

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1141
93RD GENERAL ASSEMBLY

Reported from the Committee on Veterans, February 27, 2006 with recommendation that House Committee Substitute for House Bill No. 1141 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

3185L.07C

AN ACT

To repeal section 313.835, RSMo, and to enact in lieu thereof one new section relating to the distribution of proceeds in the gaming commission fund.

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

Section A. Section 313.835, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 313.835, to read as follows:

313.835. 1. All revenue received by the commission from license fees, penalties, administrative fees, reimbursement by any excursion gambling boat operators for services provided by the commission and admission fees authorized pursuant to the provisions of sections 313.800 to 313.850, except that portion of the admission fee, not to exceed one cent, that may be appropriated to the compulsive gamblers fund as provided in section 313.820, shall be deposited in the state treasury to the credit of the "Gaming Commission Fund" which is hereby created for the [sole] **main** purpose of funding the administrative costs of the commission, subject to appropriation. Moneys deposited into this fund shall not be considered proceeds of gambling operations. Moneys deposited into the gaming commission fund shall be considered state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the gaming commission fund shall be credited to the gaming commission fund. In each fiscal year, total revenues to the gaming commission fund for the preceding fiscal year shall be compared to total expenditures and transfers from the gaming commission fund for the preceding fiscal year. **This comparison of revenues to expenditures and transfers for the preceding**

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.

15 year shall be completed by the gaming commission on or before the first day of October
16 of each calendar year and on or before the first day of November of each calendar year the
17 gaming commission shall notify the office of administration of the results of the comparison
18 and the office of administration shall then be authorized to distribute the [remaining net]
19 proceeds in the gaming commission fund [shall be distributed] in the following manner:

20 (1) **Eighty percent of the gaming commission's total appropriation for**
21 **administrative costs shall be distributed to the gaming commission;**

22 (2) The first five hundred thousand dollars shall be appropriated on a per capita basis to
23 cities and counties that match the state portion and have demonstrated a need for funding
24 community neighborhood organization programs for the homeless and to deter gang-related
25 violence and crimes;

26 [(2)] (3) The remaining net proceeds in the gaming commission fund for fiscal year 1998
27 and prior years shall be transferred to the "Veterans' Commission Capital Improvement Trust
28 Fund", as hereby created in the state treasury. The state treasurer shall administer the veterans'
29 commission capital improvement trust fund, and the moneys in such fund shall be used solely,
30 upon appropriation, by the Missouri veterans' commission for:

31 (a) The construction, maintenance or renovation or equipment needs of veterans' homes
32 in this state;

33 (b) The construction, maintenance, renovation, equipment needs and operation of
34 veterans' cemeteries in this state;

35 (c) Fund transfers to Missouri veterans' homes fund established pursuant to the
36 provisions of section 42.121, RSMo, as necessary to maintain solvency of the fund;

37 (d) Fund transfers to any municipality with a population greater than four hundred
38 thousand and located in part of a county with a population greater than six hundred thousand in
39 this state which has established a fund for the sole purpose of the restoration, renovation and
40 maintenance of a memorial or museum or both dedicated to World War I. Appropriations from
41 the veterans' commission capital improvement trust fund to such memorial fund shall be
42 provided only as a one-time match for other funds devoted to the project and shall not exceed
43 five million dollars. Additional appropriations not to exceed ten million dollars total may be
44 made from the veterans' commission capital improvement trust fund as a match to other funds
45 for the new construction or renovation of other facilities dedicated as veterans' memorials in the
46 state. All appropriations for renovation, new construction, reconstruction, and maintenance of
47 veterans' memorials shall be made only for applications received by the Missouri veterans'
48 commission prior to July 1, 2004;

49 (e) The issuance of matching fund grants for veterans' service officer programs to any
50 federally chartered veterans' organization or municipal government agency that is certified by

51 the Veterans Administration to process veteran claims within the Veterans Administration
52 System; provided that such veterans' organization has maintained a veterans' service officer
53 presence within the state of Missouri for the three-year period immediately preceding the
54 issuance of any such grant. A total of seven hundred fifty thousand dollars in grants shall be
55 made available annually with grants being issued in July of each year. Application for the
56 matching grants shall be made through and approved by the Missouri veterans' commission
57 based on the requirements established by the commission;

58 (f) For payment of Missouri national guard and Missouri veterans' commission expenses
59 associated with providing medals, medallions and certificates in recognition of service in the
60 armed forces of the United States during World War II and the Korean Conflict pursuant to
61 sections 42.170 to 42.206, RSMo. Any funds remaining from the medals, medallions and
62 certificates shall not be transferred to any other fund and shall only be utilized for the awarding
63 of future medals, medallions, and certificates in recognition of service in the armed forces; and

64 (g) Fund transfers totaling ten million dollars to any municipality with a population
65 greater than three hundred fifty thousand inhabitants and located in part in a county with a
66 population greater than six hundred thousand inhabitants and with a charter form of government,
67 for the sole purpose of the construction, restoration, renovation and maintenance of a memorial
68 or museum or both dedicated to World War I.

