

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend Senate Bill No. 78, Page 1, Section 105.1204, Line 7,

2 by inserting after all of said line the following:

3 "313.004. 1. There is hereby created the "Missouri  
4 Gaming Commission" consisting of five members appointed by  
5 the governor, with the advice and consent of the senate.  
6 Each member of the Missouri gaming commission shall be a  
7 resident of this state. No member shall have pled guilty to  
8 or shall have been convicted of a felony or gambling-related  
9 offense. Not more than three members shall be affiliated  
10 with the same political party. No member of the commission  
11 shall be an elected official. The overall membership of the  
12 commission shall reflect experience in law enforcement,  
13 civil and criminal investigation and financial principles.

14 2. The initial members of the commission shall be  
15 appointed within thirty days of April 29, 1993. Of the  
16 members first appointed, one shall be appointed for a one-  
17 year term, two shall be appointed for a two-year term and  
18 two shall be appointed for a three-year term. Thereafter,  
19 all members appointed shall serve for a three-year term. No  
20 person shall serve as a member more than six years. The  
21 governor shall designate one of the members as the chair.  
22 The governor may remove any member of the commission from  
23 office for malfeasance or neglect of duty in office. The  
24 governor may also replace any member of the commission, with  
25 the advice and consent of the senate, when any  
26 responsibility concerning the state lottery, pari-mutuel

27 wagering or any other form of gaming is placed under the  
28 jurisdiction of the commission.

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

36         4. The commission shall perform all duties and have  
37 all the powers and responsibilities conferred and imposed  
38 upon it relating to excursion gambling boats and, after June  
39 30, 1994, the lawful operation of the game of bingo under  
40 this chapter. Within the commission, there shall be  
41 established a division of gambling and after June 30, 1994,  
42 the division of bingo. Subject to appropriations, the  
43 commission may hire an executive director and any employees  
44 as it may deem necessary to carry out the commission's  
45 duties. The commission shall have authority to require  
46 investigations of any employee or applicant for employment  
47 as deemed necessary and use such information or any other  
48 information in the determination of employment. The  
49 commission shall promulgate rules and regulations  
50 establishing a code of ethics for its employees which shall  
51 include, but not be limited to, restrictions on which  
52 employees shall be prohibited from participating in or  
53 wagering on any game or gaming operation subject to the  
54 jurisdiction of the commission. The commission shall  
55 determine if any other employees of the commission or any  
56 licensee of the commission shall participate or wager in any  
57 operation under the jurisdiction of the commission.

58         5. On April 29, 1993, all the authority, powers,  
59 duties, functions, records, personnel, property, matters

60 pending and all other pertinent vestiges of the state  
61 tourism commission relating to the regulation of excursion  
62 gambling boats and, after June 30, 1994, of the department  
63 of revenue relating to the regulation of the game of bingo  
64 shall be transferred to the Missouri gaming commission.

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

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

79 8. No member or employee of the commission shall be  
80 appointed or continue to be a member or employee who is  
81 licensed by the commission as an excursion gambling boat  
82 operator or supplier and no member or employee of the  
83 commission shall be appointed or continue to be a member or  
84 employee who is related to any person within the second  
85 degree of consanguinity or affinity who is licensed by the  
86 commission as an excursion gambling boat operator or  
87 supplier. The commission shall determine by rule and  
88 regulation appropriate restrictions on the relationship of  
89 members and employees of the commission to persons holding  
90 or applying for occupational licenses from the commission or  
91 to employees of any licensee of the commission. No peace  
92 officer, as defined by section 590.010, who is designated to

93 have direct regulator authority related to excursion  
94 gambling boats shall be employed by any excursion gambling  
95 boat or supplier licensed by the commission while employed  
96 as a peace officer. No member or employee of the commission  
97 or any employee of the state attorney general's office or  
98 the state highway patrol who has direct authority over the  
99 regulation or investigation of any applicant or licensee of  
100 the commission or any peace officer of any city or county  
101 which has approved excursion boat gambling shall accept any  
102 gift or gratuity from an applicant or licensee while serving  
103 as a member or while under such employment. Any person  
104 knowingly in violation of the provisions of this subsection  
105 is guilty of a class A misdemeanor. Any such member,  
106 officer or employee who personally or whose prohibited  
107 relative knowingly violates the provisions of this  
108 subsection, in addition to the foregoing penalty, shall,  
109 upon conviction, immediately and thereupon forfeit his  
110 office or employment.

