INTERNAL CONTROL STANDARDS
CHAPTER A - GENERAL AND ADMINISTRATIVE

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Note: Sections 313.800 through 313.850, RSMo, et seq., and Title 11, Division 45 of the Code of State Regulations establish standards to which Class B licensees must comply. Class B licensees should review these statutes and rules to ensure their ICS includes compliance with the requirements set forth. Revised October 30, 2005. Revised Oct. 30, 2007 (Sections 1.06 and 1.12). Revised March 30, 2016. Revised April, 2018 (Sections 1.02 and 1.04)

**MINIMUM INTERNAL CONTROL STANDARDS
CHAPTER A - GENERAL AND ADMINISTRATIVE**

§ 1 General

- 1.01 In addition to complying with the Minimum Internal Control Standards (MICS), established pursuant to 11 CSR 45-9.030, Class B Licensees are required to comply with the Missouri Riverboat Gambling Act (Sections 313.800 through 313.850, RSMo) and Missouri Gaming Commission Rules and Regulations (11 CSR 45).
- 1.02 An employee performs a “**dual rate**” function when an employee of a lower level within the same department moves up one level to perform the duties of his/her supervisor’s position. The following standards shall apply:
- (A) The Class B Licensee shall maintain a current list of all employees who are allowed to dual rate by department;
 - (B) Employees in the players club (ticketing) department may not dual rate;
 - (C) When an employee is performing a “dual rate” function, the employee must display the appropriate casino access badge for the position they are actually performing at that time;
 - (D) The Class B Licensee shall specify in their Internal Control System the record to be used to document the position the employee is performing that day. All documentation shall be available to Accounting (Revenue Audit) and be retained on file; and
 - (E) Once an employee has dual rated to a higher position, that employee shall remain in that position for the remainder of the employee’s workday.
- 1.03 Except where specifically prohibited, an employee with higher authority within the same department may perform duties of his/her subordinate employees who are within his/her chain of command as approved on the organizational chart when doing so does not violate another rule or prevent the employee from performing his/her supervisory duties. When a higher level employee performs the duties of a lower level employee, the higher level employee may not then perform verification of his/her own work.
- 1.04 Upon request, the Commission may approve a dual position which would allow an employee assigned to a position to work in another position in a different department if either position requires an occupational license (as described in 11 CSR 45-4.400 and 11 CSR 45-4.020). Commission approval is not required if both positions are valet, environmental services/housekeeping, facilities, or food and beverage positions. The following conditions apply:
- (A) The proposal must be submitted in writing to the Commission;
 - (B) If any of the positions are not approved in the Internal Control System, that job description shall be included with the request;
 - (C) The employee shall wear the property-issued access badge displaying the job title of the position in which the employee is currently working;

Note: Sections 313.800 through 313.850, RSMo, et seq., and Title 11, Division 45 of the Code of State Regulations establish standards to which Class B licensees must comply. Class B licensees should review these statutes and rules to ensure their ICS includes compliance with the requirements set forth. Revised October 30, 2005. Revised Oct. 30, 2007 (Sections 1.06 and 1.12). Revised March 30, 2016. Revised April, 2018 (Sections 1.02 and 1.04)

