

FIRST REGULAR SESSION

[PERFECTED]

SENATE BILL NO. 78

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BECK.

0521S.01P

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 33.100 and 313.004, RSMo, and to enact in lieu thereof four new sections relating to state employees.

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

Section A. Sections 33.100 and 313.004, RSMo, are repealed
2 and four new sections enacted in lieu thereof, to be known as
3 sections 33.100, 36.221, 105.1204, and 313.004, to read as
4 follows:

33.100. The salaries of all elective and appointive
2 officers and employees of the state shall be paid out of the
3 state treasury, in **biweekly**, semimonthly, or monthly
4 installments as designated by the commissioner of
5 administration. The accounts and names of the officers and
6 employees shall be presented to the commissioner of
7 administration and a warrant therefor upon the state
8 treasury shall be issued to be paid out of the appropriation
9 made for such purpose. The accounts of the officers and
10 employees shall be stated in their names, respectively, and
11 the correctness thereof shall be certified to by the
12 officers, respectively, in whose employment they are.

**36.221. In filling any position where employees are
2 selected on the basis of merit under subsection 1 of section
3 36.030, the appointing authority shall offer an interview to
4 every person who is an active duty or reserve member of the**

5 **Armed Forces of the United States, a veteran of the Armed**
6 **Forces of the United States, or is or was a member of the**
7 **Missouri National Guard, who applies for the position, and**
8 **whose name appears on the register of eligibles for the**
9 **position.**

105.1204. In filling any position in a state agency,
2 as that term is defined under section 36.020, where
3 employees are not required to be selected on the basis of
4 merit under subsection 1 of section 36.030, the employing
5 agency shall offer an interview to every applicant who is an
6 active duty or reserve member of the Armed Forces of the
7 United States, a veteran of the Armed Forces of the United
8 States, or is or was a member of the Missouri National Guard
9 and who meets the minimum qualifications established for the
10 position.

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.

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 or any other aspect of**

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

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

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

208 12. Notwithstanding the provisions of chapter 610 to
209 the contrary, all criminal justice records shall be

210 available to any agency or commission responsible for
211 licensing or investigating applicants or licensees applying
212 to any gaming commission of this state.

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