

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 1—Organization and Administration**

**PROPOSED RESCISSION**

**11 CSR 45-1.040 Enrollment of Attorneys and Scope of Practice.** This rule established the procedure for an attorney to file an appearance before the commission.

*PURPOSE: This rule is being rescinded because it is unnecessary because existing statutes and Supreme Court Rules already establish these procedures.*

*AUTHORITY: sections 313.004 and 313.805, RSMo (Cum. Supp. 1993). Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Rescinded: Filed Dec. 7, 2017.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Tuesday, February 20, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

## **11 CSR 45-1.040 Enrollment of Attorneys and Scope of Practice**

*PURPOSE: This rule establishes procedure for an attorney to file an appearance.*

- (1) Any applicant or licensee of the commission may designate in writing the name of the Missouri attorney who will represent the applicant or licensee before the commission.
- (2) Practice before the commission shall be deemed to include all matters relating to the presentation of a client's matter to the commission, including the preparation and filing of applications, reports, systems of internal controls, financial statements or other documents submitted to the commission on behalf of the client.

*AUTHORITY: sections 313.004 and 313.805, RSMo (Cum. Supp. 1993). \* Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994.*

*\*Original authority: 313.004, RSMo (1993) and 313.805, RSMo (1991), amended 1993.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 5—Conduct of Gaming**

**PROPOSED RESCISSION**

**11 CSR 45-5.020 Posting of Address of Commission.** This rule required the posting of the commission's address.

*PURPOSE: This rule is being rescinded because it is unnecessary, in that this information is accessible to the public through multiple sources.*

*AUTHORITY: sections 313.004 and 313.805 RSMo Supp. 1993. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Rescinded: Filed Dec. 7, 2017.*

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## **11 CSR 45-5.020 Posting of Address of Commission**

*PURPOSE: This rule requires the posting of the commission's address.*

(1) Each licensed gaming establishment shall conspicuously post on the premises the address of the commission in a manner prescribed by the commission.

*AUTHORITY: sections 313.004 and 313.805 RSMo Supp. 1993. \* Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994.*

*\*Original authority: 313.004, RSMo 1993 and 313.805, RSMo 1991, amended 1993.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 5—Conduct of Gaming**

**PROPOSED RESCISSION**

**11 CSR 45-5.250 Finder's Fees.** This rule established guidelines for finder's fees.

*PURPOSE: This rule is being rescinded because the matters addressed in this rule would be examined by investigations authorized by existing statutes and rules.*

*AUTHORITY: sections 313.004 and 313.805, RSMo 1994. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Rescinded: Filed Dec. 7, 2017.*

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## 11 CSR 45-5.250 Finder's Fees

*PURPOSE: This rule establishes a process for finder's fees.*

(1) Except as limited by section (2) of this rule, the term finder's fee means any compensation in money in excess of the sum of ten thousand dollars (\$10,000), or real or personal property valued in excess of the sum of ten thousand dollars (\$10,000) which is paid or transferred or agreed to be paid or transferred to any person in consideration for the arranging or negotiation of an extension of credit to a holder of a Class A license, a registered company, or applicant for licensing or registration if the proceeds of the extension of credit are intended to be used for any of the following purposes:

(A) To acquire an interest in a gaming establishment or registered company; and

(B) To finance the gaming operations of a licensed gaming establishment.

(2) The term finder's fee shall not include:

(A) Compensation to the person who extends the credit;

(B) Normal and customary payments to employees of the person to whom the credit is extended if the arranging or negotiation of credit is part of their normal duties;

(C) Normal and customary payments for bona fide professional services rendered by lawyers, accountants, engineers and appraisers; and

(D) Underwriting discounts paid to a member of the National Association of Securities Dealers, Inc.

(3) It is an unsuitable method of operation for any holder of a Class A license, registered company or applicant for licensing or registration to pay a finder's fee without the prior approval of the commission. An application for approval of payment of a finder's fee shall make a full disclosure of all material facts. The commission may disapprove any such application if the person to whom the finder's fee is proposed to be paid does not demonstrate that s/he is suitable to hold a state gaming license.

*AUTHORITY: sections 313.004 and 313.805, RSMo 1994. \* Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

*\*Original authority: 313.004, RSMo 1993 and 313.805, RSMo 1991, amended 1993, 1994.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 6—Operation of the Riverboat**

**PROPOSED RESCISSION**

**11 CSR 45-6.060 Excursions During Inclement Weather or Mechanical Difficulties.** This rule established procedures for boat operations in inclement weather or when there were mechanical difficulties.