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- (D) A dual position employee shall have designated one primary and one secondary position which will be recorded on the HR employee list;
 - (E) Only one change in position shall be permitted per shift, and once an employee has been assigned a different position, that employee must remain in that position for the remainder of the employee's workday;
 - (F) Dual positions shall not create a lack of segregation of duties;
 - (G) For each employee working in dual positions, the Class B Licensee shall document the hours worked for each position each day, including the starting and ending times. The Class B Licensee shall specify in their Internal Control System the record(s) to be used to document the hours worked in each position. All documentation shall be available to Accounting (Revenue Audit) and retained on file; and
 - (H) An employee who holds dual positions shall not be allowed to dual rate in the secondary position.
- 1.05 Sensitive areas are those areas that management or the MGC considers sensitive to the Class B Licensee's operation and, therefore, require strict control over access. Sensitive areas include, but are not limited to, pits, count rooms, cart storage rooms, cages, main bank, slot maintenance rooms, EGD storage rooms, areas housing critical IT systems and equipment, surveillance rooms, vaults, and card and dice storage and inspection rooms (11 CSR 45-7.170).
- 1.06 Class B Licensees shall provide all employees with training regarding the Missouri Riverboat Gambling Act, Missouri Gaming Commission Rules and Regulations, Missouri Gaming Commission Minimum Internal Control Standards, the Class B Licensee's Internal Control System and procedures in a brief outline or general description. Each employer shall ensure that employees, prior to performing the functions and duties of their jobs, are adequately trained as to the applicable statutes, regulations and internal controls that apply to their specific job functions. The Class B Licensee shall maintain a record of all mandatory training. A current copy of the Class B Licensee's entire Internal Control System shall be readily accessible to all employees.
- 1.07 The Class A Licensee's Board of Directors or officers/executives, except for the property's General Manager, shall comply with 11 CSR 45-7.170 when accessing sensitive areas. In addition, prior to each access, the MGC boat supervisor/agent shall be notified and give permission.
- 1.08 Prior to accessing sensitive areas, other than the pit, the General Manager shall notify the MGC boat supervisor/agent on duty. The General Manager may access the pit without prior notification to the MGC boat supervisor/agent on duty. The General Manager shall not access the count room without an MGC agent escort.

Note: Sections 313.800 through 313.850, RSMo, et seq., and Title 11, Division 45 of the Code of State Regulations establish standards to which Class B licensees must comply. Class B licensees should review these statutes and rules to ensure their ICS includes compliance with the requirements set forth. Revised October 30, 2005. Revised Oct. 30, 2007 (Sections 1.06 and 1.12). Revised March 30, 2016. Revised April, 2018 (Sections 1.02 and 1.04)

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- 1.09 Except as otherwise provided in this rule, all occupational licensees shall, at all times while on property, display a valid, riverboat-issued casino access badge for the position in which they are working at that time and a commission-issued occupational license badge. This requirement shall not apply to the following:
- (A) surveillance personnel; and
 - (B) employees who are off duty and are in public areas of the casino. Off duty employees shall still comply with 11 CSR 45-5.030 and 11 CSR 45-12.090.
- 1.10 The Class B Licensee shall have the General Manager or a Level I occupational licensee on call anytime the General Manager or a Level I occupational licensee is not on the property. The name and contact number of the person(s) on call shall be immediately available to the MGC boat agent on duty by contacting Security Dispatch.
- 1.11 The Human Resource Department shall maintain a list of current employees that includes each employee's job title and MGC License Number, if applicable. The job title shall match the job title approved in the internal controls.

§ 2 Internal Control Systems

- 2.01 It is the Class B Licensee's responsibility to ensure that its Internal Control System complies with the Minimum Internal Control Standards (MICS), *Code of State Regulations* (CSR), and the *Revised Statutes of Missouri* (RSMo). In all instances, the MICS supersede the Class B Licensee's Internal Control System. Any conflict between the MICS and the Internal Control System shall be resolved in favor of the MICS.
- 2.02 The existence of manual and computerized systems also creates situations that may require variations in the Internal Control System. The Class B Licensee is responsible for establishing an Internal Control System that complies with the MICS, the CSR, and the RSMo, regardless of whether operating in a manual or a computerized environment.
- 2.03 The MICS include general names for positions and forms. The Class B Licensee's Internal Control System shall include specific job titles as identified in the organizational charts and job descriptions. The Class B Licensee's Internal Control System shall include specific form names with unique form numbers, as identified in Chapter R of the Internal Control System. The form number is only required the first time the form is referenced in each section within the chapter. When a signature is required, the Internal Control System shall specify the job title of the position that must sign the form.
- 2.04 The Internal Control System shall include administrative organizational charts for all gaming related departments including, but not limited to, table games, electronic gaming devices, drop and count teams, casino cashiering, internal audit, casino accounting, surveillance, security, marketing, purchasing and contract administration, players club

Note: Sections 313.800 through 313.850, RSMo, et seq., and Title 11, Division 45 of the Code of State Regulations establish standards to which Class B licensees must comply. Class B licensees should review these statutes and rules to ensure their ICS includes compliance with the requirements set forth. Revised October 30, 2005. Revised Oct. 30, 2007 (Sections 1.06 and 1.12). Revised March 30, 2016. Revised April, 2018 (Sections 1.02 and 1.04)

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(ticketing), compliance, poker, management information systems, and any corporate positions to which gaming related departments report.