111 9. The commission may enter into agreements with the  
112 Federal Bureau of Investigation, the Federal Internal  
113 Revenue Service, the state attorney general or any state,  
114 federal or local agency the commission deems necessary to  
115 carry out the duties of the commission. No state agency  
116 shall count employees used in any agreements entered into  
117 with the commission against any personnel cap authorized by  
118 any statute. Any consideration paid by the commission for  
119 the purpose of entering into, or to carry out, any agreement  
120 shall be considered an administrative expense of the  
121 commission. When such agreements are entered into for  
122 responsibilities relating to excursion gambling boats, the  
123 commission shall require excursion gambling boat licensees  
124 to pay for such services under rules and regulations of the  
125 commission. The commission may provide by rules and

126 regulations for the offset of any prize or winnings won by  
127 any person making a wager subject to the jurisdiction of the  
128 commission, when practical, when such person has an  
129 outstanding debt owed the state of Missouri.

130 10. No person who has served as a member or employee  
131 of the commission, as a member of the general assembly, as  
132 an elected or appointed official of the state or of any city  
133 or county of this state in which the licensing of excursion  
134 gambling boats has been approved in either the city or  
135 county or both, or any employee of the state highway patrol  
136 designated by the superintendent of the highway patrol or  
137 any employee of the state attorney general's office  
138 designated by the state attorney general to have direct  
139 regulatory authority related to excursion gambling boats  
140 shall, while in such office or during such employment and  
141 during the first two years after termination of his office  
142 or position, provided such termination of office or position  
143 in the case of an employee of the commission, the state  
144 highway patrol, or the state attorney general's office is  
145 either voluntary or is due to misconduct of such employee  
146 related to such employee's direct regulatory authority  
147 related to excursion gambling boats, obtain direct ownership  
148 interest in or be employed by any excursion gambling boat  
149 licensed by the commission or which has applied for a  
150 license to the commission or enter into a contractual  
151 relationship related to direct gaming activity. A "direct  
152 ownership interest" shall be defined as any financial  
153 interest, equitable interest, beneficial interest, or  
154 ownership control held by the public official or employee,  
155 or such person's family member related within the second  
156 degree of consanguinity or affinity, in any excursion  
157 gambling boat operation or any parent or subsidiary company  
158 which owns or operates an excursion gambling boat or as a

159 supplier to any excursion gambling boat which has applied  
160 for or been granted a license by the commission, provided  
161 that a direct ownership interest shall not include any  
162 equity interest purchased at fair market value or equity  
163 interest received as consideration for goods and services  
164 provided at fair market value of less than one percent of  
165 the total outstanding shares of stock of any publicly traded  
166 corporation or certificates of partnership of any limited  
167 partnership which is listed on a regulated stock exchange or  
168 automated quotation system. Any person who knowingly  
169 violates the provisions of this subsection is guilty of a  
170 class E felony. Any such member, officer or employee who  
171 personally and knowingly violates the provisions of this  
172 subsection, in addition to the foregoing penalty, shall,  
173 upon conviction, immediately and thereupon forfeit his  
174 office or employment. For purposes of this subsection,  
175 "appointed official" shall mean any official of this state  
176 or of any city or county authorized under subsection 10 of  
177 section 313.812 appointed to a position which has  
178 discretionary powers over the operations of any licensee or  
179 applicant for licensure by the commission. This shall only  
180 apply if the appointed official has a direct ownership  
181 interest in an excursion gambling boat licensed by the  
182 commission or which has applied for a license to the  
183 commission to be docked within the jurisdiction of his or  
184 her appointment. No elected or appointed official, his or  
185 her spouse or dependent child shall, while in such office or  
186 within two years after termination of his or her office or  
187 position, be employed by an applicant for an excursion  
188 gambling boat license or an excursion gambling boat licensed  
189 by the commission. Any other person related to an elected  
190 or appointed official within the second degree of  
191 consanguinity or affinity employed by an applicant for an

192 excursion gambling boat license or excursion gambling boat  
193 licensed by the commission shall disclose this relationship  
194 to the commission. Such disclosure shall be in writing and  
195 shall include who is employing such individual, that  
196 person's relationship to the elected or appointed official,  
197 and a job description for which the person is being  
198 employed. The commission may require additional information  
199 as it may determine necessary.

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

209 12. Notwithstanding the provisions of chapter 610 to  
210 the contrary, all criminal justice records shall be  
211 available to any agency or commission responsible for  
212 licensing or investigating applicants or licensees applying  
213 to any gaming commission of this state."; and

214 Further amend the title and enacting clause accordingly.