

SECOND REGULAR SESSION

SENATE BILL NO. 721

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR JACOB.

Pre-filed December 1, 2003, and ordered printed.

TERRY L. SPIELER, Secretary.

2616S.01I

AN ACT

To repeal sections 160.534 and 313.805, RSMo, and to enact in lieu thereof four new sections relating to the education job retraining fund.

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

Section A. Sections 160.534 and 313.805, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 160.534, 313.805, 313.900, and 313.903, to read as follows:

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]; **provided that for fiscal years 2005, 2006, 2007, 2008, and 2009, all funds transferred from the gaming proceeds for education fund in excess of the sum of the amount transferred to the school district bond fund for fiscal year 2004 plus the amount transferred to the state school moneys fund for fiscal year 2004, shall be transferred on a monthly basis in a manner pursuant to 313.900, RSMo. For fiscal year 2010 and for each fiscal year thereafter, all funds transferred from the gaming proceeds for education fund in excess of the sum of the amount transferred to the school district bond fund for fiscal year 2004 plus the amount transferred to the state school moneys fund for fiscal year 2004, shall be transferred on a monthly basis and shall be distributed in the manner provided in section [163.031] 313.903, RSMo.**

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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 pursuant to this section shall be enforced as provided in 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 physical or electronic tokens, electronic cards, or chips which only can be used for wagering on the excursion gambling boat;

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

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

(16) 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 pursuant to 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;

(17) 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;

(18) To require any applicant for a license or renewal of a license to operate an excursion gambling boat to provide an affirmative action plan which has as its goal the use of best efforts to achieve maximum employment of African-Americans and other minorities and maximum participation in the procurement of contractual purchases of goods and services. This provision shall be administered in accordance with all federal and state employment laws, including Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. At license renewal, the licensee will report on the effectiveness of the plan. The commission shall include the licensee's reported information in its annual report to the joint committee on gaming and wagering;

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

313.900. 1. There is hereby created in the state treasury the "Educational Job Retraining Program Fund". For fiscal years 2005, 2006, 2007, 2008, and 2009, all funds transferred from the gaming proceeds for education fund in excess of the sum of the amount transferred to the school district bond fund for fiscal year 2004 plus the amount transferred to the state school moneys fund for fiscal year 2004, shall be transferred on a monthly basis to the educational job retraining program fund. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the educational job retraining program fund shall not be transferred and placed to the credit of the general revenue fund.

2. The department of economic development shall administer the educational job retraining program fund. Such funds shall be used to provide educational job training and tuition assistance for unemployed or underemployed Missouri residents who were employed in this state on a full-time basis for a minimum of three consecutive years immediately prior to losing their jobs due to job elimination during adverse economic conditions.

3. The department of economic development shall promulgate rules for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

313.903. Beginning in fiscal year 2010 and for each fiscal year thereafter, all funds transferred from the gaming proceeds for education fund in excess of the sum of the amount transferred to the school district bond fund for fiscal year 2004 plus the amount transferred to the state school moneys fund for fiscal year 2004 shall be transferred to:

(1) The Missouri college guarantee fund established pursuant to section 173.830, RSMo;

(2) The higher education academic scholarship program established pursuant to section 173.250, RSMo; or

(3) Providing state aid to school districts pursuant to the foundation formula established by section 163.031, RSMo.

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