*PURPOSE: This rule is being rescinded because it is obsolete, in that the excursion gambling boats are no longer under the jurisdiction of the United States Coast Guard. All existing excursion gambling boats are either continuously moored or permanently moored.*

*AUTHORITY: sections 313.004, 313.800 and 313.805, RSMo Supp. 1993. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Rescinded: Filed Dec. 7, 2017.*

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## **11 CSR 45-6.060 Excursions During Inclement Weather or Mechanical Difficulties**

*PURPOSE: This rule establishes procedures for boat operations in inclement weather or when there is mechanical difficulties.*

(1) If a riverboat captain on cruising riverboats reasonably determines that either of the following circumstances exist, the captain shall either not leave the dock or immediately return to the dock:

(A) The captain deems it unsafe to transport passengers on the waterway due to inclement weather, river conditions; or

(B) The riverboat has been rendered temporarily inoperable by mechanical or structural difficulties of the boat. In the case of mechanical or structural difficulties of the boat, the holder of a Class A license shall make all reasonable effort to remedy the problem promptly.

(2) If a riverboat captain reasonably determines for reasons of safety that although seaworthy, the riverboat should not leave the dock or should return immediately to the dock, due to either of the conditions listed in section (1), a gaming excursion may commence or continue as if a continuously docked excursion.

(3) Once a riverboat captain has determined that circumstances set forth in section (1) have occurred, the riverboat shall not depart from the dock for the scheduled excursion or the remainder of an excursion period, whichever is applicable.

(4) If a riverboat captain deems it necessary to take either of the actions specified in section (1) of this rule, the holder of a Class A license, within seven (7) days, shall file with the director a report detailing the basis for the action.

(5) If a riverboat captain is unable to cruise because of restrictions placed on navigation by any governmental entity with jurisdiction, the riverboat captain shall file a report with the commission detailing the action by the governmental entity and advise the commission of the anticipated length of time that navigation will not be allowed. The captain shall further inform the commission when that governmental entity has lifted the restriction on navigation.

*AUTHORITY: sections 313.004, 313.800 and 313.805, RSMo Supp. 1993. \* Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994.*

*\*Original authority: 313.004, RSMo 1993 and 313.800 and 313.805, RSMo 1991, ended 1993.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 10—Licensee’s Responsibilities**

**PROPOSED RESCISSION**

**11 CSR 45-10.080 Fair Market Value of Contracts.** This rule established requirement for fair market value of contracts.

*PURPOSE: This rule is being rescinded because it is unnecessary to protect the integrity of gaming in Missouri.*

*AUTHORITY: sections 313.004, 313.805, and 313.807, RSMo 2000 and section 313.800, RSMo Supp. 2007. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Dec. 3, 2007, effective May 30, 2008. Rescinded: Filed Dec. 7, 2017.*

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## **11 CSR 45-10.080 Fair Market Value of Contracts**

*PURPOSE: This rule establishes requirement for fair market value of contracts.*

(1) No holder of a Class A or Class B license shall enter into a contract relating to its licensed activities for consideration in excess of fair market value.

*AUTHORITY: sections 313.004, 313.805, and 313.807, RSMo 2000 and section 313.800, RSMo Supp. 2007. \* Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Dec. 3, 2007, effective May 30, 2008.*

*\*Original authority: 313.004, RSMo 1993, amended 1994; 313.800, RSMo 1991, amended 1993, 1994, 2005; 313.805, RSMo 1991,*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 14—Supervision**

**PROPOSED RESCISSION**

**11 CSR 45-14.010 Policy.** This rule established a policy for using supervision as a proper remedy following the lapse, suspension, or revocation of an excursion gambling boat license.

*PURPOSE: This rule is being rescinded because it is unnecessary, in that adequate remedies are available in the United States Bankruptcy Code.*

*AUTHORITY: sections 313.805 and 313.812, RSMo 1994. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Rescinded: Filed Dec. 7, 2017.*

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## **11 CSR 45-14.010 Policy**

*PURPOSE: This rule establishes a policy for using supervision as a proper remedy.*

(1) The commission finds and hereby declares that the continuation of a riverboat gaming operation following lapse, suspension or revocation of a Class A license essential to the operation presents significantly enhanced dangers to the public health, safety, morals, good order and general welfare of the inhabitants of Missouri and should only be permitted when--

(A) The possible adverse economic impact of closure of the riverboat gaming operation upon the specific community in which the operation is located and upon the state generally is significant; and

(B) Continued gaming operation pursuant to a supervisorship would facilitate speedy transfer of ownership of the riverboat gaming operation in a manner that does not unreasonably endanger the public health, safety, morals, good order and general welfare.

*AUTHORITY: sections 313.004, 313.800, 313.805 and 313.812, RSMo 1994. \* Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

*\*Original authority: 313.004, RSMo 1993, amended 1994 and 313.800, 313.805 and 313.812, RSMo 1991, amended 1993, 1994.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 14—Supervision**

**PROPOSED RESCISSION**

**11 CSR 45-14.020 Determination to Seek Supervisor.** This rule established the standard for the commission to follow in requesting supervision.

