

FIRST REGULAR SESSION

HOUSE BILL NO. 163

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DUSENBERG (Sponsor) AND SCHIEFFER (Co-sponsor).

0663L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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Section A. Section 313.004, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 313.004, to read as follows:

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

2. The initial members of the commission shall be appointed within thirty days of April 29, 1993. Of the members first appointed, one shall be appointed for a one-year term, two shall be appointed for a two-year term and two shall be appointed for a three-year term. Thereafter, all members appointed shall serve for a three-year term. No person shall serve as a member more than six years. The governor shall designate one of the members as the chair. The governor may remove any member of the commission from office for malfeasance or neglect of duty in office. The governor may also replace any member of the commission, with the advice and consent of the senate, when any responsibility concerning the state lottery, pari-mutuel wagering or any other form of gaming is placed under the jurisdiction of the commission.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

22 4. The commission shall perform all duties and have all the powers and responsibilities
23 conferred and imposed upon it relating to excursion gambling boats and, after June 30, 1994, the
24 lawful operation of the game of bingo under this chapter. Within the commission, there shall be
25 established a division of gambling and after June 30, 1994, the division of bingo. Subject to
26 appropriations, the commission may hire an executive director and any employees as it may
27 deem necessary to carry out the commission's duties. The commission shall have authority to
28 require investigations of any employee or applicant for employment as deemed necessary and
29 use such information or any other information in the determination of employment. The
30 commission shall promulgate rules and regulations establishing a code of ethics for its employees
31 which shall include, but not be limited to, restrictions on which employees shall be prohibited
32 from participating in or wagering on any game or gaming operation subject to the jurisdiction
33 of the commission. The commission shall determine if any other employees of the commission
34 or any licensee of the commission shall participate or wager in any operation under the
35 jurisdiction of the commission.

36 5. On April 29, 1993, all the authority, powers, duties, functions, records, personnel,
37 property, matters pending and all other pertinent vestiges of the state tourism commission
38 relating to the regulation of excursion gambling boats and, after June 30, 1994, of the department
39 of revenue relating to the regulation of the game of bingo shall be transferred to the Missouri
40 gaming commission.

41 6. The commission shall be assigned to the department of public safety as a type III
42 division, but the director of the department of public safety has no supervision, authority or
43 control over the actions or decisions of the commission.

44 7. Members of the Missouri gaming commission shall receive as compensation, the
45 amount of one hundred dollars for every day in which the commission holds a meeting, when
46 such meeting is subject to the recording of minutes as provided in chapter 610, RSMo, and shall
47 be reimbursed for reasonable expenses incurred in the performance of their duties. The chair
48 shall receive as additional compensation one hundred dollars for each month such person serves
49 on the commission in that capacity.

50 8. No member or employee of the commission shall be appointed or continue to be a
51 member or employee who is licensed by the commission as an excursion gambling boat operator
52 or supplier and no member or employee of the commission shall be appointed or continue to be

53 a member or employee who is related to any person within the second degree of consanguinity
54 or affinity who is licensed by the commission as an excursion gambling boat operator or supplier.
55 The commission shall determine by rule and regulation appropriate restrictions on the
56 relationship of members and employees of the commission to persons holding or applying for
57 occupational licenses from the commission or to employees of any licensee of the commission.
58 No peace officer, as defined by section 590.100, RSMo, who is designated to have direct
59 regulator authority related to excursion gambling boats shall be employed by any excursion
60 gambling boat or supplier licensed by the commission while employed as a peace officer. No
61 member or employee of the commission or any employee of the state attorney general's office
62 or the state highway patrol who has direct authority over the regulation or investigation of any
63 applicant or licensee of the commission or any peace officer of any city or county which has
64 approved excursion boat gambling shall accept any gift or gratuity from an applicant or licensee
65 while serving as a member or while under such employment. Any person knowingly in violation
66 of the provisions of this subsection is guilty of a class A misdemeanor. Any such member,
67 officer or employee who personally or whose prohibited relative knowingly violates the
68 provisions of this subsection, in addition to the foregoing penalty, shall, upon conviction,
69 immediately and thereupon forfeit his office or employment.