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70 Any interest which accrues to the fund shall remain in the fund and shall be used in the same
71 manner as moneys which are transferred to the fund pursuant to this section. Notwithstanding
72 the provisions of section 33.080, RSMo, to the contrary, moneys in the veterans' commission
73 capital improvement trust fund at the end of any biennium shall not be transferred to the credit
74 of the general revenue fund;

75 [(3)](4) The remaining net proceeds in the gaming commission fund for fiscal year 1999
76 and each fiscal year thereafter shall be distributed as follows:

77 (a) The first four and one-half million dollar portion shall be transferred to the Missouri
78 college guarantee fund, established pursuant to the provisions of sections 173.810 to 173.830,
79 RSMo, and additional moneys as annually appropriated by the general assembly shall be
80 appropriated to such fund;

81 (b) The second three million dollar portion shall be transferred to the veterans'
82 commission capital improvement trust fund;

83 (c) The third three million dollar portion shall be transferred to the Missouri national
84 guard trust fund created in section 41.214, RSMo;

85 (d) Subject to appropriations, one hundred percent of remaining net proceeds in the
86 gaming commission fund except as provided in [paragraph] **paragraphs (l), (m), and (n)** of this

87 subdivision, and after the appropriations made pursuant to the provisions of paragraphs (a), (b),
88 and (c) of this subdivision, shall be transferred to the "Early Childhood Development, Education
89 and Care Fund" which is hereby created to give parents meaningful choices and assistance in
90 choosing the child-care and education arrangements that are appropriate for their family. All
91 interest received on the fund shall be credited to the fund. Notwithstanding the provisions of
92 section 33.080, RSMo, moneys in the fund at the end of any biennium shall not be transferred
93 to the credit of the general revenue fund. Any moneys deposited in such fund shall be used to
94 support programs that prepare children prior to the age in which they are eligible to enroll in
95 kindergarten, pursuant to section 160.053, RSMo, to enter school ready to learn. All moneys
96 deposited in the early childhood development, education and care fund shall be annually
97 appropriated for voluntary, early childhood development, education and care programs serving
98 children in every region of the state not yet enrolled in kindergarten;

99 (e) No less than sixty percent of moneys deposited in the early childhood development,
100 education and care fund shall be appropriated as provided in this paragraph to the department of
101 elementary and secondary education and to the department of social services to provide early
102 childhood development, education and care programs through competitive grants to, or contracts
103 with, governmental or private agencies. Eighty percent of such moneys pursuant to the
104 provisions of this paragraph and additional moneys as appropriated by the general assembly shall
105 be appropriated to the department of elementary and secondary education and twenty percent of
106 such moneys pursuant to the provisions of this paragraph shall be appropriated to the department
107 of social services. The departments shall provide public notice and information about the grant
108 process to potential applicants.

109 a. Grants or contracts may be provided for:

110 (i) Start-up funds for necessary materials, supplies, equipment and facilities; and

111 (ii) Ongoing costs associated with the implementation of a sliding parental fee schedule
112 based on income;

113 b. Grant and contract applications shall, at a minimum, include:

114 (i) A funding plan which demonstrates funding from a variety of sources including
115 parental fees;

116 (ii) A child development, education and care plan that is appropriate to meet the needs
117 of children;

118 (iii) The identity of any partner agencies or contractual service providers;

119 (iv) Documentation of community input into program development;

120 (v) Demonstration of financial and programmatic accountability on an annual basis;

121 (vi) Commitment to state licensure within one year of the initial grant, if funding comes
122 from the appropriation to the department of elementary and secondary education and

123 commitment to compliance with the requirements of the department of social services, if funding
124 comes from the department of social services; and

125 (vii) With respect to applications by public schools, the establishment of a parent
126 advisory committee within each public school program;

127 c. In awarding grants and contracts pursuant to this paragraph, the departments may give
128 preference to programs which:

129 (i) Are new or expanding programs which increase capacity;

130 (ii) Target geographic areas of high need, namely where the ratio of program slots to
131 children under the age of six in the area is less than the same ratio statewide;

132 (iii) Are programs designed for special needs children;

133 (iv) Are programs that offer services during nontraditional hours and weekends; or

134 (v) Are programs that serve a high concentration of low-income families;

135 d. Beginning on August 28, 1998, the department of elementary and secondary education
136 and the department of social services shall initiate and conduct a four-year study to evaluate the
137 impact of early childhood development, education and care in this state. The study shall consist
138 of an evaluation of children eligible for moneys pursuant to this paragraph, including an
139 evaluation of the early childhood development, education and care of those children participating
140 in such program and those not participating in the program over a four-year period. At the
141 conclusion of the study, the department of elementary and secondary education and the
142 department of social services shall, within ninety days of conclusion of the study, submit a report
143 to the general assembly and the governor, with an analysis of the study required pursuant to this
144 subparagraph, all data collected, findings, and other information relevant to early childhood
145 development, education and care;