*PURPOSE: This rule is being rescinded because it is unnecessary, in that adequate remedies are available in the United States Bankruptcy Code.*

*AUTHORITY: sections 313.805 and 313.812, RSMo 1994. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Rescinded: Filed Dec. 7, 2017.*

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## **11 CSR 45-14.020 Determination to Seek Supervisor**

*PURPOSE: This rule establishes the standard for the commission to follow in requesting supervision.*

(1) By applying for a Class A license the applicant irrevocably authorizes the commission to appoint a supervisor following revocation, suspension or lapse of an essential gaming license. The decision to file this petition is discretionary with the commission, and in determining whether the petition shall be filed, the commission shall consider, at any time following issuance of an order revoking, suspending or allowing lapse of a Class A license--

- (A) The nature of the violation which resulted in the revocation, suspension or lapse;
- (B) The ability and actions taken, if any, for a removal by licensees in good standing of persons who committed the violation;
- (C) The involvement during a proposed supervisorship in any riverboat gaming operation of persons whose licenses were revoked, suspended or lapsed;
- (D) The economic impact of closure of the gaming operations upon the community in which the establishment is located;
- (E) The economic impact of closure of the gaming operations upon the state of Missouri;
- (F) The prior efforts, if any, to sell the riverboat gaming operation;
- (G) The involvement, if any, of undisclosed interests in the riverboat gaming operation;
- (H) The presence, if any, of a publicly-traded holding company and the public trading that would occur during a supervisorship;
- (I) The current status of all fees and taxes applicable to the operation;
- (J) The adequacy of existing financing for the operation, if continued, and the suitability of the source of that financing;
- (K) The impact upon public confidence and trust that gaming operations in Missouri are conducted honestly, competitively and free from criminal and corruptive elements;
- (L) The ownership of the riverboat gaming operation or any interest in it by persons other than the offending or lapsed licensee;
- (M) Any other matter or material necessary to a full and complete consideration of the particular circumstances presented; and

(N) The availability of two (2) or more persons qualified and willing to assume the position of supervisor for the riverboat gaming operation in question.

(2) The commission may decline to petition for appointment of a supervisor if satisfied that because of any of the considerations of subsections (1)(A)--(M) or for any other reason, a continuation of the riverboat gaming operation would not be in the best interest of the state of Missouri, the gaming industry, or both.

(3) The commission will not petition for a supervisor to continue riverboat gaming operations if--

(A) A rehearing has been granted by the commission to the licensee on the revocation or suspension of his/her Class A license and the rehearing has not been concluded;

(B) The gaming establishment has never been in operation and opened to the public;

(C) The riverboat gaming operation is, or reasonably appears to be, insolvent; or

(D) Gaming operations ceased at the establishment for any reason prior to revocation, suspension or lapse of an essential license.

*AUTHORITY: sections 313.004, 313.800 and 313.805, RSMo 1994. \* Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

*\*Original authority: 313.004, RSMo 1993, amended 1994 and 313.800 and 313.805, RSMo 1991, amended 1993, 1994.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 14—Supervision**

**PROPOSED RESCISSION**

**11 CSR 45-14.030 Authority of Supervisor.** This rule established the authority of the supervisor.

*PURPOSE: This rule is being rescinded because it is unnecessary, in that adequate remedies are available in the United States Bankruptcy Code.*

*AUTHORITY: sections 313.805 and 313.812, RSMo Supp. 1993. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Rescinded: Filed Dec. 7, 2017.*

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## **11 CSR 45-14.030 Authority of Supervisor**

*PURPOSE: This rule establishes the authority of the supervisor.*

(1) The supervisor shall be the attorney-in-fact for the licensee and shall have the authority to affix the signature of the licensee to any document the licensee could lawfully execute.

*AUTHORITY: sections 313.004 and 313.805, RSMo Supp. 1993.\* Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994.*

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**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 14—Supervision**

**PROPOSED RESCISSION**

**11 CSR 45-14.040 Termination.** This rule established procedure to terminate supervision.

*PURPOSE: This rule is being rescinded because it is unnecessary, in that adequate remedies are available in the United States Bankruptcy Code.*

*AUTHORITY: sections 313.805 and 313.812, RSMo 1994. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Rescinded: Filed Dec. 7, 2017.*

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## **11 CSR 45-14.040 Termination**