70 9. The commission may enter into agreements with the Federal Bureau of Investigation,
71 the Federal Internal Revenue Service, the state attorney general or any state, federal or local
72 agency the commission deems necessary to carry out the duties of the commission. No state
73 agency shall count employees used in any agreements entered into with the commission against
74 any personnel cap authorized by any statute. Any consideration paid by the commission for the
75 purpose of entering into, or to carry out, any agreement shall be considered an administrative
76 expense of the commission. When such agreements are entered into for responsibilities relating
77 to excursion gambling boats, the commission shall require excursion gambling boat licensees
78 to pay for such services under rules and regulations of the commission. The commission may
79 provide by rules and regulations for the offset of any prize or winnings won by any person
80 making a wager subject to the jurisdiction of the commission, when practical, when such person
81 has an outstanding debt owed the state of Missouri.

82 10. No person who has served as a member or employee of the commission, as a member
83 of the general assembly, as an elected or appointed official of the state or of any city or county
84 of this state in which the licensing of excursion gambling boats has been approved in either the
85 city or county or both or any employee of the state highway patrol designated by the
86 superintendent of the highway patrol or any employee of the state attorney general's office
87 designated by the state attorney general to have direct regulatory authority related to excursion
88 gambling boats shall, while in such office or during such employment [and during the first two

89 years after termination of his office or position,] obtain direct ownership interest in or be
90 employed by any excursion gambling boat licensed by the commission or which has applied for
91 a license to the commission or enter into a contractual relationship related to direct gaming
92 activity. A "direct ownership interest" shall be defined as any financial interest, equitable
93 interest, beneficial interest, or ownership control held by the public official or employee, or such
94 person's family member related within the second degree of consanguinity or affinity, in any
95 excursion gambling boat operation or any parent or subsidiary company which owns or operates
96 an excursion gambling boat or as a supplier to any excursion gambling boat which has applied
97 for or been granted a license by the commission, provided that a direct ownership interest shall
98 not include any equity interest purchased at fair market value or equity interest received as
99 consideration for goods and services provided at fair market value of less than one percent of the
100 total outstanding shares of stock of any publicly traded corporation or certificates of partnership
101 of any limited partnership which is listed on a regulated stock exchange or automated quotation
102 system. Any person who knowingly violates the provisions of this subsection is guilty of a class
103 D felony. Any such member, officer or employee who personally and knowingly violates the
104 provisions of this subsection, in addition to the foregoing penalty, shall, upon conviction,
105 immediately and thereupon forfeit his office or employment. For purposes of this subsection,
106 "appointed official" shall mean any official of this state or of any city or county authorized under
107 subsection 10 of section 313.812 appointed to a position which has discretionary powers over
108 the operations of any licensee or applicant for licensure by the commission. This shall only
109 apply if the appointed official has a direct ownership interest in an excursion gambling boat
110 licensed by the commission or which has applied for a license to the commission to be docked
111 within the jurisdiction of his or her appointment. No elected or appointed official, his or her
112 spouse or dependent child shall, while in such office or within two years after termination of his
113 or her office or position, be employed by an applicant for an excursion gambling boat license or
114 an excursion gambling boat licensed by the commission. Any other person related to an elected
115 or appointed official within the second degree of consanguinity or affinity employed by an
116 applicant for an excursion gambling boat license or excursion gambling boat licensed by the
117 commission shall disclose this relationship to the commission. Such disclosure shall be in
118 writing and shall include who is employing such individual, that person's relationship to the
119 elected or appointed official, and a job description for which the person is being employed. The
120 commission may require additional information as it may determine necessary.

121 11. The commission may enter into contracts with any private entity the commission
122 deems necessary to carry out the duties of the commission, other than criminal law enforcement,
123 provision of legal counsel before the courts and other agencies of this state, and the enforcement
124 of liquor laws. The commission may require provisions for special auditing requirements,

125 investigations and restrictions on the employees of any private entity with which a contract is
126 entered into by the commission.

127 12. Notwithstanding the provisions of chapter 610, RSMo, to the contrary, all criminal
128 justice records shall be available to any agency or commission responsible for licensing or
129 investigating applicants or licensees applying to any gaming commission of this state.

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