- 2.05 A detailed description of each position shown on the organizational charts shall be listed in the applicable chapter of the internal controls or exclusively in Chapter A. If the job position is included on an organizational chart in one or more other chapters, those chapters shall list the job title and include a cross-reference to the location of the detailed job description. Each job description shall include:
- (A) duties and responsibilities;
 - (B) immediate supervisor;
 - (C) list of all job titles directly supervised by this position; and
 - (D) list of sensitive areas to which the position has access.
- 2.06 Each job position shall have only one supervisor, as noted in the organizational chart. If a position reports to both a corporate position and the General Manager or another position in the Class B organizational structure, both the direct and indirect report may be shown in the organizational chart.
- 2.07 The Internal Control System shall be in the same format and numbering sequence as the MICS. The Internal Control System does not need to include a master Table of Contents; however, each chapter shall have a Table of Contents. Chapter C Rules of the Game shall have a Table of Contents which includes each game with a unique index number.
- 2.08 All manual and computerized procedures shall be described throughout the Internal Control System. Forms shall be described in Chapter R of the Internal Control System.
- 2.09 The Class B Licensee shall include internal control procedures for the resolution of patron complaints, including the chain of command to be followed.

§ 3 Variances

- 3.01 Class B Licensees may submit requests for variances to the Code of State Regulations (CSR) or Minimum Internal Control Standards in a form and manner approved by the Commission. The Class B Licensee shall include a detailed explanation of the necessity for the variance and what compensating safeguards, restrictions, or requirements, if any, will be added to the Internal Control System. Variances will be classified as:
- (A) Single incident variances, which are on the spot and typically an emergency or “Reasonable Necessity” situation, not to exceed 72 hours;
 - (B) Short term variances, which permit/exclude an activity for no more than 90 calendar days; or

Note: Sections 313.800 through 313.850, RSMo, et seq., and Title 11, Division 45 of the Code of State Regulations establish standards to which Class B licensees must comply. Class B licensees should review these statutes and rules to ensure their ICS includes compliance with the requirements set forth. Revised October 30, 2005. Revised Oct. 30, 2007 (Sections 1.06 and 1.12). Revised March 30, 2016. Revised April, 2018 (Sections 1.02 and 1.04)

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- (C) Long term variances, which permit/exclude an activity for **more** than 90 calendar days.
- 3.02 For single incident variances, the Class B Licensee shall submit a detailed written request showing a specific need for the variance, including any proposed conditions or restrictions. The request must be approved in writing by an MGC agent prior to implementation.
- 3.03 For short term variances, the Class B Licensee shall submit a detailed written request to the Jefferson City MGC office showing a specific need for the variance, including any proposed conditions or restrictions. The request must be approved in writing by MGC prior to implementation.
- 3.04 For long term variances, the Class B Licensee shall submit a completed MGC Variance Request Form to the Jefferson City MGC office. The request must be approved in writing by MGC prior to implementation.
- 3.05 Any approved long term variance shall be referenced in the applicable section of the Internal Control System. The reference shall include the variance number, date of the approval, and all conditions and restrictions of the approved variance.

§ 4 Submission of Internal Controls

- 4.01 In accordance with 11 CSR 45-9 of the Missouri Gaming Commission Rules and Regulations, the holder of a Class B License shall submit any changes to its internal controls to MGCPolicy@mgc.dps.mo.gov. The Class B Licensee shall not alter its Internal Control System unless and until such changes are approved by the MGC Policy Section.
- 4.02 The General Manager and/or one individual designated by the General Manager shall be assigned the responsibility for submitting Internal Control System changes to the MGC. A letter signed by the General Manager shall be submitted to the MGC and the MGC boat supervisor stating who this individual will be. If another individual is designated, an updated letter shall be submitted. If a submission is received from any other individual, it will be returned to the Class B Licensee.
- 4.03 Each Class B Licensee shall be permitted to submit requested changes to the Internal Control System not more than once each calendar quarter. Licensees shall be informed of the dates of submission. These quarterly changes shall be submitted to MGCPolicy@mgc.dps.mo.gov and the MGC boat supervisor no later than the fifteenth day of the month designated.
- 4.04 Emergency changes to the Internal Control System, unless otherwise approved by the Commission, are those that if not approved and implemented by a given date would negatively impact the internal controls or cause serious interruption to gaming activities.

