

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.