

FIRST REGULAR SESSION

HOUSE BILL NO. 179

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DAY (Sponsor), FISHER, SATER, SANDER,
ROBB AND DUSENBERG (Co-sponsors).

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D. ADAM CRUMBLISS, Chief Clerk

0778L.01I

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Section A. Section 313.835, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 313.835, to read as follows: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) The first five hundred thousand dollars shall be appropriated on a per capita basis to
21 cities and counties that match the state portion and have demonstrated a need for funding
22 community neighborhood organization programs for the homeless and to deter gang-related
23 violence and crimes;

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

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

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

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

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

47 (e) The issuance of matching fund grants for veterans' service officer programs to any
48 federally chartered veterans' organization or municipal government agency that is certified by
49 the Veterans Administration to process veteran claims within the Veterans Administration
50 System; provided that such veterans' organization has maintained a veterans' service officer

51 presence within the state of Missouri for the three-year period immediately preceding the
52 issuance of any such grant. A total of seven hundred fifty thousand dollars in grants shall be
53 made available annually with grants being issued in July of each year. Application for the
54 matching grants shall be made through and approved by the Missouri veterans' commission
55 based on the requirements established by the commission;

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

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

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

73 (3) The remaining net proceeds in the gaming commission fund for fiscal year 1999 and
74 each fiscal year thereafter shall be distributed as follows:

75 (a) **Eighty percent of the gaming commission's total appropriation for**
76 **administrative costs shall be distributed to the gaming commission;**

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

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

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

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

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

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

110 a. Grants or contracts may be provided for:

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

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

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

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

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

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

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

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

122 (vi) Commitment to state licensure within one year of the initial grant, if funding comes
123 from the appropriation to the department of elementary and secondary education and
124 commitment to compliance with the requirements of the department of social services, if funding
125 comes from the department of social services; and

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

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

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

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

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

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

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

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

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

158 funds shall be released to be used for supplementing the competitive grants and contracts
159 program authorized pursuant to paragraph [(e)] (f) of this subdivision;

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

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

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

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

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

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

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

189 [(k)] (l) Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
190 that is promulgated under the authority delegated in paragraph [(j)] (k) of this subdivision shall
191 become effective only if the agency has fully complied with all of the requirements of chapter
192 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28,
193 1998. All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and

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

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

210 **(m) Out of the remaining net proceeds the remaining twenty percent of the gaming**
211 **commission's total appropriation for administrative costs shall be distributed to the gaming**
212 **commission;**

213 **(o) After the distribution in paragraph (m) of this subdivision has been made any**
214 **remaining funds shall be transferred to the veterans' commission capital improvement**
215 **trust fund established in this section.**

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

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