Note: Sections 313.800 through 313.850, RSMo, et seq., and Title 11, Division 45 of the Code of State Regulations establish standards to which Class B licensees must comply. Class B licensees should review these statutes and rules to ensure their ICS includes compliance with the requirements set forth. Revised October 30, 2005. Revised Oct. 30, 2007 (Sections 1.06 and 1.12). Revised March 30, 2016. Revised April, 2018 (Sections 1.02 and 1.04)

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The emergency changes to the internal controls are expected to be rare. Emergency changes may be submitted for approval at any time unless the chapter is under review.

- 4.05 Internal Control revisions to add a new MGC approved game to the Class B Licensee's Rules of the Game may be submitted for approval at any time. This only applies to new games which are not already included in the Internal Control System.
- 4.06 Changes required by the Commission shall be submitted to the Commission within fifteen days of the notice. Any changes which are required to be made as a result of an MGC compliance audit or an audit recommendation by an independent certified public accounting firm or an internal audit shall be submitted at the next submission date following the issuance of the auditor's report.
- 4.07 Each request for change shall contain electronic files of the Internal Controls proposed to be changed with all changes clearly marked (i.e., track changes), including all changes to the organizational charts. The changes shall be accompanied by a cover letter which details each proposed change. Requested changes shall be submitted to MGCPolicy@mgc.dps.mo.gov and the MGC boat supervisor.
- 4.08 If the addition or deletion of information on a page causes text to be moved from or to the next page, these pages shall also be submitted.
- 4.09 All changes shall be proofread and reasonably free of errors.
- 4.10 When changes are submitted, all affected Tables of Contents, indices, job descriptions, and forms shall be updated and included in the submission.
- 4.11 The Class B Licensee shall keep a record of all internal control changes.
 - (A) At a minimum, the cover page for each chapter shall include the effective date approved by the commission. The effective dates of each prior revision that occurred after January 1, 2016, shall be listed chronologically for the past four years in each chapter, either on the cover page or the last page(s) of the chapter.
 - (B) The Rules of the Game for each game shall be submitted in a separate document with a cover page that includes the effective date approved by the commission. The effective dates of each prior revision that occurred after January 1, 2016, shall be listed chronologically for the past four years for each game, either on the cover page or the last page(s) of the rules for that game.
 - (C) Each example form shall include the effective date.
 - (D) Each organizational chart shall include the effective date.

Note: Sections 313.800 through 313.850, RSMo, et seq., and Title 11, Division 45 of the Code of State Regulations establish standards to which Class B licensees must comply. Class B licensees should review these statutes and rules to ensure their ICS includes compliance with the requirements set forth. Revised October 30, 2005. Revised Oct. 30, 2007 (Sections 1.06 and 1.12). Revised March 30, 2016. Revised April, 2018 (Sections 1.02 and 1.04)

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- 4.12 During MGC's review of an internal control submission, changes to the initial submission shall be limited to those required in response to MGC's review. No additional changes shall be submitted without prior approval of the MGC Policy Section.
- 4.13 No changes to the Internal Control System shall be implemented until written approval is granted. Upon approval, a clean electronic file of the revisions shall be submitted to the MGC Policy Section prior to implementation. Additionally, one hard copy shall be submitted to the MGC boat agent on duty prior to implementation. The Class B Licensee shall send a cover letter with the clean copies of the internal controls that indicates which chapters were revised and which forms or games were removed, added, and replaced. Failure to comply with this provision will result in rescission of the revision and possible disciplinary action.
- 4.14 All electronic files submitted as clean copies shall include the effective date in the file name.
- 4.15 Each form shall be submitted as a separate file. Files for forms shall be consistently named in the following order: the form identifier (alpha or numeric), form name, and the effective date (e.g., 158-Table Fill Slip 4-1-2015, or AA-Sensitive Key Log 4-1-2015).