*PURPOSE: This rule establishes procedure to terminate supervision.*

- (1) Once a license essential to a continuation of the riverboat gaming operations has been revoked, suspended or has lapsed, there is no right or interest in any person to further conduct gaming at the establishment and the commission may seek termination of a supervisorship for any cause deemed reasonable by the commission.
- (2) Without limiting section (1), the commission may seek termination whenever-
  - (A) License fees and taxes are not paid when due;
  - (B) The riverboat gaming operation enters into voluntary or involuntary bankruptcy proceedings;
  - (C) The riverboat gaming operation's debts exceed the value of its assets or it cannot meet its debts as they become due;
  - (D) A former Class A licensee, his/her agent, employee or representative is determined by the commission to have violated any statute or rule relating directly or indirectly to gaming or the administration of the supervisorship, other than the violation, if any, which resulted in the revocation, suspension or lapse;
  - (E) The death, disability or removal of the supervisor;
  - (F) Closure of gaming operations at the establishment for any reason, regardless of fault; or
  - (G) Any circumstances which, in the determination of the commission, renders continued operations under the supervisorship impractical or detrimental to the interest of Missouri or licensed gaming, or both.

*AUTHORITY: sections 313.004, 313.800, 313.805 and 313.812, RSMo 1994. \* Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

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**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 14—Supervision**

**PROPOSED RESCISSION**

**11 CSR 45-14.050 Distribution of Earnings to Former Legal Owners.** This rule established procedure to distribute profits to former owners.

*PURPOSE: This rule is being rescinded because it is unnecessary, in that adequate remedies are available in the United States Bankruptcy Code.*

*AUTHORITY: sections 313.805 and 313.812, RSMo Supp. 1993. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Rescinded: Filed Dec. 7, 2017.*

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## **11 CSR 45-14.050 Distribution of Earnings to Former Legal Owners**

*PURPOSE: This rule establishes procedure to distribute profits to former owners.*

(1) A supervisor shall not distribute earnings of the riverboat gaming operations to the former licensee until deduction is made for--

(A) The costs of the supervisorship, including compensation and expenses incurred by the supervisor and those engaged by him/her to aid in his/her duties, then due and owing;

(B) Amounts deemed necessary by the supervisor for continuing the operation of the establishment, including, but not limited to, bankroll, salaries and foreseeable operating expenses;

(C) Amounts deemed necessary by the supervisor to preserve the assets of the riverboat gaming operation; and

(D) A reserve fund sufficient, in the determination of the supervisor, to facilitate continued operation in light of pending civil litigation, disputed claims, contractual obligations, taxes, fees and any other contingency known to the supervisor which may require payment by the establishment.

*AUTHORITY: sections 313.004, 313.800, 313.805 and 313.812, RSMo Supp. 1993. \* Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994.*

*\*Original authority: 313.004, RSMo 1993 and 313.800, 313.805 and 313.812, RSMo 1991, amended 1993.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 16— Employee Labor Organizations**

**PROPOSED RESCISSION**

**11 CSR 45-16.010 Definitions.** This rule defined terms to be used in conjunction with this chapter regarding employee labor organizations.

*PURPOSE: This rule is being rescinded because it is unnecessary to protect the integrity of gaming in Missouri, and adequate guidelines and remedies are available in existing labor laws.*

*AUTHORITY: section 313.805, RSMo 1994. Emergency rule filed Oct. 29, 1993, effective Nov. 8, 1993, expired March 7, 1994. Original rule filed May 6, 1996, effective Dec. 30, 1996. Rescinded: Filed Dec. 7, 2017.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Tuesday, February 20, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

## 11 CSR 45-16.010 Definitions

*PURPOSE: This rule defines terms to be used in conjunction with this chapter regarding employee labor organizations.*

(1) For the purposes of this chapter, the following terms shall have the following meanings:

(A) "Affiliates" means labor organizations chartered by the same parent body, or governed by the same constitution and bylaws, or labor organizations having the relation of parent and subordinate;

(B) "Certified bargaining representative" means a labor organization which has been certified as the representative of employees under the National Labor Relations Act, as amended;

(C) "Fiduciary to pension or insurance system" means a person is a fiduciary with respect to a pension or insurance system to the extent--

1. S/he exercises any discretionary authority or discretionary control respecting management of such plan or exercises any authority or control respecting management of disposition of its assets;

2. S/he renders investment advice for a fee or other compensation, direct or indirect, with respect to any moneys or other property of such plan, or has any authority or responsibility to do so; or

3. S/he has any discretionary authority or discretionary responsibility in the administration of such plan;

(D) "Gaming employee" means any holder of a Missouri Occupational License Level One (I) or Occupational License Level Two (II) as defined by 11 CSR 45-4.400;

(E) "Insurance system" means any plan, fund or program which is maintained by a labor organization or by a labor organization and an employer, to the extent that such plan, fund or program was established or is maintained for the purposes of providing for its participants, or their beneficiaries, through the purchase of insurance or otherwise, medical surgical, or hospital care or benefits, or benefits in the event of sickness, accident disability, death or unemployment, or vacation benefits, apprenticeship or other training programs, or day care centers, scholarship funds, or prepaid legal services, or any other such benefit other than pension on retirement or death, and insurance to provide such pensions;