146 (f) No less than ten percent of moneys deposited in the early childhood development,
147 education and care fund shall be appropriated to the department of social services to provide
148 early childhood development, education and care programs through child development,
149 education and care certificates to families whose income does not exceed one hundred
150 eighty-five percent of the federal poverty level in the manner pursuant to 42 U.S.C.
151 9858c(c)(2)(A) and 42 U.S.C. 9858n(2) for the purpose of funding early childhood development,
152 education and care programs as approved by the department of social services. At a minimum,
153 the certificate shall be of a value per child which is commensurate with the per child payment
154 under item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or
155 contracts. On February first of each year the department shall certify the total amount of child
156 development, education and care certificates applied for and the unused balance of the funds
157 shall be released to be used for supplementing the competitive grants and contracts program
158 authorized pursuant to paragraph (e) of this subdivision;

159 (g) No less than ten percent of moneys deposited in the early childhood development,
160 education and care fund shall be appropriated to the department of social services to increase
161 reimbursements to child-care facilities for low-income children that are accredited by a
162 recognized, early childhood accrediting organization;

163 (h) No less than ten percent of the funds deposited in the early childhood development,
164 education and care fund shall be appropriated to the department of social services to provide
165 assistance to eligible parents whose family income does not exceed one hundred eighty-five
166 percent of the federal poverty level who wish to care for their children under three years of age
167 in the home, to enable such parent to take advantage of early childhood development, education
168 and care programs for such parent's child or children. At a minimum, the certificate shall be of
169 a value per child which is commensurate with the per child payment under item (ii) of
170 subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or contracts. The
171 department of social services shall provide assistance to these parents in the effective use of early
172 childhood development, education and care tools and methods;

173 (i) In setting the value of parental certificates under paragraph (f) of this subdivision and
174 payments under paragraph (h) of this subdivision, the department of social services may increase
175 the value based on the following:

176 a. The adult caretaker of the children successfully participates in the parents as teachers
177 program pursuant to the provisions of sections 178.691 to 178.699, RSMo, a training program
178 provided by the department on early childhood development, education and care, the home-based
179 Head Start program as defined in 42 U.S.C. 9832 or a similar program approved by the
180 department;

181 b. The adult caretaker consents to and clears a child abuse or neglect screening pursuant
182 to subdivision (1) of subsection 2 of section 210.152, RSMo; and

183 c. The degree of economic need of the family;

184 (j) The department of elementary and secondary education and the department of social
185 services each shall by rule promulgated pursuant to chapter 536, RSMo, establish guidelines for
186 the implementation of the early childhood development, education and care programs as
187 provided in paragraphs (e) through (I) of this subdivision;

188 (k) Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
189 is promulgated under the authority delegated in paragraph (j) of this subdivision shall become
190 effective only if the agency has fully complied with all of the requirements of chapter 536,
191 RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998.
192 All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and
193 repealed as of August 28, 1998, however, nothing in this section shall be interpreted to repeal
194 or affect the validity of any rule adopted or promulgated prior to August 28, 1998. If the

195 provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and
196 if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to
197 review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held
198 unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed
199 and contained in the order of rulemaking shall be invalid and void, except that nothing in this
200 act shall affect the validity of any rule adopted and promulgated prior to August 28, 1998;

201 (l) When the remaining net proceeds, as such term is used pursuant to paragraph (d) of
202 this subdivision, in the gaming commission fund annually exceeds twenty-eight million dollars:
203 one-half million dollars of such proceeds shall be transferred annually, subject to appropriation,
204 to the Missouri college guarantee fund, established pursuant to the provisions of section 173.830,
205 RSMo; three million dollars of such proceeds shall be transferred annually, subject to
206 appropriation, to the veterans' commission capital improvement trust fund; and one million
207 dollars of such proceeds shall be transferred annually, subject to appropriation, to the Missouri
208 national guard trust fund created in section 41.214, RSMo;

209 (m) **After the appropriations in paragraph (l) of this subdivision have been made,**
210 **the remaining twenty percent of the gaming commission's total appropriation for**
211 **administrative costs shall be distributed to the gaming commission;**

212 (n) **After the distribution in paragraph (m) of this subdivision has been made any**
213 **remaining funds shall be divided equally between the Missouri college guarantee fund**
214 **established under section 173.830, RSMo, the veterans' commission capitol improvement**
215 **trust fund established in this section, the Missouri national guard trust fund created in**
216 **section 41.214, RSMo, and the early childhood development, education, and care fund**
217 **established in this section.**

218 2. Upon request by the veterans' commission, the general assembly may appropriate
219 moneys from the veterans' commission capital improvements trust fund to the Missouri national
220 guard trust fund to support the activities described in section 41.958, RSMo.

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