§ 5 Found Items

- 5.01 Cash, chips, tickets, cards, dice, gaming equipment, records, or any other item(s) found in unauthorized or suspicious locations or circumstances shall be immediately reported to the MGC agent on duty by the licensee or casino employee learning of the items.
- 5.02 Weapons, illegal drugs, contraband, or other similarly sensitive items found anywhere on the property of a Class B Licensee shall be immediately reported to the MGC boat agent on duty by the licensee or casino employee learning of the items.

Note: Sections 313.800 through 313.850, RSMo, et seq., and Title 11, Division 45 of the Code of State Regulations establish standards to which Class B licensees must comply. Class B licensees should review these statutes and rules to ensure their ICS includes compliance with the requirements set forth. Revised October 30, 2005. Revised Oct. 30, 2007 (Sections 1.06 and 1.12). Revised March 30, 2016. Revised April, 2018 (Sections 1.02 and 1.04)

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System**

PROPOSED AMENDMENT

11 CSR 45-9.120 Minimum Internal Control Standards (MICS)—Chapter T. The commission is amending section (1).

*PURPOSE: This amendment changes the internal controls for Chapter T of the **Minimum Internal Control Standards** by allowing non-supervisory casino housekeeping/environmental services employees to accept tips.*

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards (MICS) Chapter T—Tips*, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter T does not incorporate any subsequent amendments or additions as adopted by the commission on [October 24, 2012] **March 28, 2018**.

AUTHORITY: sections 313.004[, RSMo 2000, and sections 313.800] and 313.805, RSMo [Supp. 2012] 2016. Original rule filed Jan. 26, 2012, effective Aug. 30, 2012. Amended: Filed Oct. 25, 2012, effective June 30, 2013. Amended: Filed April 26, 2018.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Tuesday, July 10, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

MISSOURI GAMING COMMISSION
MINIMUM INTERNAL CONTROL STANDARDS
CHAPTER T - TIPS

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Note: Sections 313.800 through 313.850, RSMo, et seq., and Title 11, Division 45 of the Code of State Regulations establish standards to which Class A licensees must comply. Class A licensees should review these statutes and rules to ensure their ICS includes compliance with the requirements set forth. Added this Chapter October 30, 2005. Revised Oct. 30, 2007. Revised August 30, 2012. Revised June 30, 2013. Revised April 2018 (revised sections 2.02, 2.03, 4.01, 4.03, and 4.04).

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§ 1 Tips, Gifts and Gratuities

- 1.01 Tips shall be accounted for separately and shall not be considered casino funds. Tips shall be counted separately and the funds shall be logged on a Tips and Gratuity Deposit Form for each department.
- 1.02 Surveillance and Security employees are prohibited from accepting tips, gratuities, or gifts in any form.
- 1.03 Occupational licensees may accept gifts from vendors but not from players or patrons. Any gift with a fair market value of \$25 or more shall be documented on a Vendor Gift Log. It shall be the Class B Licensee’s responsibility to maintain this log. The log shall include:
- (A) name of the gift recipient;
 - (B) name and business name of the gift donor;
 - (C) description and value of the gift; and
 - (D) the date the gift was received.
- A copy of this log shall be submitted on a monthly basis to the MGC Audit Manager.
- 1.04 Except for individually assigned Poker Dealer tip boxes, all tip boxes and tip tubes shall be permanently attached to the gaming table, wall or other object, as approved by the MGC boat supervisor.
- 1.05 Employees may return smaller denomination chips as change for a larger denomination chip given as a gratuity; however, chips may not be given as change when the gratuity offered is currency.