(F) "International labor organization" means a labor organization which does not conduct business in the state of Missouri, but has a local labor organization that is a subordinate or which it directly or indirectly has the power or right to control;

(G) "Labor organization" means any organization of any kind, any union, any agency, or employee representation committee, group, association, or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning

grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or systems board, or joint council which is subordinate to a national or international labor organization;

(H) "Labor organization personnel" means all employees, agents, or representatives of a labor organization, acting with or without compensation, other than individuals whose sole involvement with a labor organization relates exclusively to benefit programs subject to the Employee Retirement Income Security Act of 1974, who--

1. Adjust grievances, or negotiate or administer a collective bargaining agreement which governs the wages, hours, working conditions, or conditions of employment of any gaming employee;
2. Solicit, collect, or receive any dues, assessments, levies, fines, contributions, or other charges within this state for or on behalf of the organization from any gaming employee;
3. Act as officers, members of the governing body (except where the labor organization is functioning as a committee of the whole), business agents, or in any other policy-making or supervisory position in a labor organization involved in any way in the organization or representation of Missouri gaming employees; or
4. For compensation advise, represent, or provide other assistance to a labor organization concerning Missouri gaming employees with respect to those activities listed in paragraphs (1)(H)1. through 3. of this rule, other than as an attorney or accountant;

(I) "Labor organization officer" or "officer" means any constitutional officer, any person authorized to perform the functions of president, vice president, secretary/treasurer or other executive functions of a labor organization, and any member of its executive board or similar governing body;

(J) "Labor organization principal employee" or "principal employee" means any employee of a labor organization who, by reason of remuneration or of a management, supervisory or policy making position exercises any authority, discretion or influence with regard to any matter relating to employees licensed under the Act and employed by a casino hotel or casino licensee. For purposes of these regulations, any employee, other than one performing exclusively clerical or custodial services, whose functions relate to employees licensed under the Act and employed by a casino hotel or casino licensee shall be included unless the contrary clearly appears from information supplied to the commission;

(K) "List" means the document filed with the commission by a labor organization including the names and information required under 11 CSR 45-16.020 relating to that organization's labor organization personnel;

(L) "Local labor organization" means a labor organization which conducts any business in the state of Missouri, whether it is affiliated with an international labor organization or not;

(M) "Officers and agents of pension or insurance systems" means all elected officials and key administrative personnel, whether elected or appointed, including administrators, trustees, and all other fiduciaries to the system;

(N) "Pension or insurance system maintained by a labor organization" means any pension or insurance system created or established by a labor organization or one (1) or more of the trustees or one (1) or more members of the governing body of which is selected or appointed by the labor organization; and

(O) "Pension system" means any plan, fund or program which is maintained by a labor organization, or by a labor organization and an employer, to the extent that by its express terms or as a result of surrounding circumstances such plan, fund or program provides retirement income to employees or results in a deferral of income by employees for periods extending to the termination of covered employment or beyond, regardless of the method of calculating the contributions made to the plan, the method of calculating the benefits under the plan or the method of distributing benefits from the plan.

*AUTHORITY: section 313.805, RSMo 1994. \* Emergency rule filed Oct. 29, 1993, effective Nov. 8, 1993, expired March 7, 1994. Original rule filed May 6, 1996, effective Dec. 30, 1996.*

*\*Original authority 1991, amended 1992, 1993, 1994.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 16— Employee Labor Organizations**

**PROPOSED RESCISSION**

**11 CSR 45-16.020 Registration Required.** This rule identified the organizations and persons required to register with the commission under the provisions of this chapter.

*PURPOSE: This rule is being rescinded because it is unnecessary to protect the integrity of gaming in Missouri, and adequate guidelines and remedies are available in existing labor laws.*

*AUTHORITY: section 313.805, RSMo 1994. Emergency rule filed Oct. 29, 1993, effective Nov. 8, 1993, expired March 7, 1994. Original rule filed May 6, 1996, effective Dec. 30, 1996. Rescinded: Filed Dec. 7, 2017.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Tuesday, February 20, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

## **11 CSR 45-16.020 Registration Required**

*PURPOSE: This rule identifies the organizations and persons required to register with the commission under the provisions of this chapter.*

(1) Each labor organization, union or affiliate representing or seeking to represent employees licensed under the Act and employed by a casino hotel or a casino licensee shall register with the commission annually in accordance with the provisions of this chapter.

