

FIRST REGULAR SESSION

SENATE BILL NO. 431

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

1957S.02I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 313.004, RSMo, and to enact in lieu thereof one new section relating to the Missouri gaming commission, with existing penalty provisions.

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

Section A. Section 313.004, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 313.004,
3 to read as follows:

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

12 2. The initial members of the commission shall be
13 appointed within thirty days of April 29, 1993. Of the
14 members first appointed, one shall be appointed for a one-
15 year term, two shall be appointed for a two-year term and
16 two shall be appointed for a three-year term. Thereafter,
17 all members appointed shall serve for a three-year term. No
18 person shall serve as a member more than six years. The

19 governor shall designate one of the members as the chair.
20 The governor may remove any member of the commission from
21 office for malfeasance or neglect of duty in office. The
22 governor may also replace any member of the commission, with
23 the advice and consent of the senate, when any
24 responsibility concerning the state lottery, pari-mutuel
25 wagering or any other form of gaming is placed under the
26 jurisdiction of the commission.

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

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

51 wagering on any game or gaming operation subject to the
52 jurisdiction of the commission. The commission shall
53 determine if any other employees of the commission or any
54 licensee of the commission shall participate or wager in any
55 operation under the jurisdiction of the commission.

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

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

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

77 8. No member or employee of the commission shall be
78 appointed or continue to be a member or employee who is
79 licensed by the commission as an excursion gambling boat
80 operator or supplier and no member or employee of the
81 commission shall be appointed or continue to be a member or
82 employee who is related to any person within the second

83 degree of consanguinity or affinity who is licensed by the
84 commission as an excursion gambling boat operator or
85 supplier. The commission shall determine by rule and
86 regulation appropriate restrictions on the relationship of
87 members and employees of the commission to persons holding
88 or applying for occupational licenses from the commission or
89 to employees of any licensee of the commission. No peace
90 officer, as defined by section 590.010, who is designated to
91 have direct regulator authority related to excursion
92 gambling boats shall be employed by any excursion gambling
93 boat or supplier licensed by the commission while employed
94 as a peace officer. No member or employee of the commission
95 or any employee of the state attorney general's office or
96 the state highway patrol who has direct authority over the
97 regulation or investigation of any applicant or licensee of
98 the commission or any peace officer of any city or county
99 which has approved excursion boat gambling shall accept any
100 gift or gratuity from an applicant or licensee while serving
101 as a member or while under such employment. Any person
102 knowingly in violation of the provisions of this subsection
103 is guilty of a class A misdemeanor. Any such member,
104 officer or employee who personally or whose prohibited
105 relative knowingly violates the provisions of this
106 subsection, in addition to the foregoing penalty, shall,
107 upon conviction, immediately and thereupon forfeit his
108 office or employment.

109 9. The commission may enter into agreements with the
110 Federal Bureau of Investigation, the Federal Internal
111 Revenue Service, the state attorney general or any state,
112 federal or local agency the commission deems necessary to
113 carry out the duties of the commission. No state agency
114 shall count employees used in any agreements entered into

115 with the commission against any personnel cap authorized by
116 any statute. Any consideration paid by the commission for
117 the purpose of entering into, or to carry out, any agreement
118 shall be considered an administrative expense of the
119 commission. When such agreements are entered into for
120 responsibilities relating to excursion gambling boats, the
121 commission shall require excursion gambling boat licensees
122 to pay for such services under rules and regulations of the
123 commission. The commission may provide by rules and
124 regulations for the offset of any prize or winnings won by
125 any person making a wager subject to the jurisdiction of the
126 commission, when practical, when such person has an
127 outstanding debt owed the state of Missouri.

128 10. No person who has served as a member or employee
129 of the commission, as a member of the general assembly, as
130 an elected or appointed official of the state or of any city
131 or county of this state in which the licensing of excursion
132 gambling boats has been approved in either the city or
133 county or both, or any employee of the state highway patrol
134 designated by the superintendent of the highway patrol or
135 any employee of the state attorney general's office
136 designated by the state attorney general to have direct
137 regulatory authority related to excursion gambling boats
138 shall, while in such office or during such employment and
139 during the first two years after termination of his office
140 or position, **provided such termination of office or position**
141 **in the case of an employee of the commission, the state**
142 **highway patrol, or the state attorney general's office is**
143 **either voluntary or is due to misconduct of such employee**
144 **related to such employee's direct regulatory authority**
145 **related to excursion gambling boats**, obtain direct ownership
146 interest in or be employed by any excursion gambling boat

147 licensed by the commission or which has applied for a
148 license to the commission or enter into a contractual
149 relationship related to direct gaming activity. A "direct
150 ownership interest" shall be defined as any financial
151 interest, equitable interest, beneficial interest, or
152 ownership control held by the public official or employee,
153 or such person's family member related within the second
154 degree of consanguinity or affinity, in any excursion
155 gambling boat operation or any parent or subsidiary company
156 which owns or operates an excursion gambling boat or as a
157 supplier to any excursion gambling boat which has applied
158 for or been granted a license by the commission, provided
159 that a direct ownership interest shall not include any
160 equity interest purchased at fair market value or equity
161 interest received as consideration for goods and services
162 provided at fair market value of less than one percent of
163 the total outstanding shares of stock of any publicly traded
164 corporation or certificates of partnership of any limited
165 partnership which is listed on a regulated stock exchange or
166 automated quotation system. Any person who knowingly
167 violates the provisions of this subsection is guilty of a
168 class E felony. Any such member, officer or employee who
169 personally and knowingly violates the provisions of this
170 subsection, in addition to the foregoing penalty, shall,
171 upon conviction, immediately and thereupon forfeit his
172 office or employment. For purposes of this subsection,
173 "appointed official" shall mean any official of this state
174 or of any city or county authorized under subsection 10 of
175 section 313.812 appointed to a position which has
176 discretionary powers over the operations of any licensee or
177 applicant for licensure by the commission. This shall only
178 apply if the appointed official has a direct ownership

179 interest in an excursion gambling boat licensed by the
180 commission or which has applied for a license to the
181 commission to be docked within the jurisdiction of his or
182 her appointment. No elected or appointed official, his or
183 her spouse or dependent child shall, while in such office or
184 within two years after termination of his or her office or
185 position, be employed by an applicant for an excursion
186 gambling boat license or an excursion gambling boat licensed
187 by the commission. Any other person related to an elected
188 or appointed official within the second degree of
189 consanguinity or affinity employed by an applicant for an
190 excursion gambling boat license or excursion gambling boat
191 licensed by the commission shall disclose this relationship
192 to the commission. Such disclosure shall be in writing and
193 shall include who is employing such individual, that
194 person's relationship to the elected or appointed official,
195 and a job description for which the person is being
196 employed. The commission may require additional information
197 as it may determine necessary.

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

207 12. Notwithstanding the provisions of chapter 610 to
208 the contrary, all criminal justice records shall be
209 available to any agency or commission responsible for

210 licensing or investigating applicants or licensees applying
211 to any gaming commission of this state.

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