§ 2 Transportation of Tips

- 2.01 Contents of tip boxes shall be collected, transported, stored, counted and distributed to the appropriate employees in a secure manner on a regular basis pursuant to a schedule approved by the Commission.
- 2.02 Prior to any tip box collection, the assigned Security Officer shall notify surveillance that the tip box collection process is about to begin. The Security Officer and the randomly selected pool member shall collect all of the tips and transport them to an area on the gaming floor specified in the Internal Controls. The count of the tips shall be conducted as approved in the Internal Controls. The count shall be documented on the Tips and Gratuity Deposit slip. At the completion of the count, the assets shall be transferred to either the Main Bank or the Floating Employee Window as specified in the internal controls.

Note: Sections 313.800 through 313.850, RSMo, et seq., and Title 11, Division 45 of the Code of State Regulations establish standards to which Class A licensees must comply. Class A licensees should review these statutes and rules to ensure their ICS includes compliance with the requirements set forth. Added this Chapter October 30, 2005. Revised Oct. 30, 2007. Revised August 30, 2012. Revised June 30, 2013. Revised April 2018 (revised sections 2.02, 2.03, 4.01, 4.03, and 4.04).

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- 2.03 In the event a tip box used for pooled tips becomes full and requires an unscheduled drop, a Security Officer and an employee from the applicable department shall notify Surveillance, empty the full tip box into a secure bag or other Commission-approved container for the applicable department, and lock the bag/container. This bag/container shall be stored in the Main Bank or the Floating Employee Window until the next scheduled tip count for that pool.

§ 3 Table Game Tips

- 3.01 “Coloring Up” of Dealer Tips:

For “coloring up” of dealer tips to a higher denomination prior to insertion into the tip box, the following procedures shall be in place:

- (A) a transparent cylinder/tube shall be attached to the table to maintain the chips until “colored up.” The cylinder/tube shall have a capacity of no more than twenty-five (25) chips; and
 - (B) prior to chips being colored up, the dealer shall make the announcement in a voice that can be heard by the Table Games Supervisor that chips are being colored up. The dealer will then deposit an equal value of higher denomination chip(s) into the tip box and place the lower denomination chips into the chip tray.
- 3.02 Bets that are placed by a patron for the dealer as a tip and that are won by the house will be immediately placed in the chip tray. In the event of a push, the bet may be allowed to remain in action as a patron option. Tip bets that are lost by the house shall be placed immediately in the transparent tip box or transparent tip tube by the dealer. Any tax liability for gambling winnings from tip wagers shall be the responsibility of the wagering patron and may be withheld prior to placing the winnings in the tip box.

§ 4 Individual Poker Dealer Tips

- 4.01 If the Class B Licensee chooses to allow Poker Dealers to receive individual tips, the following restrictions shall be in place:

- (A) Dealers shall not make decisions which affect the outcome of the game;
- (B) Dealers shall not be eligible to receive winnings from the game as an agent of the house, other than normal house rake or commission;
- (C) Dealers shall use an approved shuffling machine during the course of the poker game;

Note: Sections 313.800 through 313.850, RSMo, et seq., and Title 11, Division 45 of the Code of State Regulations establish standards to which Class A licensees must comply. Class A licensees should review these statutes and rules to ensure their ICS includes compliance with the requirements set forth. Added this Chapter October 30, 2005. Revised Oct. 30, 2007. Revised August 30, 2012. Revised June 30, 2013. Revised April 2018 (revised sections 2.02, 2.03, 4.01, 4.03, and 4.04).