*AUTHORITY: section 313.805, RSMo 1994. \* Emergency rule filed Oct. 29, 1993, effective Nov. 8, 1993, expired March 7, 1994. Original rule filed May 6, 1996, effective Dec. 30, 1996.*

*\* Original authority 1991, amended 1992, 1993, 1994.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 16— Employee Labor Organizations**

**PROPOSED RESCISSION**

**11 CSR 45-16.030 Registration Exemption.** This rule allowed the commission to exempt certain persons or entities from the requirements of this chapter.

*PURPOSE: This rule is being rescinded because it is unnecessary to protect the integrity of gaming in Missouri, and adequate guidelines and remedies are available in existing labor laws.*

*AUTHORITY: section 313.805, RSMo 1994. Emergency rule filed Oct. 29, 1993, effective Nov. 8, 1993, expired March 7, 1994. Original rule filed May 6, 1996, effective Dec. 30, 1996. Rescinded: Filed Dec. 7, 2017.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Tuesday, February 20, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

## **11 CSR 45-16.030 Registration Exemption**

*PURPOSE: This rule allows the commission to exempt certain persons or entities from the requirements of this chapter.*

(1) The commission may, in its discretion, exempt any labor organization, union, or affiliate from the registration requirements of 11 CSR, Chapter 16, et seq. where the commission finds that such labor organization, union or affiliate--

(A) Is not the certified bargaining representative of any employee licensed under this Act and employed by a casino hotel or casino licensee; and

(B) Is neither involved nor seeking to be involved actively, directly or substantially in the control or direction of the representation of any such employee.

*AUTHORITY: section 313.085, RSMo 1994. \* Emergency rule filed Oct. 29, 1993, effective Nov. 8, 1993, expired March 7, 1994. Original rule filed May 6, 1996, effective Dec. 30, 1996.*

*\*Original authority 1986, amended 1993, 1994.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 16— Employee Labor Organizations**

**PROPOSED RESCISSION**

**11 CSR 45-16.040 Information Required of Local Labor Organization.** This rule set forth the specific information that was required to be submitted to the commission by local labor organizations.

*PURPOSE: This rule is being rescinded because it is unnecessary to protect the integrity of gaming in Missouri, and adequate guidelines and remedies are available in existing labor laws.*

*AUTHORITY: section 313.805, RSMo 1994. Emergency rule filed Oct. 29, 1993, effective Nov. 8, 1993, expired March 7, 1994. Original rule filed May 6, 1996, effective Dec. 30, 1996. Rescinded: Filed Dec. 7, 2017.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Tuesday, February 20, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

## **11 CSR 45-16.040 Information Required of Local Labor Organization**

*PURPOSE: This rule sets forth the specific information that is required to be submitted to the commission by local labor organizations.*

(1) Each local labor organization for which any labor organization personnel are involved in any of the functions set forth in 11 CSR 45-16.010(1)(A), shall provide the following information on its list filed with the commission:

(A) Name and address of the labor organization;

(B) Name and address of any international labor organization with which it directly or indirectly maintains an affiliation or relationship;

(C) The names of any pension and insurance systems maintained by the registrant and all officers, agents and fiduciaries of such systems;

(D) With respect to all local labor organization personnel:

1. Full name, including any known aliases or nicknames;

2. Title or other designation in the labor organization;

3. A brief description of the duties and activities of each individual;

4. The business address and telephone number of each individual; and

5. Annual compensation including salary, allowances, and other direct or indirect disbursements (including reimbursed expenses);

(E) With respect to international labor organization personnel, those individuals who perform or who have performed any of the functions set forth in 11 CSR 45-16.010(1)(H) or (J) with respect to Missouri gaming employees within the twelve (12) months immediately prior to filing the list-

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1. Full name, including any known aliases or nicknames;

2. Title or other designation in the labor organization;

3. A brief description of the duties and activities performed by each individual for, or with respect to, the local organization; and

4. The business address and telephone number of each individual;

(F) A written certification under oath, signed by the local labor organization president and secretary-treasurer, and chief official of the local labor organization if his/her title is other than

president or secretary-treasurer, that the information contained on the list is complete and accurate; and

(G) Within ten (10) days of filing or revising its list with the commission, the local labor organization shall notify in writing each of the labor organization personnel, international or local, that have been listed or added, respectively, except for those who are exempt from the reporting requirements by 11 CSR 45-16.030, advise them of this chapter, and file with the commission written proof of service of the notification.

*AUTHORITY: section 313.805, RSMo 1994. \* Emergency rule filed Oct. 29, 1993, effective Nov. 8, 1993, expired March 7, 1994. Original rule filed May 6, 1996, effective Dec. 30, 1996.*

*\*Original authority 1991, amended 1992, 1993, 1994.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 16— Employee Labor Organizations**

**PROPOSED RESCISSION**

**11 CSR 45-16.050 Information Required of Listed Labor Organization Personnel.** This rule set forth the specific information that was required to be provided to the commission by personnel listed by a labor organization.

