

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

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2014, the commission amends a rule as follows:

11 CSR 45-5.070 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 2015 (40 MoReg 1878–1879). Changes have been made to the text of the proposed amendment, so it is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held on this proposed amendment on January 20, 2016. Two people attended the public hearing. Michael Gold submitted written comments by mail; he also provided oral comments at the public hearing. One comment was also received from an MGC staff member.

Comments #1-6 were provided both orally and written. Comments #7-8 were provided orally at the public hearing. Comment # 9 was provided by an MGC staff member.

**COMMENT #1:** Mr. Gold suggested the language be changed to require the payout percentage signs to be posted at each entrance to the gaming floor instead of at one entrance.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agrees with the suggestion and made the requested change.

**COMMENT #2:** Mr. Gold suggested the language be changed to require the payout percentage signs to be posted at each cage, instead of at the main cashier cage.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agrees with the suggestion and revised the language to require the sign to be displayed at each cage that redeems tickets.

**COMMENT #3:** Mr. Gold suggested the rule should include a detailed description of the location, size, shape, color of the background, font type, font size, font color, and that the font color must be sharply contrasting to the display background color on the payout percentage display signs. He also suggested the rule should describe the manner in which the payout percentage sign shall be displayed (hung, mounted, or freestanding). He stated that by adding the descriptions, the subjectivity of the word “conspicuously” could be eliminated or reduced.  
**RESPONSE:** Commission staff believes the language of the proposed rule and the changes made in response to other comments are sufficient to ensure that the signs will be clearly visible to patrons. No changes have been made to the proposed amendment as a result of this comment.

**COMMENT #4:** Mr. Gold noted the proposed language did not include a schedule for the Missouri Gaming Commission to inspect the signs, a schedule of penalties when a casino fails to comply with 11 CSR 45-5.070, and the procedure by which compliance or non-compliance

would be determined by the Missouri Gaming Commission. He included examples and photographs of payout percentage signs.

RESPONSE: The purpose of the regulations is to set out standards for the Class B Licensee when conducting business in the State of Missouri. MGC is tasked with monitoring compliance, enforcing the regulations, and administering disciplinary action when appropriate. Making the suggested changes would eliminate the discretion afforded the commission in carrying out its duties. No changes have been made to the proposed amendment as a result of this comment.

COMMENT #5: Mr. Gold suggested the rule be changed to require the casinos to post the slot hold for one (1) cent machines and the aggregate slot hold for all other denominations of slot machines, instead of the aggregate payout percentage for all slot machines. He reasoned this would draw attention to the fact that the hold on one (1) cent machines is typically twice the aggregate hold of the other denominations of slot machines. He also noted he believes patrons have a better understanding of the “hold percentage” rather than the “payout percentage.” He submitted examples illustrating the hold and payout percentage for each denomination of slot machines for casinos in Missouri.

RESPONSE: The commission believes patrons better understand the meaning of the term “payout percentage” because it is self-explanatory and is the term most commonly used, whereas the term “hold percentage” is more of an industry term used by casino management. Additionally, the use of the term “payout percentage” is consistent with other gaming statutes and regulations. No changes have been made to the proposed amendment as a result of this comment.

COMMENT #6: Mr. Gold suggested the statement, “For more information on payout percentages by denomination visit [www.mgc.dps.mo.gov](http://www.mgc.dps.mo.gov)”, be removed from the payout percentage signs for the following reasons: (1) his belief that the sign should show the hold for one (1) cent slot machines and the aggregate slot hold for all other denominations of slot machines; (2) his belief that casino patrons without access to the internet would be treated unequally to those patrons who have access to an internet connection; and (3) his belief that this suggested language is the Missouri Gaming Commission’s attempt to establish its website and everything contained thereon to be “common knowledge.”

RESPONSE: The commission believes this language is necessary for patrons who do have Internet access and may be interested in this information. In addition, it is consistent with the State’s e-government initiative to provide web-based services to the public. No changes have been made to the proposed amendment as a result of this comment.

COMMENT #7: Mr. Gold suggested the rule be changed to require the casinos to print on the back of the slot machine tickets the hold percentages for slot machines for the prior two months.

RESPONSE: The commission believes making this change would be cost-prohibitive, in light of any possible benefit gained. Furthermore, this information is available on the commission’s website ([mgc.dps.mo.gov](http://mgc.dps.mo.gov)). No changes have been made to the proposed amendment as a result of this comment.

COMMENT #8: Mr. Gold requested that the rule be withdrawn until the commission can conduct further review and the rule can be completely reworked.

RESPONSE: The commission began the process of amending this regulation specifically in response to a written request from this commenter. To withdraw the rule at this time would result

in further delays in revising this regulation. The commission already has the relevant information necessary to propose the amendment. No changes have been made to the proposed amendment as a result of this comment.

COMMENT #9: An MGC staff member recommended removing “on the front of” from the first sentence to allow the signs to be conspicuously placed as required by the proposed last sentence since the design of each cage is unique and not all cages could have the sign conspicuously placed on the front of the cage.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees and the change was made as requested.

### **11 CSR 45-5.070 Payout Percentage for Electronic Gaming Devices.**

(1) A holder of a Class B license shall by the tenth day of each calendar month display signage containing the actual aggregate payout percentage to the nearest one-tenth percent (0.1%) of all the electronic gaming devices in operation during the previous month and the following statement “For more information on payout percentages by denomination visit [www.mgc.dps.mo.gov](http://www.mgc.dps.mo.gov)”. The signs shall be conspicuously placed so they can be readily seen by patrons at each patron entrance to the gaming floor and at each cashier cage that redeems tickets.