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- (D) Tips shall be immediately deposited in a locked, individually assigned tip box, the key to which is a sensitive key only accessible to a Main Bank Cashier or Floating Employee Window Cashier;
 - (E) The tip box shall be locked and turned in at the end of the Dealer's shift for counting, tax withholding, and subsequent payment during the normal payroll process; and
 - (F) Surveillance shall conduct an audit of each Poker Dealer at least monthly to verify chip flow between the table tray, pots, rake, bad beat collection, and tips dropped.
- 4.02 Individual tip containers shall be used for the collection of dealer tips in the poker room. Each transparent container shall be individually numbered and secured with a lock to prevent the removal of contents. The tip containers shall be stored in a locked storage area, e.g., cabinet, drawer, or podium, which is under constant surveillance coverage in the poker room. The key to the storage area shall be maintained in a sensitive key box and authorized to the Poker Supervisor.
- 4.03 At the beginning of each shift, the Poker Supervisor shall assign one of the numbered tip containers to each oncoming Poker Dealer. The Tip Container Log shall be updated when the tip container is issued at the beginning of the shift and when it is returned at the end of the shift to the locked storage area.
- (A) The Poker Dealer shall attach the tip container to the poker table. A Poker Dealer going on break shall return the container to the Poker Supervisor, who shall place the tip container in the locked storage area. The log entry shall be completed and signed by the Poker Dealer and Poker Supervisor. When the Poker Dealer returns from break, the Poker Supervisor shall re-issue the same tip container to that Poker Dealer and complete a new entry on the Tip Container Log.
 - (B) At the end of the dealer's shift or if a tip container becomes full during a shift, the Poker Supervisor shall notify surveillance and the Poker Dealer shall take the tip container to the Main Bank or Floating Employee Window in the Cage. The Cashier shall count out the tips in front of the Poker Dealer, fill out a three-part Tips and Gratuity Deposit Form and sign the form. The Poker Dealer shall verify the count and sign the form. One copy of the form shall go to the Poker Dealer. The other two copies of the form shall be retained with the cashier's paperwork. This paperwork shall be sent to accounting on a daily basis where it shall be separated and one copy shall be provided to payroll for tax reporting purposes. If the Main Bank or Floating Employee Window is closed when the Poker Dealer's shift ends, the tip box may be secured in the locked storage area by the Poker Supervisor until the Poker Dealer's next shift when the Poker Dealer shall then deposit the tips at the appropriate cashiering location.
 - (C) At the end of the Poker Dealer's shift, after the tips have been counted and verified, the Poker Dealer shall return the empty tip container to the Poker Supervisor who shall secure it in the locked storage area and complete the log entry. In case of an

Note: Sections 313.800 through 313.850, RSMo, et seq., and Title 11, Division 45 of the Code of State Regulations establish standards to which Class A licensees must comply. Class A licensees should review these statutes and rules to ensure their ICS includes compliance with the requirements set forth. Added this Chapter October 30, 2005. Revised Oct. 30, 2007. Revised August 30, 2012. Revised June 30, 2013. Revised April 2018 (revised sections 2.02, 2.03, 4.01, 4.03, and 4.04).

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emergency when the Poker Dealer is unable to take the tip container to the Main Bank or Floating Employee Window in the Cage and complete the verification of the tip count, the Poker Supervisor shall perform these duties.

- 4.04 As an alternative to issuing numbered tip containers to Poker Dealers and maintaining a Tip Container Log, a tip container may be permanently assigned to each Poker Dealer. The tip container shall be permanently labeled with the Poker Dealer's name or shall have the Poker Dealer's name on a card locked within the tip container in a manner which allows the name to be readily visible from the outside of the container. Any time the dealer leaves the poker room, his assigned tip box shall be locked in the poker podium. At the end of the Poker Dealer's shift, after the tips have been counted and verified as described above, the Poker Dealer shall return the empty tip container to the Poker Supervisor who shall secure it in the locked storage area. In case of an emergency when the Poker Dealer is unable to take the tip container to the Main Bank or Floating Employee Window in the Cage and complete the verification of the tip count, the Poker Supervisor shall secure the tip container in the locked storage area. The funds shall be counted when the Poker Dealer returns to work. If the Poker Dealer does not return to work prior to the close of the payroll accounting cycle, a Poker Supervisor with Security escort may transport the Poker Dealer's tips to the Main Bank or Floating Employee Window. Once the tips are counted, the supervisor shall immediately deliver the dealer's tip receipt to Human Resources. In the event the tip container becomes full during play, the Poker Dealer shall take a break from the table and shall follow the procedures for a regular end of shift tip drop.

Note: Sections 313.800 through 313.850, RSMo, et seq., and Title 11, Division 45 of the Code of State Regulations establish standards to which Class A licensees must comply. Class A licensees should review these statutes and rules to ensure their ICS includes compliance with the requirements set forth. Added this Chapter October 30, 2005. Revised Oct. 30, 2007. Revised August 30, 2012. Revised June 30, 2013. Revised April 2018 (revised sections 2.02, 2.03, 4.01, 4.03, and 4.04).