*PURPOSE: This rule is being rescinded because it is unnecessary to protect the integrity of gaming in Missouri, and adequate guidelines and remedies are available in existing labor laws.*

*AUTHORITY: section 313.805, RSMo 1994. Emergency rule filed Oct. 29, 1993, effective Nov. 8, 1993, expired March 7, 1994. Original rule filed May 6, 1996, effective Dec. 30, 1996. Rescinded: Filed Dec. 7, 2017.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Tuesday, February 20, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

## **11 CSR 45-16.050 Information Required of Listed Labor Organization Personnel**

*PURPOSE: This rule sets forth the specific information that is required to be provided to the commission by personnel listed by a labor organization.*

(1) Subject to the provisions of 11 CSR 45-16.030, and any requirements under law that certain information received will be treated confidentially, all listed labor organization personnel, whether local or international, shall provide the following information to the commission, in writing, ninety (90) days after notification by the labor organization of being listed:

(A) Full name, including any known aliases or nicknames;

(B) Business address and telephone number;

(C) Home address and telephone number;

(D) Date and place of birth;

(E) Social Security number;

(F) Title;

(G) Date of hire by the local or international labor organization, or date of first consultation or advice;

(H) A detailed description of his/her--

1. Labor organization activities;

2. Prior performance of the same or similar functions on behalf of a labor organization; and

3. Previous employment or occupational history;

(I) Excluding minor traffic offenses, a detailed description of the following areas of criminal conduct, if any, whether the crime involved is denominated a felony or misdemeanor--

1. Any convictions;

2. Any criminal offenses for which s/he received a pardon; and

3. Any criminal offenses for which the record was expunged or sealed by court order;

(J) Whether s/he has ever been denied a business, liquor, gaming, or professional license, or has had such license revoked;

(K) Whether s/he has ever been found by any court or government agency to be unsuitable to be affiliated with a labor organization and, if so, all details relating thereto;

(L) A complete set of fingerprints;

(M) A photograph taken within the last sixty (60) days; and

(N) Such other information or documents as the commission may require.

(2) Labor organization personnel who have been listed, and who have provided the commission the information required by section 11 CSR 45-16.050(1), need not thereafter provide such information to the commission after notification of inclusion on any subsequent list unless the previously provided information has changed in any respect. In the event such previously provided information has changed in any respect, such labor organization personnel shall provide the commission with written notice of such changes within sixty (60) days after notification by the labor organization of being included on any subsequent list.

(3) The failure of any listed labor organization personnel to file with the commission the information required by this chapter within the time period specified in sections 11 CSR 45-16.050(1) and (2), may be grounds for the commission to impose any appropriate penalty, including but not limited to exclusion from the boat of the individual.

*AUTHORITY: section 313.805, RSMo 1994. \* Emergency rule filed Oct. 29, 1993, effective Nov. 8, 1993, expired March 7, 1994. Original rule filed May 6, 1996, effective Dec. 30, 1996.*

*\*Original authority 1991, amended 1992, 1993, 1994.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 16— Employee Labor Organizations**

**PROPOSED RESCISSION**

**11 CSR 45-16.060 Commission May Require Certain Persons to Provide Information.** This rule allowed the commission the discretion to require certain persons to comply with the provisions of this chapter.

*PURPOSE: This rule is being rescinded because it has not been found to be needed in the time it has been in effect.*

*AUTHORITY: section 313.805, RSMo 1994. Emergency rule filed Oct. 29, 1993, effective Nov. 8, 1993, expired March 7, 1994. Original rule filed May 6, 1996, effective Dec. 30, 1996. Rescinded: Filed Dec. 7, 2017.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Tuesday, February 20, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

## **11 CSR 45-16.060 Commission May Require Certain Persons to Provide Information**

*PURPOSE: This rule allows the commission the discretion to require certain persons to comply with the provisions of this chapter.*

(1) Notwithstanding any other provision in this chapter, or exemption contained therein, the commission may determine at any time that the public interest requires that any individual who has a material relationship to, or material involvement with, a labor organization should file the information required by 11 CSR 45-16.050. Such information shall be filed within thirty (30) days of such finding by the commission. A person may be deemed to have a material relationship to, or material involvement with, a labor organization if s/he, with or without compensation, as an agent, consultant, advisor or otherwise, exercises a significant influence upon the management or affairs of a labor organization concerning one (1) or more of the functions set forth in 11 CSR 45-16.010(1)(H) with respect to Missouri gaming employees. Any person required to file pursuant to this regulation shall thereafter be subject to the provisions of this chapter.

*AUTHORITY: section 313.805, RSMo 1994. \* Emergency rule filed Oct. 29, 1993, effective Nov. 8, 1993, expired March 7, 1994. Original rule filed May 6, 1996, effective Dec. 30, 1996.*

*\*Original authority 1991, amended 1992, 1993, 1994.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 16— Employee Labor Organizations**

**PROPOSED RESCISSION**

**11 CSR 45-16.070 Required Revisions of List.** This rule established when revisions to the list were to be filed.

*PURPOSE: This rule is being rescinded because it is unnecessary to protect the integrity of gaming in Missouri, and adequate guidelines and remedies are available in existing labor laws.*

*AUTHORITY: section 313.805, RSMo 1994. Original rule filed May 6, 1996, effective Dec. 30, 1996. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Rescinded: Filed Dec. 7, 2017.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Tuesday, February 20, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

## **11 CSR 45-16.070 Required Revisions of List**

*PURPOSE: This rule establishes when revisions to the list must be filed.*

(1) All information required by 11 CSR 45-16.040 shall be initially filed within thirty (30) days of the start of organizing of employees of a holder of or applicant for a Class A license, and shall thereafter be submitted to the commission annually, on or before the fifteenth of January.

(2) Any changes, additions, or deletions to any information contained in the list which occur subsequent to the filing of the list and prior to the filing of the list for the next calendar year shall be reported to the commission in writing no less than ten (10) days after the end of the calendar quarter during which the change, addition, or deletion occurred unless the change occurs in the fourth calendar quarter, in which event the change must be included in the next annual filing.

*AUTHORITY: section 313.805, RSMo 1994. \* Original rule filed May 6, 1996, effective Dec. 30, 1996. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

*\*Original authority 1991, amended 1993, 1994.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 16— Employee Labor Organizations**

**PROPOSED RESCISSION**

**11 CSR 45-16.080 Interest in Class A Licensee Prohibited.** This rule prohibited labor organizations and their personnel from owning an interest in the gaming licensee whose employees they represented.

*PURPOSE: This rule is being rescinded because it is unnecessary to protect the integrity of gaming in Missouri, and adequate guidelines and remedies are available in existing labor laws.*

*AUTHORITY: section 313.805, RSMo 1994. Original rule filed May 6, 1996, effective Dec. 30, 1996. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Rescinded: Filed Dec. 7, 2017.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Tuesday, February 20, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

## **11 CSR 45-16.080 Interest in Class A Licensee Prohibited**

*PURPOSE: This rule prohibits labor organizations and their personnel from owning an interest in the gaming licensee whose employees they represent.*

(1) Neither a labor organization, union or affiliate nor its officers, and agents not otherwise individually licensed under sections 313.800 to 313.850, RSMo, may hold any financial interest whatsoever in the Class A licensee whose employees they represent.

*AUTHORITY: section 313.805, RSMo 1994. \* Original rule filed May 6, 1996, effective Dec. 30, 1996. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

*\*Original authority 1991, amended 1993, 1994.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 16— Employee Labor Organizations**

**PROPOSED RESCISSION**

**11 CSR 45-16.090 Failure to Comply—Consequences.** This rule established the consequences for failure of complying with the provisions of this chapter.

*PURPOSE: This rule is being rescinded because it is unnecessary to protect the integrity of gaming in Missouri, and adequate guidelines and remedies are available in existing labor laws.*

*AUTHORITY: section 313.805, RSMo 1994. Original rule filed May 6, 1996, effective Dec. 30, 1996. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Rescinded: Filed Dec. 7, 2017.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Tuesday, February 20, 2018, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

## **11 CSR 45-16.090 Failure to Comply--Consequences**

*PURPOSE: This rule establishes the consequences for failure to comply with the provisions of this chapter.*

(1) No labor organization, union or affiliate required to register with the commission shall receive any dues from or on behalf of or administer any pension or insurance funds from or on behalf of any gaming employee--

(A) If the said labor organization, union or affiliate shall fail to properly register with the commission or provide all information requested by the commission in accordance with the provisions of sections 313.800 to 313.850, RSMo, or the regulations of the commission;

(B) If any officer, agent or principal employee of such labor organization, union or affiliate shall fail to qualify in accordance with the provisions of sections 313.800 to 313.850, RSMo, or the regulations of the commission; or

(C) If the said labor organization, union, affiliate or any officer or agent thereof shall hold a prohibited interest in a Class A licensee.

(2) Nothing herein shall be construed to limit the right of the commission to impose any sanctions or take any action authorized by sections 313.800 to 313.850, RSMo.

*AUTHORITY: section 313.805, RSMo 1994. \* Original rule filed May 6, 1996, effective Dec. 30, 1996. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

*\*Original authority 1991, amended 1993, 1994.*